

Code of Ethics of the Clergy or the Adults in a position of authority over Minors or others within the framework of the activities of The Eparchy of Saint Maron of Montreal in Canada

Preamble:

In order to prevent sexual abuse of minors and persons with intellectual disabilities, the Eparchy of Saint Maron of Montreal in Canada promulgates and adopts the present Code in conformity with the normative provisions of the Eastern Catholic Canon Law, the document adopted by the Canadian Conference of Catholic Bishops regarding this subject, as well as the applicable civil and criminal laws in Quebec and Canada.

1. A Review of Some Definitions

❖ SEXUAL ABUSE:

“Sexual abuse is an act committed by a person giving or seeking sexual stimulation inappropriate to the age and development of a child or adolescent. Where the abuser [...] is in a position of power or authority with respect to the victim”.¹ It is an abuse of power.

❖ ABUSER:

Any person acting in a position of authority over a minor or a person with intellectual disabilities who carries out any gesture or provocation of sexual nature and connotation, regardless of the way the gesture has been carried out.

❖ ADULT:

Any person of sound mind who is aged over 18 years.

❖ SEXUAL AGGRESSION:

“Sexual assault is an act of a sexual nature, with or without physical contact, committed by an individual without the consent of the target person, or in certain cases, notably in those of children, involving affective manipulation or blackmail. It is an act aiming

¹ Government of Quebec / Ministère de l'éducation, du Loisir et du Sport / Direction de la promotion de la sécurité, *Abuse and harassment do exist – Be vigilant. Guide for sports and recreation personnel, 2009, p. 16,* http://www.education.gouv.qc.ca/fileadmin/site_web/documents/publications/GuideIntervenantsAbusEng.pdf

at subjecting somebody else to one's own impulses by abuse of power, use of force or constraint, or by implicit or explicit threat. Sexual assault violates fundamental rights, in particular a person's right to physical and psychological integrity and safety".²

❖ **CHILD:**

In Canon Law (canons 97-99), a person who has not attained 7 years of age or does not have the use of reason. A person of 7 years old and more is presumed to have the use of reason. A person who generally does not have the use of reason is not expected to be responsible for oneself and is treated as a child. In the Civil Code of Quebec: any person under the age of 18 years.

❖ **ETHICS:**

The set of rules of conduct based on the common moral values of a group and in particular of precepts taught by the Catholic Church's morality and catechism.

❖ **HARASSMENT:**

Harassment can take the form of discrimination, of abuse of power or of violence and it may be perpetrated through various actions: speech [...], threats or gestures of a discriminatory nature [...]; hazing or initiation rites causing embarrassment or degradation. [...] Harassment can be physical, verbal, sexual or emotional.³

❖ **INTERVENER:**

Any adult in a position of authority, power or responsibility towards minors and, without limiting the generality of the foregoing, the following persons: bishops, pastors, priests, deacons, pastoral agents or animators, volunteers, catechists, parents, sacristans, etc.

❖ **YOUNG PERSON or MINOR:**

Any person under the age of 18 years old.

2. Guiding Principles⁴

The Church is called upon to defend, inter alia, the rights of children, the weak, the poor and the vulnerable. It shall also have, in terms of integrity and human rights, an irreproachable and

² Government of Quebec / Secrétariat à la condition féminine / *No to sexual violence – Government strategy to prevent and counteract sexual violence 2016-2021*, 2016, p. 16,

http://www.scf.gouv.qc.ca/fileadmin/Documents/Violences/QD4110_MESI_Brochure-ViolencesSexuelles_EN-interactif.pdf

³ Government of Quebec / Ministère de l'éducation, du Loisir et du Sport / Direction de la promotion de la sécurité, *Abuse and harassment do exist – Be vigilant. Guide for sports and recreation personnel*, 2009, p. 16,

http://www.education.gouv.qc.ca/fileadmin/site_web/documents/publications/GuideIntervenantsAbusEng.pdf

⁴ Adaptation of the text of the URLS de la Mauricie, *Politique de prévention et d'intervention en matière de violence et d'agression sexuelle de Loisir et Sport Montérégie*, 2003, p. 3, article 2,

http://ancien.loisirquebec.com/doc/pdf/00000449_politiqueURLSMont%C3%A9rie.pdf

unimpeachable moral behavior. Therefore, any person carrying out the Mission in its name, and in the name of Christ, must demonstrate irreproachable behavior that continuously ensures this integrity. The values and standards that determine this integrity are constantly renewed and are based on the Bible of Christ as well as words, choices, actions and writings originating from the ecclesial, civil, juridical and cultural traditions of our society.

The Church acknowledges that the prevention of sexual assaults is important. It intends to do everything in its power to protect the youth. Below are some principles that guide these interventions:

- Every human person has their fundamental right to protection of their physical, moral and intellectual integrity, which implies the respect of their status and age;
- The zero-tolerance policy is applicable to any form of sexual assault;
- A just and equitable treatment for each person while respecting differences, strengths and weaknesses due to their status and age;
- The well-being of youth, their security and their protection must be protected with highest priority;
- The youth development and self-fulfillment, through healthy and constructive activities, must be encourage;
- The development of the adults' responsibility for the security of minors must be prioritized;
- The healthy relationships between minors and adults, and the promotion of stimulating and dynamic adult figures for minors.

3. Intervention Context⁵

Minors, regardless of their age, greatly depend on adults to ensure their physical, psychological, social, spiritual and emotional development. Therefore, adults who have a meaningful relationship with minors, possess tremendous power on their lives and development. Interveners, due to the image they project and the position of authority and influence they exercise, can consequently play an important role in the lives of minors. Unfortunately, some persons take advantage of their position of authority and influence over minors, as well as the circumstances, in order to inflict ill-treatments on them, assault them and satisfy their personal needs and their base instincts without regard to those of minors. The protection of minors is a moral and legal responsibility of all interveners. In addition to the negative consequences on minors, some behaviors negatively affect the Church and tarnish its image and that of volunteers and interveners, remunerated or not, who devote themselves, in all honesty, for the well-being and development of minors in their role as resource persons.

⁵ Adaptation of the text of the URLS de la Mauricie, *Politique de prévention et d'intervention en matière de violence et d'agression sexuelle de Loisir et Sport Montérégie*, 2003, p. 3, article 1, http://ancien.loisirquebec.com/doc/pdf/00000449_politiqueURLSMont%C3%A9r%C3%A9gie.pdf

4. Duties and Obligations of Interveners

“As a reasonable individual, you will normally be observant, intervene when necessary, maintain control of your group or activity, provide for the safety of the young people entrusted to your care, and deal with problems promptly. Whether you work with children as a volunteer or a paid employee, you are in direct contact with them and in a position of authority over them. In order for you to intervene as effectively as possible when needed, it is important that you understand certain basic concepts. You should be aware that the authority you exercise in your relationships with children gives you power that must be properly managed. When this authority is used for personal ends or to the detriment of children, it becomes abusive. This must be used, rather, to enable individual children and groups of children to attain their objectives and, especially, to progress and develop”.⁶

- Interveners must ensure to be witnesses of Christ and the Bible and role models for others and conduct themselves accordingly.
- Interveners must remember that they do not act in their own name, but in the name of the Church. They must therefore act in a manner that does not harm the integrity and reputation of the latter and they must follow the moral guidelines it has adopted.
- Interveners represent the Church and, in that capacity, must act in a responsible manner and best accomplish their ministry.
- Interveners must act in harmony with the values outlined in the Bible and the present Code of Ethics, so as to bring more justice, compassion and peace to our world.
- Interveners are responsible of their personal and professional conduct, acts, gestures, speech, attitude and behavior.
- Interveners must demonstrate maturity and self-control.
- Interveners are in a relationship of trust that they should promote and maintain in their personal and exemplary conduct.
- Interveners must respect others and protect their dignity, personal integrity and private vital space (their secret garden). They must maintain confidentiality in their relations with others.
- Interveners must not first seek their self-worth, but the good of others.
- Interveners must be aware of the imbalance and advantage that sometimes exist in their favor as part of their relationship with young persons and must prohibit themselves from taking advantage of this imbalance. They constantly act in the interest of others.
- Interveners must ensure not to promote the dependency of the people they advise.
- Interveners must maintain, in their conduct, prudent limits in areas related to pertaining confidence, intimacy and sexuality, and, if need be, establish a contact with young persons by referring them to a person competent in these subject areas.

⁶ Government of Quebec / Ministère de l'éducation, du Loisir et du Sport / Direction de la promotion de la sécurité, *Abuse and harassment do exist – Be vigilant. Guide for sports and recreation personnel, 2009, p. 5,* http://www.education.gouv.qc.ca/fileadmin/site_web/documents/publications/GuideIntervenantsAbusEng.pdf

- Interveners must inquire about the legal obligations to report to the Director of Youth Protection (DYP) the suspected sexual abuse of young people under the age of 18 years and report any reprehensible conduct of a third party that was brought to their attention.
- Interveners must also report to the diocesan authorities any case of sexual abuse, none withstanding the offender's status.

5. Behavior to avoid

Every person has the right to an environment free of sexual assault. Abusers can easily find themselves alone with children. They establish a climate of confidence with them and take advantage of their status of authority. They are often idealized by children who see them as a role model. They establish a climate of confidence with parents, which allows them to divert suspicions". That's why, it is required to:

- Never be alone with a child. Interveners must ensure they are visible to other people when talking to young individuals alone, when encouraging them and showing them affection, and must avoid any physical contact with minors.
- Ensure a responsible and respectful behavior and be accompanied in situations that seem riskier.
- Try not to be the only adult with a group of young individuals, but foresee the presence of another adult to be accompanied.
- Personally, avoid any gesture, attitude or word that is ambiguous, inappropriate or of a sexual nature, as well as any verbal or physical violence.
- Refuse any gesture, word or attitude that is ambiguous, inappropriate or of a sexual nature from a young person and, if need be, report such behavior to the diocesan authorities.
- Never exercise, for any reason whatsoever, any abuse or harassment either on the sexual, emotional or physical level.
- Never abuse people's trust, take action nor make a promise that might break the bond of trust and always maintain physical distance.
- Not have an attitude of power or domination, but rather an attitude of service. It is necessary to never exploit a vulnerability, much less to abuse it.

6. Implementation and Promotion of the Code of Ethics

The implementation and promotion of the present Code of Ethics throughout the Eparchy of Saint Maron of Montreal in Canada are the responsibility of each and every one. The persons in authority (for example: bishop, vicar general, chancellor, treasurer, pastor, priest and deacon, administrator and any other lay employee or volunteer) must regularly be informed of the present Code of Ethics, ensure its respect on a daily basis, be consequently responsible for themselves and report any breach of the present Code of Ethics to the competent person.

7. Entry into Force, Prevalence and Approval

The present Code of Ethics enters into force immediately, without the need of enactment, does not replace any other text and prevails over all laws, regulations or other conventions that are applicable in Quebec, Canada and the Roman Latin Catholic or Eastern Church.

The present Code of Ethics has been approved by Bishop Paul-Marwan Tabet, Eparch of the Maronite in Canada, on January 24, 2018 and updated on January 18, 2021.