



Protecting Young People During the WYD

I. PRELIMINARY ACTIONS

1. Proposals for actions as regards protecting young people against sexual abuse as part of organisation and conduct of events provided in different phases of the WYD do not result from the suspicion towards our country or lay people and clerics involved in the WYD, but from experience that mass events attract problematic people. Experience of the organisers of last WYD indicates that the fears about the security of living quarters and collective shower cabins against voyeurism or exhibitionism were justified.
2. Check the living quarters:
 - a. If the WYD participants are to be put up in private homes, the organisers need to make sure the parish priest has granted his recommendation.
 - b. If accommodation is provided in schools or other venues, they need to be examined as to the privacy of toilets, showers and bedrooms.
3. In each major team in dioceses or religious congregations in charge of different WYD events one person should be assigned as a person of trust, better acquainted with possible risks and their prevention. This person should be introduced to all those responsible for the many and varied WYD aspects of organisation and volunteers, so that they know who should be contacted if they want to blow the whistle.

It should be expected that persons of trust will be appointed among the organisers of many WYD groups from English-, German- and Spanish-speaking countries, able to present their expectations as regards cooperation in protecting young people, their sensitivity and standards of conduct. Persons of trust on the part of guests and hosts should contact with each other, meet and agree on a common line of action.
4. It is crucial to make volunteers and priests aware of the existence of cultural differences among the young people participating in the WYD. These differences are also evident in gestures, including what is commonly referred to as non-verbal speech/communication. Not all patterns of behaviour we regard as 'ordinary' in our culture will be received in the same manner by people representing another culture and not all the behaviours of WYD participants may be regarded as appropriate. This can be a source of confusion or suspicion of exceeding the limits of intimacy. The organisers had better ask those in charge of a given group about their customary behaviour and sensitivity to gestures. On the basis of this information the organisers can properly instruct their own colleagues.
5. These guidelines include moreover a declaration of undertaking to respect the principles of protecting young people as listed in the document. The above declaration must be signed by volunteers and organisers after appropriate training.



Principles of Protecting Young People During the WYD for Clerics and Volunteers

In the centre of listed below general and practical principles of protecting young people participating in the WYD in the dioceses, and then in Kraków, is a young man who, during the WYD, wants to meet Christ living and acting today in the community of the Church through meetings with people. These principles are part of the prevention of sexual abuse of minors, according to the Document on prevention adopted by the Polish Bishops' Conference as of 11 June 2014 and approved by the Holy See. In the introduction to this document we read, among others: *“The community of faith provides children and young people safe and transparent environment of growth, which is made up by all those responsible for supporting parents in transmitting the faith through teaching and various forms of pastoral work. Prevention aims to eliminate the risk of committing sexual abuse in the strict sense of the word by anyone of the participants in the pastoral work of children and young people. It is also to help avoid mental and physical exceeding of the limits of intimacy. This objective is to be achieved by programs that help parents as well as those involved in pastoral work and upbringing, in recognising signs of sexual abuse and responding appropriately. Prevention is to contribute to the promotion of protecting children and young people against various forms of violence and abuse outside church environments”.*

The principles outlined here are to help in the implementation of prevention objectives during the WYD in Kraków.

1. General Principles

- a. Each diocese or religious congregation should have a person of trust appointed, to which one can report or with whom one can consult issues related to exceeding the limits of intimacy. Young people under the care of the diocese or religious congregation province should be informed who has been appointed a person of trust.



- b. Persons ministering during the WYD (priests, religious, volunteers) should treat any person participating in the WYD with awe and respect, protecting his/her dignity.
 - c. When addressing the entrusted young people one should avoid such behaviour, which will be perceived by them as humiliation, teasing, exclusion, rejection, discrimination or contemptuous treatment.
 - d. One should also pay attention to the behaviour mentioned in the preceding point (1.c.), which may also occur between peers participating in the WYD.
 - e. One should avoid staying alone with a minor on premises inaccessible to others.
 - f. It is prohibited to offer to or use by minors cigarettes, alcohol or other drugs. Volunteers and carers of groups cannot use substances in the presence of minors.
 - g. When talking about sexuality, one should do it with the utmost delicacy. One should beware of any jokes with sexual overtones and compliments relating to the appearance and physical development.
2. Keeping physical and emotional intimacy and privacy
- a. When contacting young people, persons ministering during the WYD should respect the limits of physical and emotional intimacy of young people, paying attention to their own sense of limits functioning in the culture of the country of origin. Therefore, they should pay particular attention to the sensitivity of a minor, and not their own habits and customs in the treatment of another person. In a situation of uncertainty, it is better to be guided by self-restraint and keep the distance, rather than excessive gestures.
 - b. In the situation of fun, games, etc., one should avoid any exceeding of physical and emotional limits of intimacy.
 - c. Young people have the right to privacy, especially in accommodation venues, showers, toilets, swimming pools, or other places of recreation. Persons ministering during the WYD should secure these places, so that they are safe for young people. In these places, it is prohibited to take any pictures and one should make sure that young people do not take pictures of each other.
 - d. Taking pictures of minors and making them publicly available should be done only with their consent.
 - e. Bedrooms of minors, toilets, showers in collective living quarters should be separate for both sexes and should be safe, that is, also peer violence should not be possible.
 - f. Adults should not sleep alone in the same room with a minor/minors.



- g. Ministering persons should maintain self-restraint as regards their clothing and not to shock with nudity.
- h. In case there is something that raises concerns of ministering persons or participants themselves, it should be immediately reported to the person of trust authorised to intervene.

3. Emergencies

- a. In a situation where a young person needs individual, discreet conversation with a responsible/ministering person, such a conversation cannot take place in an isolated place. It cannot be extended beyond the time that is needed for this conversation.
- b. In the case of a confession outside the Church/chapel, a young person should be guaranteed the intimacy of the sacrament, and at the same time an isolated place and inaccessible to others should be excluded.
- c. Particular attention should be paid to the dynamics of the group and any conflicts that could result in the exclusion of one of the members from the group, aggression towards that person, etc. One should help solve conflicts, as well as help the person who is experiencing trouble/problem.
- d. When a disabled person or persons is/are participating in the meeting, he/she/they should be provided special care. One can help them to the extent as needed. One should not do personal care activities for them.

4. Personal data protection

- a. When collecting personal data, the principles set by the Inspector General must be respected.

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LEGAL REGULATIONS RELATING TO PROTECTING YOUNG PEOPLE

1. EXTRACT FROM THE PROVISIONS OF THE POLISH PENAL LAW

The offences as referred to below are prosecuted by public indictment – at the request of the victim (or his/her guardians) or *ex officio*.

Chapter XXV. Offences against Sexual Liberty and Decency

Article 197 [Rape]

§ 1. Anyone who, by force, illegal threat or deceit, subjects another person to sexual intercourse is liable to imprisonment for between 2 and 12 years.

§ 2. If the offender forces another person to submit to another sexual act, or to perform such act in the manner specified in § 1, he or she is liable to imprisonment for between 6 months and 8 years.

§ 3 If the offender commits a rape:

1) in concert with another person,

2) towards a minor under the age of 15,

3) towards a descendant, ascendant, adopter, adoptee, brother or sister, he or she is liable to imprisonment for at least 3 years.

§ 4. If the offender commits the rape specified in §§ 1-3, with particular cruelty, he or she is liable to imprisonment for at least 5 years.

Article 198 [Taking advantage of vulnerability]

Anyone who takes advantage of the vulnerability of another person, or their inability to recognise the significance of the act or ability to control their conduct, as a result of a mental disability or disorder in order to subject such person to sexual intercourse, or to force him or her submit to another sexual act or to perform such an act is liable to imprisonment for between 6 months and 8 years.

Article 199 [Abusing a relationship of dependency]

§ 1. Anyone who, by abusing a relationship of dependency or manipulating a critical situation, makes another person perform sexual intercourse or to submit to another sexual act or to perform such an act, is liable to imprisonment for up to 3 years.

§ 2. If the act specified in § 1 has been committed to the detriment of a minor, the offender is liable to imprisonment for 3 months to 5 years.

§ 3. The penalty specified in § 2 applies to anyone who makes a minor perform sexual intercourse or to submit to another sexual act or to perform such an act, by an abuse of trust or by giving him or her a financial or personal benefit, or its promise.

Article 200 [Sexual intercourse with a minor]

§ 1. Anyone who has sexual intercourse with a minor under the age of 15, or commits any other sexual act, or leads him or her to undergo such an act or to execute such an act, is liable to imprisonment for 2 to 12 years.

§ 2. Anyone who, for sexual gratification, subjects a minor under the age of 15 to sexual acts is liable to the same penalty.



Article 200a [Prohibition on establishing a connection with a minor]

§ 1. Anyone who, in order to commit the offence specified in Article 197 § 3 section 2 or Article 200, as well as for the purpose of producing or preserving pornographic materials, by an information system or telecommunications network, establishes a connection with a minor under the age of 15, with the intention of using deceit or an illegal threat to meet with him or her, is liable to imprisonment for up to 3 years.

§ 2. Anyone who, through an information system or telecommunications network, makes an offer to a minor under the age of 15 of sexual intercourse, submission or performance of another sexual act, or participation in the production or preservation of pornographic material and intends to carry through this offer, is liable to a fine, the restriction of liberty or imprisonment for up to 2 years.

Article 200b [Condoning paedophilic behaviour]

Anyone who publicly propagates or approves paedophilic behaviour is liable to a fine, the restriction of liberty or imprisonment for up to 2 years.

Article 201 [Incest] Anyone who has sexual intercourse with an ascendant, descendant, or a person being an adoptee, adopter, brother or sister is liable to imprisonment for between 3 months and 5 years.

Article 202 [Pornography]

§ 1. Anyone who publicly displays pornographic material in such a manner that it is imposed upon a person against their wish is liable to a fine, the restriction of liberty or imprisonment for up to 1 year.

§ 2. Anyone who presents pornographic material to a minor under the age of 15, or makes available items of this nature to him or her, or distributes pornographic material in the way allowing him or her to become familiar with such material is liable to a fine, the restriction of liberty or imprisonment for up to 2 years.

§ 3. Anyone who, with the aim of distribution, produces, preserves, imports, stores or possesses, distributes or propagates pornographic material associated with the use of violence or the use of an animal, is liable to imprisonment for between 6 months and 8 years.

§ 4. Anyone who preserves pornographic material with the participation of a minor under the age of 15 is liable to imprisonment for up to 10 years.

§ 4a Anyone who imports, stores or possesses pornographic material with the participation of a minor under the age of 15 is liable to imprisonment for between 3 months and 5 years.

§ 4b Anyone who produces, distributes, presents, stores or possesses pornographic material presenting a produced or processed image of a minor involved in a sexual act, is liable to a fine, the restriction of liberty or imprisonment for up to 2 years.



§ 5. The court may decide upon forfeiture of means or other items that were intended to be used or were used to commit offences described in §§ 1-4b, even if they were not owned by the offender.

2. CHURCH'S LEGAL ORDER (the following standards apply only to clerics)

- a. Canon 1395 of the CCL provides for criminal penalties for clerics also for acts committed in the area of sexuality, not subject to other regulations.

§ 1. A cleric who lives in concubinage (...), and a cleric who persists with scandal in another external sin against the sixth commandment of the Decalogue is to be punished by a suspension. If he persists in the delict after a warning, other penalties can gradually be added, including dismissal from the clerical state.

§ 2. A cleric who in another way has committed an offence against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor under the age of sixteen years*, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

- b. *Normae de gravioribus delictis* of 2010

Article 6

§ 1. The most grave delicts against morals which are reserved only to the Congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor under the age of eighteen; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor;

2 ° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology.

§ 2. A cleric who commits the delicts mentioned above in § 1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

- c. Guidelines of the Polish Bishops' Conference

Excerpt from the preamble to the Guidelines of the PBC:

“The purpose of all those who carry out the ministry in the communities of the Church, especially bishops, priests, deacons and their colleagues is to help the people they serve, so that they can find God in their daily life. The basic principle of this ministry is the respect for the dignity of every person on the model of Christ the Lord. A particular requirement of this principle is the recognition of and respect for the rights of all children and young people to ensure that they were respected and protected, and grow in a safe environment, free from the abuse, manipulation and violence. Each child received with gratitude by the community of the Church as a gift from God, is the subject of this inalienable right deeply rooted in the teachings of Jesus. It obliges to pristine selfless service to the spiritual, physical and

* According to *Normae de gravioribus delictis* published by John Paul II *motu proprio Sacramentorum sanctitatis tutela* in 2001 and supplemented in 2010 by Benedict XVI, a minor is a person under the age of eighteen.



emotional development of children and young people, and prohibits anyone ministering in the Church to violate the physical or mental integrity of children and young people in any way. At the same time, it requires to commit to transparency in explaining any suspicion of improper behaviour and to ensure that those guilty of violations of the rights of children and young people, regardless of the position or office, will be held accountable in accordance with the standards established by the competent church authority, while respecting Polish law in force.

Among the important tasks that are intended to protect the common good of the faithful, especially the protection of children and young people, is to adopt the right attitude towards the cases of sexual abuse committed by clerics against minors. In the teaching of the Church, in its pastoral and educational practice and in its disciplinary decisions, safety of children and young people is its special concern and an integral part of the common good. The Church wants to be an example of best practice in both the protection of children and young people as well as in response to the harm caused by clerics. The only possible response to the Church's painful phenomenon of sexual abuse of minors is honest search for truth and justice and standing by them. The Church recognises sexual abuse as serious sins, demanding clear responses, also of disciplinary nature, against those who are found to have committed such acts, taking the healing work of penance, both by the offender and the entire community of the Church, repairing the harm done to victims and the community, and making every effort that similar situations do not occur in the future".