

RULES AND PROCEDURES TO GUARANTEE THE PROTECTION OF MINORS AND VULNERABLE PERSONS*

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1. OUR COMMITMENT

"Like a loving mother, the Church loves all her children, but she cares for the smallest and helpless with a particular affection: it is a duty that Christ Himself entrusts to the whole Christian community as a whole. Aware of this, the Church is vigilantly monitoring the protection of children and vulnerable adults. »

Pope Francis 4th June 2016

Apostolic letter in the form of a Motu Proprio "Like a loving mother"

Together with the whole Church, the Emmanuel Community is committed with determination to the protection of children and young people and vulnerable people, so that the Church is "a safe home" for those who come to find refreshment there.

In June 2019, the Community set up a Commission for the Prevention and Fight against Abuse (CPLA) whose existence will be enshrined in its statutes.

The commission has established Rules and Procedures. It undertakes to ensure that these are put into practice in all Community activities and/or missions. It also undertakes to have an audit by an independent body every 5 years maximum of the gap that may exist between the Rules and Procedures, and their implementation.

Any member of the Community may ask the commission for advice or to listen to a suspected abuse which involves a member of the Community (as a victim or alleged perpetrator) or which has occurred in the course of an activity or mission of the Community.

The commission undertakes to respond to any person who requests it, to assess the situation presented to it and to follow up its resolution.

As soon as it is established that the judicial bodies of the state or the canonical bodies of the Church are not directly involved in a situation, the commission is obliged to listen to all stakeholders.

2. PREVENTION

a. REGARDING MEMBERS OF THE COMMUNITY AND WITHIN ITS ACTIVITIES AND MISSIONS

Raising awareness among the members of the Community makes it possible for them to be involved and mobilizes them in this common fight against abuse, both for the life itself of the Community and in all the missions carried out by it.

Ordained ministers and seminarians, as well as consecrated ministers for the Kingdom, receive ad hoc training in their curriculum of study, and also participate in ongoing formation organized by the dioceses and the Community.

As part of the Community's activities and missions, this prevention also involves informing as many people as possible, facilitating an awareness-raising time, and setting up listening spaces where-ever possible.

As a reminder, at all gathering places welcoming the public, it is requested that the emails and telephone numbers useful in case of abuse be displayed:

- 119 – ‘Allo Enfance en danger’ (‘Hello children in danger)
- 0 800 20 22 23 – Jeunes Violence Ecoute (Young people Violence Listening)
- 0 800 05 12 34 – Enfance et Partage (Children and Sharing)
- 116 006 France Victime ou par mail : victimes@france-victimes.fr (France Victim or by email)

If a listening service is set up, it is also requested that the articles of law relating to the obligation to report should be posted.

In addition, a link concerning the prevention and fight against abuse should be accessible on the Emmanuel Community website.

b. TO LEADERS AND THOSE ON MISSION TO CHILDREN AND ADOLESCENTS

Priority is given to raising awareness among those responsible and to having those involved in education sign a charter, regardless of the duration of their mission with children and adolescents (see Appendix 1).

Collective prevention must pass by:

- The obligation of teamwork
- Vigilance of all in detecting warning signs that may be sent by children and young people (see Appendix 2).

In gathering places for a multi-day activity open to the public, here are the rules prescribed **when registering for a mission with minors:**

- **Presentation of the extract n° 3 of the criminal record** by the persons in charge during this mission (heads of the service and responsible for the age groups):
<https://casier-judiciaire.justice.gouv.fr/pages/accueil.xhtml>
- **Presentation by the priests of their *celebret* and a *letter of identity*** for the current year previously requested from the chancellery of their diocese (cf. Appendix 3).

If they are unable to immediately present these documents, an email will be sent to the bishop of incardination asking him to confirm that none of them is subject to any impediment, sanction or canonical inquiry or legal procedure in progress (see Appendix 4).

- If the diocese does not respond, the priest will not be able to work with children and young people.
- If the diocese gives an unfavourable opinion, the priest will not be able to work with children and young people. The person in charge of priests, or his delegate, will contact the priest and the bishop to whom he belongs.

The procedure applies to priests, regardless of their nationality.

c. TO LEADERS AND PERSONS IN A SITUATION OF LISTENING AND SPIRITUAL ACCOMPANIMENT

Vigilance is required by those in charge of discerning the choice of persons in service.

For those in a listening and support situation, the leaders are responsible for reminding them that the confidentiality of exchanges is limited to the obligations of the law which are imposed on all in the case of revelation characterised by the law of a presumed crime or misdemeanour, in particular on a minor under the age of 15.

For people who are listening, managers must also send them the recommendations and good practices sheets established by the commission and ensure that they have read them (see annexes 5 and 6).

d. BEHAVIOUR AND CONDUCT TO BE FOLLOWED

Whatever their mission, any person (priest or layman) in contact with minors and/or vulnerable adults is required to implement measures of prudence and respect in their relationship with others:

- **Respect for everyone's places and roles:**
 - The right distance in the relationship
 - Vigilance that adults do not put themselves "at the same level" as minors, and vice versa
- **Respect for the other as a person in his own right:**
 - Refusal of any possession, domination or manipulative seduction towards the other
 - Acceptance and encouragement for the other to find his or her own individual and unique path according to his or her own talents and needs
- **Respect for the law and the common good:**
 - The law is the common principle that is binding on all
 - The law prohibits, it puts distance between the subject and their immediate desires
 - The law guarantees the safety and integrity of everyone

These measures of prudence and respect help to recall the **3 prohibitions** that structure the educational relationship:

- **The prohibition of fusion** which denies people their individuality.
- **The prohibition of lies** that manipulate people and institutions.
- **The prohibition of violence** which kills trust and crushes the corporal integrity and psychology of the person.

These measures also involve compliance with the following:

- Any isolation of an animator with a young person is prohibited
- All actions must be able to withstand the scrutiny of others
- All exchanges, including confession, should take place in dedicated and visible spaces.
- No minor may be admitted to an adult's room
- Dress and general behaviour must be sober
- Gestures and expressions of affection must respect caution and reserve.

As a reminder, in case of a residential stay, the law requires:

- That sleeping spaces for minors / vulnerable adults are distinguished from those of other adults
- Not to be present when minors / vulnerable persons are naked, especially when they are changing or taking a shower.

3. MANAGING THE DISCLOSURE OF A CASE OF SEXUAL VIOLENCE

a. PROCESS

In the event of the disclosure of an abuse, whatever its nature and the date of the alleged facts, it is asked to never remain alone with what has been heard or seen, but to talk about it to one's leaders and/or the commission. These recommendations also deal with cases of suspicions or rumours of abuse. They apply to anyone.

Here is a list of bodies that can be contacted to alert and to be advised:

- La CPLA : cpla@emmanuelco.org
- A diocesan body for listening (in France : paroledevictimes@cef.fr)
- An association for helping victims.
- In France :
119 or the departmental CRIP¹ in the case of a minor
The Social Aide Service to Children (ASE)
Social assistance for the sector (town hall or MDS²)

These various bodies will be able to assess the situation and indicate any steps to be taken (see Annexes 7 and 8).

b. PROTECTIVE MEASURES

In the case of a disclosure of abuse suffered by a minor, the priority is to ensure, in conjunction with those responsible, that the accused person is no longer in contact with the alleged victim.

Leaders must warn parents or legal guardians **unless** they are involved in the alleged abuse. In this case, the police must be contacted.

In addition, it is imperative that those responsible protect all minors present against the risk of a repeat offense, and accompany all those who may have witnessed or had knowledge of the facts.

To ensure this protection, those responsible must have a good knowledge of the legal provisions in force in their countries.

These steps must be carried out in close cooperation with the CPLA, while preserving the presumption of innocence of the accused person.

¹ CRIP : Cellule de Recueil et de traitement des Informations Préoccupantes (Cell for recall and treatment of worrying information).

² MDS : Maison Des Solidarités (House of Solidarities)

4. VICTIM SUPPORT

a. THE RECEPTION OF CONFIDENCES

All revelations of abuse require a great deal of courage and energy on the part of the person who confides. The listener must therefore have a caring and compassionate attitude and be attentive in testifying to the alleged victim that he or she is heard in what he or she needs to express.

As you listen to the revelation, it is important to take care to:

- Welcome what the person says without trying to verify if their words are plausible. Do not question what is being said.
- Rephrase the person's words from time to time using their words as much as possible, to allow them to confirm or clarify what they are expressing.
- Do not investigate the precise circumstances of the facts, but collect the following information if possible:
 - o Was the person a minor or an adult at the time of the facts?
 - o Is the aggressor known? (Adult, minor, family member, priest...)?
 - o Has the person ever told someone else?
 - o Has there been any action taken as a result of this?
- Do not make personal comments, adopt a neutral and soothing tone.
- Do not hesitate to tell the person that it is brave of them to come and talk about what they have experienced.
- Encourage the person to meet professionals (lawyer, psychologist etc) and to contact a body in their diocese that will listen, if the person accused was on mission in the Church at the time of the facts.
- Indicate to the person that the content of their disclosure will remain confidential within the limits of the obligations imposed on everyone by law.
- If necessary, tell the person that, given the importance of the facts revealed, this information must be reported to those responsible.

b. THE HELP GIVEN BY THE CPLA

When their case has been heard, a report validated by the person listened to is established by the CPLA. The situation is then examined in committee to evaluate the various actions to be taken: listening to people involved, referral to the ecclesial authorities, etc. The CPLA informs the person listened to and ensures their proper implementation.

The CPLA is attentive to establishing a relationship of trust with victims and to directing them, if they wish, to competent bodies or professionals.

It remains attentive to all requests or questions, and is committed to maintaining contact with them.

5. COMMUNICATION

a. TO THE COMPETENT AUTHORITIES

In order to protect minors and vulnerable persons, the CPLA undertakes to inform the competent authorities of any situation of abuse falling under a legal obligation to report. This is done in compliance with the presumption of innocence of the accused person.

The CPLA may thus be required to send a report:

1. To the Public Prosecutor
2. In the case of a cleric, to the bishop of the diocese where the facts occurred and to his bishop of incardination

It can also send Information of concern to the departmental CRIP if the facts concern a minor.

b. TO THE PUBLIC

Internal and external communication, where necessary and useful, must be carried out in accordance with the following fundamental principles:

- Focus above all on the victim and family
- Respect for the presumption of innocence
- Report factually the situation
- State the measures taken internally and recall our protective measures
- Discuss our collaboration with judicial and ecclesial bodies

APPENDIX 1**CHARTER FOR THE SUPERVISOR IN CHARGE OF CHILDREN OR ADOLESCENTS**

"The protection of minors and vulnerable persons is an integral part of the Gospel message that the Church and all her members are called to spread. Christ himself, in fact, entrusted us with the care and protection of the least and the defenseless. Therefore we all have the duty (...) to create a safe environment for them."

Pope Francis 29th March 2019

Motu proprio on the protection of minors and vulnerable persons

To respond to this call, and in accordance with French law, I pay particular attention to the protection of any minor or vulnerable person.

To this end,

I am committed in my educational relationships to the fact that they are:

- **Chaste** because the other is a respected subject and not possessed
- **In truth and in freedom** to help the other to find his individual and unique way
- **Within the meaning of the law** and free from any violence

I engage in my animation methods :

- **To be attentive** to everyone and **vigilant** regarding unusual behaviors and report them to those responsible
- **Not to act in isolation**, to be accountable to those responsible, to create spaces to free up the children's voices, and to be in touch with parents
- **To a correct positioning** of my place and my role in the mission to young people

DECLARATION ON HONOUR

I, the undersigned,

Place of residence

.....

Email Phone

I certify on my honor that I have read the charter of supervisors and undertake to respect its provisions. I certify that I have never committed acts of abuse on minors and have never been convicted of any of the following offences: sexual assault, sexual assault, rape, of the production, dissemination, possession and habitual viewing of pornographic images involving minors, or any other offence that harms the emotional, physical or sexual integrity of a minor.

I am aware that this certificate may be produced in court and that any false declaration on my part exposes me to criminal sanctions.

Declared at: Date / /

Signature :

The information collected will not be subject to computer processing, but is intended for the follow-up of members or facilitators participating in these meetings for associative purposes only. You have a right of access, information, rectification, portability, opposition, revocation of your consent, deletion, a right for this data to be forgotten at any time, as well as a right to information of any security breach.

APPENDIX 2

WARNING SIGNALS THAT MUST BE BROUGHT TO OUR ATTENTION, ESPECIALLY IF THEY ACCUMULATE

Regarding childhood

- - Sadness, silence, crying for no apparent reason;
- - Lack of interest in everything, even playing;
- - Stomach aches, headaches, or other pains, frequent use of the infirmary;
- - Distrust, fear of adults, or on the contrary, clinging to one of them;
- - The clear refusal to go somewhere, with someone or at someone's house;
- - Sudden changes in behaviour: deterioration in school results, appearance of nightmares, insomnia, eating disorders;
- - A hyper agitation, a compulsive masturbation, a search for strong sensations;
- - A provocative vocabulary, with expressions and allusions related to sex life that do not seem to be of their age;
- - Excessive voyeuristic or exhibitionist behaviour;
- - Aggression towards other children, games that mimic sexualized or violent gestures, cruelty towards animals;
- - Fear of any physical contact, on the part of anyone, the refusal of girls, for example, to wear dresses or skirts;
- - Laxity, lack of hygiene, encopresis, enuresis...

In adolescence

- - Depressions and suicide attempts, self-inflicted injuries, scarification;
- - Anorexia and bulimia, eating disorders;
- - Absenteeism and failure at school;
- - Runaways, sexual provocation, aggressiveness, aggression, aggression in turn, towards younger children;
- - Alcohol and drug use, high-risk driving;
- - Relational isolation, engrossment in video games

In general, special attention should be paid to certain children or adolescents who are more accessible targets:

- - Those who live in retreat, or play the role of "Turkish head" of the other members of the group
- - Those who have to make many journeys alone, those who spend many moments alone at home or on the street.
- - Those who are clearly frail or disabled
- -

APPENDIX 3**LETTER OF IDENTITY FOR A CLERIC**

Name and surname: _____

Born on: _____ at _____,

Ordained on: _____ at _____

For the Diocese of: _____

Current mission:

He is a priest in full communion with his bishop and has the necessary powers and faculties for the exercise of priestly ministry. I confirm that this priest is not subject to any impediment, sanction, canonical investigation or subject to ongoing legal proceedings.

Consequently, I consider that this priest possesses the necessary character to exercise a pastoral ministry with children, young people or vulnerable adults.

Signed on _____ at _____

Bishop:

Diocese:

Seal

APPENDIX 4**STANDARD MAIL PROJECT FOR DIOCESES**

Dear Bishop,

In the context of the prevention and management of abuses against minors and vulnerable persons set up within the Emmanuel Community, and particularly for the summer sessions at Paray-le-Monial, we have been led to strengthen our rules and procedures relating to the pastoral care of the persons concerned.

That is why we are submitting to you the list of priests and incardinated deacons in your diocese who have registered for the sessions. We would be grateful if you could ensure that none of them are subject to any impediment, sanction, canonical investigation or ongoing legal proceedings.

With kind regards,

The Priest Service of the
Emmanuel Community

APPENDIX 5

INFORMATION FOR THOSE WHO LISTEN³

Since 2019, the Community has set up a Commission for the Prevention and Fight against Abuse (CPLA). In this context, in the case of a revelation of abuse or serious mistreatment, it asks all listeners to respect the following rules:

- Tell the person listened to that given the importance of the facts:
 - o You must report this information to the people in charge of the listening department. They will inform the CPLA, which will assess whether this information could be reported in compliance with the legal obligations imposed on all.⁴
- Tell the person that, if they wish to be helped, they can contact:
 - o The Commission of the Community: cpla@emmanuelco.org
 - o A listening cell of a diocese or a victims' association⁵
- As far as possible, collect the surname, first name, age, email and/or telephone number
- Make a written report of the facts revealed and transmit it to the heads of the listening service, giving as precisely as possible the terms used by the person listened to.

In such a situation, it is important that listeners:

- Demonstrate a compassionate attitude towards the person listened to (Cf. position sheet)
- Do not keep the information to yourself but talk to those in charge.
- Undertake to transmit only information concerning the disclosure of abuse (duty of confidentiality).
- Listeners and the listening service are limited to collecting and transmitting information and not to assessing the nature of the facts revealed and the follow-up to be given to them.

³ In the context of the listening service, the sessions, retreats, and courses organised by the Emmanuel Community

⁴ **Article 434-1 of the Penal Code**

Article 434-3 of the Penal Code

Article 223-6 of the Penal Code

Decision of the Cassation Court of 14th April 2021

⁵ Numbers (in France): France Victimes : 116 006 or victimes@france-victimes.fr / or le 119

Appendix 6

REFERENCE POINTS AND POSITIONS FOR LISTENING IN CASES OF REVELATION OF ABUSE

1. Accept what the person says without trying to verify if his words are plausible. Do not question what is being said.
2. Reformulate from time to time the words of the person using as much as possible their words (Example: you just told me that..., if I understood you correctly, you just told me that...). This allows the person being listened to to confirm or clarify what they are expressing.
3. The listener should not investigate the precise circumstances of the facts but collect the following information if possible:
 - Was the person a minor or an adult at the time of the facts?
 - Is the aggressor known? (adult, minor, family member, priest...)?
 - Has the person ever told anyone else?
 - Has there been any action taken as a result of this?

Do not forget that it takes a lot of courage and personal energy to come and reveal that you have been abused. The listener must therefore have a benevolent and compassionate attitude, and be attentive to testifying to the person that he is heard in what he needs to express. Do not make personal comments, and do adopt a neutral and soothing tone.

- Do not hesitate to tell the person that he had the courage to come and make the approach to the listening service.
- If you pray together, do it as soberly as possible. It is simply necessary to entrust the situation to the Lord.
- Inform the person that what he has just revealed is important and that the listener must talk to the people in charge of the listening service who will himself inform the CPLA. Indicate to the person that they can contact the CPLA themselves
- Encourage the person to meet professionals (lawyer, psychologist etc) and to contact a listening cell of his diocese.

NB: not all these benchmarks are a chronological instruction manual. They are part of a position of welcome and compassion because listening is a living moment between 2 people that requires adapting to what the other expresses.

APPENDIX 7

DEFINITIONS

Les violences sexuelles portent **atteinte aux droits fondamentaux de la personne** notamment à son intégrité physique et psychologique. Elles sont l'expression de la volonté de pouvoir de l'auteur présumé qui veut assujettir la victime. **Le responsable de l'agression sexuelle est l'auteur quelles que soient les circonstances de la violence sexuelle.**

Tout acte sexuel (attouchements, caresses, pénétration...) commis avec violence, contrainte, menace ou surprise est INTERDIT par la loi et SANCTIONNE pénalement.

La contrainte suppose l'existence de pressions physiques ou morales. Par exemple, elle peut résulter de l'autorité qu'exerce l'auteur sur la victime. **La menace** peut être le fait pour l'auteur d'annoncer des représailles en cas de refus de la victime. Il y a recours à **la surprise** lorsque par exemple la victime était inconsciente ou en état d'alcoolémie.

La loi distingue le viol des autres agressions sexuelles.

Le viol (cf Article 222-23 à 222-26 du code pénal)

Le **viol** est un **crime**. Il est défini par le code pénal comme « *tout acte de pénétration sexuelle, de quelque nature qu'il soit, commis sur la personne d'autrui par violence, contrainte, menace ou surprise.* » Tout acte de pénétration sexuelle est visé : buccale, vaginale, anale, par le sexe, par le doigt, par un objet.

La peine encourue est de 15 ans d'emprisonnement. Elle est de 20 ans d'emprisonnement si le viol est commis avec une ou plusieurs circonstances aggravantes. En voici quelques-unes :

- si l'acte a été commis par le conjoint, le concubin ou le partenaire lié à la victime par un Pacs ou ex-conjoint, ex-concubin ou ex-pacsé.
- lorsque la victime a été mise en contact avec l'auteur des faits par Internet.
- si la victime était particulièrement vulnérable (personne infirme, malade, enceinte).
- lorsqu'elle est commise par un ascendant ou par toute autre personne ayant sur la victime une autorité de droit ou de fait.
- lorsqu'elle est commise par une personne qui abuse de l'autorité que lui confèrent ses fonctions.
- lorsqu'elle est commise par plusieurs personnes agissant en qualité d'auteur ou de complice.
- si l'acte a été commis sous l'emprise de l'alcool ou de produits stupéfiants ou avec l'usage ou la menace d'une arme ou encore par plusieurs personnes (auteur ou complice).

La juridiction compétente est la cour d'assises. La victime peut demander le huis clos. La victime majeure doit déposer plainte dans un délai de 10 ans après le viol. Ce délai est porté à 20 ans après la majorité de la victime si le viol a été commis sur une personne mineure. Au-delà de ce délai, les faits sont prescrits.

Les agressions sexuelles (cf Article 222-27 à 222-30 du code pénal)

Les agressions sexuelles autres que le viol sont des **délits**. Elles sont définies comme « *un acte à caractère sexuel sans pénétration commis sur la personne d'autrui, par violence, contrainte, menace ou surprise* ». Il peut s'agir par exemple de caresses ou d'attouchements de nature sexuelle.

Depuis 2013, constitue également une agression sexuelle « *le fait de contraindre une personne par la violence, la menace ou la surprise à se livrer à des activités sexuelles avec un tiers* » (Article 222-22-2 du code pénal). La peine encourue est de 5 ans et de 75 000 € d'amende. Elle est augmentée jusqu'à

7 ou 10 ans lorsque l'agression est commise avec une ou plusieurs circonstances aggravantes mentionnées ci-dessus pour le viol. La juridiction compétente est le tribunal correctionnel.

La victime majeure doit déposer plainte dans un délai de 3 ans après l'agression sexuelle. Au-delà, les faits sont prescrits. Ce délai est porté à 20 ans après la majorité de la victime si l'agression sexuelle a été commise sur une personne mineure de moins de 15 ans ou sur un mineur par un ascendant, une personne ayant autorité, ou par plusieurs personnes. C'est-à-dire que la victime peut porter plainte jusqu'à ses trente-huit ans. Pour les autres agressions sexuelles commises sur un mineur le délai est porté à 10 ans C'est-à-dire que la victime peut porter plainte jusqu'à ses vingt-huit ans.

L'atteinte sexuelle : (cf Article 227-25 du code pénal)

Elle est définie par l'article 227-25 du code pénal : *"le fait, par un majeur, d'exercer sans violence, contrainte, menace ni surprise, une atteinte sexuelle sur la personne d'un mineur de 15 ans, est puni de cinq ans d'emprisonnement et de 75 000 euros d'amende."*

C'est un délit, l'auteur est donc jugé devant un tribunal correctionnel.

La société considère qu'un adulte ne doit pas avoir de relation sexuelle, ni commettre d'acte de nature sexuelle (caresses, attouchements...) avec un mineur de moins de 15 ans, quelles que soient les circonstances de cet acte. En France, **l'âge de la majorité sexuelle est fixé à 15 ans** : c'est l'âge à partir duquel avoir des relations sexuelles avec des majeurs n'est plus pénalement répréhensible. Exception toutefois : pour les mineurs âgés de 15 à 18 ans, l'atteinte sexuelle est constituée si la personne a autorité sur le mineur, de par ses liens avec lui (parent, grands-parents) ou sa fonction (professeur, entraîneur sportif...). L'infraction ne s'applique pas pour les relations sexuelles entre mineurs (toujours si elles se passent sans violence, menace, contrainte ni surprise ; sinon le mineur peut, bien sûr, être poursuivi pour viol ou agression sexuelle).

L'exhibition sexuelle (cf Article 222-32 du code pénal)

L'exhibition sexuelle est un délit défini par le code pénal comme « *le fait d'imposer une exhibition sexuelle à la vue d'une personne non consentante dans un lieu accessible aux regards du public* ».

La victime doit déposer plainte dans un délai de 3 ans après l'exhibition.

La juridiction compétente est le tribunal correctionnel. La peine encourue est de 1 an d'emprisonnement et de 15 000 euros d'amende.

Parmi les dispositions assez nombreuses de la loi n°2013-711 du 5 août 2013 portant diverses dispositions d'adaptation dans le domaine de la justice en application du droit de l'Union européenne et des engagements internationaux de la France, un certain nombre concernent la protection des mineurs et la transposition de la directive 2011/93/UE du Parlement européen et du Conseil du 13 décembre 2011 relative à la lutte contre les abus sexuels et l'exploitation sexuelle des enfants, ainsi que la pédopornographie et remplaçant la décision-cadre 2004/68/JAI du Conseil.

Ainsi, l'article 227-23 du code pénal décrivant l'interdiction de la **pédopornographie** et les infractions associées devient (**en gras** les modifications):

Le fait, en vue de sa diffusion, de fixer, d'enregistrer ou de transmettre l'image ou la représentation d'un mineur lorsque cette image ou cette représentation présente un caractère pornographique est puni de cinq ans d'emprisonnement et de 75 000 euros d'amende. **Lorsque l'image ou la représentation concerne un mineur de quinze ans, ces faits sont punis même s'ils n'ont pas été commis en vue de la diffusion de cette image ou représentation.**

Le fait d'offrir, de rendre disponible ou de diffuser une telle image ou représentation, par quelque moyen que ce soit, de l'importer ou de l'exporter, de la faire importer ou de la faire exporter, est puni des mêmes peines.

Les peines sont portées à sept ans d'emprisonnement et à 100 000 euros d'amende lorsqu'il a été utilisé, pour la diffusion de l'image ou de la représentation du mineur à destination d'un public non déterminé, un réseau de communications électroniques.

Le fait de consulter habituellement **ou en contrepartie d'un paiement** un service de communication au public en ligne mettant à disposition une telle image ou représentation, **d'acquérir ou** de détenir une telle image ou représentation par quelque moyen que ce soit est puni de deux ans d'emprisonnement et 30 000 euros d'amende.

Les infractions prévues au présent article sont punies de dix ans d'emprisonnement et de 500 000 euros d'amende lorsqu'elles sont commises en bande organisée.

La tentative des délits prévus au présent article est punie des mêmes peines.

Les dispositions du présent article sont également applicables aux images pornographiques d'une personne dont l'aspect physique est celui d'un mineur, sauf s'il est établi que cette personne était âgée de dix-huit ans au jour de la fixation ou de l'enregistrement de son image.

La définition de la corruption d'un mineur est aussi aménagée, article 227-22 du code pénal :

Le fait de favoriser ou de tenter de favoriser la corruption d'un mineur est puni de cinq ans d'emprisonnement et de 75 000 euros d'amende. Ces peines sont portées à sept ans d'emprisonnement et 100 000 euros d'amende lorsque le mineur a été mis en contact avec l'auteur des faits grâce à l'utilisation, pour la diffusion de messages à destination d'un public non déterminé, d'un réseau de communications électroniques ou que les faits sont commis dans les établissements d'enseignement ou d'éducation ou dans les locaux de l'administration, ainsi que, lors des entrées ou sorties des élèves ou du public ou dans un temps très voisin de celles-ci, aux abords de ces établissements ou locaux.

Les mêmes peines sont notamment applicables au fait, commis par un majeur, d'organiser des réunions comportant des exhibitions ou des relations sexuelles auxquelles un mineur assiste ou participe ou d'assister en connaissance de cause à de telles réunions.

Les peines sont portées à dix ans d'emprisonnement et 1 000 000 euros d'amende lorsque les faits ont été commis en bande organisée ou à l'encontre d'un mineur de quinze ans.

Jusqu'à récemment, l'agression sexuelle était définie à l'article 222-22 du code pénal comme "toute atteinte sexuelle commise avec violence, contrainte, menace ou surprise". En cas de pénétration sexuelle, l'agression est qualifiée de viol. S'agissant des agressions sexuelles hors viol, la loi du 5 août 2013 qui intègre dans notre droit diverses normes européennes, ajoute un cas particulier d'agression sexuelle :

- article 222-22-2 du code pénal : "Constitue également une agression sexuelle le fait de contraindre une personne par la violence, la menace ou la surprise à subir une atteinte sexuelle de la part d'un tiers."

Par ailleurs, l'échelle des peines a été légèrement modifiée. Jusqu'à la loi d'août 2013, l'agression sexuelle autre que le viol était punie à la base de 5 ans de prison, et de 7 ans de prison notamment quand elle était commise sur un mineur de 15 ans ou sur une personne vulnérable. Dorénavant, en application de l'article 222-29-1 du code pénal, l'agression sexuelle contre un mineur de 15 ans est punie de 10 années de prison.

APPENDIX 8**DISPOSITIONS DU CODE PENAL SUR LES PRINCIPALES INFRACTIONS
ET NOTAMMENT CELLES RELATIVES AUX OBLIGATIONS DE DENONCIATION****Article 434-1**

- Modifié par LOI n°2016-297 du 14 mars 2016 - art. 45 (V)

Le fait, pour quiconque ayant connaissance d'un crime dont il est encore possible de prévenir ou de limiter les effets, ou dont les auteurs sont susceptibles de commettre de nouveaux crimes qui pourraient être empêchés, de ne pas en informer les autorités judiciaires ou administratives est puni de trois ans d'emprisonnement et de 45 000 euros d'amende.

Sont exceptés des dispositions qui précèdent, sauf en ce qui concerne les crimes commis sur les mineurs :

- Les parents en ligne directe et leurs conjoints, ainsi que les frères et sœurs et leurs conjoints, de l'auteur ou du complice du crime ;
- Le conjoint de l'auteur ou du complice du crime, ou la personne qui vit notoirement en situation maritale avec lui.

Sont également exceptées des dispositions du premier alinéa les personnes astreintes au secret dans les conditions prévues par l'article 226-13.

Article 434-3

- Modifié par LOI n°2018-703 du 3 août 2018 - art. 1
- Modifié par LOI n°2018-703 du 3 août 2018 - art. 5

Le fait, pour quiconque ayant connaissance de privations, de mauvais traitements ou d'agressions ou atteintes sexuelles infligés à un mineur ou à une personne qui n'est pas en mesure de se protéger en raison de son âge, d'une maladie, d'une infirmité, d'une déficience physique ou psychique ou d'un état de grossesse, de ne pas en informer les autorités judiciaires ou administratives ou de continuer à ne pas informer ces autorités tant que ces infractions n'ont pas cessé est puni de trois ans d'emprisonnement et de 45 000 euros d'amende.

Lorsque le défaut d'information concerne une infraction mentionnée au premier alinéa commise sur un mineur de quinze ans, les peines sont portées à cinq ans d'emprisonnement et 75 000 euros d'amende.

Sauf lorsque la loi en dispose autrement, sont exceptées des dispositions qui précèdent les personnes astreintes au secret dans les conditions prévues par l'article 226-13.