



**A POLICY FOR SAFEGUARDING  
CHILDREN AND VULNERABLE PERSONS FROM  
ABUSE AND EXPLOITATION**

**Sri Lanka Province of the Society of Jesus**

**(Revised in June 2025)**

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## **CHAPTER I**

### **GENERAL INFORMATION**

#### **1.1 INTRODUCTION**

St Ignatius, the founder of the Society of Jesus, wanted all professed Jesuits to work among children for their wholesome development. While drafting the Constitution of the Society he talked about chastity as ‘angelic purity’ and called on his fellow companions to live a holy life in our endeavour to follow Jesus, the perfect model of all holiness. Jesus, the embodiment of what God wants us to do, treated everyone with dignity and love. The instances of Jesus in the Holy Bible treating children with kindness and love “Let the children come to me” (Mt. 19:14) move us to treat children with love and tenderness. Jesus also said, “If any of you put a stumbling block before one of these little ones, it would be better for you to have a great millstone hung around the neck and be drowned in the depths of the sea” (Mt. 18:6).

The life and mission of Jesus and that of our founder are prophetic reminders to us at a time when, sadly, in many parts of the Church there have been instances of sexual abuse of children and vulnerable persons. Therefore, our Christian faith and spirituality mandate us to create a safe environment for children and vulnerable persons and to respond to issues and incidents involving abuse of children and vulnerable persons placed under our care.

#### **1.2 NEED OF SPREADING AWARENESS**

At a time when abuse of children and vulnerable persons is increasing at an alarming rate, there is a need to help vowed members of the Society of Jesus as well as all other staff regarding their responsibility to care for children and vulnerable persons. They have a duty to create a safe environment for children and vulnerable persons. Therefore, it calls for sensitizing all those who are associated with the various ministries of the Sri Lanka Province of the Society of Jesus, by organizing periodic training/workshops regarding various aspects of sexual abuse, assault, harassment and maltreatment of children and vulnerable persons. There is need for awareness of the existing directions and laws given by the Church, the Society, the State and Country on abuse of children and vulnerable persons. This Policy is a response to the above needs. It narrates in brief some of the Constitutional safeguards and the legal framework of our country along with the canonical aspects/ecclesial aspects of abuse.

#### **1.3 LEGAL PERSPECTIVES**

Article 19 of the United Nations Convention on the Rights of the Child (UNCRC) of 1989 and other documents of the United Nations Organization (UNO) highlight the need of safeguarding children and other vulnerable groups of people. The National Policy on Child Protection (NPCP) promulgated by the National Child Protection Authority (NCPA, 2021)-Act, No.50 of 1998 enacted by Parliament of the Democratic Socialist Republic of Sri Lanka recognizes that the protection of children is not a function of any individual state institution but rather that of many diverse agencies that have different complementary roles and responsibilities in a multi-sectoral system.

The Sri Lanka Province of the Society of Jesus considers the instruction issued by the Catholic Bishops' Conference of Sri Lanka in 2015 titled “*Guidelines and Procedures to be followed as mandated by the Catholic Bishops' Conference of Sri Lanka for dealing with cases of sexual abuse of minors or vulnerable persons perpetrated by Clergy/Religious*”

Several Sections (and Acts) of the Penal Code of Sri Lanka, the Employment of Women, Young persons' and Children Act, the Children and Young persons' ordinance and the Regulation relating to compulsory education made under the Education Ordinance have also come up with a special purpose of protecting children and women from various types of exploitation and abuse physically or emotionally. *The Penal Code (Amendment) Act, No. 16 of 2006* also extended the duty to prevent and report child abuse. Provisions of the Penal Code (e.g., Sections 365, 365A or 365B) are applicable for the abuse of adults-vulnerable persons. All these provisions call for concerted efforts from all citizens to take proactive steps to protect children, women, and vulnerable persons.

#### **1.4 CANONICAL PERSPECTIVES**

Responding to the call given by the Pope against sexual abuse by the clergy, the Catholic Church has taken many initiatives that include updating the canonical procedures and establishing structural and administrative mechanisms to render justice in a speedy and comprehensive manner. The 1983 Code of Canon Law has a provision to deal with such cases. Canon 1395 §2 thus reads: “a cleric who has offended in other ways against the sixth commandment of the Decalogue, if the offence was committed in public, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.” While this Canon deal with the clerical sexual abuse of minors, there was a lack of clarity about how to handle the cases concretely. Given the number and gravity of the cases and the lack of trained personnel on judicial tribunals, a need was felt to review and update the canonical aspects.

A major step forward in this regard was Pope John Paul II's *Motu Proprio Sacramentorum Sanctitatis Tutela* promulgated on 30th April 2001 (revised 2010 & 2021)<sup>1</sup> to clarify and update the list of canonical crimes that had traditionally been dealt with by the CDF. In another significant move, the head of the CDF, Cardinal Levada, sent a Circular Letter on 3rd May 2011, stating its objective in the title itself: “To Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics.”<sup>2</sup> More recent documents include *Vos Estis Lux Mundi* (2019 & 2023),<sup>3</sup> the *Vademecum* (2022), On Certain Points of Procedure in Treating Cases of Sexual Abuse of

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<sup>1</sup> [https://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20211011\\_norme-delittiriservati-cfaith\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20211011_norme-delittiriservati-cfaith_en.html)

<sup>2</sup> [https://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20110503\\_levada-abuso-minori\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20110503_levada-abuso-minori_en.html)

<sup>3</sup> [https://www.vatican.va/content/francesco/en/motu\\_proprio/documents/20230325-motu-proprio-vos-estis-lux-mundi-aggiornato.html](https://www.vatican.va/content/francesco/en/motu_proprio/documents/20230325-motu-proprio-vos-estis-lux-mundi-aggiornato.html)

Minors Committed by Clerics<sup>4</sup> and the most recent revised Book VI of the Code of Canon Law.

## **1.5 SOCIAL AND PSYCHOLOGICAL PERSPECTIVES**

The Civil Law and the Church Law have taken the issue of sexual abuse very seriously and it is time that we examine what the different types of impact are on the victims of sex abuse and all other forms of abuse. We need to disseminate all this information to our staff members so that they know the seriousness of any kind of sexual abuse.

## **1.6 GUIDING PRINCIPLES OF THE POLICY**

This Policy places clear responsibilities on all the staff of all the Communities and Works and all the associates in safeguarding all the children and vulnerable persons under their care. For this purpose, clear guidelines are given to all of them in this policy based on the following principles.

- a) Welfare and best interest of the children and the vulnerable persons is paramount.
- b) Children and vulnerable persons irrespective of their age, place of birth, gender, culture, language, religious belief, sexual orientation, and any disability, have the right to protection from abuse and maltreatment.
- c) Management and their staff have the moral and statutory duty for the care, custody, and protection of any child under the age of 18 under their supervision.
- d) Management and their staff shall take every possible measure to protect and support children and vulnerable persons from all forms of abuse and maltreatment including sexual assault through effective procedures and programmes.
- e) All incidents of maltreatment and allegations of abuse will be taken seriously and responded to immediately and appropriately.
- f) The right of the child and the vulnerable person to privacy and confidentiality shall be protected through all stages of the proceedings under these guidelines.
- g) Non-stigmatizing language shall be strictly adhered to, and the use of adverse or accusatory words shall be prohibited, in the process pertaining to the child and the vulnerable person under these guidelines.
- h) Ensure that all actions and decisions regarding safeguarding are transparent and that individuals and institutions are held accountable for their responsibilities and actions.

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<sup>4</sup> [https://www.vatican.va/roman\\_curia/congregations/cfaith/ddf/rc\\_ddf\\_doc\\_20220605\\_vademecum-casi-abuso-2.0\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/ddf/rc_ddf_doc_20220605_vademecum-casi-abuso-2.0_en.html)

## **1.7 OBJECTIVES OF THE POLICY**

The broad objective of the Policy is to set minimum standards and procedures for creating a safe environment for the protection of children and vulnerable persons against sexual exploitation, sexual harassment, and all forms of maltreatment in all our institutions both formal and non-formal. Specifically, the Policy seeks to protect children and vulnerable persons from sexual abuse, sexual harassment, sexual exploitation, and all forms of maltreatment by encouraging best practices among staff. The policy gives high priority to awareness and preventive measures to avoid all forms of abuse and maltreatment, and to promote a consistent culture of safeguarding.

## **1.8 APPLICABILITY OF THE POLICY**

This Policy shall apply to:

- a) Any situation involving children and young people up to the age of 18 and vulnerable persons above 18 years of age.
- b) To all persons (both vowed members, associates, and the staff of Jesuits) of the Institution as well as those who visit the Institution from time to time including partners/collaborators/contractors/consultants/volunteers/sponsors who are associated with the Institute in its various works.

*[In the case of contractors and consultants, it is the duty of the Superior/Heads of the Institutions which they are associated with to ensure that they are made aware of these policy guidelines and ask them to follow them in letter and spirit]*

- a) **Situations:** The Policy applies to any situation involving children and young people up to the age of 18, and vulnerable persons above 18 years of age.
- b) **Persons:** It covers all vowed members, associates, and staff of the Jesuit institutions, as well as those who visit the institutions periodically. This includes partners, collaborators, contractors, consultants, and volunteers associated with the institution in its various works.
- c) **Contractors and Consultants:** The responsibility lies with the Superiors/Heads of the Institutions to ensure that contractors and consultants are made aware of these policy guidelines and adhere to them in letter and spirit.
- d) **Scope of Safeguarding:** The Policy is specifically designed to safeguard children and vulnerable persons against sexual exploitation, sexual harassment, and all other forms of maltreatment.

## **1.9 CLARIFICATION OF TERMS**

For the purpose of this document the following terms are explained:

- 1) “**Abuse**” means and includes cruel and violent treatment of children and vulnerable persons.
- 2) “**Abusive behaviour**” means and includes any type of sexual abuse including sexual harassment of women at workplace.
- 3) “**Accused**” means a person who has been alleged of any safeguarding concern and/or against whom a complaint of sexual abuse or sexual harassment has been lodged.
- 4) “**Advisory committee**” means the duly appointed members of an ISC of a Jesuit Work.
- 5) “**Allegation**” means any disclosure of an act of inappropriate behaviour of an abusive nature.
- 6) “**Bullying**” means when a child/a vulnerable person or a group of children/persons threaten, humiliate, or harm another child or children/vulnerable person or persons purposely. As stated in the NPCA Act (Parliament of the DSRS, 1998) and in the Penal Code (LAWNET, 2016), it is a deliberate, conscious act with an intention to cause harm to another and put her/him/them to pressure or worry. It can be inflicted physically, verbally, by gesture, extortion and exclusion. Bullied victims show loss of confidence, poor self-esteem, poor school attendance and poor academic achievements (Parliament of the DSRS, 1998; LAWNET, 2016)).
- 7) “**Child**” means a person below the age of 18 as per the NCPA Act, No.50 of 1998 (Parliament of the DSRS, 1998), the article – 1 of the UNCRC of 1989 (OHCHR, 2021) and the Penal Code of Sri Lanka (LAWNET, 2016). The term “**minor**” is synonymous with “**child**.”
- 8) “**Collaborator/partner**” means an institution/individual who has a joint working relationship with any Jesuit institution/individual Jesuit, in or outside the province.
- 9) “**Complainant**” means an individual or individuals who formally report abusive behaviour to a duly designated person.
- 10) “**Consultant**” means one who is hired to provide consultancy services to the Jesuit Work.
- 11) “**Corporal/Physical Punishment**” means any degrading punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light it may be, and includes non-physical forms of punishment which are cruel and degrading the person such as behaviours and actions that belittle, humiliate, denigrate, scapegoat, threaten, scare, or ridicule the children and vulnerable persons.

- 12) “**Disciplinary Authority**” means the Major Superior who makes the final decision on cases. The Safeguarding Officer could be entrusted the role of disciplinary authority for the province, but the highest disciplinary authority is the Major Superior.
- 13) “**Ephophobia**” means sexual attraction to a post-pubescent child.
- 14) “**Exploitation**” means commercial or other exploitation of a child or a vulnerable person. It refers to use of the child or the vulnerable person in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child and vulnerable person prostitution. These activities are to the detriment of the child’s or the vulnerable person’s physical and mental health, education, or spiritual, moral, or social-emotional development. “Exploiting the vulnerability of another” means impelling a person to submit to any act, taking advantage of such person’s economic, cultural, or other circumstances (Parliament of the DSRS, 2006).
- 15) “**Internal Complaints Committee (ICC)**” means a redressal mechanism set up in a Jesuit Community under this Policy to prevent and redress allegation/incidence of any form of sexual abuse and maltreatment of children, women, and vulnerable persons.
- 16) “**Internal Safeguarding Cell (ISC)**” means a mechanism set up in an Apostolic Work to safeguard children, women, and vulnerable persons from any form of sexual abuse and maltreatment.
- 17) “**Jesuit Conference of South Asia**” is one of the six conferences of the Society of Jesus (Jesuits). The Jesuit Conference of South Asia (JCSA) has its presence in India, Nepal, Sri Lanka, Bangladesh, Bhutan, and Afghanistan.
- 18) “**Jesuit Community**” means a group of Jesuits legitimately constituted under the authority of the same local Superior as defined in IAF (118) (General Curia of the Society of Jesus, 2023).
- 19) “**Jesuit Work**” means a recognized centre of the province, commonly referred to as a ministry, institution, school, house, programme, or outreach where members of the province and others work and administer whether singularly or collectively, either owned, managed, or in collaboration with other groups through which the Society of Jesus exercises its apostolic mission according to IAF (119) (General Curia of the Society of Jesus, 2023). This includes Formation Houses; or centres that exist on property that belongs or leased to the province and are administered by an independent group or individual.
- 20) “**Neglect**” means the ongoing, deliberate, persistent failure to meet a child’s or a vulnerable person’s basic physical and/or psychological needs of health, education, emotional development, nutrition, shelter, and safe living conditions. This is in the context of resources being reasonably available to the family or caretakers or institutes and causes or has a high probability of causing harm to the child’s or the vulnerable person’s health or physical, mental, spiritual, moral, or social development, and likely to

result in the serious impairment of the child's or the vulnerable person's health and development. Neglect can also be caused through the omission or the failure to act or to protect (NCPA, 2021; LAWNET, 2016).

21) **“Non-Contact based sexual offences with a Child”** means whoever, with an intention to achieve sexual gratification, commits any of the following with a child or vulnerable person:

- a) exposes the genitalia to the child/vulnerable person or makes them do so;
- b) masturbates in the presence of the child/vulnerable person or makes them do so;
- c) shows pornography to the child/vulnerable person, in any form;
- d) exposes the child/vulnerable person to sexual contact between any two persons;
- e) uses sexually explicit and inappropriate language, before a child/vulnerable person;
- f) Undertakes any other acts intended to outrage the modesty of a child/vulnerable person.

Explanation: The question involving ‘intention to achieve sexual gratification’ or ‘acts intended to outrage the modesty of a child/vulnerable person’ is a question of fact.

22) **“One Community one Policy”** means that all the Apostolic works of a community which are in the same vicinity have a single redressal mechanism as stated in this policy.

23) **“Paraphilia”** (also known as sexual perversion and sexual deviation) means the experience of intense sexual arousal to atypical objects, situations, or individuals and usually refers to disorders that are first diagnosed in infancy, childhood, or adolescence.

24) **“Paedophilia”** means the condition of a person who has recurring intense, sexual urges and sexually arousing fantasies involving sexual activity with a prepubescent minor.

25) **“Penetrative Sexual Assault”**: A person is said to commit “penetrative sexual assault” if

- a) he penetrates his penis, to any extent, into the vagina, mouth, urethra, or anus of a child/vulnerable person or makes the child/vulnerable person to do so with him or any other person; or
- b) he/she inserts, to any extent, any object, or a part of the body, not being the penis into the vagina, the urethra or anus of the child/vulnerable person or makes the child/vulnerable person to do so with him/her or any other person; or
- c) he/she manipulates any part of the body of the child/vulnerable person to cause penetration into the vagina, urethra, anus, or any part of body of the child/vulnerable person or makes the child/vulnerable person to do so with him/her or any other person; or

- d) he/she applies his/her mouth to the penis, vagina, anus, urethra of the child/vulnerable person or makes the child/vulnerable person to do so to such person or any other person.
- 26) **“Person”** means a person aged 18 and above.
- 27) **“Physical abuse”** means actual or potential physical harm by persons in authority/responsibility, power, or trust.
- 28) **“POSA”** means the President of the Jesuit Conference of South Asia: the Jesuit who heads the Jesuit Conference of South Asia.
- 29) **“Prepubescent minor”** means a minor who has not yet reached puberty.
- 30) **“Province”** means the geographical area which is demarcated and assigned to the Society of Jesus.
- 31) **“Major Superior”** means the duly appointed head of the Sri Lanka province.
- 32) **“Religious”** means any consecrated person who has opted to live under the three vows in the Catholic Church.
- 33) **“Safeguarding Officer”** (SO) means a vowed member or any other competent person duly appointed as such by the Major Superior.
- 34) **“Sexual Abuse”** means involvement of child or vulnerable person in sexual activity that s/he does not understand or consent to, and any act which involves sexual contact, sexual molestation or sexual exploitation of a child or vulnerable person by a person, whether physical injuries are sustained or not. It includes acts of incest, rape or sexual offences of any degree, sodomy and unnatural or perverted practices, lewd or indecent actions or proposals permitting or encouraging a child or vulnerable person to participate in any sexual activity, including exposing the child to person or pornographic materials or engaging in any act with a child or vulnerable person that is contemplated by the person to provide sexual satisfaction for himself or herself. Any act which involves contact or non-contact-based activity is sexual abuse in any of the ways referred to below and shall include the following:
- a) Any person exposing his or her genitals to a child or vulnerable person, or persuading the child or vulnerable person to do the same.
  - b) Any person involving a child or vulnerable person in pornography; and person having oral, vaginal, or anal intercourse with a child or vulnerable person.
  - c) Any person touching a child’s or vulnerable person’s genitals or making the child or vulnerable person touch the person’s genitalia.
  - d) Any verbal or other sexual suggestions made to a child or vulnerable person by any person.

- 35) “**Sexual Assault**” means when a person, with sexual intent touches the vagina, penis, anus, or breast of the child/vulnerable person or makes the child/vulnerable person touch the vagina, penis, anus or breast of such person or any other person or does any other act with sexual intent which involves physical contact without penetration.
- 36) “**Sexual Exploitation**” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.
- 37) “**Sexual Harassment**” means any such unwelcome sexually determined behaviour such as physical contact, advances, sexually coloured remarks, showing pornography or making sexual demands, whether verbal, textual, graphic, or electronic or by any other action, which may contain –
- a) Implied or overt promise of preferential treatment in that employee’s employment, or
  - b) An implied or overt threat of detrimental treatment in that employee’s employment or an implied or overt threat about the present or future employment status of that employee, and includes the creation of a hostile working environment.
  - c) The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment, or
  - d) Such conduct can be humiliating and may constitute a health and safety problem.
- 38) “**Sexual Misconduct**” means a sexual act of any kind, with a person outside the bond of marriage, with mutual consent or otherwise. It involves sexual contact of both heterosexuality and homosexuality, such as sexual molestation, sexual intercourse, sexual abuse, sexual harassment or sexual exploitation of another, whether physical injuries are sustained or not, such as acts of incest, rape, grave sexual abuse or sexual offence of any degree, sodomy and unnatural or perverted practices, lewd or indecent actions or propositions, both verbal and non-verbal, like voyeurism and exhibitionism as stated in the Penal Code of Sri Lanka (LAWNET, 2016).
- 39) “**Society**” means Society of Jesus in general and in particularly the Sri Lanka province.
- 40) “**Staff**” means and includes all the employees, both the domestic and institutional; all the workers, teachers, catechists, masters, contractors, activists, representatives, associates, consultants, religious, vowed members, volunteers, employed by the different Jesuit Communities and Apostolic Works under the care of the province whether on a paid or voluntary basis.

- 41) “**Survivor**” means the person against whom the abuse was directed, and who has endured and (or) overcome a traumatic event, such as abuse, violence
- 42) “**Volunteer**” means any person who gives freely of his or her time and expertise to participate in activities initiated by any Community or Work.
- 43) “**Vowed Member**” means a Jesuit belonging to Sri Lanka province of the Society of Jesus.
- 44) “**Vulnerable Person**” means a person who is unable, or unlikely to report sexual assault, sexual exploitation and/or sexual harassment unless assisted in doing so due to impairment of a mental or physical function, or due to unequal power relationships with a person in a position of power, authority, or in control of resources who seeks or accepts to provide protection, assistance, or service in exchange for sexual acts or favours. It also includes taking advantage of a position of vulnerability, differential power, or trust for sexual purposes.

## CHAPTER II

### POLICY STATEMENT

The Sri Lanka Province of the Society of Jesus upholds its duty to safeguard children and vulnerable persons, guided by Christian values and Jesuit principles, ensuring a secure and nurturing environment for all under its care. It has promulgated a comprehensive policy to protect children and vulnerable persons under its care from physical, emotional, sexual abuse (paedophilia, ephebophilia), neglect, exploitation, and maltreatment. The Policy outlines preventive measures, redressal mechanisms, disciplinary actions, and guidelines for implementation across all Jesuit Communities and Works, aligning with Sri Lankan laws and canonical procedures.

#### **2.1 POLICY DECLARATION**

All the vowed members belonging to the Sri Lanka Province of the Society of Jesus are committed to protect the rights and dignity of children and vulnerable persons and hence we declare:

- 1) That the Province maintains a zero-tolerance policy towards abuse of children and vulnerable persons;
- 2) That all laws, rules, and guidelines of the country where the Community or Work is situated, relating to the protection of children and vulnerable persons shall be adhered to strictly;
- 3) That the provisions of recruitment policy shall be in accordance with the provisions of this policy;
- 4) That all the premises shall be a safe space for children and vulnerable persons and all necessary safeguards and precautions will be taken towards this end;
- 5) All Jesuit Communities and Works shall ensure that the staff, contractors, volunteers, and Board members, if any, are trained at least once a year regarding this Policy and orient them towards good practices for safeguarding the rights of children and vulnerable persons;
- 6) That all the hostels for girls and/or working women that are placed under the care of the Jesuits shall be handed over to the religious sisters and female lay persons collaborating with the Jesuits in a Community or Work for the better discipline and administration of such hostels;
- 7) That all the Communities and Works shall work actively with parents, guardians, concerned investigating Police officers and other engaged stakeholders to prevent incidents of abuse of children and vulnerable persons;

- 8) That all residential, work and learning/training spaces in the premises shall be constructed, and existing structures modified in a manner to keep children and vulnerable persons in a safe and protected zone;
- 9) That in all decision-making processes, the interests of the children and vulnerable persons shall be given primary consideration;
- 10) That counselling services and therapeutic interventions shall be made available to all children and vulnerable persons if, and when the need arises and/or it is requested;
- 11) That it is the responsibility of all the Communities and Works to ensure that this policy for the protection of children and vulnerable persons is understood and signed by all staff members, volunteers, and associates;
- 12) The President and the Major Superiors of the JCSA commit themselves to preventing and responding appropriately to any harm to children and vulnerable persons. They further commit to the task of preventing any person from working with children and/or vulnerable persons if this poses an unacceptable risk. All other organizations collaborating with any Community or Work, either temporarily or permanently, are expected to have their own policy. In the absence of such a policy, they are deemed to have consented to this Policy by virtue of their association with the Community or Work.

## **2.2 IMPLEMENTATION OF THE POLICY**

- 1) The Sri Lanka Province Major Superior ensures a secure environment by implementing a comprehensive safeguarding Policy against abuse, in collaboration with local superiors, aligning with Sri Lankan laws and canonical procedures across all Communities and Works
- 2) This Policy for Safeguarding children and vulnerable persons from sexual abuse, assault, harassment, and maltreatment is a mother Policy for the Society of Jesus at the Sri Lanka Province level. Therefore, while drafting a policy for Safeguarding children and vulnerable persons, individual communities or works are free to adapt this mother Policy as it is or with necessary modifications as required by the local context and culture of the community or work. Any community or work that wishes to have a different policy is free to do so provided they adhere to the Redressal mechanism and procedure laid down under Chapter IV of this mother Policy to ensure a uniform procedure in the entire Province while responding to incidents involving abuse of children and vulnerable persons.
- 3) Each local Superior or any person/s duly appointed on his behalf is responsible to ensure that every staff involved/associated with the Jesuit mission in the respective community or work is made aware of this Policy periodically through appropriate training/workshops, and awareness programmes.

## **CHAPTER III**

### **PREVENTIVE MEASURES**

#### **3.1 RECRUITMENT PROCEDURE OF ALL THE STAFF**

1. All recruitment of the vowed members/staff members/contractors/volunteers and other associates in the Institutions/ministries shall be done carefully. No candidate with a criminal record of sexual and/or physical violence against children and vulnerable persons should be recruited or appointed for any position within an institution/ministry of the Society.
2. All appointments of the staff including the vowed members should be done carefully. No candidate with a criminal record of sexual and/or physical violence against children and vulnerable persons will be recruited as a vowed member or as a staff for any position within any of our communities or works. In furtherance of the same, all selected candidates must provide a signed affidavit to the Institution concerned that they have not been accused of offences against any law for the time being in force.
3. The selection interview should include specific questions at the first stage on child protection issues to probe the applicant's attitude, experience, and approach to working with children and vulnerable persons.
4. During the induction/probation period, feedback would be taken from children and persons placed under their care and the supervisors.
5. During recruitment and induction, the person should be clearly told that a Policy for the protection of children and vulnerable persons against abuse and maltreatment exists and he/she shall be required to abide by it.
6. Along with the appointment letter, a copy of the Policy shall be made available to the new employee for his reading and understanding. The employee shall be asked to sign an undertaking that he/she has read the Policy and shall abide by it.

#### **3.2 ORIENTATION & TRAINING TO THE STAFF ON THE POLICY**

1. All existing staff shall be given orientation and full training on this Policy on a regular basis as part of the ongoing training programmes at the community or work level. All the existing staff shall also sign an undertaking that he/she has read and understood the Policy and shall abide by it.
2. Specialized orientation on child protection shall be provided for staff working directly with the children.

### **3.3 BEST PRACTICES FOR PREVENTION OF ABUSE**

Our staff should be encouraged to demonstrate exemplary behaviour, to create a safe environment in the campuses for children as well as vulnerable persons. In case of an educational institute, it is desirable to appoint a counsellor to provide access to children to talk freely about any concerns they may have.

1. Avoid taking children or vulnerable persons into closed and secluded areas, for example: one's room, office, centre, classrooms etc., unless accompanied by another person (parent/caregiver/guardian).
2. All trips, rides, vacations, camps, and other such activities must have the approval of the parents/guardians and/or the appropriate institution prior to the activity.
3. When one-to-one meetings with a child/vulnerable person is considered appropriate it should take place in a room with the door left open or in a room where there is easy visibility from the outside. All efforts shall be made to make the child/vulnerable person feel secure.
4. Be sensitive to the possibility of becoming over involved or spending a great deal of time with any one child/vulnerable person.
5. Do not provide children/vulnerable person with alcoholic beverages, tobacco, drugs, or anything that is prohibited by law.
6. Avoid giving gifts to children studying in the schools and to vulnerable persons working in the institutions and centres except on special occasions like marriage, birthday, anniversary, etc.
7. Avoid telephoning or sending emails to children and vulnerable persons unless necessary. Primary contact should be with the parents/guardians of the children/vulnerable persons. Do not contact children and vulnerable persons by phone or email or social media unless necessary. Do not engage in private chats or conversations with children and vulnerable persons through any social media platforms.
8. Topics, vocabulary, recordings, films, games or the use of computer software or any other forms of personal interaction or entertainment that is not used comfortably in the presence of the parents/guardians should not be employed with children or vulnerable persons. Sexually explicit or pornographic material should never be shown to children or vulnerable persons.
9. Comments of a sexual nature are inappropriate even as jokes with the children and vulnerable persons.
10. Treat everyone with respect and communicate at appropriate level.

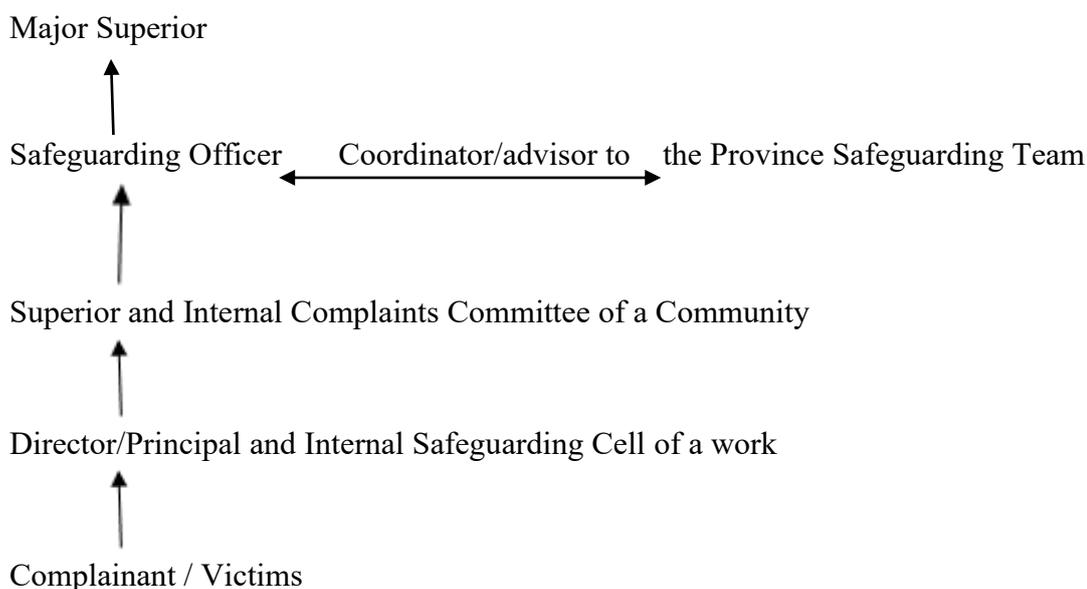
11. Do not engage in any physical punishment of child in public or private.
12. Avoid showing favouritism.
13. Use 'Touch' only as appropriate.
14. Never do for a child what she/he can do for herself/himself.
15. Do not undermine the parent's authority by ridiculing parents' beliefs or by allowing children to do anything against the wishes of their parents.
16. Never ask a child to keep a secret from his or her parents.
17. Adequate training for appropriate/healthy way of relating with minors must be given to the staff in our institutions.
18. The topic of sexual abuse, sexual exploitation and maltreatment are to be consciously included in the formation programme of the vowed members of the Institute at various stages of their formation.
  - a. Prudence demands that obsessive-compulsive relationships need to be avoided or prevented. The Heads of the institution/project play a major role in not only facilitating the environment for healthy and wholesome behaviours, but also care-fronting when barriers are breached. For the purpose of clarity, the following types of behaviours are considered inappropriate/offensive behaviour for staff and, therefore, strictly prohibited as they go against the mission and vision of the association and are detrimental to the healthy atmosphere of the institute concerned. Therefore, the following behaviours must be avoided: (a) Sexual advances and various types of inappropriate physical contact and any form of sexual harassment. Requests for sexual favours in return for some benefit, (b) Display of any sexually oriented or morally inappropriate materials through various media-printed, audio-visual, or electronic, (c) Corporal/physical punishment inflicted upon a child or vulnerable person, (d) Using language that will mentally or emotionally abuse the child or the vulnerable person, (e) Acting in such a way that tends to embarrass, shame, humiliate or degrade a child or vulnerable person, (f) Kissing, hugging, fondling, rubbing, or touching a child in an inappropriate or culturally insensitive way, (g) Taking photographs of children or vulnerable persons while they are nude, partially nude or undressing, (h) Meeting persons especially children in closed rooms, where one cannot be seen, (i) Taking children to the person's living room unless accompanied by a person who is a parent/caregiver/guardian, (j) Taking unfair advantage of a professional or counselling relationship, (k) Suggesting inappropriate behaviour or relationship of any kind with a child or vulnerable person.

## CHAPTER IV

### REDRESSAL MECHANISMS

#### **4.1 STRUCTURE OF THE REDRESSAL MECHANISM**

The primary aim is to prevent, protect and safeguard children and vulnerable persons from any form of abuse, exploitation and maltreatment in any of the nine Jesuit communities or their Apostolic works. If any incident of such type takes place in any of the nine Jesuit communities or their Apostolic works, there shall be ‘**one-community one redressal mechanism**’ under its superior to deal with protection of children, women and the vulnerable persons from abuse and maltreatment. The Redressal Mechanism shall consist of the following:



#### **4.2 POWERS AND FUNCTIONS OF THE MAJOR SUPERIOR**

1. The Major Superior shall appoint a Safeguarding Officer and a Safeguarding Team (ST) to assist the Safeguarding Officer to take appropriate measures in a Jesuit community and its work based on the findings of the Internal Complaints Committee (ICC) of the community in case of sexual harassment and any other form of abuse, exploitation and maltreatment of children, women and other vulnerable persons in the community and its work.
2. The Major Superior shall deal with any appeal against the decisions made by management in matters involving sexual assault, sexual abuse, sexual harassment or all other forms of abuse, exploitation and maltreatment of children, women, and vulnerable persons.
3. The Major Superior shall appoint/nominate any competent member of the province as spokesperson to deal with the media as and when required.

4. Where the complaint/allegation is against a vowed member and when the preliminary inquiry comes to the conclusion that the allegation of the commission of sexual assault, sexual abuse, sexual harassment or all other forms of abuse, exploitation and maltreatment of children, women and vulnerable persons is *prima facie* made out, The Major Superior shall take appropriate action according to the Canon Law of The Catholic Church and the Guideline and Procedural norms for dealing with cases involving sexual abuse of minors promulgated by the CBCSL. Besides this, he shall do whatever the civil law and this present policy prescribes.

### **4.3 POWERS AND FUNCTIONS OF THE SAFEGUARDING OFFICER**

1. The Safeguarding Officer should preferably be a Jesuit or a competent person duly appointed by the Major Superior.
2. The Safeguarding Officer is competent to receive any complaint/ allegation directly from the complainant.
3. When the Safeguarding Officer receives the complaint/allegation directly, he shall forward the same for Preliminary Inquiry to the Chairperson of the ICC in case of a case dealing with sexual harassment of children, women and vulnerable persons. In ecclesial cases, he shall follow procedures as determined by canonical guidelines.
4. The Chairperson of the ICC in turn shall make a Preliminary Inquiry into the matter to ascertain the truth of the matter and within five days of the receipt of the complaint/allegation, he shall submit a Preliminary Inquiry Report to the Safeguarding Officer. Where on reception and perusal of the Preliminary Inquiry Report, if a *prima facie* case is made out, the Safeguarding Officer shall send the matter back in writing to the Superior of the ICC for further investigation and inquiry to complete the process within the timeframe.
5. The Safeguarding Officer submits the report of the ICC to the management who shall then take timely and appropriate penal recommendations based on the report of the ICC.
6. The Safeguarding Officer shall take the advice of the duly appointed Province Safeguarding Team in arriving at an appropriate penal recommendation.
7. In case of serious sexual offence which calls for mandatory reporting as per the Penal Code or offence of criminal nature, the Safeguarding Officer on ascertaining the facts and circumstances sets in motion the procedures laid down by the law.
8. Policy Drafting and Review: The Safeguarding Officer is responsible for periodically reviewing and updating the policy to ensure, it remains effective and relevant.
9. Policy Dissemination and Implementation: The Safeguarding Officer oversees the dissemination and implementation of the adopted province policy through a team of experts, including at least one legal expert. The Safeguarding Officer is tasked with forming this team and organizing safeguarding policy awareness programs for each institution/community/work every year.

10. Coordination with South Asia Team: The Safeguarding Officer maintains regular communication with the SATS Team, providing updates on the province's progress. He also organizes Training of Trainers (TOT) programs for ICC team members and local safeguarding Officers, in consultation and collaboration with the SATS Team.
11. Safeguarding Audits: The Safeguarding Officer conducts safeguarding audits in the province every alternate year to ensure compliance and identify areas for improvement.
12. Appellate Authority: The Safeguarding Officer could be entrusted the role of appellate authority for the province by the Major Superior who is the highest appellate authority in the Province.
13. The Safeguarding Officer ensures that the survivors are treated with compassion and directed to the appropriate resources including counselling/spiritual direction services.

#### **4.4 INTERNAL COMPLAINTS COMMITTEE (ICC)/ INTERNAL SAFEGUARDING CELL (ISC)**

##### **4.4.1. Composition**

Depending on the number of institutions/works of a Jesuit community, the Safeguarding Officer shall in consultation with the Major Superior set up ICC consisting of a minimum of three persons and a maximum of five persons. The superior shall be the Chairperson of the ICC, and there shall be at least one female member in the ICC. It will be a good practice to include preferably a lawyer, a psychologist, a social worker, and an external person of good repute, proven integrity and good judgment in the ICC. Institutions/Works of a community such as Learning Centres of Education, Higher Education and Tertiary Education may establish their own ISC under their directors/principals, and they report to the Chairperson of the ICC. Two or more smaller institutions of a community can be clubbed together for the purpose of forming the ISC.

##### **4.4.2. Tenure**

The tenure of the Chairperson of the ICC shall be decided by the Provincial; however, members of the ICC could be duly appointed or reappointed by the superior and his successors.

##### **4.4.3. Termination**

1. Any complaint/allegation of sexual exploitation/abuse/harassment or maltreatment brought against the Chairperson or any member of the ICC/ISC, shall be submitted to the Safeguarding Officer directly.
2. Where the complaint/allegation of abuse or maltreatment is made against the Chairperson or any member of the ICC/ISC, and a case is made out from the Preliminary Inquiry by the Safeguarding Officer, they shall be disqualified from officiating any functions of the ICC/ISC with immediate effect.

3. Where the complaint/allegation of abuse or maltreatment is proved against the Chairperson or member they shall cease to hold their office and shall face the procedures of the civil law of the country, and their respective office shall be filled by new persons.
4. Where the complaint/allegation against the Chairperson or any member of the ICC/ISC is proved false and baseless, they shall resume their offices of the Chairperson or the member of the ICC/ISC, as the case may be.

#### **4.4.4. Powers and Functions**

The superior of a community, by virtue of his office/appointment, becomes the Chairperson of the ICC of that community. He, with the advice of his community consultors and the directors/principals of Jesuit works/Institutions within the same community, appoints members of the ICC. To make a Preliminary Inquiry Chaired by a person appointed by the Major Superior, the ICC shall have the same power/authority as is vested in a Church body under the Code of Canon Law, when trying a suit in respect of the following matters, namely: -- (a) summoning and enforcing the attendance of any person and (b) examining him/her.

#### **1. Chairperson**

1. The Chairperson of the ICC shall receive the complaint/allegation from the complainant/ victim or from the Safeguarding Officer and shall conduct a Preliminary Inquiry to establish the genuineness of the complaint /allegation and a report to that effect shall be submitted to the Safeguarding Officer for further directions.
2. On receipt of the complaint /allegation either directly from the complainant/victim or the Safeguarding Officer the Chairperson shall communicate the same to the members of the ICC.
3. The Chairperson shall conduct all the proceedings with the help of the ICC members and in case of any unavoidable circumstances may designate another member of the ICC to be the convener.

#### **2. Investigation and Reporting:**

1. The ICC shall conduct the investigation and inquiry when the matter is referred to it by the Safeguarding Officer.
2. The ICC shall receive the documents submitted by both the victim / complainant and the accused and record statements of witness on both sides.
3. The ICC has the power to take evidence and allow both sides to cross-examine the witnesses.
4. The ICC shall prepare a report of their findings which shall also include statement of the victim and accused, the evidence so recorded and the cross-evidence of both the parties.
5. The ICC shall submit its report and findings along with all the documents and appropriate recommendations of punishment/action against the guilty to the Safeguarding Officer.

## **4.5 PROCEDURE FOR COMPLAINT**

### **4.5.1. Mode of Complaint**

1. Any complaint/ grievance involving sexual abuse, sexual harassment or maltreatment must ordinarily be reported by the aggrieved person or his/ her legal heir in writing/ verbally to the Chairperson of the ICC or to any member of ICC or directly to the Safeguarding Officer. When a complaint is made orally, the complaint must be reduced in writing, read over to the complainant, explain the same and obtain signature or thumb impression on the same.
2. Complaints can also be brought by someone else than the survivor of abuse, be it a witness, a relative, or a friend for instance. In any case, survivor's wishes must be considered, particularly when there is a risk of additional physical, and/or emotional harm. The allegation reporter is entitled to protection in case there is a risk of retaliation.
3. In case the complainant is illiterate or disabled, she/he may be helped by any member of the ICC to reduce the complaint into writing, read and explain the same and get it signed or inscribe thumb impression by the complainant.
4. To the extent possible, the person making the allegation must provide the name of the accused, the victims, the description of the abuse together with relevant date, time, circumstances and the names and the addresses and contact numbers of the other persons who may have knowledge of the alleged abuse.
5. In case the allegation is against the Chairperson of the ICC, it shall be reported directly to the senior most member of the ICC. On receiving such complaint, the senior most member of the ICC conducts an inquiry along with other existing members of the ICC and submit a report to the Safeguarding Officer within a reasonable time for further directions. If a complaint is against any member of the ICC, such member shall recuse himself/herself from being part of the inquiry.
6. In case of allegation against the Superiors, Directors/Principals, or the Safeguarding Officer, it shall be reported to any member of the Province Safeguarding Team who has not been complained against and if a *prima facie* case is made out after the Preliminary Inquiry by the member/s of the Province Safeguarding Team, the matter shall be referred to the Major Superior. On receiving such complaint, the Major Superior shall cause to conduct a Preliminary Inquiry either personally or through another person to verify the genuineness of the allegation and if a *prima facie* case is made out, the Major Superior shall constitute a Special Inquiry Committee consisting of three members to conduct inquiry and submit a report within a reasonable time.
7. All the complaints shall be made **within a period of 3 months** from the date of the occurrence of the sex related case, sexual harassment, or maltreatment. However, delay in making the complaint may be condoned for valid reasons.

### **4.5.2. Preliminary Inquiry by the Chairperson of the ICC**

1. As soon as any complaint is received by the Chairperson of the ICC either directly or indirectly or the Chairperson on his own comes to know of any such allegation of the commission of sexual offence or maltreatment, he shall

- conduct a Preliminary Inquiry either personally or through an ad-hoc fact-finding person to know the genuineness of the allegation. Preliminary Inquiry shall be completed within five days from the date of receipt of the complaint.
2. Where the Preliminary Inquiry comes to the conclusion that the allegation of the commission of the sexual offence or maltreatment is *prima facie* made out or that there are strong indications to suspect the commission of the same, then the Chairperson shall forward the matter before the Safeguarding Officer for further directions.
  3. When the Safeguarding Officer sends back the matter to the Chairperson with a direction for further investigation and inquiry within five days of the receipt of the Preliminary Inquiry report, the ICC shall start its procedures according to this policy.

#### **4.5.3. Proceeding Before ICC**

1. The ICC shall examine cases of sexual offences and maltreatment referred to them. It shall receive the complaint in writing.
2. On receiving the complaint, the accused needs to be sent notice by registered post with acknowledgement or in-person and demanded of response within seven days. If the accused fails to reply, a second chance could be given for another seven days.
3. A notice containing the specific charges shall be given to the accused in writing fixing an appropriate date, time and place for the appearance of the accused directing him/her to submit a written reply.
4. The notice shall be served to the concerned persons by hand or by courier or by Registered/ Speed Post. The proof of service of notice should be kept as record.
5. Where the accused fails to appear before the ICC on the given date and time, he/she may be given another chance to appear before the ICC on another appropriate date and time.
6. On receiving his reply, if he does not accept his misconduct, the normal disciplinary procedures shall be followed.
7. The proceedings so commenced shall be duly informed to the victim or the complainant.
8. No advocates are allowed in any proceedings before the ICC
9. Further the ICC shall direct the victim and the accused to submit their respective list of documents and witnesses.
10. Thereafter the ICC shall have one or more sittings as may be required and receive the documents submitted by both sides and take statements of witnesses on both sides and both sides shall be allowed to cross-examine the witnesses of opposite parties.
11. If the victim is a child, and the provisions of Penal Code (*Amendment*) Act, No.16 of 2006 are applicable, the ICC shall report the same as per the provisions of Penal Code (*Amendment*) Act, No.16 of 2006.
12. After the completion of the submission of documents, recording the evidence and cross-examination, the ICC shall have one or more sittings and assess the

documents and evidence and shall give its finding on the allegation against the accused.

13. Such a finding shall be in the form of a report in writing giving reasons for their findings and recommendations in the report. It shall include the statements of both the victim and the accused, the evidence so recorded and the cross-examination of both the parties.
14. The ICC shall submit its report and the finding with all the documents to the Safeguarding Officer along with its recommendations of punishment/action.
15. The inquiry and the entire proceeding before the ICC shall be completed within a period of thirty days. However, this period can be extended depending upon the circumstances of the case.
16. If a complainant wishes to compromise or settle a child abuse case, it is important to understand that such cases typically fall under the purview of criminal law, and the ability to compromise may be limited because it involves public interest and the protection of vulnerable individuals.

#### **4.6 DISCIPLINARY ACTION**

Once the ICC submits its report to the Major Superior through the Safeguarding Officer, the Major Superior has to decide the next course of action. The Major Superior assisted by his consultative body such as superiors/directors and consultants shall take appropriate action in the matter. The type of action will depend on the findings of the inquiry report of the ICC and its recommendations as per the service conditions by the Major Superior and his consultative body. It may include the following;

- Warning letter
- Suspension with or without pay
- Withholding one time / all future increments or promotion
- Transfer/change of profession
- Termination of service

##### **4.6.1. Where The Accused Is Found Guilty of The Offence**

If the inquiry by the ICC comes to the finding that the said allegation of commission of an offence against the accused is proved, the Safeguarding Officer shall take appropriate action depending on the nature and gravity of offence and damage caused to the victim. If the offence calls for mandatory reporting to the police, the concerned person shall do the same as per the law.

##### **4.6.2. Where The Accused Is Not Found Guilty**

Where the accused person is found innocent, all charges are dropped and a note made in his/her personal file to that effect.

Complaints that are made maliciously or with *mala fide* intention and false accusations can have severe consequences, shall warrant strict disciplinary action by the Safeguarding Officer.

### **4.6.3. Right of Appeal**

Aggrieved by the decision of the Disciplinary Authority, the guilty may prefer an appeal to the Major Superior for appropriate action within 30 days from the date of communication of such decision.

Where the victim feels that the decision of the Safeguarding Officer is not fair and just, he / she may prefer an appeal to the Major Superior for appropriate punishment to the guilty. An appeal may be preferred to the Major Superior against the acquittal of the accused or fine imposed on the complainant. The decision of the Major Superior shall be final and binding on both the parties.

## **4.7 MAINTENANCE OF RECORDS**

The Disciplinary Authority shall maintain a file in every case/matter it considers. Each file shall contain a written description of the matter presented to the Safeguarding Officer; a written report of the investigation conducted and the decisions/agreements/settlements arrived at in individual case/matter.

All original material, evidence, reports on every case or matter considered are kept in a manner that ensures safety, confidentiality and availability for the future.

## **4.8 INTERACTION WITH THE MEDIA**

If any abuse case comes to the knowledge of the media, they will be interested in knowing the details of the case. They would like to ask questions from anyone who is in the premises. Each individual will be giving stories according to their version. Therefore, there is a need of appointing an official spokesperson for dealing with the media. The Major Superior will appoint a Spokesperson for the province who will closely collaborate with the Safeguarding Officer and the ICCs.

No member of the staff shall address the media about any matter in alleged abuse against a child or vulnerable adult, unless designated to do so. Appropriate response to a media query would be a simple 'no comment' and if necessary direct them to the designated media spokesperson of the province.

The designated media spokesperson appointed by the provincial will prepare press statements to be released periodically during an investigation and its conclusion wherever necessary.

## **4.9 EVALUATION AND MONITORING**

The Major Superior will be committed to the ongoing monitoring and evaluation of the procedures and behaviour protocols for the protection of the children and vulnerable persons. The Major Superior shall appoint a Jesuit or Jesuits (Safeguarding Officer or team) from time to time to enforce and review its safeguarding policy.

Every year each community and its work will undertake a risk assessment guided by the Safeguarding Officer regarding the safeguarding policy and incorporate the mitigating measures as per the policy requirement. Once a year there will be an opportunity for all members, staff, and volunteers to partake in a self-appraisal and peer appraisal to monitor the behaviour of each.

Annual report of the evaluation conducted in each community and its work with regards to compliance of this policy shall be submitted to the President of JCSA every

year through the Major Superior. Every three years the Policy will be reviewed at the province level by the Safeguarding Officer and the team appointed by the Major Superior to enforce and review its safeguarding policy.

#### **4.10 CONCLUSION**

What is stated in this Policy are only bare guidelines to safeguard children and vulnerable persons from any forms of sexual abuse and maltreatment. What is more important is to spread the awareness of the seriousness of sexual abuse and maltreatment among all the staff members, contractors, consultants, and all other people who come in contact with us. Our first priority is to prevent any sexual abuse in our communities and works. This policy emphasizes the need of safeguarding children and vulnerable persons in all our communities and works from any form of sexual abuse and maltreatment. For that, the preventive mechanisms shall be used very carefully.

The Policy also gives guidelines as to how to go about in case any sexual abuse or maltreatment of children and vulnerable persons takes place in any of our communities or works. It is not an all-inclusive and exhaustive procedure. Many a time, the nature or gravity of the offence alleged will determine the course of procedure that may be adopted. In grave matters appropriate legal advice and assistance need to be obtained by the authorities concerned as may be required. It is the bounden duty of every staff to live an exemplary life so that no such allegation of the offence is made against the institute or its staff.

#### **JESUIT AUTHORIZATION**

A Policy for Safeguarding Children and Vulnerable Persons from Abuse and Exploitation authorized by the Governance of: The Sri Lanka Province of the Society of Jesus

**Name:** Rev. Fr. Angelo Sujeewa Pathirana, S.J.

**Designation:** Major Superior

**Policy to be reviewed in June 2028**

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ANNEXURE – 1

**COMPLAINT**

Name of the complainant \_\_\_\_\_ Nationality \_\_\_\_\_

Address/Contact Details \_\_\_\_\_

National ID/Passport No. \_\_\_\_\_ Mobile No. \_\_\_\_\_

Age \_\_\_\_\_ Sex \_\_\_\_\_

Name of the person reporting (if different from complainant)

\_\_\_\_\_ Nationality \_\_\_\_\_

Address/contact details \_\_\_\_\_

National ID/Passport No. \_\_\_\_\_

Age \_\_\_\_\_ Sex \_\_\_\_\_

Name(s) and Address of parents/guardian, if under 18

\_\_\_\_\_

\_\_\_\_\_

Has the victim/guardian given consent to the completion of this form? YES/NO

\_\_\_\_\_

Date of incident(s) \_\_\_\_\_ Time of incident(s) \_\_\_\_\_ Location \_\_\_\_\_

\_\_\_\_\_

Physical/Emotional state of the victim (Describe any cuts, bruises, lacerations, behaviour, mood, etc.)

\_\_\_\_\_

\_\_\_\_\_

Witnesses' names and contact information

\_\_\_\_\_

\_\_\_\_\_

Brief description of incident(s) (attach extra pages if necessary)

Name of the accused person(s) \_\_\_\_\_ Job title of the accused person(s) \_\_\_\_\_

\_\_\_\_\_

Community or Work in which the accused Person(s) works

\_\_\_\_\_

Address of the accused person(s) (if known)

\_\_\_\_\_  
\_\_\_\_\_

Age \_\_\_\_\_ Sex \_\_\_\_\_

Physical description of the accused Person(s)

\_\_\_\_\_  
\_\_\_\_\_

Have the Police been contacted by the victim/guardian YES/NO

If yes, what happened

\_\_\_\_\_

If no, does the victim/guardian want police assistance, and if not, why

\_\_\_\_\_

Has the victim been informed about the available medical treatment YES/NO

If yes, has the victim sought medical treatment for the incident YES/NO

If yes, who provided treatment? What is the diagnosis and prognosis

\_\_\_\_\_

\_\_\_\_\_

Report completed by

\_\_\_\_\_

Name \_\_\_\_\_ Position/Organization

\_\_\_\_\_

Date, Time, Location

\_\_\_\_\_

Has the complainant been informed about the Organization's procedures for dealing with such complainants? YES/NO

Signature/Thumb impression of the complainant

\_\_\_\_\_

Received by: Name \_\_\_\_\_ Position \_\_\_\_\_ Signature

\_\_\_\_\_

ALL INFORMATION MUST BE HELD SECURELY AND HANDLED STRICTLY IN  
LINE WITH THE APPLICABLE REPORTING AND INVESTIGATION PROCEDURES  
OF THE COMMUNITY OR WORK

ANNEXURE – 2

**AFFIDAVIT**

I, (name), s/o (Father's/Husband's name) aged about (age), resident of (Address/Post Office, name of the Police Station and District) do hereby solemnly affirm and declare as follows:

1. That I am an applicant to the post of a .... teacher/Project Officer in .... (name of the institution/school/parish/social centre etc.), and I have been selected for the same post.
2. That I know that being a teacher/Project Officer in the Institution, I have to deal with children as well as the female teachers/co-workers in the Institution, and I am aware of the policy relating to the sexual abuse and sexual exploitation of the Institution to which I have been appointed.
3. That I shall behave with children and female colleagues with utmost respect and will not in any way behave in any sexually exploitative manner with them.
4. That in case of any allegation of misconduct is brought against me and it is found to be true, I may be dismissed from my present employment with immediate effect.
5. That I have not been accused in the past of any offences under the NCPA Act, No.50 of 1998, The Penal Code (Amendment) Act, No. 16 of 2006, Provisions of the Penal Code (e.g., Sections 365, 365A or 365B) which are applicable for the abuse of adults-vulnerable persons and any other sexual and/or violent crimes under any other Act or provision of the Penal Code for the time being in force, especially against women.
6. That I have no criminal cases pending against me in any courts in Sri Lanka or elsewhere.
7. That I have not been convicted of any offences by any courts in Sri Lanka or elsewhere.
8. That I have read the contents of this affidavit and understood the same and they are true to the best of my knowledge and belief.

Deponent

ANNEXURE - 3

**UNDERTAKING BY ALL THE STAFF MEMBERS (EXISTING AND NEWLY APPOINTED)**

I.....a staff of ..... have read and understood the Policy guiding the Institution for protection of children and vulnerable persons from sexual abuse and maltreatment. I hereby declare and affirm that I agree to adhere and abide by the said Policy and guidelines. In case of any violations of the said Policy in my direct and indirect interactions with the children and the vulnerable persons, I will be solely responsible and the Institution will have no liability of my actions. In case of any violations of the said Policy, the Institution may terminate the employment/association/relationship/collaboration/network and/or take suitable disciplinary and/or legal actions as per the applicable laws and rules of the country and the state. In furtherance of my resolve to adhere to the Policy thereof in the performance of my duties, I will: -

- 1) Treat all children and vulnerable persons with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic, or social origin and disability;
- 2) Will not take children or vulnerable persons in closed and secluded areas, for example: my room, office, centre, classrooms, etc. unless accompanied by other persons or in a group;
- 3) Ensure that all trips, rides, vacations, camps, and other such activities minors and vulnerable persons have the approval of the parents/guardians and/or the appropriate institution prior to the activity;
- 4) Ensure that when one-to-one meeting with a child/vulnerable person is considered appropriate, it will take place in a room with the door left open or in a room where there is easy visibility from the outside. All efforts shall be made to make the child/vulnerable person feel secure;
- 5) Avoid being over involved or spending a great deal of time with any one child/vulnerable person;
- 6) Will not provide children/vulnerable person with alcoholic beverages, tobacco, drugs, or anything that is prohibited by law;
- 7) Will not give gifts to children studying in the schools and vulnerable persons working in the institutions and centres except on special occasions like marriage, birthday, anniversary, etc.;
- 8) Will not contact children and vulnerable persons by phone or email or social media unless necessary. My primary contact will be with the parents/guardians of the children/vulnerable persons;
- 9) Will not discuss such topics with children or vulnerable persons or use vocabulary, recordings, films, games or computer software or any other form of personal interaction or entertainment that is not used comfortably in the presence of the parents/persons; will never show sexually explicitly or pornographic materials to children and vulnerable persons;

- 10) Will not make comments of a sexual nature even as jokes with the children and vulnerable persons
- 11) Will never shame or belittle a child or vulnerable persons in front of others;
- 12) Will not engage in any physical punishment of any child in public or private;
- 13) Will avoid showing favouritism;
- 14) Will use touch only as appropriate or as the culture of the place;
- 15) Will never do for a child or vulnerable person what s/he can do for himself or herself;
- 16) Will not undermine the parent's authority by ridiculing parent's beliefs or allowing children to do anything against the wishes of their parents;
- 17) Will never ask the children to keep secret from his or her parents;
- 18) Will not make any sexual advances and various types of inappropriate physical contact and any form of sexual harassment;
- 19) Will not make any request to children or vulnerable persons for sexual favours in return for some benefit;
- 20) Will not use language that will mentally or emotionally abuse the child or the vulnerable persons;
- 21) Will not act in such a way that tends to embarrass, shame, humiliate or degrade a child or vulnerable person;
- 22) Will not kiss, hug, fondle, rub or touch a child in an inappropriate or culturally insensitive way;
- 23) Will not take photographs of children or vulnerable persons while they are nude, partially nude or undressing;
- 24) Will not suggest inappropriate behaviour or relationship of any kind with a child or vulnerable person;
- 25) Will not engage in any sexual conversation or discussion about sexual activities unless part of a legitimate lesson and discussion approved for teaching sexuality issues;
- 26) Will not expose areas of my body considered private, in an inappropriate manner in the presence of children and vulnerable persons;
- 27) Will not enter any area of privacy for children or vulnerable persons, unless legitimate work of the institute/programme requires to.

I understand that in the discharge of my duties the responsibility on me, as a staff member of ....., to use common sense and avoid actions or behaviours that could be construed as sexual abuse or maltreatment of a child or vulnerable person.

Signed \_\_\_\_\_ Dated: \_\_\_\_\_

Name \_\_\_\_\_

Signature of the Superior/Director/Principal & Seal \_\_\_\_\_