



Jesuit
European
Social
Centre

JESC SAFEGUARDING POLICY

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1. Introduction:

JESC employs a zero-tolerance approach to any form of harm or abuse against vulnerable individuals within our working environment. In doing so, JESC is committed to both combating any form of sexual abuse or physical abuse against minors or vulnerable adults, and to providing protection from all forms of abuse, neglect, exploitation, and violence. Everyone, whether part of a commonly recognized category of vulnerable individuals or not, has a fundamental right of protection from harm, regardless of their age, disability, gender, racial heritage, religious beliefs, sexual orientation, politician affiliations, or identity.

In view of fulfilling this commitment, this document fully adheres to the requirements of Belgian law (and canon law with regard to Jesuits engaged at JESC). The purpose of this guidance document is to follow up on these requirements. It applies to all JESC members (workers, visitors, volunteers, trainees, Jesuits and board members).

This document begins by recalling current standards (point 2). Point 3 details the instance in charge of implementing this policy while point 4 calls for a risk assessment as well as regular reviews of this policy. Point 5 lays down guidelines for the recruitment of JESC members. Point 6 and 7 list the Rules of Behaviour and Rules of Vigilance; these issues mainly concern JESC members, including workers, visitors, volunteers, trainees, Jesuits and board members. Points 8 and 9 present the Procedures to handle complaints and the Policy to protect whistle-blowers; these points mainly concern the JESC government. Finally, point 10 relates to the particular situations of visiting Jesuits and point 11 concerns the disclosure of this document.

It should also be noted that this document deals with relationships with minors (those who are not eighteen years old) and with vulnerable adults. Vulnerable adults include people who do not have the capacity to look after their own interests or who are vulnerable and are placed under the responsibility of a guardian. In a broader fashion, its principles apply to relations between JESC members and any person in a situation of physical or mental weakness severe enough to alter his/her faculty of judgement.

JESC is committed to adopting and implementing best practice with regard to its safeguarding policy, and will at least annually review its policy, procedures, and practice in order to achieve this.

2. Current standards:

Civil law:

Under [Belgian law](#), sexual relations with a partner who is under the age of 16 are prohibited, even if the person has given consent. Child sex acts are included in Articles 372-382 of the Belgian Penal Code.

JESC complies with all of the requirements of the Civil and Penal Codes. JESC will

communicate to the judicial authorities the abuses of which are known.

Canonical Law (for JESC Jesuits):

Canon 1395, 2 of the Canon Law Code deals with cases of sexual abuse. In addition, a number of texts determine the procedure to be followed in cases of sexual offences and abuse.¹

Belgian Church Code of conduct

The brochure *From Tabou to Prevention* published by the Inter-Diocesan Commission for the Protection of Children and Youth remains recommended as detailing a code of conduct and good practices for interactions with minors.

3. Complaints handling authority:

The President appoints a Commission to assist him and handling the complaints. This commission is composed of a Delegate and of competent persons in the field such as a psychologist and a lawyer practicing criminal law. Current composition is on page 2.

The Commission is responsible for investigating every case of a minor or a vulnerable adult abuse complaint against a JESC member. They advise the President on the appropriate action to be taken.

4. Risk Assessment and Policy Review:

1. The Commission handling the complaints, in collaboration with the President and the direction of JESC, will also complete a risk assessment and collate risk information to raise practical points of attention and to inform the safeguarding policy.
2. The Commission may also choose to have independent risk assessments made on behalf of JESC, in order to audit the process.
3. The Commission appointed will undertake to review, at least annually, the safeguarding policy, and make sure that the policy meets current best standards as well as address the current challenges of JESC, as identified in the risk assessment.
4. In order to ensure this, the Commission will engage with JESC's partners in order to seek independent review and to perform cross-analysis with the other safeguarding policies.

¹ the *Motu proprio "Sacramentorum sanctitatis tutela"* on the standards for the most serious crimes reserved for the Congregation for the Doctrine of the Faith (April 30, 2001), *Normae de delictis Congregationi pro Doctrina Fidei reservatis seu Normae de delictis contra fidem necnon de gravioribus delictis* (May 21, 2010) and the *Circular letter to help Episcopal Conferences establish Guidelines for Dealing with Cases of Sexual Abuse by Clerics Against Minors* (May 3, 2011).

5. Formation - Recruitment-Screening Process and Training Programme:

1. JESC will undertake to employ safe recruitment and selection procedure for all future staff, but particularly those foreseen to work with minors and vulnerable adults.
2. This will help to identify those most suitable to fill a position and screen out anyone unsuitable to work with minors and vulnerable adults. In compliance with Belgian Law, staff recruited specifically to work with minors - or later affected to such work - would be required to present clean criminal records.
3. JESC offers a training program for all its members. The form of the training program currently include one day safeguarding training workshops, refresher sessions (principally for those who have already attended a workshop) and safeguarding policy information sessions. More role specific training (especially for either staff working with minors/vulnerable adults or their supervisors) will be developed if the need arises.

6. Behaviour rules:

Desired behaviour in dealing with minors and vulnerable adults

The JESC member, who is in contact with minors and/or vulnerable adults, is required to:

1. treat them with respect and to recognize them as persons, with their own needs and rights, to be attentive to their ideas and reflections, to actively involve them in decisions that affect them.
2. be in contact with them on a basis of mutual trust and esteem.
3. offer them support free from any possessive spirit.
4. enforce their rights, including the fundamental right of every minor and vulnerable adult to a safe environment in which they will be free from any form of abuse, neglect or harm, the highest possible standard of care, and the promotion of their well-being.
5. foster a culture of openness, allowing them to express their questions and problems.
6. make them aware of what is acceptable and what is not acceptable, both in relationships with other children and young people and in adult attendance.
7. avoid situations that may lead to innuendo or accusations.
8. be aware that certain seemingly innocuous behaviours (such as hugging a child, young or vulnerable adult) may be interpreted differently by person, the child, the young or the person concerned, or others.
9. avoid situations where one is alone with children or young people, or activities without witnesses.
10. ban any form of violence.

Examples of prohibited behaviour:

This list is not exhaustive. Other behaviours, not included here, could therefore also prove to be reprehensible. The priority is to behave respectfully as described above (under 6.1.).

In particular, attention should be paid to the following cases:

1. be under the influence of alcohol (or drugs) or use it in the presence of minors/vulnerable adults. It is also forbidden to provide them with alcohol or drugs or to allow them to use them.
2. to hold sexual-oriented conversations (also through electronic means of communication) with minors/vulnerable adults outside of JESC activity. It is equally forbidden to talk to minors/vulnerable adults about one's own experiences or his or her sexual stories.
3. be naked (to change clothes or to wash) in the presence of minors/vulnerable adults or to be present when minors/vulnerable adults change or take a shower.
4. to make printed or electronic materials with pornographic or erotic content available to minors/vulnerable adults.
5. meet minors/vulnerable adults alone in a secluded area or in a space where the door is not glazed or the door cannot remain open, or in a room with a bed.
6. have sexual contact with minors/vulnerable adults. 'Sexual contact' means touching a person's sexual or other private parts in order to satisfy the sexual desires of one of the two partners. This concerns both the touching of the victim by the actor and vice versa, directly as well as through clothing.
7. to engage or allow a minor/vulnerable adult to take part in sexual activity.
8. detain and show oriented or morally inappropriate documents, including consciously viewing sexual activity involving a minor/vulnerable adult. These include magazines, books, photos, films, games, video games, computer programs or any other visual representation in which actual or simulated sexual contact with a minor/vulnerable adult is found for the purpose of sexual satisfaction or stimulation. The same is true for images that show minors/vulnerable adults naked.
9. take physical sanctions (in particular against minors/vulnerable adults. In general, no form of physical correction is permitted.

7. Vigilance rules:

According to Article 422 bis of the Belgian Penal Code, anyone can be convicted of abstaining guilty. The Penal Code states that the accused has refrained from assisting or assisting a person at serious risk, either that he has seen that person's situation for himself or that this situation is described to him by those who seek his intervention.

1. If a JESC member notices violent behaviour in another member or any behaviour contrary to the code of conduct described in point 6, and if he or she may perceive violent behaviour or behaviour involving unacceptable sexual attitudes or acts, he or she must inform the Director or the President.
2. In the event of a suspected child abuse or abuse (including sexual abuse) by a co-worker, it is obligatory to report it to the Director or the President.
- 3.
4. A JESC member must also be vigilant of more subtle or minor signs of abuse or neglect against vulnerable individuals, such as suspicious repeated behaviours or signs that the minor or vulnerable adult is visibly uncomfortable, for example. This should be reported to the Director or the President.

8. JESC procedure for handling complaints:

Pre-investigation:

In all cases, the rights of the accused to be heard and the rights to privacy of the alleged victim will be respected.

1. Once informed that a complaint has been made against a JESC member for sexual abuse against a minor or a vulnerable adult, or for any other violation of any point of this policy, the Director or the President will ask the Delegate to verify its seriousness and will promptly inform the judicial authorities of any serious allegations of possible abuse.
2. If a judicial inquiry/procedure has started, it does not belong to the delegate to investigate deeper into the alleged facts. This should be reserved to the proper authorities (police, judiciary).
3. A confidential file will be compiled for each complaint, with all relevant information on how the case was handled.
4. It is the Delegate's responsibility to receive any complaints of abuse of a minor or vulnerable adult and to coordinate assistance to the alleged victim.
5. The complaint will be recorded and forwarded in the manner described above. The Delegate will also contact the JESC legal counsel.
6. The Delegate will propose to meet personally with the alleged victim if the victim so wishes. If the alleged victim is a minor, the meeting will take place in the presence of his parents or legal guardian.
7. The Delegate may offer assistance to meet the immediate or long-term needs of the alleged victim and his or her family.

8. It is not desirable for the Delegate himself to conduct a thorough examination of the alleged victim on the facts that are the subject of the complaint, especially if it is a child. This meeting should be reserved for a competent professional. If such a meeting is necessary, the lawyer or psychologist who is a member of the commission is the best person to conduct the interrogations.
9. The Director or the President will inform the JESC member, whose conduct has been the subject of the complaint, of the content of the complaint and give him the opportunity to defend himself. It will take steps to ensure that the person receives the assistance, possibly therapeutic, and support necessary during the investigation, including legal assistance.
10. If the complaint is against either the President, the Director or the Delegate, then it is within the complainers right to go to any of the other responsible persons to make this complaint in confidentiality.

Protective measures:

During the proceedings and until the case is closed at the civil level, measures can be imposed to protect society, including the alleged victim, and to prevent or mitigate the scandal.

1. The Director or President will prohibit the JESC member charged with having contact with minors and vulnerable adults and will suspend him from his duties if his activity puts him in contact with them.
2. The Director or President will prohibit the JESC member charged with having contact with the alleged victim, even though in the meantime he or she has become an adult, with his or her family and his or her direct entourage.

If the JESC member does not dispute the facts in question, or if they are believed to be sufficiently proven, non-compliance with the actions imposed by the Officer may lead to a dismissal from the JESC.

In the event that the complaint proves to be unfounded, the Director or the President will cancel all preventive measures.

Aftercare:

If the complaint proves to be well-founded:

The Delegate will determine whether the victim and his or her family need assistance, both in an emergency and in the long term. The mediation of a third-party might be required for those contacts, if the Delegate is perceived as too closely related to JESC or the Society of Jesus. A psychologist or therapist may be asked for help (counselling and psychotherapy).

JESC authorities will examine, with proper legal counsel, the disciplinary actions to be taken, depending on the seriousness of the acts considered, up to and including the termination of the relationship between JESC and the member at fault.

In the event of a criminal conviction:

The future activity of the JESC member who was convicted will depend on the results of the disciplinary actions taken against him. Any possible new assignments will give priority to the protection of minors and vulnerable adults, to the avoidance of scandal and to the respect of the conditions determined by the Director or the President.

If the complaint is unfounded:

The Delegate will endeavour to make every effort to ensure that the parties concerned reconcile. The Director or President and Delegate will do everything they can to ensure that the good reputation of the indicted JESC member is restored and protected.

9. Protected Disclosure Policy ('Whistle-blower'):

1. The Delegates have a responsibility to ensure every member of JESC is protected from harassment or victimisation upon making their complaint.
2. To ensure this, each complaint will be held in strict confidentiality, and no identification of the individual who made the complaint will be made.
3. With recognition that coming forward with a complaint could contribute to a feeling of disloyalty to colleagues or being fearful of harassment – which are valid concerns – JESC will ensure that everyone is made to feel supported to lodge a complaint.
4. No action will be taken against the individual who complains, even if their complaint proves to be unfounded, so long as it was raised in good faith.
5. One is not expected to prove the truth of his or her complaint, but one needs to demonstrate sufficient grounds for concern.

10. Jesuits Visiting from other Provinces:

1. Jesuits coming from other Provinces who will engage in work with JESC will be checked with their home provinces in regard to their suitability, including safeguarding.
2. This can take the form of a testimonial from a Jesuit's Provincial Superior.
3. JESC will make sure that all visiting Jesuits are informed of the safeguarding policy.

11. Publication:

1. The Director or President ensures that this JESC safeguarding policy is known through the appropriate channels. For greater transparency, the document - or an appropriate summary - is published on the JESC website.
2. To ensure proper application, the document will be communicated and explained to JESC members.