



THE PROTECTION OF CHILDREN

Management of cases of sexual abuse of minors and vulnerable adults



**DIRECTIVES OF THE INSTITUTE OF
BROTHERS OF CHRISTIAN INSTRUCTION
of PLOËRMEL**

Rome – October 2023

“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 that, in the Congregation and in the Mennaisian Family, the integrity of the person of each child or young person is fully respected.

Taking up the words of Benedict XVI in the post-synodal exhortation *Africae Munus* of 19 November 2011 (no. 67): "***We recognise that God wants the happiness and the smile of every child*** [...]; *his favour is with him 'for to such belongs the Kingdom of God' (Mk 10:14)*", the General Chapter (no. 17) asks the General Council to watch over the following points:

- *To urge the whole Mennaisian Family "to deplore and denounce forcefully the intolerable treatment received by so many children throughout the world" (Africae Munus, no. 67), to set up the necessary structures to defend their rights and/or to associate with those already in existence.*
- *To ensure that, in each Province and District, the directives relating to the protection of children issued by the dioceses and local and national civil authorities are followed; and that, where such directives do not exist, the Province or District establishes its own protocol.*
- *To encourage each Brother to cultivate relationships based on prudence and transparency in all circumstances, while offering others the "resources of a liberated heart" (D 39).*

There are many ways of abusing the fragility of children or vulnerable adults, and inflicting physical and moral violence on them (ill-treatment, exploitation of children, child soldiers, child trafficking, etc.). All these forms of violence, as well as those committed against vulnerable adults, are intolerable and must be vigorously combated.

In these guidelines, given the particularly serious nature of this type of abuse, the General Council of the Congregation confines itself to the management of cases of sexual abuse of minors and vulnerable adults. These directives represent a public commitment and are therefore intended to be made known to all.

The objective of the General Council is to address the Major Superiors in the first instance, inviting them to exercise their pastoral mission of vigilance and solicitude in this precise domain. It also wishes to call upon the entire Mennaisian Family, Brothers and lay people alike, to ensure that in each of our educational works we are particularly attentive to safeguarding and promoting the integrity of the person of each child and young person, and of each vulnerable adult.

Throughout this document, we adopt the definitions of the terms "*offence of sexual abuse*", "*minor*" and "*vulnerable adult*" provided by the "*Circular Letter*" of the Congregation for the Doctrine of the Faith "to assist Episcopal Conferences in drawing up Guidelines for dealing with cases of sexual abuse of minors by clerics" and Pope Francis' *Motu proprio* "*Vos estis lux mundi*"¹.

¹ These two documents are annexed to this protocol .

PROTECTING CHILDREN AGAINST SEXUAL ABUSE

We were deeply affected by the immense suffering endured by many children, particularly in educational establishments under the responsibility of the Church. These revelations have aroused the indignation and anger of many.

As educators, and what's more, as religious educators, this problem affects us. Anything that harms the person of children and young people must mobilise all our energies. "*Take care not to despise any of these little ones*" (Mt 18:10), we read in the Gospel. This word of Jesus is addressed to us as a warning and as a duty that we have at the heart of our educational relationship. This requires every Brother and lay person who works in an establishment under the responsibility of the Congregation to take a clear-sighted examination of his/her conduct and his/her objectives.

For several years, the Superiors have been discussing this question at their meetings, either at Congregation level or with the religious authorities of their various countries (Episcopal Conferences, Conferences of Major Superiors), in order to find the right response, taking into account the legislation in force in each country.

With the help of these directives, which represent general guidelines, major superiors are invited to draw up their own protocol, in conjunction with the religious authorities in their country.

Article 1 : A vision of education

- 1.1-** Jean-Marie de la Mennais wanted, through his schools, to give children the opportunity to develop all the potentialities of their being. The main aim of the Brothers of Christian Instruction, through the Christian education of young people, is to build a society founded on Gospel values, including respect, freedom, truth and a sense of personal responsibility. All the words of our Founder addressed to his Brothers aim to promote respect for the dignity of each child and the awakening of all the riches of his or her personality. Through a quality education based on the Gospel, his main concern was to "*preserve youth ... from the many perils that surround such an education...*"².
- 1.2-** "*The Brothers will try to inspire confidence, respect and attachment in their pupils, without becoming familiar with them*", said Jean-Marie de la Mennais to the Brothers whom he invited to be "*the guardians of their innocence*".³
- 1.3-** Jean-Marie de la Mennais rejected any educational approach that would impose itself through verbal or physical violence. One day he wrote to a Brother: "*With children, be kind, patient and gentle: no doubt you must also be firm, but without being harsh, and without ever indulging in impatience: you will correct the faults of these poor children much better by making them love you than by making them fear you*".⁴ He added: "*Gentleness is the best way of getting from your children what you want from them. If*

² Sermons II, p. 485.

³ Rule of 1835.

⁴ To Brother Liguori-Marie Langlumé, 1845.

you scold and punish them too much, they will become irritated with you and their temper will turn sour.”⁵

Article 2: Preventing sexual abuse of children and vulnerable adults

In order that, in all our educational works, we may provide children, as well as their parents and vulnerable adults, with the greatest possible assurance that the education offered is founded on respect for their person and concern for their integral growth, the Major Superiors and all those with responsibility will ensure the following:

2.1- Mutual information between Major Superiors and the General Council

- 2.1.1** Each Major Superior will provide the General Council with information concerning the provisions drawn up by the Conference of Bishops and/or that of the Major Superiors of his country.
- 2.1.2** If these do not exist, he shall draw up, in conjunction with his Council, a protocol setting out precisely the course of action to be taken in the face of such misdeeds. This protocol must be approved by the Superior General and his Council.

2.2- Formation – Information

- 2.2.1** Every effort will be made to ensure that the Brothers are informed of the measures taken by States concerning violence against children, young people and vulnerable adults, as well as the directives of the Bishops' Conferences and/or Major Superiors.
- 2.2.2** They will propose to their Brothers the formation courses organised by the dioceses where these exist.
- 2.2.3** They will also recommend prudent use of the media, particularly the Internet and social networks.
- 2.2.4** They will also be responsible for forming and informing all those responsible for educational institution Boards, Heads of Schools and anyone else who has a role to play in our schools.

2.3- Accompagnement (support) for educational projects

- 2.3.1** The major superiors will fulfil their mission of vigilance with particular attention by regularly visiting each of the educational works under their responsibility. They will willingly listen to all those who wish to meet them.

2.4- Candidates for the Brother's vocation

- 2.4.1** Each Province or District will ensure, in liaison with the ecclesiastical structures of the country, that each candidate is examined by a psychologist chosen in liaison with the Conference of Major Superiors of the country. This examination should take place before entry into the novitiate or, if this is not possible, before first profession.
- 2.4.2** These procedures will be reviewed at the regular meetings of the Major Superiors with the General Council.

⁵ To Brother Lucien Deniau, 1835.

2.4.3 Initial formation Programme

2.5.1 The Formators responsible for Initial Formation will establish a formation programme, from the Postulancy to the Scholasticate, which clearly integrates all questions relating to sexuality and affective life. They will also give candidates an education in the use of the 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 under the responsibility of the Congregation of all what concerns sexual abuse of minors and vulnerable adults.
- b- prevent sexual abuse of minors and vulnerable adults through formation, education and accompaniment
- c- conduct preliminary investigations in the event of a report of sexual abuse

2.6.2 The Commission is made-up of at least three members appointed by the Major Superior with the consent of his Council. The term of office of the members is three years and is renewable.

2.6.3, If necessary, the commission may call on the services of a lawyer or other specialists.

Article 3: What to do in the event of sexual abuse of a minor or vulnerable adult

3.1- When a victim of sexual abuse comes forward

3.1.1 When the alleged aggressor is a Brother of the Congregation, the Brother Major Superior concerned must be informed as a matter of priority.

3.1.2 As soon as he is informed of an accusation of this kind, the Major Superior will inform the General Council and present to it the course of action he intends to take.

3.1.3. He will conform to the directives of the Conference of Religious Major Superiors, or to those drawn up by the Province or District, or to those of the Congregation in the absence of the first two.

3.2- What to do with the victim

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

3.2.2 The Major Superior will then invite the victim - or the victim's parents, if the victim is a child - to comply with the provisions of current legislation if the victim wishes to lodge a complaint.

3.2.3 It is then up to the lawyer or the Commission for Child Protection to respond to any other requests from the victim.

3.3- What to do to the accused Brother:

- 3.3.1** With regard to the Brother against whom allegations of abuse have been made, the Major Superior will accompany him personally or will entrust this task to another Brother.
- 3.3.2** The Brother responsible for this accompaniment will show towards the accused Brother a true fraternal relationship of help and support. He will assist him by guaranteeing his rights and protecting his reputation as long as he has not been found guilty. He will not seek to know the version of what might have happened, but will rather leave that to the appointed lawyer or to the Child Protection Commission.
- 3.3.3** With regard to a Brother who has been found guilty, the Major Superior will conform in all respects to the legislation in force in the country and to judicial decisions. He will support the Brother with solicitude so that he may become aware of his responsibility, reform and change his behaviour in the event of conviction.
- 3.3.4** In all cases, the Major Superior will not entrust to a Brother found guilty any task that would bring him into contact with minors in any way whatsoever.
- 3.3.5** With regard to a Brother who may have been falsely accused of sexual abuse of a minor or a vulnerable adult, the Major Superior will participate actively in restoring his reputation and will provide him with appropriate accompaniment.

Article 4: Reporting

Making a report to the competent authority does not constitute a violation of confidentiality or breach of professional secrecy. (see, Art. 4 § 1).⁶

4.1- Obligation

- 4.1.1** Any Brother who is aware of information about any of the facts referred to in article 1 of the Motu proprio "Vos estis lux mundi", or who has good reason to believe that one of these facts has been committed, has the obligation to report it without delay to the Major Superior or to the person designated by the Province or District. The report may always be made directly to the General Council of the Congregation. If the person concerned is a Major Superior, the report is made to the Superior General. If the Superior General is concerned, the report is made to the Dicastery.

⁶ Pope Francis, Vos estis Lux Mundi, 25 March 2023.

4.1.2 In schools and educational centres under the responsibility of the Congregation, everyone is obliged to denounce crimes and abuses committed against minors or vulnerable adults of which they have knowledge, in accordance with the civil law in force in the country.

4.1.3 Any person may give a report relative to questionable behaviour referred to in Article 1 of the Motu Proprio, in accordance with the procedures set out in paragraph 4.1.1, of this protocol, or in any other appropriate manner.

4.2- Content

4.2.1 The report must contain precise details, such as the time and place of the events, the names of the persons involved or informed and any other relevant information.

4.3- Reception

4.3.1 Each Province or District appoints a person with a specific mission to receive reports. The Major Superior will ensure that this person's contact details are public and easily accessible.

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

4.4- Transmission

4.4.1 The person receiving the reports will forward them to the Major Superior, who will acknowledge receipt and refer the preliminary investigation to the Child Protection Commission.

Article 5 : Investigation

5.1- Aim

5.1.1 The aim of the investigation is to establish the truth about what happened in the past, to suggest to the Major Superior any measures to be taken to ensure that it does not happen again in the future and to ensure that the principles of justice are respected.

5.2- Confidentiality

5.2.1 The preliminary investigation must respect the confidentiality of the persons concerned and pay due attention to their reputation.

5.3- Duration

5.3.1 The investigation must be concluded within a short period of time, and in any event, within the period indicated in the instructions referred to in Article 11 §2 of the Motu Proprio.

5.4- Person Responsable

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

5.5- Precautionary measures

5.5.1 During the course of the investigation, the Major Superior, in agreement with the Superior General, may adopt any precautionary measures he deems necessary against the person charged.

5.6- Funds

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

5.7- Progress report

5.7.1 Periodically, the Child Protection Commission shall provide the Major Superior and the Superior General with a progress report on the investigation.

5.8- Process

5.8.1 The Child Protection Commission :

- a- gathers relevant information concerning the facts.
- b- accesses the information and documents held in the various archives for the purposes of the investigation.
- c- requests information from people and institutions, including civilians (lay people), who are in a position to provide useful information for the investigation
- d- welcomes and listens with compassion and impartiality to the victim(s) and the accused person. In the case of a minor or vulnerable person, this will be done in the presence of a parent or a witness chosen by the victim.
- e- acts impartially and without conflict of interest. In the event that a member of the Child Protection Commission has a conflict of interest or is unable to maintain the necessary impartiality to guarantee the integrity of the investigation, he/she is obliged to abstain and report the circumstance to the Major Superior, who will replace him/her for the case in question.
- f- acts impartially and without conflict of interest. In the event that a member of the Child Protection Commission has a conflict of interest or is unable to maintain the necessary impartiality to guarantee the integrity of the investigation, he/she is obliged to abstain and report the circumstance to the Major Superior, who will replace him/her 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 Commission and is submitted to the Major Superior. Whatever the results of the investigation, the Major Superior will refer the case to the Superior General.

Article 6 : Decisions and information

6.1- If necessary, the Superior General studies the case with the CTCA (Commission for the Treatment of Cases of Abuse), which makes recommendations.

6.2- The Superior General then submits these recommendations to his Council for appropriate action.

6.3- The Superior General will forward to the Major Superior the results of the investigation and the decisions taken to inform the person who claims to have been offended, or his/her legal representatives, and all other persons concerned.

The present norms apply without prejudice to the rights and obligations established in each place by State laws, in particular with regard to the obligations to report to the competent civil authorities.

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

02 October 2023; Done in Rome (Italy)



Frère Hervé ZAMOR

ANNEX
PRELIMINARY INVESTIGATION
Roadmap (Procedure)

If an accusation or allegation seems likely, the Major Superior forwards the reported case to the Provincial or District Child Protection Commission, which carries out a preliminary investigation.

Before launching the investigation, the members of the Child Protection Commission agree on the methodology they intend to use. The following is a suggested roadmap:

1- The Persons to meet, in as much as it will be possible:

- The person who made the report in order to gather as much information as possible about the reported case of abuse.
- People who live in the respondent's entourage (work colleagues, community colleagues, pupils or students in the respondent's class, etc.).
- The alleged victim (in the case of a minor or vulnerable person, in the presence of the parent or the legal guardian).
- The judge or prosecutor if the case has already been referred to the courts.
- Any other person likely to be able to provide relevant information.

2- Questions to clarify some elements to be answered by the investigation:

- Are the facts true or not? What are the circumstances?
- If true :
 - Is this an isolated case?
 - Is there a prescription period?
 - What is the context of the abuse?
 - What is the seriousness of the case (frequency, duration, consequences for the victim(s)?
 - What is the nature of the case (rape, sexual misconduct, pedophilia, child pornography, etc.)?
 - Are there any aggravating circumstances?
 - Are there any other relevant details...

3- Possible evidence :

- Documentation (letters, photos, videos, medical examination, psychological follow-up, etc.)
- Witnesses...
- Any other relevant documentation...
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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 recognize the signs of abuse and to take appropriate measures. These programs 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 programs 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 recognize 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 30 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 21 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 pedopornography 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 *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* (30 April 2001) as updated on 21 May 2010. In the event that a Conference would decide to establish binding norms it will be necessary to request the *recognitio* 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 *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 harmonize the resources of single Bishops in safeguarding minors.

Rome, from the Congregation for the Doctrine of the Faith, 3 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.

In this regard, I promulgated an Apostolic Letter issued *Motu Proprio* on 7 May 2019 containing norms *ad experimentum* for three years.

Now that this period has passed, taking into consideration the observations of the Episcopal Conferences and the Dicasteries of the Roman Curia, having evaluated the experience of these past years, and in order to facilitate an improved application of what has been established, without prejudice to the penal and procedural provisions set forth in the Code of Canon Law and the Code of Canons of the Eastern Churches,

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 Moderators of international associations of the faithful recognized or erected by the Apostolic See concerning:

a)

* a delict against the sixth commandment of the Decalogue committed through violence or threat or through abuse of authority, or by forcing someone to perform or submit to sexual acts;

** a delict against the sixth commandment of the Decalogue committed with a minor or with a person who habitually has imperfect use of reason or with a vulnerable adult;

*** the immoral acquisition, possession, exhibition or distribution, in any way or by any means, of pornographic images of minors or of persons who habitually have imperfect use of reason;

**** the recruitment or inducement of a minor or of a person who habitually has imperfect use of reason or of a vulnerable adult to pose in a pornographic manner or to participate in real or simulated pornographic exhibitions;

b) conduct carried out by the subjects referred to in art. 6, consisting of actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against one of the subjects indicated in §1 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; equivalent to a minor is a person who habitually has imperfect use of reason;

b) “vulnerable adult”: 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 lewd purposes or for profit.

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 provide for institutions or offices that are easily accessible to the public for the submission of reports. The reports are to be submitted to these ecclesial institutions and offices.

§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 art. 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. Unless otherwise agreed upon by the two Ordinaries, it is the responsibility of the Ordinary of the place where the events are said to have occurred to 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 3

§1. Except for when a cleric learns of information during the exercise of ministry in the internal forum, whenever a cleric or a member of an Institute of Consecrated Life or of a Society of Apostolic Life learns, or has well-founded motives to believe, that one of the acts referred to in art. 1 has been committed, that person is obliged to report it promptly 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, in particular the lay faithful who serve in offices or exercise ministries in the Church, can submit a report concerning one of the acts referred to in art. 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 art. 6, it is to be addressed to the Authority identified on the basis of articles 8 and 9. The report can always be sent to the competent Dicastery directly or through the Pontifical Representative. If the first option is chosen, the Dicastery will inform the Pontifical Representative about the matter.

§4. The report must 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.

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 the person claiming to have suffered as a result of a delict or on the witnesses with regard to the contents of their report, without prejudice to the provisions of article 5 §2.

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 legitimate protection of the good name and the privacy of all persons involved, as well as the confidentiality of their personal data, must be ensured. To the aforementioned persons the presumption addressed in article 13 §7 shall apply, without prejudice to the provisions of article 20.

TITLE II

PROVISIONS CONCERNING BISHOPS AND THEIR EQUIVALENTS

Art. 6 – Subjective scope of application

The procedural norms referred to in this title concern the delicts 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 acts committed *durante munere*;
- c) clerics who are or who were entrusted with the pastoral leadership of a Personal Prelature, for acts committed *durante munere*;
- d) clerics who are or who were leaders of public clerical associations with the faculty of incardination, for acts committed *durante munere*;
- e) those who are or who were Supreme Moderators of Institutes of Consecrated Life or of Societies of Apostolic Life of Pontifical right, as well as of monasteries sui iuris, for acts committed *durante munere*.
- f) lay faithful who are or who were Moderators of international associations of the faithful recognized or erected by the Apostolic See, for acts committed *durante munere*.

Art. 7 – Competent Dicastery

§1. For the purposes of this title, “competent Dicastery” means the Dicastery 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 Dicastery for the Eastern Churches;
- the Dicastery for Bishops;
- the Dicastery for Evangelization;
- the Dicastery for the Clergy;
- the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life.
- the Dicastery for the Laity, the Family and 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 and other subjects listed in article 6

§1. The Authority that receives a report transmits it both to the competent Dicastery 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 suffragan Bishop who is senior by promotion, to whom, if such is the case, the following provisions regarding the Metropolitan apply. The report is likewise forwarded to the Holy See when it concerns those who have pastoral leadership of ecclesiastical circumscriptions immediately subject to the Holy See.

§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 and other subjects listed in article 6

§1. Reports concerning a Bishop, or an equivalent subject, of a Patriarchal Church, 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 Dicastery for the Eastern Churches.

§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 Dicastery for the Eastern Churches which, if the Dicastery deems it appropriate, informs the Patriarch, Major Archbishop or the competent Metropolitan *sui iuris*.

§5. If 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 Dicastery for the Eastern Churches.

§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 – Procedure applicable to Supreme Moderators of Institutes of Consecrated Life and Societies of Apostolic Life

If the report concerns those who are or who were Supreme Moderators of Institutes of Consecrated Life and Societies of Apostolic Life of Pontifical right, including monasteries *sui iuris* in Rome or in the suburbicarian Dioceses, it is forwarded to the competent Dicastery.

Art. 11 – Initial duties of the Metropolitan

§1. The Metropolitan who receives the report immediately requests that he be appointed by the competent Dicastery to begin the investigation.

§2. The Dicastery shall promptly provide, within thirty days from the receipt of the first report by the Pontifical Representative or the request for the appointment by the Metropolitan, the appropriate instructions on how to proceed in the specific case.

§3. If the Metropolitan considers the report manifestly unfounded, he shall inform the competent Dicastery through the Pontifical Representative, and unless otherwise instructed by the Dicastery, will archive the report.

Art. 12 – Entrusting the investigation to a person other than the Metropolitan

§1. If the competent Dicastery, after consulting the Pontifical Representative, 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 concerning the Metropolitan also apply to the person charged with conducting the investigation.

Art. 13 – Carrying out the investigation

§1. Once he has been appointed by the competent Dicastery and acting in accordance with the instructions received on the manner of proceeding, 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) if deemed appropriate and with respect to the provisions of §7 of this article, 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 adult, the Metropolitan shall adopt appropriate procedures, which take into account their condition and the laws of the State.

§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 art. 11 §2.

§5. The Metropolitan shall be assisted by a notary freely appointed pursuant to canons 483 §2 CIC 8 and 253 §2 CCEO.

§6. The Metropolitan is required to act impartially and free of conflicts of interest. If he considers himself to have 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. Likewise, anyone who believes there is a conflict of interest in the case is required to inform the competent Dicastery.

§7. The person under investigation always enjoys the presumption of innocence and the legitimate protection of his or her good name.

§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. In accordance with the instructions received, the Metropolitan periodically sends a status report on the state of the investigation to the competent Dicastery.

Art. 14 – Involvement of qualified persons

§1. In accordance with any possible 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, it would be very useful if the Bishops of the respective Province, individually or together, 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 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, with respect to the provisions of art. 13 §7.

Art. 15 – Duration of the investigation

§1. The investigation is to be completed in short order and in accordance with the instructions 9 listed in art. 11 §2.

§2. Where there are just reasons, and after having sent a report on the status of the investigation, the Metropolitan may request that the competent Dicastery extend the time period.

Art. 16 - 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. The Dicastery shall adopt the provisions after having consulted the Pontifical Representative.

Art. 17 – 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 remains duty-bound to present an account to the administrator at the conclusion of the investigation.

Art. 18 – Transmission of the acts and the votum

§1. Having completed the investigation, the Metropolitan shall transmit the original version of 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 art. 11 §2. A copy of the acts is to be kept in the Archive of the competent Pontifical Representative.

§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 and, when applicable, the person who made the report, or their legal representatives of the outcome of the investigation.

Art. 19 – 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. 20 – 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.

I establish that the present Apostolic Letter issued Motu Proprio be promulgated by means of publication in *L'Osservatore Romano*, entering into force on 30 April 2023, and then published in the *Acta Apostolicae Sedis*. With its entry into force, the preceding Apostolic Letter issued Motu Proprio, promulgated on 7 May 2019, will be abrogated.

Given in Rome, at Saint Peter's, on 25 March 2023, Solemnity of the Annunciation of the Lord, the eleventh year of my Pontificate.

FRANCIS