



## **Guideline for the prevention of sexualized violence against minors and vulnerable adults at missio - Internationales Katholisches Missionswerk e. V.**

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### 1. Introduction

Children, teenagers and vulnerable adults<sup>1</sup> must be protected from maltreatment, abuse, exploitation and violence in any form. Thus, missio shows commitment to the topic of Safeguarding both in its role as an employer and as a partner in international cooperation.

On November 19, 2019, the Permanent Council of the German Bishops' Conference adopted the "Regulations for Dealing with Sexual Abuse of Minors and Vulnerable Adults by Clerics and Other Employees in Church Service". The "Basic Guideline on Prevention of sexualized violence against minors and vulnerable adults in the impact area of the German Bishops' Conference" supplements the first mentioned guideline.

The "Guidelines for the Prevention of Sexualized Violence in the International Aid Organizations connected to the Church" were developed based on these two documents. They were adopted by the Conference for the World Church (Subcommittee of the German Bishops' Conference) on 6<sup>th</sup> of May 2020.

These three documents are mandatory for missio - Internationales Katholisches Missionswerk e. V. (hereinafter referred to as missio Aachen). They build the basis for the present guideline which is additional. The guideline defines the concrete measures of missio Aachen and rules of conduct for the prevention of sexualized violence of minors and vulnerable adults. All criminal, labor, ecclesiastical and civil law issues - including the terminology used in this guideline - are explained and defined in the above-mentioned documents.

Likewise, the currently valid regulations in the field of Safeguarding of the Diocese of Aachen are mandatory for missio Aachen ([www.bistum-aachen.de/Praevention/index.html](http://www.bistum-aachen.de/Praevention/index.html)).

The present guideline aims to prevent all forms of sexualized violence as defined in the basic guideline of the German Bishops' Conference (currently valid form) in the areas that can be influenced by missio Aachen. Through sustainable work in the field of prevention it shall create a foundation for a mindful and respectful interaction. Even though no complete protection can be guaranteed, missio e. V. tries everything within its power to minimize the risk of assault. The guideline is binding for all employees in all departments.

To ensure the protection of children, teenagers and vulnerable adults, the following applies generally to all employees<sup>2</sup>:

- to value all children, teenagers and vulnerable adults and to respect their dignity and rights,
- never to act in a way that endangers the well-being of people or leads to mistreatment and sexual violence,

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<sup>1</sup>Vulnerable Adults are persons within the meaning of Section 225, subsection 1 of the German Criminal Code: Any person who, being under eighteen years of age or a person defenseless on account of infirmity or sickness, who

1. is subject to his care or custody,
2. belongs to his household,
3. have been left under the control of the person responsible for their care, or
4. is subordinate to him within the framework of a service or employment relationship, (...).

Furthermore, this includes persons who are subjected to a relationship of power and dependence. Such relationships can also be found in a pastoral context or due to financial disparities in the international work of the Catholic Church.

<sup>2</sup> See point 4.1

- To support girls and boys in their healthy physical and psychological development,
- To be aware of physical closeness and distance and to respect the privacy and personal boundaries of children and vulnerable adults,
- To consider the cultural context when being in contact with children and vulnerable adults,
- To uphold the dignity of children and vulnerable adults and to respect their living environment when writing about them,
- To be aware of authority and relationships of trust,
- To take immediate action to protect children and vulnerable adults when a situation is observed in which boundaries are crossed,
- to inform the prevention officer immediately in case of a justified suspicion of risk to the well-being of children or vulnerable adults,
- to raise awareness about this issue,
- to actively contribute, according to the available options and responsibilities, to building and maintaining a safe environment for children and vulnerable adults,
- To take position against racist, discriminatory, violent and sexist behavior, whether in word or deed.

The present guideline was developed by a working group commissioned by the board. The working group conducted a risk analysis and then developed the guideline. The guideline was discussed in the regular managers' meeting and approved by the missio board on 3<sup>rd</sup> of February 2021. The guideline is continuously reviewed and updated at regular intervals.

## 2. Targets

This guideline aims at establishing the above-mentioned rules of conduct in all areas of missio Aachen's activities in order to ensure the best protection possible of children and vulnerable adults and to minimize the risk of behavior that could endanger the well-being of these groups. All employees and persons working for missio Aachen shall be sensitized for this issue through binding standards and regulations as well as through trainings. Furthermore, this guideline serves to regulate the procedure in cases of suspected endangerment of well-being. Likewise, the rules of conduct shall serve to avert false accusations.

## 3. The prevention officer

### 3.1 Assignment

The board of missio Aachen appoints a prevention officer and a deputy prevention officer from the employees (each for a period of five years) to ensure that the necessary measures are taken and met.

### 3.2 Tasks

- Verification of the police clearance certificates
- Keeping track of the police clearance certificates

- Follow up of trainings
- Review of the guideline
- Contact person for questions regarding the topic
- Recording of (suspected) cases and intervention - in cooperation with the Executive Board - in cases of suspect within missio Aachen (see chapter 5)

### 4. Regulations according to the area of activity

#### 4.1. Employees, interns, temporary staff, volunteers and honorary staff

- Every employee is obligated to respect the regulations of this guideline for the prevention of sexualized violence against minors and vulnerable adults at missio Aachen and to follow the requirements placed on him/her therein.
- Employees are all persons who work for missio Aachen based on a service or employment contract. This includes clerics working for missio Aachen and people in training. Persons who work for missio Aachen according to the German Law on Temporary Employment, interns and temporary workers are also employees within the scope of this regulation if they work for missio Aachen for more than three months.
- All employees must ensure that they receive and are aware of the:
  - Guidelines for the Prevention of Sexualized Violence in the International Aid Organizations connected to the Church
  - Basic Guideline on Prevention of sexualized violence against minors and vulnerable adults in the impact area of the German Bishops' Conference
  - Regulations for dealing with sexual abuse of minors and vulnerable adults by clergy and other employees in church service,
  - This guideline for the prevention of sexualized violence against minors and vulnerable adults at missio Aachen. The confirmation of receipt will be taken to the personnel file (the template can be found in the missio handbook).
- In addition, all employees who are in direct contact with minors as well as vulnerable adults must submit a current police clearance certificate. If the certificate contains entries concerning a relevant criminal offense within the meaning of these regulations according to §§ 171, 174 to 184g, 211 to 213, 221 to 229, 232 to 236, 239 to 239b, 240, 241 StGB (or corresponding criminal offenses under foreign law), these will be examined legally and individually, and appropriate steps will be taken under employment law insofar as they concern offenses against minors and/ or vulnerable adults. The police clearance certificate must be submitted every five years. Further details are set out in the regulations for the police clearance certificate.
- In addition to the police clearance certificate, all employees who occupy a sensitive position must submit a declaration in which they commit to provide information immediately and without being specifically asked to do so if a proceeding or a suspicion of sexualized violence against minors and vulnerable adults has been initiated or expressed against them.
- All employees are continuously informed and trained in the field of child protection and safeguarding.
- The administration department ensures training regarding the implementation of the guideline and specific training e.g., relating to individual countries or fields of activity. Participation in one training is mandatory for all managers. Employees who have closer and more intensive contact with minors due to their area of work receive intensive training. Already completed trainings can be credited after consultation with the missio board.

- In newly issued employment contracts, the Guideline shall be attached as an appendix.
- In preparation for their assignment abroad, volunteers are taught about the protection of minors and vulnerable adults, and about dealing with cases of suspicion. They must sign the supplementary agreement to the employment contract and submit an extended police clearance certificate.
- By signing the fee contracts, which contain a corresponding passage on the protection of minors and vulnerable adults, freelancers agree to comply with the rules of conduct. If intensive contact with children and/or vulnerable adults is to be expected as part of the assignment, an extended police clearance certificate may be requested.
- In the event of a justified suspicion of a violation of the above obligation through other employees, the prevention officer missio Aachen must be informed immediately so that the necessary steps can be taken. More detailed information is provided in the procedural rules of this guideline (Chapter 5).
- After a legally proven criminal offense in connection with the endangerment of the well-being, abuse or sexualized violence against children and/or vulnerable adults, employment or further employment at missio Aachen is not possible.

### 4.2. Press and public relations work

For press and public relations work reporting on the projects supported by missio Aachen abroad and on events and campaigns in Germany is indispensable. Some reports focus on children and young people or vulnerable adults. In order to preserve their dignity at all times and to adequately protect their integrity, missio Aachen and all reporters commissioned by missio Aachen commit to the following ethical criteria in addition to the aforementioned rules of conduct:

- All reporting respects the dignity of the persons portrayed.
- Children and vulnerable adults as well as their families are portrayed as complex personalities with strengths and potentials against the background of their social, cultural and economic environment. Reporters omit a degrading and lurid portrayal of hardship and misery.
- In pictures and videos persons shall not be depicted naked or in a sexually provocative manner. This applies in particular to children and vulnerable adults.
- Children and vulnerable adults and people around them must not be put in danger or subjected to discrimination as a consequence of reporting.
- Photographers, journalists and filmmakers receive an information paper before they engage in journalistic activities on behalf of missio Aachen in which they are informed about of the standards for protection of children and vulnerable adults. They are asked to commit themselves to these standards.
- missio Aachen is aware that risks and dangers for children and vulnerable adults are constantly increasing when using internet and social media. missio Aachen is therefore committed to taking these risks into account in all measures that take place in the digital space. This includes the appropriate moderation of forums and blogs, the use of suitable filter and security settings, and the careful handling of sensitive data in accordance with the applicable data protection guidelines.
- The position on the protection of children and vulnerable adults is actively and regularly communicated to donors and those interested in missio Aachen's work.

### 4.3. Project partners

If employees learn of a suspected case in a project, the procedural rules set out in Chapter five apply.

In addition, the following principles apply:

- Employees are asked to address the issue of sexualized violence and its prevention in all projects that involve minors and vulnerable adults. In the application procedure as well as in the project reports and in the context of evaluations, the standards for protection of children and vulnerable adults of the project partners are requested.
- The project contracts contain a passage that includes the obligation to protect children as well as vulnerable adults.

### 4.4. Visitors from projects abroad

- All persons who visit projects abroad through missio Aachen receive an information paper that informs them about the guideline for the protection of children and vulnerable adults and addresses particularities in the context of a visit abroad. The paper contains advice on how to deal appropriately with children and young people as well as vulnerable adults in missio Aachen's projects.
- Persons traveling on behalf of missio Aachen must additionally sign a self-commitment declaration.

## 5. Rules of procedure in cases of suspected risk to the well-being of children and/or vulnerable adults

### 5.1. General

- The protection of the child and the vulnerable adult(s) is clearly prioritized over the clarification of the suspicion in all steps of the process, in compliance with the (church and civil) law requirements.
- Every suspicion of abuse and mistreatment is taken seriously, followed up and documented. It must be carefully differentiated between the presentation of a proven case and a suspicion so that no prejudgment of accused persons takes place.
- Likewise, the protection of the whistleblower must be ensured to the fullest extent possible.
- All employees are obliged to immediately inform the persons named below in case of a justified suspicion of danger to the well-being of children and vulnerable adults in the area of missio Aachen's fields of activity by other employees, project partners or other persons. For this purpose, each employee is released from confidentiality as agreed contractually.

### 5.2. Suspected case within missio Aachen

The procedure refers to cases in which employees or the Executive Board are affected or accused.

The employees inform the prevention officer at missio Aachen, who informs the missio board about the case of suspicion. Should the suspicion relate to a member of the board of directors, the prevention officer must inform the chairperson of the administrative board instead of the board of directors.

### **5.3. Procedures and Measures:**

The procedure consists of the following measures, which are initiated immediately:

- After receiving a hint, the prevention officer examines the plausibility. The personal rights of all parties involved, the special need for protection of minors and vulnerable adults, and the requirements of any eventual criminal proceedings must be considered.
- If possible, the prevention officer initiates a conversation with the alleged victim. If possible, the parents or legal guardians shall be consulted. Depending on the situation and necessity, experts (medical specialists, psychologists, legal counsel) shall be involved. Somebody is taking minutes of the meeting, which are signed by all participants if they agree to do so.
- The prevention officer also holds a meeting with the accused person, who may consult a lawyer. Somebody is taking minutes of this meeting, which is signed by all those involved in the conversation if they agree to do so.
- If the participants do not agree on the content of the meeting, each participant has the right to make a counterstatement, which must be included in the further process. When the minutes are sent to the respective participants, the participants shall be informed of the right to write a counterstatement. For the submission of a counterstatement a period of two weeks shall be set.
- If no counterstatement is made within the set timeline, a remark shall be made in the file.
- If the discussions do not lead to the elimination of the accusations, the prevention officer discusses the further steps of actions together with the missio executive board or the chairperson of the administrative board.
- If the suspicions are substantiated, the executive Board or the chairperson of the administrative board must ensure that legal steps are taken. This can be done by asking the accused person to make a self-denunciation or - if the accused person is not willing to do so - by filing a complaint with the responsible public prosecutor's office.
- If a criminal offense is proven in accordance with the German Criminal Code, the employment is terminated immediately.

### **5.4 Cases of suspect that do not meet definition 5.2, such as in foreign or domestic projects, other**

- Employees contact the Safeguarding staff unit.
- Volunteers contact their contact person at missio Aachen, who informs their department manager as well as the Safeguarding staff unit and pays attention to the special protection of the volunteer as a whistleblower.

#### **Procedures and Measures:**

- The Safeguarding staff unit, Case Management section, documents the case and submits the documents with a proposal for further action to the Case Management team. Statutory members of the case management team are: one member of the board of directors, Safeguarding staff unit.
- The Executive Board decides whether or not to open a case. This is done within 48 hours. Cases with a particularly urgent need for action are not affected by this rule.

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- In cases with a particularly urgent need for action, the approval of one member of the Executive Board is sufficient. If no member of the Executive Board is available, the head of the International Department or Donor Services, in coordination with the Safeguarding staff unit, has the mandate to take any necessary immediate measures, which must be in accordance with church, labor and service law provisions.
- The board member who is part of the case management team takes decisions of high importance for missio Aachen to the board, if necessary.
- The Safeguarding staff unit is responsible that the measures which have been decided in the meeting of the case management team are implemented. That means to inform relevant persons involved, to delegate necessary steps, to fully document the case and to watch over the further process.

### **Procedure in the event of a case of suspect in a project:**

- The desk officer who is responsible for the project in question, the head of the foreign department or the Executive Board shall immediately inform the responsible legal entity of the project and the responsible persons about the suspicion in accordance with church law. They shall ask them for information about the case; if any steps already have been taken and if so, which ones.
- If there are indications of an acute risk to children and/ or the vulnerable adults, the head of the project is asked to suspend the person(s) in charge from their duties and activities and to prohibit them from having any contact with the alleged victim until the allegations have been clarified.
- If necessary, an on-site visit to the partner or the project is organized, or an external investigation is commissioned.
- The protection of the alleged victim(s) is just as important as the consideration of the legal principle of the presumption of innocence until conviction by the judiciary. In this context, the obligation to comply with the respective legal provisions of the state concerned regarding the obligation to report to the responsible law enforcement authority is of particular importance.
- The legally responsible person is required to inform us, the contract partner and sponsor, about the progress and outcome of the initiated measures.
- In case of insufficient handling of the case by the head of the project on spot, missio Aachen has the right to take further steps regarding the future cooperation.

Depending on the conduct or omission, the following measures, among others, may be considered:

- Blocking the disbursement of already approved funds
- Termination of the project agreement, termination of the project cooperation
- Non-approval of follow-up funding
- Information to other aid organizations

In order not to jeopardize a project or a facility unnecessarily, the measures shall be appropriate and fair. In addition to the measures described, the case management team can initiate further measures if they appear necessary and appropriate.

The Safeguarding staff unit officially informs the Executive Board once a quarter about the current status of the cases handled by the case management team.