

PROTECTION OF CHILDREN

How to deal with acts of sexual abuse against minors



**GUIDELINES OF THE INSTITUTE OF
THE BROTHERS OF CHRISTIAN INSTRUCTION OF
PLOËRMEL**

Rome – June 2020

“In these schools, a complete human formation is given to the child’s heart as well as to his mind... The child acquires the knowledge that he will need in the future for whatever way of life that he may choose, and at the same time he is preserved from the bad habits that could spoil his entire life. ”

(Jean-Marie de la Mennais, on the occasion of the foundation of a school, in 1846, Sermons, II p. 796)

“The time has come when we must take a new direction in the field of education and of formation inside the seminaries and the religious communities we need men and women who are serious, generous, strong, capable of giving their lives for the weak and the underprivileged, and who would never let anyone steal the life of the innocents. ”

Don Fortunato Di Noto, founder of the association for the protection of childhood: METER)

INTRODUCTION

The General Chapter of 2012 entrusted the General Council with the task of verifying whether, in the Congregation and the Mennaisian Family, the integrity of each child and young person is fully respected.

Quoting the words of Pope Benedict XVI in his post synodal exhortation *Africae Munus* of November 19, 2011, (No. 67): "**We acknowledge that God wants every child to be happy and to smile [...]** ; his favour rests upon them 'for to such belongs the Kingdom of God' (Mk 10, 14)", the General Chapter asks the General Council to consider the following points:

- *Urge the whole Mennaisian Family "to deplore and forcefully denounce the intolerable treatment to which so many children are subjected throughout the world" (Africae Munus, No. 67), to provide the necessary structures in defense of their basic rights and/or to make use of existing ones.*
- *Ensure, in each Province and District that the guidelines relating to child safeguarding provided by local dioceses and local and national civil authorities are followed. In situations where such guidelines are absent, it is up to the Province or the District to formulate their own policy document.*
- *Encourage each Brother to maintain healthy, prudent relationships at all times, whilst still offering to others "the resources of his unfettered heart."(D 39)*

There are many ways of taking advantage of the fragility of children or of vulnerable persons, and of inflicting on them acts of physical or moral violence (ill treatments, exploitation of children, child soldiers, child trafficking, etc....) All those acts of violence of which children are victims, as well as those committed against vulnerable adults, are inadmissible and must be fought with energy.

In the present guidelines, the General Council of the Congregation will limit itself to the management of sexual abuse against minors or vulnerable persons, on account of the particularly serious nature of this type of abuse. These guidelines constitute an engagement which has a public character and are thus intended for the knowledge of everyone.

The objective of the General Council is to address first of all the Major Superiors to invite them, in this specific area, to exercise their pastoral mission of vigilance and care. It also wishes to challenge the entire Mennaisian Family, Brothers and Lay people so that, in each of our educational works, we are particularly careful to safeguard and promote the integrity of the person of each child and each young person, and of all vulnerable persons.

Throughout this document, we adopt the definitions of terms or expressions: "*offense of sexual abuse*", "*minor*" and "*vulnerable person*" provided by the "*Circular Letter*" of the Congregation of the Doctrine of the Faith "to help Episcopal conferences to establish Guidelines for the treatment of cases of sexual abuse committed by clerics against minors" and the Motu proprio of Pope Francis "*Vos estis lux mundi*". ¹

¹ These two documents are given in the Annex to this Protocol.

PROTECTION OF CHILDREN AGAINST ACTS OF SEXUAL ABUSE

We have been deeply affected by the great suffering that numerous children must have endured especially in educational institutions which were under the responsibility of the Church. The disclosures of these events have given rise to the indignation and the anger of many people.

As educators, especially as religious educators, it is impossible for us to ignore this problem. Everything that harms children or young people must mobilise all our energy. *"Take care not to despise any of these little ones,"* (Mt 18:10) says the Gospel. These words of Jesus are addressed to us as a warning and as a duty which we must consider as the very core of our educational relationship with children. This requires of each Brother and each layperson who works in a school or an educational centre under the responsibility of the Congregation a clear-sighted examination of his/her conduct and of his/her objectives.

Superiors have, in the past many years, taken up this problem in their meetings, either at the level of the Congregation, or with the religious authorities of their different countries (Episcopal Conferences, Conferences of Major Superiors), in order to find the right solution, while taking into consideration the legislation of each country.

With the help of the following guidelines, which offer general orientations, the Major Superiors are urged to make up, with the religious authorities of their countries, their own protocol.

Article 1: A Concept of Education

- 1.1-** Jean-Marie de la Mennais wanted that his schools give to the children the possibility of fulfilling all the potential of their human nature. The Brothers of Christian Instruction, founded for this educational mission, have as their principal objective to give a Christian education to the students in order to build a society based on evangelical values, which contain especially respect, liberty, truth and the sense of responsibility. All the words of our Founder to his Brothers are aimed at promoting the respect for the dignity of each child and the awakening of all the wealth of his personality. Through an excellent education based on the Gospel, his main preoccupation was to *"preserve the young ... from all the dangers that surround them..."*²
- 1.2-** *"The Brothers must strive to gain the trust, the respect and the affection of their students, but without getting familiar with them."* Thus spoke Jean-Marie de la Mennais to his Brothers, to whom he added, *"You must be the guardians of their innocence."*³
- 1.3-** Jean-Marie de la Mennais forbade any educational approach based on violence, be it in the form of corporal punishments or angry words. One day, he wrote to a Brother, *"With the children, be kind, patient and gentle, of course you must be firm sometimes but not rude, and never let yourself become impatient: you will have a much better*

² Sermons II, p. 485.

³ Rule of 1835.

*chance of correcting their bad conduct by being loved by them rather than by having them fear you."*⁴ He also said: "*Kindness is the best way of having your children do what you want them to do. If you scold them or punish them too much, they will bear ill feelings against you and become embittered.*"⁵

Article 2: Prevention of acts of sexual abuse against children or vulnerable persons.

In order that, in all our educational institutions, we be able to give to the children and young people, as well as to their parents, the greatest assurance, that they will receive an education based on the respect of their persons and the preoccupation of their integral growth, the Major Superiors and all those in functions of responsibility shall take the following points into serious consideration:

2.1- Mutual information between Superiors and the General Council.

- 2.1.1** Every Major Superior shall inform the General Council of the measures taken by the Episcopal Conference and/or the Religious Major Superiors Conference of his country.
- 2.1.2** If such measures do not exist, the Superior shall establish, together with his council, a protocol that gives precise lines of action concerning the handling of such wrongdoings. That protocol must receive approval by the Superior General and his Council.

2.2- Formation – Information.

- 2.2.1** Everything must be done so that the Brothers are informed of the measures taken by the civil authorities concerning acts of violence against children or young people, as well as the guidelines coming from the Episcopal Conference and/or Major Religious Superiors Conference.
- 2.2.2** The Major Superiors shall encourage their Brothers to attend sessions of formation organised by the dioceses where such sessions exist.
- 2.2.3** They shall also recommend prudence in the use of mass media, especially of the internet and of social networks.
- 2.2.4** It is also their responsibility to form and inform those who are responsible of the animation of the Schools, heads of educational establishments and all other persons who occupy posts of responsibility in our educational institutions.

2.3- Supervision of Educational Institutions.

- 2.3.1** The Major Superiors shall fulfil with a particular care their mission of vigilance by visiting regularly each of the educational institutions of which they are responsible. They shall listen willingly to anyone who would like to meet them.

2.4- Candidates to the Brotherhood.

- 2.4.1** Each Province or District shall see to it that, in accordance with the local ecclesiastical procedures, every candidate to the brotherhood is examined by a

⁴ To Br. Liguori-Marie Langlumé, 1845.

⁵ To Br. Lucien Deniau, 1835.

psychologist selected with reference to the Major Religious Superiors Conference of the country. That examination should take place before the entrance to the Novitiate, or, when this is not possible, before the first profession.

2.4.2 Those procedures will be examined at the time of the periodical meetings of the Major Superiors with the General Council.

2.5- Programme of Initial Formation.

2.5.1 Those in charge of initial formation shall establish a programme of formation, from the Postulate to the Scholasticate, which includes very clearly all the questions related to sexuality and to affective life, and shall give to the candidates a proper education on the use of mass media.

2.6- Child Protection Commission

2.6.1 Each Province or District has a Child Protection Commission whose mission is to:

- a- Sensitize the Brothers and Lay people who work in schools and educational centres placed under the responsibility of the Congregation with regard to sexual abuse of minors and vulnerable people.
- b- Prevent through formation, education and accompaniment
- c- Conduct the preliminary investigation in the event of a report of sexual abuse

2.6.2 The commission has at least three members appointed by the Major Superior with the consent of his council. Its mandate is three years, renewable indefinitely.

2.6.3 If necessary, the commission may call upon the assistance of a lawyer or other specialists.

Article 3: How to deal with a case of sexual abuse against a minor or a vulnerable person

3.1- When a case of sexual abuse is disclosed.

3.1.1 If the presumed assailant is a Brother of the Congregation, the Major Superior concerned must be informed as a matter of priority.

3.1.2 As soon as the Major Superior becomes aware of such an accusation, he shall inform the General Council and describe the way in which he intends to deal with the matter.

3.1.3 He will follow the guidelines of the Conference of Major Religious Superiors or those which have been drawn up by the Province or the District or those of the Congregation in the event that the first two are non-existent.

3.2- How to deal with the victim.

3.2.1 The Major Superior, in the presence of a member of the Provincial or District Child Protection Commission, has the possibility of receiving the victim to listen to him/her with compassion and empathy.

3.2.2 The Major Superior will then invite the victim – his/her parents, in the case of a child - to comply with the provisions of the legislation in force if he/she wishes to file a complaint.

3.2.3 Then, it is up to the lawyer or the Child Protection Commission to respond to any other request from the victim.

3.3- How to deal with the accused Brother

3.3.1 Concerning the Brother accused of alleged aggression, the Major Superior shall take care to accompany him personally or he may entrust another Brother with this mission.

3.3.2 The Brother in charge of this accompaniment will maintain with him a true relationship of fraternal help and support. He shall help him to protect his rights and his reputation as long as the accused Brother has not been certified guilty. He shall not pry into the facts that may have happened but will leave the matter into the hands of to the lawyer who will have been appointed or to the Child Protection Commission.

3.3.3 Concerning the Brother proven guilty, the Major Superior shall abide entirely by the legislation of the country and the decisions taken by the judicial authorities. He shall give his kind support to the Brother so as to help him become conscious of his responsibility, reform himself and change his behaviour in case of condemnation.

3.3.4 In any case whatsoever, the Major Superior shall not entrust a Brother known to be guilty with any work that would put him in contact with minors, whatever kind of work it may be.

3.3.5 If a Brother happens to be falsely accused of an act of sexual abuse against a minor or a vulnerable person, the Major Superior shall actively work at the reestablishment of that Brother's reputation and provide him with the appropriate care.

Article 4: Reporting

4.1- Obligation

4.1.1 Any Brother who has knowledge of information on facts referred to in article of the Motu proprio "*Vos estis lux mundi*", or justified reasons for believing that one of these facts has been committed 'has the obligation to report it immediately to the Major Superior or to the person designated by the Province or the District. Reports can always be sent directly to the General Council of the Congregation.

4.1.2 Any person may submit a report relating to the behaviours referred to in paragraph 1, by availing themselves of the conditions established in the preceding paragraph, or in any other appropriate manner.

4.1.3 In schools and educational centres under the responsibility of the Congregation, everyone is obliged to report crimes as well as attacks committed on minors or vulnerable persons, of which they are aware, by complying with civil law in force in the country.

4.2- Content

4.2.1 The alert must contain specific elements, such as indications of time and place of the facts, the designation of the persons implicated or informed and all other relevant information.

4.3- Reception

4.3.1 Each Province or District appoints a person whose mission is to receive the reports. This person's contact information must be public.

4.3.2 Reports to the General Council are sent to the following address: protectionenfance@lamennais.org or communicated directly to the Superior General.

4.4- Transmission

4.4.1 The person who receives the reports transmits them to the Major Superior who acknowledges receipt and entrusts the preliminary investigation to the Child Protection Commission.

Article 5: Investigation

5.1- Purpose

5.5.1 The purpose of the investigation is to establish the truth about what happened in the past, to suggest to the Major Superior all the measures to be taken so that this does not happen again in the future and to ensure that the principles of justice are respected.

5.2- Privacy

5.2.1 The preliminary investigation must be carried out with due regard for the protection of the confidentiality of the persons concerned and with the necessary attention to their reputation.

5.3- Time

5.3.1 The investigation must be concluded within a period not exceeding 90 days.

5.4- Persons responsible

5.4.1 The investigation is entrusted to the Provincial or District Child Protection Commission.

5.5- Provisional Measures

5.5.1 During the course of the investigation, the Major Superior, in agreement with the Superior General, may adopt provisional measures which he deems necessary against the accused person.

5.6- Funds

5.6.1 The funds necessary for the investigation are provided by the Province or the District.

5.7- Progress report

5.7.1 Every thirty days the Child Protection Commission provides the Major Superior and the Superior General with a progress report of the investigation.

5.8- Progress

5.8.1 The Child Protection Commission:

- a- Collects relevant information concerning the facts.
- b- Access information and documents for the purposes of the investigation held the various archives.
- c- Requests information from persons and institutions, also civilians that are able to provide useful information for the investigation.
- d- Receive and listens with compassion and impartiality to the victim(s) and the accused person. If it is a minor or a vulnerable person, this will be done in the presence of a parent or witness chosen by the victim.
- e- Acts with impartiality and without conflicts of interests. In the event that a member of the Child Protection Commission finds himself in a conflict of interest or is unable to maintain the necessary impartiality to guarantee the integrity of the investigation, he has the obligation to abstain and report the circumstance to the Major Superior who will replace him for the case in question.

5.9- Conclusion

- 5.9.1** The investigation concludes with a report signed by the members of the Child Protection and which is given to the Major Superior. If the accusation is deemed credible, the latter refers the case to the Superior General who, in turn, transmits it to the CIVSVA.

5.10- Information

- 5.10.1** After consulting the CICLSAL and the Superior General, the Major Superior informs the person claiming to have been offended, or his legal representatives, of the results of the investigation.

Article 6: Respect for State Laws

- 6.1-** These norms apply without prejudice to the rights and obligations established in each place by state laws, in particular with regard to obligations to reporting to the competent civil authorities.

Text approved by the Superior General with the consent of his Council

On 17th June 2020 in Rome (Italy)

Brother Hervé ZAMOR



ANNEX

PRELIMINARY INVESTIGATION

Roadmap

If an accusation seems likely, the Major Superior will forward the reported case to the Provincial or District Child Protection Commission, which will conduct the preliminary investigation.

Before launching the investigation, the members of the Child Protection Commission agree on the methodology they intend to use. As an indication, here is a proposed roadmap:

1- People to meet as far as possible:

- The person who made the report in order to gather as much information as possible about the reported abuse.
- People who live in the entourage of the person in question (work colleagues, community colleagues, students in their class, etc.)
- The alleged victim (if he is a minor or a vulnerable person, meeting in the presence of a parent or of his legal guardian)
- The judge or the prosecutor if the case is already referred to justice.
- Any other person likely to provide relevant information.

2- Questions to which the survey must provide answers:

- Are the facts proven or not? What are the circumstances?
- If true:
 - Is this an isolated case?
 - Is there a prescription?
 - The context of the abuse?
 - The seriousness of the case (frequency, duration, consequences for the victim(s)?)
 - The qualification of the case (rape, sexual misconduct, paedophilia, child pornography...)? Aggravating circumstances?
 - All other relevant details...

3- Possible proofs:

- Documentations (letters, photos, videos, medical examination, psychological follow-up...)
- Testimonials...
- All other relevant documentation...

CONGREGATIO PRO DOCTRINA FIDEI

CIRCULAR LETTER

**TO ASSIST EPISCOPAL CONFERENCES IN DEVELOPING GUIDELINES
FOR DEALING WITH CASES OF SEXUAL ABUSES OF MINORS PERPETRATED BY CLERICS**

Among the important responsibilities of the Diocesan Bishop in his task of assuring the common good of the faithful and, especially, the protection of children and of the young, is the duty he has to give an appropriate response to the cases of sexual abuse of minors by clerics in his diocese. Such a response entails the development of procedures suitable for assisting the victims of such abuse, and also for educating the ecclesial community concerning the protection of minors. A response will also make provision for the implementation of the appropriate canon law, and, at the same time, allow for the requirements of civil law.

I. General considerations:

a) The victims of sexual abuse:

The Church, in the person of the Bishop or his delegate, should be prepared to listen to the victims and their families, and to be committed to their spiritual and psychological assistance. In the course of his Apostolic trips our Holy Father, Benedict XVI, has given an eminent model of this with his availability to meet with and listen to the victims of sexual abuse. In these encounters the Holy Father has focused his attention on the victims with words of compassion and support, as we read in his Pastoral Letter to the Catholics of Ireland (n.6): "You have suffered grievously and I am truly sorry. I know that nothing can undo the wrong you have endured. Your trust has been betrayed and your dignity has been violated."

b) The protection of minors:

In some countries programs of education and prevention have been begun within the Church in order to ensure "safe environments" for minors. Such programs seek to help parents as well as those engaged in pastoral work and schools to recognise the signs of abuse and to take appropriate measures. These programmes have often been seen as models in the commitment to eliminate cases of sexual abuse of minors in society today.

c) The formation of future priests and religious:

In 2002, Pope John Paul II stated, "there is no place in the priesthood and religious life for those who would harm the young" (n. 3, Address to the American Cardinals, 23 April 2002). These words call to mind the specific responsibility of Bishops and Major Superiors and all those responsible for the formation of future priests and religious. The directions given in the Apostolic Exhortation Pastores Dabo Vobis as well as the instructions of the competent Dicasteries of the Holy See take on an even greater importance in assuring a proper discernment of vocations as well as a healthy human and spiritual formation of candidates. In particular, candidates should be formed in an appreciation of chastity and celibacy, and the responsibility of the cleric for spiritual fatherhood. Formation should also assure that the

candidates have an appreciation of the Church's discipline in these matters. More specific directions can be integrated into the formation programmes of Seminaries and houses of formation through the respective *Ratio institutionis sacerdotalis* of each nation, Institute of Consecrated Life and Society of Apostolic Life.

Particular attention, moreover, is to be given to the necessary exchange of information in regard to those candidates to priesthood or religious life who transfer from one Seminary to another, between different Dioceses, or between Religious Institutes and Dioceses.

d) Support of Priests

1. The bishop has the duty to treat all his priests as father and brother. With special attention, moreover, the bishop should care for the continuing formation of the clergy, especially in the first years after Ordination, promoting the importance of prayer and the mutual support of priestly fraternity. Priests are to be well informed of the damage done to victims of clerical sexual abuse. They should also be aware of their own responsibilities in this regard in both canon and civil law. They should as well be helped to recognise the potential signs of abuse perpetrated by anyone in relation to minors;

2. In dealing with cases of abuse which have been denounced to them the bishops are to follow as thoroughly as possible the discipline of Canon and Civil law, with respect for the rights of all parties;

3. The accused cleric is presumed innocent until the contrary is proven. Nonetheless the bishop is always able to limit the exercise of the cleric's ministry until the accusations are clarified. If the case so warrants, whatever measures can be taken to rehabilitate the good name of a Cleric wrongly accused should be done.

e) Cooperation with Civil Authority

Sexual abuse of minors is not just a Canonical delict but also a crime prosecuted by Civil law. Although relations with civil authority will differ in various countries, nevertheless it is important to cooperate with such authority within their responsibilities. Specifically, without prejudice to the Sacramental internal forum, the prescriptions of Civil law regarding the reporting of such crimes to the designated authority should always be followed. This collaboration, moreover, not only concerns cases of abuse committed by Clerics, but also those cases which involve Religious or lay persons who function in ecclesiastical structures.

II. A brief summary of the applicable canonical legislation concerning the delict of sexual abuse of minors perpetrated by a Cleric:

On 30th April 2001, Pope John Paul II promulgated the *motu proprio Sacramentorum sanctitatis tutela [SST]*, by which sexual abuse of a minor under 18 years of age committed by a Cleric was included in the list of more grave crimes (*delicta graviora*) reserved to the Congregation for the Doctrine of the Faith (CDF). Prescription for this delict was fixed at 10 years beginning at the completion of the 18th year of the victim. The norm of the *motu proprio* applied both to Latin and Eastern Clerics, as well as for Diocesan and religious Clergy.

In 2003, Cardinal Ratzinger, then Prefect of the CDF, obtained from Pope John Paul II the concession of some special faculties in order to provide greater flexibility in conducting penal processes for these more grave delicts. These measures included the use of the administrative penal process, and, in more serious cases, a request for dismissal from the clerical state *ex officio*. These faculties have now been incorporated in the revision of the *motu proprio* approved by the Holy Father, Benedict XVI, on 21st May 2010. In the new norms prescription, in the case of abuse of minors, is set for 20 years calculated from the completion of the 18th year of age of the victim. In individual cases, the CDF is able to derogate from prescription when indicated. The canonical delict of acquisition, possession or distribution of paedopornography is also specified in this revised *motu proprio*.

The responsibility for dealing with cases of sexual abuse of minors belongs, in the first place, to Bishops or Major Superiors. If an accusation seems true the Bishop or Major Superior, or a delegate, ought to carry out the preliminary investigation in accord with *CIC* can. 1717, *CCEO* can. 1468, and *SST* art. 16.

If the accusation is considered credible, it is required that the case be referred to the CDF. Once the case is studied the CDF will indicate the further steps to be taken. At the same time, the CDF will offer direction to assure that appropriate measures are taken which both guarantee a just process for the accused priest, respecting his fundamental right of defense, and care for the good of the Church, including the good of victims. In this regard, it should be noted that normally the imposition of a permanent penalty, such as dismissal from the clerical state, requires a penal judicial process. In accord with Canon law (cf. *CIC* can. 1342) the Ordinary is not able to decree permanent penalties by extrajudicial decree. The matter must be referred to the CDF which will make the definitive judgement on the guilt of the cleric and his unsuitability for ministry, as well as the consequent imposition of a perpetual penalty (*SST* art. 21, §2).

The canonical measures applied in dealing with a cleric found guilty of sexual abuse of a minor are generally of two kinds: 1) measures which completely restrict public ministry or at least exclude the cleric from any contact with minors. These measures can be reinforced with a penal precept; 2) ecclesiastical penalties, among which the most grave is the dismissal from the clerical state.

In some cases, at the request of the cleric himself, a dispensation from the obligations of the clerical state, including celibacy, can be given for the good of the Church (*pro bono Ecclesiae*).

The preliminary investigation, as well as the entire process, ought to be carried out with due respect for the privacy of the persons involved and due attention to their reputations.

Unless there are serious contrary indications, before a case is referred to the CDF, the accused cleric should be informed of the accusation which has been made, and given the opportunity to respond to it. The prudence of the bishop will determine what information will be communicated to the accused in the course of the preliminary investigation.

It remains the duty of the Bishop or the Major Superior to provide for the common good by determining what precautionary measures of *CIC* can. 1722 and *CCEO* can. 1473 should be imposed. In accord with *SST* art. 19, this can be done once the preliminary investigation has been initiated.

Finally, it should be noted that, saving the approval of the Holy See, when a Conference of Bishops intends to give specific norms, such provisions must be understood as a complement to universal law and not replacing it. The particular provisions must therefore be in harmony with the *CIC /CCEO* as well as with the *motu proprio Sacramentorum sanctitatis tutela* (30th April 2001) as updated on 21st May 2010. In the event that a Conference would decide to establish binding norms it will be necessary to request the *recognition* from the competent Dicasteries of the Roman Curia.

III. Suggestions for Ordinaries on Procedures:

The Guidelines prepared by the Episcopal Conference ought to provide guidance to Diocesan Bishops and Major Superiors in case they are informed of allegations of sexual abuse of minors by clerics present in the territory of their jurisdiction. Such Guidelines, moreover, should take account of the following observations:

- a.) the notion of "sexual abuse of minors" should concur with the definition of article 6 of the *motu proprio SST* ("the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years"), as well as with the interpretation and jurisprudence of the Congregation for the Doctrine of the Faith, while taking into account the Civil law of the respective country;
- b.) the person who reports the delict ought to be treated with respect. In the cases where sexual abuse is connected with another delict against the dignity of the sacrament of Penance (*SST* art. 4), the one reporting has the right to request that his or her name not be made known to the priest denounced (*SST* art. 24).;
- c.) ecclesiastical authority should commit itself to offering spiritual and psychological assistance to the victims;
- d.) investigation of accusations is to be done with due respect for the principle of privacy and the good name of the persons involved;
- e.) unless there are serious contrary indications, even in the course of the preliminary investigation, the accused cleric should be informed of the accusation, and given the opportunity to respond to it.
- f.) consultative bodies of review and discernment concerning individual cases, foreseen in some places, cannot substitute for the discernment and *governance (potestas regiminis)* of individual bishops;
- g.) the Guidelines are to make allowance for the legislation of the country where the Conference is located, in particular regarding what pertains to the obligation of notifying civil authorities;
- h.) during the course of the disciplinary or penal process the accused cleric should always be afforded a just and fit sustenance;

i.) the return of a cleric to public ministry is excluded if such ministry is a danger for minors or a cause of scandal for the community.

Conclusion:

The Guidelines developed by Episcopal Conferences seek to protect minors and to help victims in finding assistance and reconciliation. They will also indicate that the responsibility for dealing with the delicts of sexual abuse of minors by clerics belongs in the first place to the Diocesan Bishop. Finally, the Guidelines will lead to a common orientation within each Episcopal Conference helping to better harmonise the resources of single Bishops in safeguarding minors.

Rome, from the Congregation for the Doctrine of the Faith, 3rd May 2011

William Cardinal Levada
Prefect

+ Luis F. Ladaria, S.J.
Tit. Archbishop of Thibica
Secretary

APOSTOLIC LETTER ISSUED MOTU PROPRIO
BY THE SUPREME PONTIFF FRANCIS

“VOS ESTIS LUX MUNDI”

“*You are the light of the world*”. *A city set on a hill cannot be hidden*” (Mt 5:14). Our Lord Jesus Christ calls every believer to be a shining example of virtue, integrity and holiness. All of us, in fact, are called to give concrete witness of faith in Christ in our lives and, in particular, in our relationship with others.

The crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church’s mission. This becomes possible only with the grace of the Holy Spirit poured into our hearts, as we must always keep in mind the words of Jesus: “*Apart from me you can do nothing*” (Jn 15:5). Even if so much has already been accomplished, we must continue to learn from the bitter lessons of the past, looking with hope towards the future.

This responsibility falls, above all, on the successors of the Apostles, chosen by God to be pastoral leaders of his People, and demands from them a commitment to follow closely the path of the Divine Master. Because of their ministry, in fact, Bishops, “*as vicars and legates of Christ, govern the particular churches entrusted to them by their counsel, exhortations, example, and even by their authority and sacred power, which indeed they use only for the edification of their flock in truth and holiness, remembering that he who is greater should become as the lesser and he who is the chief become as the servant*” (Second Vatican Council, Dogmatic Constitution *Lumen Gentium*, 27). What more closely concerns the successors of the Apostles concerns all those who, in various ways, assume ministries in the Church, or profess the evangelical counsels, or are called to serve the Christian People. Therefore, it is good that procedures be universally adopted to prevent and combat these crimes that betray the trust of the faithful.

I desire that this commitment be implemented in a fully ecclesial manner, so that it may express the communion that keeps us united, in mutual listening and open to the contributions of those who care deeply about this process of conversion.

Therefore, I decree:

TITLE I

GENERAL PROVISIONS

Art. 1 – Scope of application

§1. These norms apply to reports regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life and concerning:

a) delicts against the sixth commandment of the Decalogue consisting of:

- i. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
- ii. performing sexual acts with a minor or a vulnerable person;
- iii. the production, exhibition, possession or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions;

b) conduct carried out by the subjects referred to in article 6, consisting of actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the delicts referred to in letter a) of this paragraph.

§2. For the purposes of these norms,

a) “*minor*” means: any person under the age of eighteen, or who is considered by law to be the equivalent of a minor;

b) “*vulnerable person*” means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence;

c) “*child pornography*” means: any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes.

Art. 2 – Reception of reports and data protection

§1. Taking into account the provisions that may be adopted by the respective Episcopal Conferences, by the Synods of the Bishops of the Patriarchal Churches and the Major Archiepiscopal Churches, or by the Councils of Hierarchs of the Metropolitan Churches *sui iuris*, the Dioceses or the Eparchies, individually or together, must establish within a year from the entry into force of these norms, one or more public, stable and easily accessible systems for submission of reports, even through the institution of a specific ecclesiastical office. The Dioceses and the Eparchies shall inform the Pontifical Representative of the establishment of the systems referred to in this paragraph.

§2. The information referred to in this article is protected and treated in such a way as to guarantee its safety, integrity and confidentiality pursuant to canons 471, 2° CIC and 244 §2, 2° CCEO.

§3. Except as provided for by article 3 §3, the Ordinary who received the report shall transmit it without delay to the Ordinary of the place where the events are said to have occurred, as well as to the Ordinary of the person reported, who proceed according to the law provided for the specific case.

§4. For the purposes of this title, Eparchies are equated with Dioceses and the Hierarch is equated with the Ordinary.

Art. 3 – Reporting

§1. Except as provided for by canons 1548 §2 CIC and 1229 §2 CCEO, whenever a cleric or a member of an Institute of Consecrated Life or of a Society of Apostolic Life has notice of, or well-founded motives to believe that, one of the facts referred to in article 1 has been committed, that person is obliged to report promptly the fact to the local Ordinary where the events are said to have occurred or to another Ordinary among those referred to in canons 134 CIC and 984 CCEO, except for what is established by §3 of the present article.

§2. Any person can submit a report concerning the conduct referred to in article 1, using the methods referred to in the preceding article, or by any other appropriate means.

§3. When the report concerns one of the persons indicated in article 6, it is to be addressed to the Authority identified based upon articles 8 and 9. The report can always be sent to the Holy See directly or through the Pontifical Representative.

§4. The report shall include as many particulars as possible, such as indications of time and place of the facts, of the persons involved or informed, as well as any other circumstance that may be useful in order to ensure an accurate assessment of the facts.

§5. Information can also be acquired *ex officio* (*out of office*).

Art. 4 – Protection of the person submitting the report

§1. Making a report pursuant to article 3 shall not constitute a violation of office confidentiality.

§2. Except as provided for by canons 1390 CIC and 1452 and 1454 CCEO, prejudice, retaliation or discrimination as a consequence of having submitted a report is prohibited and may constitute the conduct referred to in article 1 §1, letter b).

§3. An obligation to keep silent may not be imposed on any person with regard to the contents of his or her report.

Art. 5 – Care for persons

§1. The ecclesiastical Authorities shall commit themselves to ensuring that those who state that they have been harmed, together with their families, are to be treated with dignity and respect, and, in particular, are to be:

a) welcomed, listened to and supported, including through provision of specific services;

b) offered spiritual assistance;

c) offered medical assistance, including therapeutic and psychological assistance, as required by the specific case.

§2. The good name and the privacy of the persons involved, as well as the confidentiality of their personal data, shall be protected.

TITLE II

PROVISIONS CONCERNING BISHOPS

AND THEIR EQUIVALENTS

Art. 6 – Subjective scope of application

The procedural norms referred to in this title concern the conduct referred to in article 1, carried out by:

a) Cardinals, Patriarchs, Bishops and Legates of the Roman Pontiff;

b) clerics who are, or who have been, the pastoral heads of a particular Church or of an entity assimilated to it, Latin or Oriental, including the Personal Ordinariates, for the acts committed *durante munere* (*while in office*),

c) clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed *durante munere*;

d) those who are, or who have been, supreme moderators of Institutes of Consecrated Life or of Societies of Apostolic Life of Pontifical right, as well as of monasteries *sui iuris* (*autonomous monasteries*), with respect to the acts committed *durante munere*.

Art. 7 – Competent Dicastery

§1. For the purposes of this title, “competent Dicastery” means the Congregation for the Doctrine of the Faith, regarding the delicts reserved to it by the norms in force, as well as, in all other cases and as far as their respective jurisdiction is concerned, based on the proper law of the Roman Curia:

- the Congregation for the Oriental Churches;
- the Congregation for Bishops;
- the Congregation for the Evangelisation of Peoples;
- the Congregation for the Clergy;
- the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.

§2. In order to ensure the best coordination, the competent Dicastery informs the Secretariat of State, and the other Dicasteries directly concerned, of the report and the outcome of the investigation.

§3. The communications referred to in this title between the Metropolitan and the Holy See take place through the Pontifical Representative.

Art. 8 – Procedure applicable in the event of a report concerning a Bishop of the Latin Church

§1. The Authority that receives a report transmits it both to the Holy See and to the Metropolitan of the Ecclesiastical Province where the person reported is domiciled.

§2. If the report concerns the Metropolitan, or the Metropolitan See is vacant, it shall be forwarded to the Holy See, as well as to the senior suffragan Bishop by promotion, to whom, if such is the case, the following provisions regarding the Metropolitan apply.

§3. In the event that the report concerns a Papal Legate, it shall be transmitted directly to the Secretariat of State.

Art. 9 – Procedure applicable to Bishops of Eastern Catholic Churches

§1. Reports concerning a Bishop of a Patriarchal, Major Archiepiscopal or Metropolitan Church *sui iuris* shall be forwarded to the respective Patriarch, Major Archbishop or Metropolitan of the Church *sui iuris*.

§2. If the report concerns a Metropolitan of a Patriarchal or Major Archiepiscopal Church, who exercises his office within the territory of these Churches, it is forwarded to the respective Patriarch or Major Archbishop.

§3. In the preceding cases, the Authority who receives the report shall also forward it to the Holy See.

§4. If the person reported is a Bishop or a Metropolitan outside the territory of the Patriarchal, the Major Archiepiscopal or the Metropolitan Church *sui iuris*, the report shall be forwarded to the Holy See.

§5. In the event that the report concerns a Patriarch, a Major Archbishop, a Metropolitan of a Church *sui iuris* or a Bishop of the other Eastern Catholic Churches *sui iuris*, it shall be forwarded to the Holy See.

§ 6. The following provisions relating to the Metropolitan apply to the ecclesiastical Authority to which the report is to be forwarded based on this article.

Art. 10 – Initial duties of the Metropolitan

§1. Unless the report is manifestly unfounded, the Metropolitan immediately requests, from the competent Dicastery, that he be assigned to commence the investigation. If the

Metropolitan considers the report manifestly unfounded, he shall so inform the Pontifical Representative.

§2. The Dicastery shall proceed without delay, and in any case within thirty days from the receipt of the first report by the Pontifical Representative or the request for the assignment by the Metropolitan, providing the appropriate instructions on how to proceed in the specific case.

Art. 11 – Entrusting the investigation to a person other than the Metropolitan

§1. If the competent Dicastery considers it appropriate to entrust the investigation to a person other than the Metropolitan, the Metropolitan is so informed. The Metropolitan delivers all relevant information and documents to the person appointed by the Dicastery.

§2. In the case referred to in the previous paragraph, the following provisions relating to the Metropolitan apply to the person charged with conducting the investigation.

Art. 12 – Carrying out the investigation

§1. Once he has been appointed by the competent Dicastery and acting in compliance with the instructions received, the Metropolitan, either personally or through one or more suitable persons:

- a) collects relevant information regarding the facts;
- b) accesses the information and documents necessary for the purpose of the investigation kept in the archives of ecclesiastical offices;
- c) obtains the cooperation of other Ordinaries or Hierarchs whenever necessary;
- d) requests information from individuals and institutions, including civil institutions, that are able to provide useful elements for the investigation.

§2. If it is necessary to hear from a minor or a vulnerable person, the Metropolitan shall adopt appropriate procedures, which take into account their status.

§3. In the event that there are well-founded motives to conclude that information or documents concerning the investigation are at risk of being removed or destroyed, the Metropolitan shall take the necessary measures for their preservation.

§4. Even when making use of other persons, the Metropolitan nevertheless remains responsible for the direction and conduct of the investigation, as well as for the timely execution of the instructions referred to in article 10 §2.

§5. The Metropolitan shall be assisted by a notary freely appointed pursuant to canons 483 §2 CIC and 253 §2 CCEO.

§6. The Metropolitan is required to act impartially and free of conflicts of interest. If he considers himself to be in a conflict of interest or is unable to maintain the necessary impartiality to guarantee the integrity of the investigation, he is obliged to recuse himself and

report the circumstance to the competent Dicastery.

§7. The person under investigation enjoys the presumption of innocence.

§8. The Metropolitan, if requested by the competent Dicastery, informs the person of the investigation concerning him/her, hears his/her account of the facts and invites him/her to present a brief in defence. In such cases, the investigated person may be assisted by legal counsel.

§9. Every thirty days, the Metropolitan sends a status report on the state of the investigation to the competent Dicastery.

Art. 13 – Involvement of qualified persons

§1. In accordance with any eventual directives of the Episcopal Conference, of the Synod of Bishops or of the Council of Hierarchs regarding how to assist the Metropolitan in conducting the investigation, the Bishops of the respective Province, individually or together, may establish lists of qualified persons from which the Metropolitan may choose those most suitable to assist in the investigation, according to the needs of the individual case and, in particular, taking into account the cooperation that can be offered by the lay faithful pursuant to canons 228 CIC and 408 CCEO.

§2. The Metropolitan, however, is free to choose other equally qualified persons.

§3. Any person assisting the Metropolitan in the investigation is required to act impartially and must be free of conflicts of interest. If he considers himself to be in a conflict of interest or be unable to maintain the necessary impartiality required to guarantee the integrity of the investigation, he is obliged to recuse himself and report the circumstances to the Metropolitan.

§4. The persons assisting the Metropolitan shall take an oath to fulfil their charge properly.

Art. 14 – Duration of the investigation

§1. The investigation is to be completed within the term of ninety days or within a term otherwise provided for by the instructions referred to in article 10 §2.

§2. Where there are just reasons, the Metropolitan may request that the competent Dicastery extend the term.

Art. 15 - Precautionary measures

Should the facts or circumstances require it, the Metropolitan shall propose to the competent Dicastery the adoption of provisions or appropriate precautionary measures with regard to the person under investigation.

Art. 16 – Establishment of a fund

§1. Ecclesiastical Provinces, Episcopal Conferences, Synods of Bishops and Councils of

Hierarchs may create a fund, to be established according to the norms of canons 116 and 1303 §1, 1° CIC and 1047 CCEO and administered according to the norms of canon law, whose purpose is to sustain the costs of the investigations.

§2. At the request of the appointed Metropolitan, the funds necessary for the purpose of the investigation are made available to him by the administrator of the fund; the Metropolitan remain duty-bound to present an account to the administrator at the conclusion of the investigation.

Art. 17 – Transmission of the documents and the *votum* (vote)

§1. Having completed the investigation, the Metropolitan shall transmit the acts to the competent Dicastery, together with his *votum* regarding the results of the investigation and in response to any queries contained in the instructions issued under article 10 §2.

§2. Unless there are further instructions from the competent Dicastery, the faculties of the Metropolitan cease once the investigation is completed.

§3. In compliance with the instructions of the competent Dicastery, the Metropolitan, upon request, shall inform the person who has alleged an offence, or his/her legal representatives, of the outcome of the investigation.

Art. 18 – Subsequent measures

Unless it decides to provide for a supplementary investigation, the competent Dicastery proceeds in accordance with the law provided for the specific case.

Art. 19 – Compliance with state laws

These norms apply without prejudice to the rights and obligations established in each place by state laws, particularly those concerning any reporting obligations to the competent civil authorities.

The present norms are approved ad experimentum for three years.

I establish that the present Apostolic Letter in the form of Motu Proprio be promulgated by means of publication in the Osservatore Romano, entering into force on 1 June 2019, and then published in the Acta Apostolicae Sedis.

Given in Rome, at Saint Peter's, on 7 May 2019, the seventh year of my Pontificate.

FRANCIS