

Order of the Regular Clerics of Somasca

**GUIDELINES
OF THE ORDER OF CLERICS REGULAR OF SOMASCA
FOR THE PROTECTION OF MINORS, PERSONS
WITH IMPERFECT USE OF REASON
AND OTHER PERSONS TO WHOM
THE RIGHT RECOGNISES EQUAL PROTECTION**

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*Approval of the Consulta of the Congregation
Guatemala - 4 / 8 October 2021*

Presentation by the Superior General

Dear confreres,

Benedictus Deus!

It is clear to everyone how over the years the scourge of sexual abuse perpetrated against minors, as well as, people who are in a situation of vulnerability, and those to whom the law recognizes equal protection, has assumed a wider importance and visibility. The problems that, in this regard, have invested the Church, have determined serious moral and juridical questions in those who oversee the government and the formation of those who belong, in every capacity, to the Church and its institutions, Orders, and Congregations.

Therefore, our Congregation also bears a great responsibility at the pastoral and ecclesial level, which does not allow us to ignore the problem. And we are all called to sincerely and thoroughly discuss how to better address this problem, to repair, prevent, and heal.

To address this issue with a spirit of justice and to share in the pains of those who have suffered such abuses, our Order, making its own the repeated appeals of Pope Francis to verify that "in ecclesiastical institutions the safety of children and vulnerable adults be guaranteed", that have addresses this topic with the Guidelines – arranged by my Council and approved by the Consulta of the Congregation 2021, celebrated in early October in Guatemala – which we are now presenting. They contain the directives that all Somascan religious, our novices and those who work – lay people, both employees and volunteers – for any reason within our Order - in religious, pastoral, educational, sports, health, or any other activities and/or institutions somewhat connected to the Order of the Regular Clerics of Somasca, and / or subjected to the authority of the Order - are called to observe. Our goal is that each of our structures - Provinces / Vice-provinces / Commissariats – must have its own policies to be implemented in the coming years, in line with those of the Order as a whole.

I hope that these Guidelines will be read and understood by everyone. I strongly appeal to everyone to undertake a real commitment on this issue before the society and the Church: we are all called to transparency and to be worthy of the trust that the Lord and people, especially the weakest and most vulnerable, place in us.

I would like to clarify that these Guidelines do not replace the norms of the Holy See, the indications of the respective Episcopal Conferences or the canonical criminal and procedural laws. The proposal intends to focus on the importance and obligation to intervene immediately when these cases occur. Furthermore, we want to offer an aid that facilitates our Order to act correctly and with justice in a matter that involves the earthly and supernatural wellbeing, the dignity, and the freedom of the person, but also the very ability of the Holy Church to be a credible witness.

Furthermore, each Superior must find the most adequate way to bring these lines of action to the attention of the Communities and each institution/work of the respective structure, to each individual confrere and to the lay people who work there. The urgency for addressing the problem and providing protection to the weakest and most vulnerable, and the sensitivity of the issues addressed require that we take on such a serious task with the utmost seriousness and commitment, because it concerns the realization of our own charism and the ultimate meaning of our mission.

Through the intercession of the Blessed Virgin Mary, Mother of the Orphans, let all ask to the Lord for his help for everyone, so that we may form in us a heart capable, through our consecration and our life's witness, of expressing, in today's world, the preferential love of God the Father towards the little ones and the poor.

Rome, 01 January 2022

Fr. José Antonio Nieto Sepúlveda crs
Superior General

Guidelines
of the Order of Clerics Regular of Somasca for the protection of minors,
persons with imperfect use of reason and other persons
to which the law accords equal protection

"If one member suffers, all the members suffer together" (1 Cor 12:26). These words of Saint Paul resonate powerfully in my heart as I note once again the suffering experienced by many minors as a result of sexual abuse, abuse of power and abuse of conscience committed by a considerable number of clerics and consecrated persons. This crime generates deep wounds of pain and helplessness, first of all in the victims, but also in their families and in the entire community, whether believers or non-believers. Looking back, it will never be enough to ask for forgiveness and try to repair the damage caused. Looking to the future, it will never be enough what is done to create a culture that will ensure that such situations not only do not happen again, but do not find room to be covered up and perpetuated. The pain of the victims and their families is also our pain; therefore, it is urgent to reaffirm once again our commitment to ensure the protection of minors and adults in vulnerable situations" (Letter of the Holy Father Francis to the People of God, 20.08.2018).

"Dear brothers and sisters (...). Our work has led us to recognise, once again, that the seriousness of the scourge of child sexual abuse is a phenomenon that has unfortunately been historically widespread in all cultures and societies. It is only in relatively recent times that it has become the subject of systematic studies, thanks to the change in public awareness of a problem that was previously considered taboo, i.e. everyone knew about it but no one talked about it. (...) In the face of such cruelty (...) empirical explanations alone are not enough; they are not capable of conveying the breadth and depth of this drama. Once again, positivist hermeneutics demonstrates its limitations. It gives us a real explanation that will help us to take the necessary measures, but it is not capable of giving us a signification. And today we need explanations and significations. Explanations will help us a lot in the operational sphere, but they leave us halfway there.

What, then, is the existential 'meaning' of this criminal phenomenon? Taking into account its breadth and human depth, today it is nothing more than the current manifestation of the spirit of evil. Without taking this dimension into account we will remain far from the truth and without real solutions. Brothers and sisters, today we are faced with a brazen, aggressive, and destructive manifestation of evil. Behind and within this there is the spirit of evil which, in its pride and arrogance, feels it is master of the world and thinks it has won. And I would like to tell you this with the authority of a

brother and father, admittedly small and sinful, but who is the pastor of the church who presides in charity: in these painful cases I see the hand of evil that does not spare even the innocence of the little ones. And this leads me to think of the example of Herod who, driven by fear of losing his power, ordered all the children of Bethlehem to be slaughtered. Behind this is Satan.

And so we must take all the practical measures that common sense, science and society offer us, just as we must not lose sight of this reality and take the spiritual measures that the Lord himself teaches us: humiliation, accusation of ourselves, prayer, penance. This is the only way to overcome the spirit of evil. This is how Jesus overcame it" (Pope Francis, Meeting for the Protection of Minors in the Church, Vatican City 21- 24 February 2019).

1. Prerequisites

- 1.1 The good of the minor, the vulnerable person and the adult with a habitually imperfect use of reason, of persons to whom the law recognizes equal protection, or of those who are vulnerable, are supreme values to be preserved and protected, such as the value of human life, dignity and freedom of the man.
- 1.2 The determined and clear rejection of sexual abuse of minors and adults is an act of justice and an affirmation of the values of the Gospel and Christian tradition.
- 1.3 Abuse of minors, persons who habitually have an imperfect use of reason, those to whom the law recognized equal protection and other vulnerable persons by clerics and religious or lay faithful:
 - seriously injures the Lord who wanted to identify himself with the child he had welcomed (Mk 9:37);
 - damages the victim in an irreparable way, compromising their life and their faith in God, their physical, mental, and emotional health, the integral development of their person, their freedom, their dignity and all the other conditions necessary for a peaceful life as enlightened by the presence of God;
 - offends the priestly Order to which priests belong by virtue of the sacrament of Orders and the Institute to which the religious is bound by religious consecration;
 - stains the function and causes serious discomfort to the Institution it serves, operating in contradiction to its object and discipline;

- wounds the entire community of the faithful, who are overwhelmed by the shame, pain, disconcertment, and sadness caused by the commission of the crime, and causes them discouragement and mistrust of the Church, who is affected in the most lively heart as the loving Mother of her wounded children and in her own mission.
- it's an act contrary to the commitments undertaken;
- compromises the justice.

1.4 Society expects from the Church the witness, the recognition of dignity and respect for the weakest, such as minors, those who habitually have an imperfect use of reason, those to whom the law recognises equal protection, those who are vulnerable. The Order of the Clerics Regular of Somasca intends to fulfil this responsibility with ever greater awareness, with a vigilant and constant commitment over the time.

1.5 This protection is of primary importance for the Church and therefore for our Institute, and we should therefore implement every legitimate and useful initiative and action to contribute concretely to the defence of the life, dignity, freedom and psychophysical integrity of these categories of weak subjects, starting from daily life, in which we should never again fail to offer spontaneous listening, acceptance, moral support and comfort, especially in cases of difficulty, protection, and adequate tools to put an end to the offence and damage that may have already been caused.

1.6 The minors, adults with an imperfect use of reason, those who can be treated as such according to the law, and vulnerable people are generally characterised by a physical and intellectual immaturity and fragility that requires special and very careful protection on the part of the Church. The task of the Order of the Clerics Regular of Somasca is to implement this care in every structure and work in which the Order carries out its mission, with the firm intention of increasingly refining the tools to take care of the smallest, most defenceless and fragile persons.

2. The commitment of the Order of Clerics Regular of Somasca

2.1 According to the decree of 8 February 1983, issued by the Sacred Congregation for Religious and Secular Institutes (as named by the Constitution *Regimini Ecclesiae Universae*, of 15 August 1967, of the Supreme Pontiff Paul VI, later to become the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CIVCSVA) by the Constitution *Pastor Bonus*,

of 28 June 1988, by the Supreme Pontiff Saint John Paul II) "*the Clerics Regular of Somasca, whose general house is in Rome, dedicate themselves to the care of orphaned and abandoned children and of the poor, committing themselves to manifesting the love of the Father and the kindness of our Saviour Jesus Christ through the works of mercy*".

2.2 In the Constitutions and Rules of the Clerics Regular of Somasca, as amended during the CXXXVIII General Chapter and approved on 22 January 2018 by the CIVCSVA, it is envisaged that: "*Our Congregation participates in the apostolic mission of the Church in a spirit of humble and active collaboration and by promoting initiatives in fidelity to her charism*" (Chap. VIII, n.66).

"The Congregation considers the service of Christ present in the poor as a characteristic component of her apostolic mission and finds constant inspiration for it in her Founder and tradition, which is authoritatively recognised by the Church. Each community, in its various areas of apostolate, is to engage itself for the poor and needy youth, make its acquaintances and collaborators sensitive to their needs, and cooperate with the initiatives of the Church and society" (Chapter VIII, n. 67).

From these brief references to our Constitutions, it's evident that our Congregation is directly ordered to a mission of assistance, aid, support and activity that concerns minors, persons who habitually have an imperfect use of reason and those to whom the law recognises equal protection, including vulnerable persons. All the works of the Order of the Regular Clerics of Somasca "*are permeated by the spiritual and operational needs that flow from it*" (Chapter VIII, n.65). The predilection for the aforementioned subjects is rooted in the very foundations of the Institute.

2.3 The Congregation reaffirms her absolute rejection of the crime of sexual abuse of minors, of those with an imperfect use of reason, of those who are worthy of equal protection and of those vulnerable, of any form of violation of the sixth commandment of the Decalogue, of abuse of conscience and of power with the aforementioned subjects, and for this reason it is primarily committed to carrying out her mission aimed at the psycho-physical and spiritual well-being of the aforementioned categories, that of their families and of the community involved.

2.4 Each case requires specific behaviour and decisions taken with a conscience rooted in Gospel values (cf. Mk 10:14; Mk 9:12; Jn 8:32), in compliance with the canonical regulations in force.

The Order of the Clerics Regular of Somasca must act with determination to prevent and combat the crimes foreseen by the canonical order - in particular, in can. 1398 §1 CCL new version, in art. 6 §1 of the *Normae de delictis reservatis* and in art. 1 of the Apostolic Letter *Vos estis lux mundi* (VELM)- against minors, persons who habitually have an imperfect use of reason, those to whom the law recognises equal protection and vulnerable persons. These crimes include sexual abuse, so that every activity and work of the Institute must pay specific attention to the human and Christian education of young people, and to the assistance to the aforementioned categories of people in places and environments attributable to the Order of Clerics Regular of Somasca (for example, hospitals, nursing homes, orphanages, boarding schools, centres for the accommodation and assistance of minors or people with mental or psychophysical deficiencies, retirement homes for the elderly with mental illnesses, for the disabled, etc.).

2.5 Our Congregation intends to contribute concretely and effectively to the defence of the psychophysical integrity and sexual freedom of these categories of weak persons, primarily by offering them listening, acceptance, moral support, and comfort, especially in cases of difficulty. In fact, due to their physical and intellectual immaturity or their peculiar fragility, they need specific protection. Taking care of the minors and most defenceless identified according to the criteria indicated by the canonical order, therefore, must always be considered an absolute priority.

2.6 The Order of the Clerics Regular of Somasca, through the Superior General and his Council, and the Provincial Superiors, undertake to guarantee the application of the Canon Law of the Catholic Church, following the procedures provided for therein and in observance of the civil laws in force in the place of *commissi delicti*.

2.7 The Guidelines are offered by the Superior General and the General Council to the Provinces of the Order so that they may have a guiding document, which, as a particular source, will enable them to initiate an in-depth reflection - to be carried out also through meetings and commissions made up of representatives of those interested in the matter and experts, including lay people - in order to draw up, in turn, each for their own situation, their own implementation text that takes into account the norms and other sources indicated in these Guidelines, the principles and indications contained in them, taking into account the specific reality of the places, the ecclesial,

social and cultural environment in which the Provinces themselves operate and the state law in force there.

2.8 These Guidelines and any further guidelines drawn up by the individual Provinces do not categorically exclude the moral duty of everyone to report and denounce to the competent canonical and civil authorities any information of a crime. On the contrary, they are intended as a further tool for pursuing the objectives described above and are without prejudice to any statutory provisions that may provide for the obligation to report the crime.

3. Objectives of the Guidelines for the protection of minors and vulnerable persons of the Order of the Clerics Regular of Somasca

3.1 These Guidelines therefore have the following objectives:

- a. preventing and combating the phenomenon of sexual abuse, abuse of power and conscience against minors, those with imperfect use of reason, those who are worthy of equal protection and those who are vulnerable;
- b. to be an instrument of protection in addition to that provided for by canonical and civil law, without prejudice to the obligations provided for by the current state system with regard to the protection of the aforementioned categories of persons;
- c. to facilitate the correct application of the canonical norms already in force on the subject;
- d. to educate the members of the Congregation in individual responsibility before canonical and civil law, making them aware of the canonical and civil regulations in force, and to a behaviour based on *accountability* (defined as "*having to give an account*", deepened in *the Meeting for the Protection of Minors and Vulnerable Persons* held in February 2019 in Vatican City);
- e. to offer indications of correct behaviour to all those, clerics, religious, lay people, who in the communities and institutional places of the Order of the Clerics Regular of Somasca find themselves in contact in any capacity with minors, people who have an imperfect use of reason, those to whom the law recognises equal protection, and to provide essential rules above all to prevent abuse, to detect them, to recognise them if there is a suspicion that they

have been committed, to report them to the competent ecclesiastical and civil authorities, to contribute to the cessation of the criminal conduct, to help and accompany spiritually, psychologically and physically all those offended by the crime, as well as its perpetrator;

- f. to provide our Congregation as a whole and all the Provinces of the Order of the Regular Clerics of Somasca with a basic tool to develop a constant, constructive and up-to-date dialogue on the theme of the protection of minors, of persons who habitually have an imperfect use of reason, of those to whom the law recognises equal protection and of vulnerable persons (this last category is the one described in art. 1 of the Apostolic Letter *Vos estis lux mundi*, as better explained in the following paragraphs nn. 9 and 10);
- g. to propose arguments and tools useful for achieving an effective and advanced culture of prevention, support and accompaniment for the individuals and entities involved, to be understood as the results of a necessary ecclesial renewal;
- h. to establish criteria for the application of sanctions and/or precautionary measures in cases of sexual abuse against children or vulnerable persons or persons lacking sufficient use of reason.

4. Addressees of the guidelines for the protection of minors, persons with imperfect use of reason, persons to whom the law accords equal protection.

4.1 These Guidelines are intended for all the members belonging to the Order of the Clerics Regular of Somasca, both clerics and non-clerics, and for lay people who enjoy a dignity or who performs functions within our Congregation. The decision to include members of our Institute and lay people depends on two reasons:

- a. First of all, on 23 May 2021 with the Apostolic Constitution *Pascite gregem Dei* Pope Francis promulgated the revision of Book VI of the Code of Canon Law, which came into force on 8 December 2021. The new version¹ of canon 1398 states that for the crimes

¹ CCL can. 1398 (new version which entered into force on 8 December 2021) - § 1. A cleric is to be punished by deprivation of office and other just penalties, not excluding dismissal from the clerical state, if the case so requires:

1° who commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law accords equal protection;

2° recruiting or inducing a minor, or a person habitually suffering from a mental defect, or a person to whom the law gives equal protection, to exhibit pornography or to participate in real or simulated pornographic performances;

3° who immorally acquires, keeps, exhibits or discloses, in any way and by any means, pornographic images of minors or of persons who habitually have an imperfect use of reason.

envisaged in § 1 of the same provision, for those envisaged in canon 1395 § 2 the penalties envisaged in canon 1336 § 2-4 are applied not only to clerics but also to "*members of an institute of consecrated life or of a society of apostolic life and to any member of the faithful who enjoys a dignity or performs an office or function in the Church*";

- b. from the conviction that only a sense of responsibility on the part of all those who work within the Church, and, as far as we are concerned, in our Institute, even more so on the part of those who, whether clerics, religious or lay people, carry out roles of authority, direction and responsibility at any level and in any institution (schools, seminaries, catechism, retirement homes, family homes, etc.) is the first, decisive step towards guaranteeing the coherent and homogeneous application of the universal and particular canonical norms governing such an important matter, the concrete protection of minors, of persons who habitually have an imperfect use of reason and of those to whom the law recognises equal protection, the ultimate goal of *salus animarum*, the maintenance of the good reputation of the Church.

4.2 Special attention is given to environments and places that need constant attention because of the type of activities carried out there; in these places the daily presence of minors and vulnerable adults determines their very reason for existing. One example is parishes, schools, minor seminaries and other places where people work with minors and vulnerable adults. For this reason, all those who work in various capacities within these environments, as *christifideles*, must in any case commit themselves to respect the dispositions laid down by the universal Church, the respective Episcopal Conferences, the local Church, and our Order. The subject of witness, including lay witness, and co-responsibility has been well identified as a central issue in many of the reflections and documents on the subject listed above: every member of the Church has an essential role to play in helping to eliminate the horrible reality of sexual abuse. The testimony of the laity - for example, that of the workers who operate in those realities closely associated with or linked to the Institute, where the education of minors or the care of persons who habitually have an imperfect use of reason is envisaged, of those to whom the law recognises equal protection, of the most vulnerable and fragile, that of their families, starting with the mothers and fathers who, with great love for the Church, entrust their offspring to it for educational purposes,

§ 2. If a member of an institute of consecrated life or of a society of apostolic life or any member of the faithful who enjoys a dignity or performs an office or function in the Church commits the crime mentioned in § 1 or in canon 1395, § 3, he is to be punished in accordance with canon 1336, §§ 2-4, with the addition of other penalties according to the gravity of the crime.

pastoral animation, catechesis, etc. - underline even more the need for no abuse to be tolerated, covered up, facilitated by complicit silence. For this reason, it is necessary not only to make use of, but to integrate broad lay participation to identify and build accountability structures for the prevention of sexual abuse. Witness and collaboration, including lay collaboration, to build *accountability* structures must be matched by the Church's perennial listening, which, as a *loving Mother*, allows those who have experienced sexual abuse to be listened, welcomed, accompanied and cared for without fear of institutional or structural distances or relational impediments.

4.3 Respect, fairness and prudence must be guaranteed and constantly applied by all the religious of the Order, the laity, employees, volunteers, teachers, catechists and all those who provide services in our spaces and environments.

4.4 All clerics, religious, but also novices of the Order of the Clerics Regular of Somasca, and any member of the faithful who enjoys a dignity or performs offices or functions at any level within our Congregation, must commit themselves to respect the canonical norms of the universal Church, the prescriptions and indications given by the Order of the Clerics Regular of Somasca contained in the Guidelines and other documents dealing with the matter, the prescriptions and indications given by the Province and the local Church, as well as, obviously, the norms of the state.

5. Fundamental principles for implementing effective protection

5.1 Any sexual abuse of minors, of adults who habitually have an imperfect use of reason, of persons worthy of equal protection, of the vulnerable, in addition to being a crime, is a very serious sin, even more so if the perpetrator is the one to whom these weak subjects had been entrusted in the ecclesial sphere, in the light of the trust that the community generally places in those who, by declared vocation, have presented themselves at the service of the most defenceless within the Church.

5.2 Any sexual abuse or disrespectful behaviour towards the aforementioned categories can be qualified as conduct contrary to the Gospel and the values of the consecrated life. If such abusive or merely disrespectful conduct is then engaged in by a cleric, a religious person or a woman religious, the meaning of a choice of faith of the perpetrator, the victim and the other persons involved is also compromised.

- 5.3 Sexual abuse, also understood as abuse of conscience and power, committed against a minor, an adult who habitually has an imperfect use of reason or a vulnerable person, in particular, if it has been perpetrated in or connected with ecclesiastical environments, causes serious harm to the life, moral freedom and psychological, physical and emotional integrity of the victim with very serious implications, damages his faith and that of his family, even that of the community concerned.
- 5.4 Any sexual abuse carried out in an ecclesiastical environment also damages the reputation of the Church and of the Order of the Clerics Regular of Somasca, whose purpose is precisely that of taking care of the minors, for those who habitually have an imperfect use of reason, and for those whom the law deems worthy of equal protection, such as the vulnerable².
- 5.5 For the Order of the Clerics Regular of Somasca, the good of the minor and the vulnerable person are supreme values to be safeguarded and protected, therefore, when there is even the slightest suspicion that an offensive conduct referring to the case of a crime against the sixth commandment has occurred with a minor or with one of the persons belonging to the aforementioned categories, the procedures provided by the canonical and civil order of competence must be implemented to ascertain the truth and achieve the goals that the Church has set.
- 5.6 The Order of the Clerics Regular of Somasca assumes the responsibility of pursuing justice, as the privileged way of truth, whenever there is a suspicion of conduct offensive to these precious assets. To this end, the Congregation does its utmost to ensure that canonical justice and civil justice, if injured, is duly repaired. In this sense, the Order of the Clerics Regular of Somasca intends to provide significant collaboration with the judicial authorities of the State to ascertain the facts and responsibilities.
- 5.7 Any behaviour that is complicit or aimed at covering up or concealing these serious sins and crimes or at evading the relevant investigations by the legitimate authorities, or at failing to communicate or omit elements or information useful for the search for the truth must be opposed. Similarly, any attitude of silence on the part of those called to testify to the facts must be opposed. The Order of the Clerics Regular of Somasca shares the theme of "*accountability*", which was

²According to the definition given in Article 1 of the Apostolic Letter *Vos estis lux mundi* a vulnerable person is one who is in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which in fact, even occasionally, limits his or her capacity to understand or will or however to resist the offence.

dealt with centrally at *the Meeting for the Protection of Minors in the Church* held in February 2019 in Vatican City. *Accountability* implies overcoming the culture of concealing the *notitia criminis*. Only if each one of us, starting with the Superiors of the communities, the individual members of the Institute and those in charge of the various educational and welfare realities at various levels, understands the importance of discovering and bringing to light what was previously kept hidden and in the shadows out of shame or to protect the honour of the persons, families, offices and institutions involved, it will be possible to contribute to clarity, to responsible action that saves life, dignity and human freedom and achieves justice.

5.8 Every wounded person deserves full respect for his or her will and sensitivity, and so do his or her family members. All of them must always be guaranteed welcome, understanding, participation in their pain, accompaniment, and adequate spiritual and psychological support.

5.9 The Order of the Clerics Regular of Somasca believes that in order to fully achieve truth and justice it is also necessary to implement transparency. Transparency must be understood as a direct and inescapable consequence of knowledge and understanding through listening, of assuming responsibility, of *accountability*, of overcoming the terrible practice of concealing abuses that have already occurred. Acknowledging the truth of the facts is essential, but transparency also implies making known the initiatives in the field to implement effective protection, indicating the procedures to deal with these situations, the measures adopted, communicating the conclusions and the decisions taken against those found guilty. It is only through the application of the principle of transparency that the individuals, communities and even third parties concerned will be genuinely aware not only of the criminal acts and faults, but also of all the steps that the Church has taken promptly to respond to such situations.

6. Prevention

6.1 Prevention must be considered the most effective response by the Order of the Regular Clerics of Somasca, which can only defend and realise the value of its Christian witness and the educational and pastoral work carried out in many parts of the world distant from each other.

6.2 Prevention means knowing and making known the problem, talking about it fairly and clearly, so that people become aware of it and take responsibility in order to act effectively to protect those involved.

- 6.3 Prevention means identifying risk factors in the environment and in people, and taking action to protect minors, the vulnerable, and those who habitually have an imperfect use of reason.
- 6.4 Prevention means planning methods of teaching and disseminating the culture necessary to understand the phenomenon, the correct indications for establishing the most appropriate relational methods in the environments concerned, for identifying the environmental conditions at risk and the most appropriate prudential behaviour.
- 6.5 Prevention means drawing up codes of conduct that take into account the principles and rules of the current canon law, state law, cultural environments, and the different roles of those involved in educational, pastoral, and spiritual spheres frequented by categories of minors and other persons worthy of protection.
- 6.6 Prevention means making and implementing choices that prioritise respect for the life, dignity, and freedom of the person, especially when it comes to minors and the vulnerable.
- 6.7 Prevention means recognising past mistakes, negligence and carelessness so as not to make the same mistakes again.
- 6.8 Prevention means using external experts in various fields to understand in depth the phenomenon of abuse within the Church and to ensure a correct culture and information.
- 6.9 Prevention means being aware of the important role played by the widespread use of technology, the *mass media*, and new forms of multimedia communication. The spread of pornography on the Net and the extreme ease of accessing it has a decisive influence on the integral development of children, adolescents, and young people with inevitable consequences in their sexual, affective, and relational spheres, in their cognitive capacities and in their way of relating to others.
- 6.10 Prevention means collaborating with other bodies and subjects in civil society to promote a culture of effective protection. In this sense, the Order of the Clerics Regular of Somasca will promote initiatives, conferences, information, and training programmes organised in all the Provinces in order to fully involve all the members of the Institute, the faithful present in them, the people to whom protection is addressed, their families and communities.

6.11 Clerics and non-clerical religious are more than social workers or youth counsellors, they are consecrated to bring the Word and the grace of the Lord to God's people. This is only possible with a deep spiritual life and an adequate and conscious integral formation of the person. For this reason prevention also means:

- a. To select with great care and caution those who apply to join the Institute or who apply to work as collaborators at different levels and in tasks;
- b. to continuously monitor with a very high level of attention the presence and persistence of the vocational suitability of its members and collaborators in various capacities;

In this regard, it is useful to quote the following passage from the CDF Circular Letter addressed to the Bishops' Conferences to prepare guidelines for handling cases of sexual abuse of minors by clerics:

“c) 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” (No. 3, Address to the American Cardinals, 23 April 2002). These words recall the specific responsibility of Bishops, Major Superiors and 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, acquire increasing importance in view of a correct vocational discernment and a sound human and spiritual formation of candidates. In particular, candidates should be formed in an appreciation of chastity and celibacy, and the responsibilities of spiritual paternity on the part of the cleric and can deepen their knowledge of the Church's discipline on the subject. More specific indications can be integrated into the formation programmes of seminaries and houses of formation provided for in the respective Ratio institutionis sacerdotalis of each nation and 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) The accompaniment 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;” (Circular Letter to assist Episcopal Conferences in developing Guidelines for dealing with the cases of sexual abuses of minors perpetrated by clerics, Roma, 3rd May 2011).

c. to elaborate and communicate adequately, also through training and refresher courses addressed at both members, clerics and non-clerics, as well as lay collaborators, and the families of minors, those who habitually have an imperfect use of reason and those to whom the law recognises equal protection. Each of them must always be aware that they never run the risk of being left to themselves or of remaining isolated or, worse still, undefended by the ecclesial realities to which they have entrusted themselves or have been entrusted by their loved ones.

7. Information and protection of the good reputation and confidentiality of all those involved

7.1 The obligation to provide adequate information to the community with information that corresponds to the truth must always be fulfilled adequately and with great care, assigning the task of spokesperson to appropriate professional figures. If administrative or judicial proceedings are pending in the canonical and/or state legal system, this communication must be carried out in compliance with the secrecy typical of the judicial phases and with the obligation to protect the good reputation and confidentiality of all those involved and the will of the alleged victim.

8. The effectiveness, implementation and operation of the Guidelines for the protection of minors, persons with imperfect use of reason, others with equal protection under the law, and the vulnerable.

- 8.1 The present Guidelines have the value of an instruction according to what is established in can. 34 CCL and, together with the instructions drawn up by the respective entities of the Order of the Clerics Regular of Somasca and by the competent authorities of the particular Church, determine the conduct of the Order with regard to those cases that concern the protection of minors, vulnerable persons and persons who habitually lack the use of reason. These Guidelines will be effective from the day following their publication on the institutional website of the Order of the Clerics Regular of Somasca.
- 8.2 The implementation of these Guidelines and Orientations depends on the responsibility of everyone, especially those who exercise the service of authority at any level and in any of the Order's institutions and the entities connected to it or traceable to it.
- 8.3 Respect, correctness, prudence, and observance of the principles contained therein are required of all Somascan religious, lay people, whether permanent or occasional employees, collaborators, volunteers, teachers, catechists, and all those who provide services in our spaces. In this regard, each Province (Viceprovince / Commissariat) is called to make these Guidelines known, as well as any further specific Guidelines that each of the structures may elaborate.
- 8.4 All clerics, religious and novices of the Order of the Clerics Regular of Somasca, lay collaborators and employees in the context of the realities related to the aforementioned Congregation must commit themselves to respect the Guidelines of the universal Church, of the respective Episcopal Conferences, of the local Church and of the Congregation itself.
- 8.5 All aforementioned persons are bound as citizens to respect the state law in force for them.

9. Reference sources

- 9.1 All the Communities of the Somascan Fathers, in every part of the world, share and apply in the matter of the protection of minors, vulnerable persons and those who habitually have an imperfect use of reason the following sources: the natural divine law; the positive divine law; the law that

the Church gives to herself autonomously in the course of time (positive law). The doctrine and tradition accepted by the Church has a different degree of obligatory nature, at the apex of which is always the Word of God.

9.2 The sources to which reference should be made with regard to the protection of minors, persons with imperfect reason and other categories of persons to whom the law accords equal protection are as follows:

- a. **The Code of Canon Law and the Code of Canons of the Eastern Churches**, having regard to the fact that the entire Book VI of the Code of Canon Law was completely reformulated with Pope Francis' Apostolic Constitution *Pascite gregem Dei* of 1 June 2021 and came into force on 8 December 2021. In the new version, the *delictum contra sextum cum minore* is expressly provided for in canon 1398 which, now included among the crimes against human life, dignity, and freedom and no longer among those against special obligations, states:

§ 1: A cleric is to be punished with deprivation of office and with other just penalties, not excluding, where the case calls for it, dismissal from the clerical state, if the cleric:

1. commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognises equal protection;

2. recruiting or inducing a minor, or a person habitually suffering from a mental defect, or a person to whom the law gives equal protection, to exhibit pornography or to participate in real or simulated pornographic performances;

3° who immorally acquires, keeps, exhibits, or discloses, in any way and by any means, pornographic images of minors or of persons who habitually have an imperfect use of reason.

§ 2. If a member of an institute of consecrated life or of a society of apostolic life or any member of the faithful who enjoys a dignity or performs an office or function in the Church commits the crime mentioned in § 1 or in canon 1395, § 3, he is to be punished in

accordance with canon 1336, §§ 2-4, with the addition of other penalties according to the gravity of the crime".

b. **Canon 1395 of the CCL in its new version** states:

"§1. A cleric in concubinage, apart from the case mentioned in Canon 1394, and a cleric who scandalously continues in another external sin against the sixth commandment of the Decalogue, are to be punished by suspension, to which other penalties may be gradually added if the crime persists after the admonition, until he is dismissed from the clerical state.

§ 2. A cleric who has committed other crimes against the sixth commandment of the Decalogue, if the offence was committed publicly, is to be punished with just penalties, not excluding dismissal from the clerical state, if the case so requires.

§3. A cleric who commits an offence against the sixth commandment of the Decalogue or forces someone to perform or undergo sexual acts by violence, threats or abuse of authority shall be punished with the same punishment as in § 2.

c. The **Apostolic Constitution *Pastor Bonus*** of 28 June 1988 with subsequent amendments;

d. The **Apostolic Letter in the form of M.P. *Sacramentorum sanctitatis tutela*** with which the *Normae de gravioribus delictis Congregationi pro Doctrina Fidei reservatis* valid for both Latin and Eastern faithful were promulgated on 30 April 2011. With this Motu Proprio, Pope John Paul II promulgated the norms concerning the most serious crimes reserved to the Congregation for the Doctrine of the Faith. The abuse of minors committed by a deacon, priest or bishop is counted among those considered to be '*gravius delictum*' (the most serious crimes) and placed under the jurisdiction of the Congregation for the Doctrine of the Faith (hence the definition of *delictum reservatum*). This is a special legislation which therefore prevails over the universal one.

e. The ***Normae de delictis Congregationi pro Doctrina Fidei reservatis seu Normae de delictis contra fidem necnon de gravioribus delictis*** issued on 21 May 2010 by Pope Benedict XVI. In the historical introduction edited by the Congregation for the Doctrine of the Faith explains their *ratio* as follows: '*After a careful and thorough study of the*

proposed changes, the members of the Congregation for the Doctrine of the Faith submitted to the Roman Pontiff the result of their determinations, which the Supreme Pontiff himself, by decision of 21 May 2010, approved, ordering their promulgation'. The changes introduced are both substantive and procedural.

- f. The **letter to the People of God** in Ireland of 19 March 2010 by the Supreme Pontiff Benedict XVI;
- g. The **Circular Letter to assist Bishops' Conferences in preparing guidelines for handling cases of sexual abuse of minors by clerics**, issued by the Congregation for the Doctrine of the Faith (3 May 2011). This document, deals specifically with the crime *contra sextum cum minore*, was addressed to the bishops to "*provide an adequate response to possible cases of sexual abuse of minors committed by clerics in their dioceses*" (in the Introduction of the Letter) and to encourage the Bishops' Conferences to develop guidelines that "*should lead to a common orientation within an Episcopal Conference and help to better harmonise the efforts of individual Bishops in safeguarding minors*" (in the Conclusion). In reality, it constitutes a reference text of an even broader nature than the recipients indicated and absolutely essential, as it offers numerous points for reflection and definitions of the legal institutions involved. It proposes the "*referral of crimes to the appropriate authorities*" without prejudice to the jurisdiction of the internal sacramental forum (part I, letter e), the commitment to collaboration with the civil authorities, already envisaged by Benedict XVI in his Letter to the Catholics of Ireland. The Circular Letter of May 2011 has a more precise and defined content than that already anticipated by the *Guide to Understanding Basic Procedures of the Congregation for the Doctrine of the Faith (CFD) regarding allegations of sexual abuse* of 11 April 2010 (letter A). In particular, it clarifies that collaboration must not only concern abuses committed by clerics, but also those committed by lay and religious personnel working in ecclesiastical structures (part I, letter e).
- h. The **Apostolic Letter of 11 July 2013**, in the form of a *Motu Proprio*, "*In our times*";
- i. The **Apostolic Letter of 4 June 2016**, in the form of a *Motu Proprio*, "*Like a loving mother*" with which the Pope Francis intended to identify among the "serious causes", for which a Bishop may be removed from his ecclesiastical office, "*the negligence of Bishops*

in the exercise of their office, in particular in relation to cases of sexual abuse of minors and vulnerable adults, provided for in the Motu Proprio 'Sacramentorum Sanctitatis Tutela' promulgated by St. John Paul II and amended by my beloved predecessor Benedict XVI. In such cases the following procedure will be observed". (Quotes taken from a Bulletin from the Holy See Press Office of 4 June 2016). The Motu Proprio proposes procedures and institutional structures for the purpose of creating authentic accountability in cases relating to the misconduct of Bishops and Religious Superiors and their mishandling of cases of sexual abuse *cum minore* (with minor). Specifically, it provides that a Bishop, an Eparch or a Superior of a Religious Institute or Society of Apostolic Life of Pontifical Right may be removed if his lack of diligence in this regard is serious, as stated in Article 1:

§ 1. "The diocesan Bishop or the Eparch, or whoever, or one who even holds a temporary title and is responsible for a Particular Church, or other community of faithful that is its legal equivalent, according to canon 368 of the CCL and canon 313 of the CCEO, can be legitimately removed from office if he has negligently performed or omitted acts which have caused serious harm to others, whether they be individuals or a community as a whole. The damage may be physical, moral, spiritual or financial.

§ 2. A diocesan Bishop or Eparch may be removed only if he has objectively and very seriously failed to exercise the diligence required by his pastoral office, even without any serious moral fault on his part.

§ 3. In the case of abuse of minors or vulnerable adults it is sufficient that the lack of diligence is serious.

§ 4. Major Superiors of religious Institutes and Societies of Apostolic Life of Pontifical Right shall be equivalent to the diocesan Bishop and the Eparch".

- j. The gift of the priestly vocation is regulated in the ***Ratio Fundamentalis Institutionis Sacerdotalis*** published by the Congregation for the Clergy (8 December 2016), which includes a section on the protection of minors and the accompaniment of victims (art 202).

- k. ***Pope Francis' Letter to the People of God Pilgrim in Chile***, 31 May 2018 in which the Supreme Pontiff draws attention to the need to rediscover the authentic meaning of the Gospel message in order to re-evaluate the freedom and integrity of the person. From this reflection springs the invitation to religious formation centres, seminaries, training institutes and theological faculties to promote a theological reflection capable of fostering a mature faith and at the same time a community open to dialogue, encounter, and confrontation, capable of identifying and blocking potential situations of abuse: "5. *La cultura del abuso y del encubrimiento es incompatible con la lógica del Evangelio ya que la salvación ofrecida por Cristo es siempre una oferta, un don que reclama y exige la libertad. Lavando los pies a los discípulos es como Cristo nos muestra el rostro de Dios. Nunca es por coacción ni obligación sino por servicio. Digámoslo claro, todos los medios que atenten contra la libertad e integridad de las personas son anti-evangélicos; por tanto es preciso también generar procesos de fe donde se aprenda a saber cuando es necesario dudar y cuando no. "La doctrina, o mejor, nuestra comprensión y expresión de ella, 'no es un sistema cerrado, privado de dinámicas capaces de generar interrogantes, dudas, cuestionamientos', ya que las preguntas de nuestro pueblo, their anxieties, their peleas, their dreams, their worries, their concerns, pose a hermeneutical value that we cannot ignore if we want to take the principle of the Incarnation seriously". I invite all Centres of Religious Education, theological faculties, tertiary institutes, seminaries, houses of education and spirituality to promote a theological reflection that is capable of staying at the height of the present time, to promote a mature, adult faith that assumes the vital humus of the Pueblo de Dios with its questions and concerns. Y así, entonces, promover comunidades capaces de luchar contra situaciones abusivas, comunidades donde el intercambio, la discusión, la confrontación sean bienvenidas. Seremos fecundos en la medida que potenciemos comunidades abiertas desde su interior y así se liberen de pensamientos cerrados y autoreferenciales llenos de promesas y espejismos que prometen vida pero que en definitiva favorecen la cultura del abuso*³. ";

³ **Translation:** The culture of abuse and cover-up is incompatible with the logic of the Gospel since the salvation offered by Christ is always an offer, a gift that demands and demands freedom. It is by washing the feet of the disciples that Christ shows us the face of God. It is never by coercion or compulsion but by service. Let us be clear, all means that threaten the freedom and integrity of people are anti-evangelical; therefore, it is also necessary to generate processes of faith where we learn to know when it is necessary to doubt and when it is not. "The doctrine, or rather, our understanding and expression of it, 'is not a closed system, deprived of dynamics capable of generating questions, doubts, questionings', since the questions of our people, their anxieties, their quarrels, their dreams, their worries, their concerns, possess a hermeneutical value that we cannot ignore if we want to take the principle of the Incarnation seriously". I invite all Centres of Religious Education, theological faculties, tertiary institutes, seminaries, houses of education and spirituality to promote a theological reflection that is capable of staying at the height of the present time, to promote a mature, adult faith that assumes the vital humus of the People of God with its questions and concerns. And so, then, to promote

1. The **Letter of the Holy Father Francis to the People of God** (20 August 2018) fully represents the spirit of the Church in the face of the serious issue of abuse. In it, the Pontiff, in the aftermath of the publication of the report on the cases of paedophilia in the Dioceses of Pennsylvania (United States of America), expresses on behalf of the entire People of God "*shame and repentance*" and underlines the need for conversion on the part of the entire community in order to bring about ecclesial renewal: "*It is always helpful to remember that "in salvation history, the Lord saved one people. We are never completely ourselves unless we belong to a people. That is why no one is saved alone, as an isolated individual. Rather, God draws us to himself, taking into account the complex fabric of interpersonal relationships present in the human community. God wanted to enter into the life and history of a people" (Gaudete et Exsultate, 6). Consequently, the only way that we have to respond to this evil that has darkened so many lives is to experience it as a task regarding all of us as the People of God. This awareness of being part of a people and a shared history will enable us to acknowledge our past sins and mistakes with a penitential openness that can allow us to be renewed from within. Without the active participation of all the Church's members, everything being done to uproot the culture of abuse in our communities will not be successful in generating the necessary dynamics for sound and realistic change.*" The whole community involved responds to the scourge of abuse, not because it is guilty, but because it has the task of taking care of the little ones. Every time one of the youngest or most fragile is hurt, the whole community suffers because it failed to stop the abuser or to do all that was necessary to avoid and prevent the abuse. Prevention cannot be considered as a series of isolated or mechanically performed actions but must be seen as part of a process of community ecclesial renewal that is able to place at the centre the care and protection of those who are most in need of protection. Only in this perspective of conversion will the community be able to overcome silence, indifference, prejudice and inertia.

- m. The ***Proceedings of the Meeting for the Protection of Minors in the Church*** - Vatican City 21-24 February 2019.

communities capable of fighting against abusive situations, communities where exchange, discussion, confrontation are welcome. We will be fruitful to the extent that we empower communities that are open from within and thus free themselves from closed and self-referential thoughts full of promises and mirages that promise life but ultimately favour the culture of abuse. ";

- n. The **Apostolic Letter in the form of a *Motu Proprio* of the Supreme Pontiff Francis *On the Protection of Minors and Vulnerable Persons* (26 March 2019)**. It represents a legislative source and guideline for the Vatican City State, following up on what had been announced at the end of the Meeting on the Protection of Minors in the Church" in February 2019. "*The protection of minors and vulnerable persons is an integral part of the Gospel message that the Church and all her members are called to spread throughout the world,*" reads the opening words of the *Motu Proprio*, and again: "*We all, therefore, have the duty to welcome minors and vulnerable persons with generosity and to create a safe environment for them, having priority regard to their interests*".
- o. The **Apostolic Letter in the form of a *Motu Proprio* of the Supreme Pontiff Francis *Vos estis lux mundi* of 9 May 2019** (also referred to as VELM). This *Motu Proprio* establishes definitions and procedures for reporting harassment and violence and ensuring that Bishops and Religious Superiors are accountable. It also introduces an obligation for clerics and religious to report abuse, not only those of minors, and a requirement that each diocese set up a publicly accessible system for receiving reports. Lay members of the Church were also invited to denounce. Hence the need to provide them with both a physical and virtual place (for example a dedicated email inbox) to contact. The VELM legislations were promulgated *ad experimentum* and needs to be coordinated with the SST legislation.
- p. The ***Rescriptum ex audientia SS.mi* of the Holy Father Francis by which some changes are introduced to the "*Normae de gravioribus delictis*" (17 December 2019)**. In this *Rescriptum* some changes have been introduced to the *Normae de gravioribus delictis*. Compared to the previous source, the age has been raised from 14 to 18 years and it has been declared punishable "*the acquisition or possession or dissemination, for the purpose of lechery, of pornographic images of minors under 18 years of age by a cleric, in any way and by any means*".
- q. The ***Rescriptum ex audientia SS.mi* of the Holy Father Francis** of 17 December 2019 promulgating the Instruction on the confidentiality of cases. It provides that sexual abuse committed by members of the clergy against minors is no longer covered by papal secrecy, although official secrecy remains effective in order to guarantee "*the security, integrity*

and confidentiality" of the various stages of the process and "to protect the good reputation, image and privacy of all those involved".

- r. The ***Vademecum on certain points of procedure in the treatment of cases of sexual abuse of minors committed by clerics (ver. 1.0.) of 16 July 2020*** with which the Congregation for the Doctrine of the Faith has given an answer to numerous questions on the steps to be taken in criminal cases within its competence. The *Vademecum* is intended for Ordinaries and legal practitioners who need to translate canonical norms on the sexual abuse of minors by clerics into concrete actions. The *Vademecum* is not a normative text; rather, it should be considered as a handbook which is recommended to be observed;
- s. The Constitutions and Rules of the Order of Clerics Regular of Somasca.

Reference should also be made to the **Guidelines for the Protection of Minors and Vulnerable Persons issued by the respective Bishops' Conferences and Conferences of Major Superiors.**

From this quick overview it is clear that the subject of the protection of minors and vulnerable persons has been the subject of constant study, in more recent times the repeated appeals of Pope Francis to ensure that the safety of children and vulnerable adults is guaranteed in ecclesiastical institutions. For this reason, an extensive reflection and an in-depth study by the Superior General and the General Council was launched which led to the drafting of this protocol intended for all the religious of the Institute, both clerics and non-clerics and other lay faithful invested with dignity and who hold offices in any work of the Institute, with specific regard to those who are in contact with the minors and vulnerable people, believing that, regardless of the type of work, everyone should feel responsible.

10. Definitions

10.1 The clarity of definitions benefit transparency and effective internal and external communication. The theme of effective communication is an integral part of a process of ecclesial renewal and the realization of an effective protection of minors and vulnerable persons. It is not possible to break the culture of silence and provide correct information that corresponds to the truth if we do not use a shared nomenclature that is the result of precise rules and parameters that also imply reflection at the theological, juridical, philosophical and anthropological level, where

the matter in *question* is dealt with and addressed in cultural and social contexts with different languages and idioms. If there is already confusion in the theological, legal and other categories, there can be no clarity of terms.

10.2 There is no explicit and agreed definition of sexual abuse, given the cultural and social differences that exist throughout the world and the different laws in force in each State in this matter. Canon law, as seen in the section on sources, has specific provisions that do not necessarily coincide with those in force in the States. Under the Canon Law in force until 7 December 2021, sexual acts committed with minors under the age of eighteen or with persons to whom the law reserves equal protection are crimes *contra sextum* only if committed by clerics, diocesans or members of institutes of consecrated life or societies of apostolic life, or deacons. If they were committed by members of religious institutes or secular institutes and societies of apostolic life without priestly ordination, they resulted in dismissal from the institute. If committed by members of the lay faithful, such acts were only considered to be sins.

10.3 As of 8 December 2021, the Apostolic Constitution *Pascite gregem Dei* provides for the entry into force of the revised Book VI of the CCL. From the new version of canon 1398 of the CCL, which will replace the provisions of canon 1395 (previous formulation), it is clear that the criminal offences described therein involve not only clerics or deacons, but also religious and lay faithful. The passive subject is the minor of eighteen years but compared to the corresponding canon of the previous version of Book VI, the person who habitually has an imperfect use of reason or the person to whom the law recognises equal protection is added⁴.

10.4 With regard to the penalties applicable to clerics (and deacons) in the cases envisaged by the new canon 1398 of the Code of Canon Law, in addition to deprivation of office and other just penalties, not excluding dismissal from the clerical state if the case so requires, it is foreseen that

⁴ For example, Canon 1398 states:

§1. The cleric who commits a crime against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with that to which he is accustomed is to be punished by deprivation of office and other just punishments, not excluding dismissal from the clerical state: 1° who commits a crime against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognizes equal protection; 2° who recruits or induces a minor, or a person who habitually has an imperfect use of reason or one to whom the law recognizes equal protection, to show himself pornographically or to participate in real or simulated pornographic exhibitions; 3° who immorally acquires, keeps, exhibits or disseminates, in any way and by any means, pornographic images of minors or of persons who habitually have an impaired use of reason.
§ 2. The member of an institute of consecrated life or of a society of apostolic life, and any member of the faithful who enjoys a dignity or performs an office or function in the Church, if he commits the crime mentioned in § 1 or in canon 1395, § 3, is to be punished in accordance with canon 1336, §§ 2-4, with the addition of other penalties according to the gravity of the crime."

the penalties envisaged in canon 1395 § 3 (also reformulated with the revision of Book VI) are to be applied to the religious/cleric and to any member of the faithful who commits the crimes mentioned in § 1 of the same canon or the crimes mentioned in canon 1395 § 2-4, possibly adding other penalties in proportion to the seriousness of the act. 1395 § 3 (also reformulated with the revision of Book VI)⁵ the penalties of canon 1336 §§ 2-4⁶ are to be applied, with the possible addition of other penalties proportionate to the gravity of the act.

10.5 The provision of article 6 of the *Normae de delictis reservatis* sets out the criminal offences reserved for the Congregation for the Doctrine of the Faith (CDF):

"§ 1. The most serious offences against morals, which are reserved to the judgement of the Congregation for the Doctrine of the Faith, are: "1. the offence against the sixth commandment of the Decalogue committed by a cleric with a person under eighteen years of age; in this number, a person who habitually has an imperfect use of reason is considered equivalent to a minor; 2. the acquisition or possession or distribution, for the purpose of lust, of pornographic images of minors under fourteen years of age by a cleric, in any way and by any means.

§ 2 A cleric who commits the crimes mentioned in § 1 shall be punished according to the gravity of the crime, not excluding dismissal or deposition".

⁵ CCL can. 1395 (new version) § 3. A cleric who by violence, threats, or abuse of authority commits a crime against the sixth commandment of the Decalogue or forces someone to perform or undergo sexual acts is to be punished with the same penalty as in § 2.

⁶ CCL can. 1336 (new version) can. 1336 - § 1. The expiatory penalties which may be applied to an offender in perpetuity or for a fixed or indefinite period of time, in addition to others which the law may have established, are those listed in §§ 2-5.

§ 2: Injunction:

1. to reside in a certain place or territory;
- 2° to pay a fine or a sum of money for the purposes of the Church, according to the regulations defined by the Bishops' Conference.

§ 3: Prohibition:

1. to reside in a certain place or territory;
2. to exercise, in or outside a particular place or territory, all or some of the offices, assignments, ministries or functions or only some of the tasks inherent in the offices or assignments;
- 3° to place all or some acts of power of order;
- 4° to place all or some acts of governmental power;
5. to exercise any right or privilege or to use any insignia or title;
6. to have active or passive voice in canonical elections and to participate with voting rights in ecclesiastical councils and colleges;
7. to wear the ecclesiastical or religious habit.

§ 4 Deprivation:

- 1° all or some of the offices, tasks, ministries, or functions or only some of the tasks inherent in the offices or tasks;
- 2° the faculty to receive confessions or the faculty to preach;
- 3° of the delegated power of government;
- 4° of certain rights or privileges or insignia or titles;
- 5° of all or part of the ecclesiastical remuneration, according to the regulations laid down by the Episcopal Conference, without prejudice to the provisions of canon 1350, § 1.

§ 5 Dismissal from the clerical state.

10.6 The norms promulgated in the Apostolic Letter *Vos estis lux mundi* (VELM) on 7 May 2019, effective *ad experimentum* for the duration of three years, foresee (art. 3) the mandatory reporting by clerics and religious in the case of *notitia criminis in* reference to crimes against the sixth commandment of the Decalogue. Of particular interest to the Provinces is what is set out in Title I on the "*General Provisions*" concerning the establishment of a place accessible to the public for making reports, the obligation to report by a cleric and a religious, the protection of the person making the report, and the reception and listening to those who claim to have been offended together with their families. The '*Motu Proprio*' equates the 'vulnerable person' with the minor, which is clearly defined in Article 1 § 2 letter b. In Title II on the "*Provisions concerning Bishops and Bishops with equivalent status*", what is said about the observance of state laws is of interest to the Provinces (article 19). With regard to the violation of the sixth commandment of the Decalogue with minors, "*Vos estis lux mundi*" has not changed the criminal offence referred to in canon 1395 § 2 CCL and article 6 § 1, n. 1 of the *Motu Proprio* "*Sacramentorum sanctitatis tutela*". It is also confirmed that the judgement for crimes of this kind, if committed by a cleric or deacon with a minor, are the responsibility of the Congregation for the Doctrine of the Faith.

10.7 In order for the crime of sexual abuse of a minor or vulnerable person to be committed (as foreseen by the norms of the *Motu Proprio* SST and the apostolic letter also in the form of the *Motu Proprio* VELM and as provided for in can. 1398 CCL, which came into force on 8 December 2021), it is not necessary for actual sexual intercourse to take place between the cleric and the minor, since it is sufficient for impure acts to be performed, which imply a violation of the precept (contact with sexual organs, touching, lascivious caresses, but also impure acts performed by the offender on himself in the presence of the minor, but without direct physical contact with the latter and without the latter being involved). The abstract offence also includes showing pornographic material, kissing as an act of lechery, as an act of impulse and lust, showing oneself nude or performing sexual acts with a webcam or using a mobile phone or other device allowing the transmission of images (videos or photographs). However, it also includes verbal conduct that is reversed by means of a telephone conversation or through the Internet using chat applications.

10.8 The *Normae de delictis reservate* of 2010 already included among the crimes *contra sextum cum minore*, acts involving the acquisition or possession or dissemination, for the purpose of lust, of pornographic images of minors (all those under the age of eighteen) by a cleric, in whatever manner and by whatever means. Article 1 of the VELM has extended the categories of active

subjects of the crime *contra sextum cum minore* since it provides for members of Institutes of Consecrated Life and Societies of Apostolic Life in addition to clerics. The aforementioned provision states that sexual abuse consists in "*i. forcing someone, by violence or threat or by abuse of authority, to perform or submit to sexual acts; ii. performing sexual acts with a minor or a vulnerable person; iii. producing, exhibiting, possessing or distributing, even by telematic means, child pornography, as well as recruiting or inducing a minor or a vulnerable person to participate in pornographic exhibitions;*". Canon 1398 of Book VI of the Revised Code of Canon Law provides for two criminal offences attributed to the phenomenon of child pornography. The first conduct consists in recruiting or inducing a minor, or a person who habitually has an imperfect use of reason, or one to whom the law accords equal protection, to show himself or herself pornographically or to participate in real or simulated pornographic exhibitions; the second conduct consists in acquiring, keeping, exhibiting or immorally disseminating, in any way and by any means, pornographic images of minors or persons who habitually have an imperfect use of reason.

10.9 The definition of a minor: is the person whose age is less than that fixed by the law for reaching adulthood. For the Church, a 'minor' is a person who has not reached eighteen years of age, as defined in can. 97 § 1 of the CCL⁷. The definition offered in VELM art. 1 § 2 is as follows: "*minor*": *any person under eighteen years of age or by law treated as such*".

10.10 The vulnerable person is "*any person in a state of infirmity, physical or psychic deficiency, or deprivation of personal liberty which in fact, even occasionally, limits their capacity to understand or will or in any case to resist the offence*" (VELM, art. 1 §2). In the newly formulated canon 1398 CCL there is no reference to this category, but it refers to all persons to whom the law recognises equal protection. A vulnerable person could be defined as a person of either sex who, despite having reached the age of majority, is not in a position to decide with awareness, freedom, and responsibility for their own acts and those of others, because of limitations of a psychic or physical nature, whether temporary or permanent.

10.11 In the case of an offence against the sixth commandment of the Decalogue committed by a cleric, the minor is equated with the person who habitually has an imperfect use of reason (SST

⁷ CCL Can. 97 § 1. A person who has reached eighteen years of age is of age; below that age he/she is a minor.

art. 6, § 1.1, art. 1398 §1 nn-1°,2°, 3° CIC in the new version of Book VI) and with other persons to whom the law accords equal protection (can. 1398 §1 CCL)⁸.

10.12 Child pornography" is "*any representation of a minor, regardless of the means used, engaged in real or simulated sexually explicit activity and any depiction of the sexual organs of minors for primarily sexual purposes*" (VELM, art. 1 §2).

10.13 In addition to the abuse of persons who habitually have an imperfect use of reason, there may also be various inadequate or improper behaviours in the area of the sixth commandment of the Decalogue towards vulnerable adults. The religious of the Order of Clerics Regular of Somasca may be punished according to the provisions of Code of Canon Law, not excluding the initiation of the process for dismissal from our Institute.

10.14 The Prescription begins in accordance with can. 1362 § 2 CCL and can. 1152 § 3 CCEO. But in the crime of abuse *contra sextum cum minore* mentioned in art. 6 § 1 n. 1, the prescription is twenty years and begins to run from the day on which the minor has reached eighteen years of age". (SST art. 7 § 2)⁹. Inappropriate or improper behaviour of religious (not clerics) in matters of the sixth commandment of the Decalogue towards vulnerable adults, if considered as crimes, is prescribed according to can. 1362 § 1 CCL.

10.15 With regard to lay people involved in the various works of our Congregation who are accused of criminal acts that can be traced back to the cases envisaged in can. 1398 CCL (which is effective from 8 December 2021, as does the whole of Book VI promulgated with the Apostolic Constitution *Pascite gregem Dei*), art. 6 § 1 of the *Norms de gravioribus delictis* and art. 1 of VELM, it's possible to proceed with the denunciation to the competent civil bodies and the

⁸ CCL Can. 1398 § 1: "A cleric is to be punished by deprivation of office and other just penalties, not excluding dismissal from the clerical state, if the case so requires:

1°. who commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law accords equal protection;

2°. recruiting or inducing a minor, or a person habitually suffering from a mental defect, or a person to whom the law gives equal protection, to exhibit pornography or to participate in real or simulated pornographic performances;

3° who immorally acquires, keeps, exhibits or discloses, in any way and by any means, pornographic images of minors or of persons who habitually have an imperfect use of reason.

⁹ § 1. Without prejudice to the right of the Congregation for the Doctrine of the Faith to derogate from the statute of prescription for individual cases, criminal proceedings relating to offences reserved to the Congregation for the Doctrine of the Faith are extinguished by prescription after twenty years.

§2. The limitation period begins in accordance with can. 1362 § 2 of the Code of Canon Law and can. 1152 § 3 of the Code of Canons of the Eastern Churches. But in the case of the offence referred to in Article 6 § 1 n.1, the limitation period begins to run from the day on which the minor reaches the age of eighteen.

termination of employment, according to the procedures established by the laws of the country. If he is a member of the faithful "*who enjoys a dignity or performs an office or function in the Church, if he commits the crime mentioned in § 1 or in canon 1395 § 3 he is to be punished in accordance with canon 1336 § 2-4, with the addition of other penalties according to the gravity of the crime*".

10.16 The definition of abuse of authority or of the office held, which is now referred to in can. 1326 CCL in the new formulation of Book VI of the CCL whereby "*The judge must punish more severely than the law or precept establishes those who are constituted in dignity or those who have abused authority or office to commit the crime*"¹⁰. The Pope Francis both in his Letter to the People of God of 20 August 2018 and in his meeting on the following 25 August, during his trip to Ireland, where he similarly reiterated that: "*Elitism, clericalism favour all forms of abuse. And sexual abuse is not the first. The first is the abuse of power and conscience*" (Notebook 4038, La Civiltà Cattolica, 15 September 2018, 449). Lastly, the Motu Proprio *Vos estis lux mundi* also wished to include abuse of authority among the circumstances that make the conduct punishable in article 1 § 1 a), lett. i¹¹, which partially refers to can. 1395 § 2 CCL old formulation and in force until 7 December 2021 and can. 1398 § 1 CCL of the new version of Book VI. Abuse also concerns all forms of more or less veiled conditioning, prevarication, and abuse, as well as transgressive and oppressive behaviour on the part of clergymen and church workers towards adults who have a subordinate position in relation to them, who are in formation or who turn to them for spiritual accompaniment or the sacrament of reconciliation, to ask for help or for other

¹⁰ Can. 1326 §1. The judge must punish more severely than the law or the precept states:

1° one who after conviction or declaration of punishment still persists in committing the offence, to such an extent that it is prudent to presume from the circumstances that he has been guilty of misconduct;

2° one who is constituted in dignity or who has abused authority or office to commit the offence;

3. one who, being punished for the culpable offence, foresaw the event, and nevertheless failed to take precautions to avoid it, as any diligent person would have done;

4. a person who has committed the crime in a state of drunkenness or other disturbance of the mind, deliberately sought in order to carry out the crime or to excuse himself from it, or due to passion voluntarily aroused or fostered.

§ 2. In the cases referred to in § 1, if the penalty imposed is *latae sententiae*, another penalty or a penance may be added.

§ 3. In the same cases, if the penalty is set as optional, it becomes mandatory.

¹¹ Pope Francis, Apostolic Letter, *Vos estis lux mundi*, Art. 1 - § 1 The present norms apply to reports concerning clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life:

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

i. Coercing someone, by violence or threat or by abuse of authority, to perform or undergo sexual acts;

ii. Engaging in sexual acts with a minor or vulnerable person;

iii. In the production, exhibition, possession, or distribution, including by electronic means, of child pornography, as well as in the recruitment or induction of a child or a vulnerable person to participate in pornographic performances;

b) Conduct by persons referred to in article 6 consisting of actions or omissions intended to interfere with or circumvent civil investigations or canonical, administrative or criminal investigations of a cleric or religious person regarding the offences referred to in point (a) of this paragraph.

pastoral needs or services. From a juridical point of view, it may not be easy to classify such behaviour, which in canon law may constitute a real crime, or perhaps only imprudent, unseemly, or improper actions which, while not constituting crimes, require disciplinary sanctions or at least warnings for the damage they cause to the faithful who are the victims of such actions.

10.17 A case which fully integrates the crime of abuse of power is that which obliges a denunciation when such a crime has been committed by those who preside over ecclesial communities, Cardinals, Patriarchs, Bishops, etc., as established by art. 1 § 1 3b of the *Motu Proprio Vos estis lux mundi* which describes it as "*conduct carried out ... consisting of actions and omissions aimed at interfering with or evading civil investigations or canonical, administrative or criminal investigations of a cleric or religious with regard to the crimes referred to in letter a) of this paragraph*". Another case relevant from a legal point of view is that which takes the form of conduct contrary to a rule of law in the exercise of the office or assignment. At other times, however, it is not easy to delimit the "abusive" case and one may run the risk of either including any "authoritarian" manifestation or, on the contrary, underestimating and excluding real manifestations of abuse, bearing in mind that from a sanctioning point of view the new rules reduce the rate of discretion in the application of sanctions.

11. Practical tips on steps to be taken

11.1 The protection of minors is not reduced to dealing with every *notitia criminis* concerning cases of violation of the sixth commandment of the Decalogue *cum minor*. Our Institute, also through these Guidelines, is addressing the urgent issues that relate to listening to and helping the victims, supporting their families, and the preliminary investigation. The Provinces have progressively learned how to deal with these cases, which require commitment to overcome the culture of silence, to speed up the canonical investigation, to take care of communication, to collaborate with justice. These actions are indispensable prerequisite for the credibility of all those who wish to guarantee safe environments from an educational, welfare, spiritual and pastoral point of view, but other measures are needed.

11.2 These are some suggestions:

- a. The first concerns reading the reports of the Vatican meeting on the "*Protection of Minors in the Church*" in February 2019 and the concluding speech given by Pope Francis on

that occasion, as well as the first acts of the Supreme Pontiff himself after this meeting that bear the date of 26 March 2019: the "*Motu proprio on the Protection of Minors and Vulnerable Persons*", the other sources reported here. It is also necessary to know the work of the Pontifical Commission for the Protection of Minors, created by Pope Francis in March 2014. It is necessary to consider in the Pope's *Motu Proprio*, published on 7 May 2019 *Vos estis lux mundi* the procedures for *notitia criminis* cases with reference to crimes against the sixth commandment of the Decalogue. Of particular interest for the Provinces is what is set out in Title I on the "*General Provisions*" concerning the establishment of a place accessible to the public to submit reports, the obligation to report by a cleric and a member of an Institute of Consecrated Life, the protection of the person submitting the report, the reception and listening to those who claim to have been offended together with their families. In Title II on '*Provisions concerning Bishops and their equivalent*', what is said about the observance of state laws (Article 19) is of interest to the Provinces. With regard to the violation of the sixth commandment of the Decalogue with minors, "*Vos estis lux mundi*" does not change the criminal offence referred to in can.1395 § 2 CCL and article 6 § 1, n. 1 of the *Motu Proprio "Sacramentorum sanctitatis tutela"*. It is also confirmed that the Congregation for the Doctrine of the Faith is responsible for judging crimes of this kind, if committed by a cleric. Provinces are invited to deepen the knowledge on the procedure in the *Vademecum on certain points of procedure in dealing with cases of sexual abuse of minors committed by clerics*.

- b. The second is to have as a point of reference, in addition to these Guidelines, those of one's own Episcopal Conference, which are normative for each Province, since they deal with situations linked to one's own cultural context, adopt common solutions, and above all take into account the civil and penal legislation of the country. These Guidelines are in the process of being revised by each Episcopal Conference and will be approved by the Congregation for the Doctrine of the Faith.
- c. The third consists in developing a dialogue aimed at identifying the essential outlines of the Guidelines of each Province, confronting them within our Order and relating in this regard with the General Curia and the other Provinces. The Guidelines of each Province must necessarily concern the scope of application, the contact person for the protection of minors, pastoral workers, pastoral activities, the informed consent of parents or

guardians, the treatment of reports of alleged cases of abuse, the summary description of *delictum contra sextum*.

- d. A fourth suggestion concerns the involvement of pastoral and educational communities in their various components. Since it is a question of ensuring the establishment of safe pastoral and educational environments, the community must be involved from the very beginning, not only in the application phase. For this reason, we believe that it is not effective to send only these Guidelines to the Provinces to be copied and applied with the risk of an automatism that sacrifices reflection on the particular realities of each Province, of each community. It is necessary to initiate a process of ecclesial renewal that involves all the realities and subjects concerned, starting with the confreres, the laity who are in contact with minors, and the representatives of the parents. Only this process made up of reflection, confrontation, adaptation to individual situations and cultures, which will lead to an assumption of responsibility, the maturation of the capacity for *accountability*, and to the growth of our communities in terms of sensitivity and culture of prevention.
- e. A further suggestion is to set up a counselling centre with appropriately trained staff and an e-mail account exclusively dedicated to receiving reports of sexual abuse by one of the categories described.
- f. The final suggestion is for the Provincial Superior and the Provincial Council to approve these Guidelines and publish them. Making this work public is also a contribution to increasing sensitivity to the protection of minors in the Church and society.

11.3 It is reiterated that the protection of minors, of persons who habitually have an imperfect use of reason and of those to whom the law accords equal protection cannot be reduced to dealing only with *notitiae criminis* concerning cases of child abuse. It is necessary to promote and defend human rights and the rights of minors through the systematic development of a culture of prevention, which requires intense work and the utmost care in situations and environments in which minors and other categories entitled to this special protection are present and most at risk of being abused, mistreated, or exploited.

11.4 The legal entity conducting the process and acknowledging and approving any Guidelines for the protection of minors within the Province is the Province itself.

- 11.5 It seems appropriate for the Province to set up a Commission to study and lead the process described above and to coordinate the contributions of the educative pastoral communities. The present Guidelines should serve to initiate and give impetus to this process of renewal and reflection in each individual Province, which, in turn, will offer motivation to the confreres and to the educative pastoral communities and will illustrate to them the stages of its implementation through moments of formation.
- 11.6 Since the responsibility lies with each Province, the Provincial Superior and the Provincial Council will decide whether to adopt only these Guidelines for their respective Provinces or to initiate the process of drawing up further Guidelines for the protection of minors, persons who habitually have an imperfect use of reason, and those to whom the law recognises equal protection. The General Procurator and the relevant offices of the General Curia may offer suggestions or advice, but each Province must freely initiate the process of becoming familiar with the subject through this Instruction, the sources indicated and involvement of the religious. The Superior General and the General Council will encourage, through constant dialogue with the Provinces and especially in the meeting with the Provincial Superiors and Provincial Councillors, moments of study, reflection and discussion.
- 11.7 It should be noted that every confrere, cleric, deacon or religious and every member of the faithful, including lay persons, who work permanently within the Order of the Regular Clerics of Somasca with attributions of dignity and offices of responsibility and direction must be aware of and receive a copy of the text of the Provincial Guidelines, which also includes the present document without the annexes. In the absence of provincial orientations document, within the Province, these Guidelines should be handed over to the religious and other concerned persons who work in the Province (see *Annex A* of the present Instruction for the certificate of delivery and receipt of a copy of the aforementioned documentation, which must be signed by the recipient).

12. Canonical procedures towards clerical religious

A. Admission of charges

12.1 Allegations of sexual abuse may come from a variety of sources, including alleged victims and/or their families, diocesan services, civil bodies, members of the religious community, co-workers, and the alleged perpetrator. In consonance with the principles and provisions of these Guidelines, anyone who becomes aware of the likely occurrence of inappropriate sexual behaviour towards minors or vulnerable persons, is obliged to report it promptly (in writing, not anonymously) to the Provincial Superior, so that he may take any initiative, also in accordance with the Code of Canon Law, to protect the aforementioned subjects, to seek the truth and promote the reparation of justice, the amendment of the offender.

Reports presented in good faith cannot cause negative repercussions for the denouncer, even if at the end of the proceedings the facts reported prove to be unfounded. Our Order must welcome and accompany those who submit such reports, even if they are not victims. The denouncer and those who claim to be victims, their families and witnesses must never be required to remain silent about what they say to the Church authorities.

If the complainant requests anonymity, this request must be granted and respected if the testimony is not decisive for establishing the facts reported. Such anonymity cannot be guaranteed in the context of reporting to the state authority.

12.2 Whoever receives the *notitia criminis* must communicate it to the Provincial Superior in a written and signed document. The document should also be signed by the persons involved. In verifying the *notitia criminis* the Provincial Superior may be assisted by other persons. Once the *notitia criminis* has been gathered, it must be communicated to the Superior General. If the accusation is made because the cleric or religious has been arrested, the canonical procedure is suspended until the civil procedure is completed. In this case the Provincial Superior must inform the General Superior.

B. Preliminary investigation: nature and purpose

12.3 Once the reliability of the accusation has been verified, the Provincial Superior must initiate the preliminary investigation, which may be carried out prudently either personally or through a Delegate into the facts, circumstances and imputability (can. 1717 CCL). As soon as the preliminary investigation has begun, the Provincial Superior must notify to the Superior General.

12.4 At the beginning of the preliminary investigation, the Provincial Superior appoints a Notary, whose task is to draw up the acts of the investigation, expose the parties and witnesses, and sign all the pages of the documents, together with the Provincial Superior or Delegate, ensuring their authenticity. In order to guarantee the greatest possible transparency of the investigative activity, it is advisable for the Province to document each interview by means of a text jointly signed by those involved.

12.5 The purpose of the preliminary investigation is to provide the Provincial Superior with the necessary data to decide whether there is well-founded evidence that a crime has been committed. The findings, whatever the outcome, must be transmitted to the Superior General.

During the preliminary investigation the Provincial Superior or his Delegate must investigate:

- a) the identity of the alleged victim (name, date of birth, home address);
- b) the identity of the suspect (name, age, roles, and responsibilities);
- c) the deliberate intent to commit the offence or the guilt of the suspect;
- d) on the facts reported in order to ascertain whether they really happened, whether they are in themselves unlawful and on the circumstances that led to the crime in which the criminal act was committed; date, place, method of execution, frequency, damage caused, possible recidivism, relationship with the alleged victim, etc;
- e) any other data relevant to the investigation;

f) the testimony of the minor allegedly injured shall be taken only if it is decisive for the establishment of the fact and only if the written consent of the parents or legal guardians has been previously obtained. The minor's statements shall be collected in a protected and confidential environment, in full compliance with the methodologies and criteria for listening to the alleged victim, in the presence of a professional with specific expertise in the psychological, cognitive, and emotional sciences of the minor. The minor can always be accompanied, assisted, and supported by his/her parents or legal guardian or another trusted person indicated by him/her and his/her legal representatives. In this phase the well-being of the minor is very important.

They must also gather evidence such as documents, statements by the parties (victim and accused), witnesses; other elements considered useful.

12.6 The preliminary investigation must be completed within 90 days from the day of its commencement ordered by decree. If justified reasons exist, the Provincial Superior or the Delegate for the preliminary investigation may order an extension for a maximum of another 60 days.

12.7 Preliminary investigation is to be considered as a stage prior to criminal proceedings and does not lead to trial and sentencing. It does not require clear evidence of the crime or of the culpability of the religious person, as only serious indications are sufficient. The elements collected can be used as evidence in criminal proceedings (administrative or judicial) if they are started.

C. Protecting the confidentiality and reputation of those involved

12.8 The investigations must be carried out with prudence and caution so as not to endanger the privacy and reputation of anyone on the basis of canon 220 CCL which states that: "*it is not lawful for anyone to illegitimately harm the good name which one enjoys*" taking into account also "*the common good*" as stated in can. 223 CCL. This attitude must be respected by everyone: the complainant, the presumed victim, family members, witnesses, the investigator, the notary, persons who become aware of the investigation and the ecclesiastical authority.

D. Spokesperson

12.9 Only the Provincial Superior or his Delegate will be the spokesperson. He manages all contacts with the media. If necessary, he may entrust this service to a specialist (e.g. a canonist or a civil lawyer).

E. Guarantees of the accused

12.10 The Provincial Superior must take steps to guarantee the suspected cleric:
"Unless there are serious reasons to the contrary, the accused cleric must be informed of the accusation made, to give him an opportunity to respond to it, before referring a case to the CDF. The prudence of the Bishop or Major Superior will decide what information should be communicated to the accused during the preliminary investigation" (CDF Circular Letter for Episcopal Conferences, II):

- a. He must ensure that the religious receives the necessary help and assistance during the investigation, which may be spiritual and/or psychological counselling;
- b. to ensure that the good reputation and privacy of the suspect cleric religious is preserved during the investigation (can. 1717 §2 CCL and can. 220 CCL);
- c. the suspect enjoys the presumption of innocence until proven guilty, even if the Provincial Superior, out of prudence, limits the exercise of his ministry as a precautionary measure, while investigations are underway to clarify the charges.

F. Decisions and possible precautionary measures

12.11 During the preliminary investigation of cases brought by the state authorities or by the Congregation for the Doctrine of the Faith, the Provincial Superior may restrict the ministry of a cleric or religious, for example, by restricting community life, personal and pastoral activities, removing the accused from the sacred ministry or ecclesiastical office, imposing, or prohibiting residence in a certain place or territory. It may also suggest to the religious other measures such as counselling and psychological and/or medical support.

- 12.12 These precautionary measures are taken at the prudential level, where the appropriateness is recognised, since objective evidence of guilt on the part of the accused is not necessary. When the cause ceases, they must be abrogated, and they cease *ipso iure*, when the criminal proceedings cease (can. 1722 CCL).
- 12.13 The return of a religious cleric to the public exercise of the sacred ministry or to assignments involving contact with minors must be prohibited if it is seen to be dangerous for them or likely to cause scandal in the community.
- 12.14 In cases of sexual abuse, cooperation is required as determined by the Bishops' Conferences or Diocesan Bishops.
- 12.15 If the accused is a lay person working, in any capacity, in the name and on behalf of the Order of the Regular Clerics of Somasca, the competent Province shall comply with the relevant statutory and canonical norms, reserving the right to apply any precautionary measure necessary to ensure the protection of the persons concerned and their reputation (for example, suspension from all educational roles and removal from places frequented by minors and other categories entitled to protection); in particular, if the accused is an employee, disciplinary proceedings will be started in accordance with State law. If the accused is an aspirant to the consecrated life and possibly to the priesthood, without prejudice to the above, the Province shall carry out all investigations to verify that the vocational requirements are still met.

G. Transmission of the acts to the Superior General

- 12.16 After the preliminary investigation, whatever the outcome, the Provincial Superior sends a copy of the acts of the preliminary investigation, authenticated with his vote, to the General Superior.
- 12.17 The originals are kept in the secret archives of the Province.
- 12.18 The Superior General transmits the acts of the preliminary investigation to the Congregation for the Doctrine of the Faith, together with his own vote and that of his Council on the merits of the case, and on how to proceed further.

H. Reporting to the civil authority

- 12.19 The Order of the Clerics Regular of Somasca will give its full cooperation to the civil authorities, in the case of proven evidence of the crime, without however violating the sacramental internal forum.
- 12.20 With regard to any obligation to inform the civil authorities of an alleged crime, the Provincial Superior of the respective Province shall act in accordance with the civil laws of the country.
- 12.21 Collaboration with the civil authorities is not limited to cases of sexual abuse committed by clerical religious of the Order, but also covers situations involving non-clerical religious or lay people working in the in the institutions entrusted to the Congregation. We proceed in accordance with the rules and procedures established by the laws of the country.

I. Unfounded complaint

- 12.22 If the accusation proves to be unfounded during investigations or criminal proceedings, the Congregation shall restore the cleric religious to his duties and take appropriate measures to rehabilitate his reputation. When accusations are false, especially when they are made with the aim of invalidating the accused, they damage his dignity and good reputation and the entire ecclesial community.
- 12.23 The person who has been falsely accused may legitimately institute canonical and/or state proceedings against the false accuser for defamation and slander. Such conduct constitutes canonical offences punishable by an appropriate penalty, not excluding censorship (canons 1390 § 2 and 1452 CCEC). The slandered person has the right to obtain protection and immediate restoration of his dignity (can. 1390, §§2-3 CCL).

J. Archiving

- 12.24 The acts and decrees of the investigation by our Institute, if they are not necessary for the criminal trial, are kept in the secret archive of the Provincial Curia (can. 1719 CCL).

13. Pastoral aspects

A. Concerning the presumed victim

- 13.1 With the credible news or complaint, the Provincial Provost must immediately take decisions to help the alleged victim of sexual abuse and the family.
- 13.2 Dialogue has the objective of helping the alleged victim to feel welcomed and accompanied, to forgive the perpetrator and to reconcile with the Church. Forgiveness does not mean, however, justifying the violence or exempting the perpetrator from answering for the crime.
- 13.3 During the period of investigation and trial, the Provincial Superior will ensure that the alleged victim and his family have human, spiritual and, if necessary, psychological accompaniment. A counsellor or a trusted person may be designated by the Provincial Superior to be close to these people and help them to cope with the difficulties. All forms of support for victims must be documented in accordance with the principles of legality and transparency. This solution avoids that the support provided is misinterpreted as a means of silencing the victims themselves. The support offered to victims must be an instrument solely aimed at alleviating the wounds inflicted on them and must only be provided when the victims freely and knowingly accept it and consider it appropriate to provide them with concrete help for their health.
- 13.4 The victim has the right to intervene in canonical procedures as an injured party and to claim reparation of the damages from the perpetrator.

B. Concerning the accused

- 13.5 If a cleric religious recognises or is found guilty of sexual abuse, human, spiritual and psychological accompaniment will be provided, and fraternal support will be offered whatever the canonical or juridical punishment inflicted on him.
- 13.6 The Provincial Superior will have a honest and sincere dialogue with the accused religious, treating them with evangelical mercy and juridical firmness, and taking the necessary steps to resolve the problem.

13.7 The Provincial Superior will offer an appropriate type of community life and activity to trigger human, spiritual and religious recovery. The conditions for an honest livelihood must not be lacking. It must be considered that the punishment imposed for the crimes could include dismissal from the clerical state and from the religious institute.

13.8 The Provincial Superior may also invite them to undergo psychological therapy. In this case, the periodic evaluations will be transmitted to the Provincial Superior, always safeguarding the necessary privacy, and will have to form part of the documentation collected during the investigation.

C. About the community

13.9 When faced with serious evidence of sexual abuse of minors or people who habitually have an imperfect use of reason or people who are entitled to equal protection, such as vulnerable persons committed by clergy, the community must act swiftly and firmly, taking all necessary measures, respecting the dignity and right to privacy of individuals.

13.10 The community needs to know that the Church is not conniving with these crimes, that it has deep understanding and solidarity with the victims and their families and is dealing with the problem in a rigorous and transparent manner.

13.11 If the crime is in the public domain, it is recommended that the community pray for those involved and that the community be prepared to help the people.

13.12 If it is convenient and in the judgement of the Provincial Superior, the community is informed of the facts and the measures taken by a clear, objective, and precise note and by an appropriate person.

14. Accompanying offenders

The criminal responsibility is personal. A final conviction imposes a just punishment on the offender and full reparation for the damage caused.

14.1 If the abusive conduct of the minor and of the vulnerable person has been ascertained by appropriate judicial or extrajudicial proceedings, even if he or she has been dismissed from the clerical state, he or she shall be offered the possibility of embarking on a personalised re-education process, including from a psychological and spiritual point of view, so that he or she may understand the seriousness of the evil inflicted, the reasons for his or her conduct and the possibility of amending it. In this perspective, the offender's request for forgiveness and reconciliation with the victim should be promoted, considering the victim's wishes, always in the light of the overriding interest of the minor's personality and of the vulnerable person.

15. Relations with state authorities

15.1 Sexual abuse, besides being a canonical crime and a very serious sin, is a crime envisaged for and punished by State law.

15.2 Civil and canonical justice are both driven by the search for truth, the promotion of justice, and the amendment of the offender. For this reason, in compliance with canonical, civil and concordat law, the Order of the Regular Clerics of Somasca provides significant cooperation with the State's judicial authorities in ascertaining the facts and responsibilities.

15.3 The Circular Letter of the Congregation for the Doctrine of the Faith to assist Bishops' Conferences in preparing guidelines for handling cases of clerical sexual abuse of minors of May 3rd, 2011, on cooperation with civil authorities, states that *"the sexual abuse of minors is not only a canonical crime, but also a crime prosecuted by civil authority. Although relations with civil authorities differ in different countries, it is nevertheless important to cooperate with them within the scope of their respective competences. In particular, the prescriptions of civil law regarding the referral of crimes to the appropriate authorities must always be followed, without prejudice to the internal sacramental forum. Naturally, this collaboration does not only concern cases of abuse committed by clerics, but also those cases of abuse involving religious or lay personnel working in ecclesiastical structures"*.

15.4 The report to the judicial authority of the State is the act by which the news of a crime is communicated to the Public Prosecutor of the competent criminal court (also called the Public Prosecutor's Office) or to a judicial police officer.

CONCLUSION

These Guidelines do not replace the norms of the Holy See, the indications of the respective Episcopal Conferences or the canonical penal and procedural laws. It is intended to draw attention to the importance and obligation of every expression of the Church and ecclesiastical authority to intervene immediately when such cases occur. It is also intended to offer an aid to help our religious Institute to act correctly and justly in a matter that involves the earthly and supernatural good of life, dignity, and freedom of the person, as well as the dignity and witnessing capacity of the Holy Church.

Each Superior of our communities must identify the most appropriate way of making these lines of action known to the communities, to each individual brother, and to the lay co-workers who work in our houses. The importance of the matter and the sensitivity of the issues require that we take seriously the task of disseminating and deepening the aspects addressed and defined. To this end, we ask that each Provincial Superior manifest his knowledge of these Guidelines by signing them with his own signature. The text of these Guidelines signed by the Provincial Superior should be sent to the General Curia.

ANNEX A

Letterhead of the Order of Clerics Regular of Somasca / of the Structure

SUBJECT: Attestation of delivery and receipt of a copy of the Guidelines for the *Protection of Minors, Persons who habitually have an imperfect use of reason and those to whom the law accords equal protection.*

I, the undersigned _____

I certify that on the date ----- I sign below I have received a copy of the Guidelines for the *Protection of Minors, persons who habitually have an imperfect use of reason and those to whom the law recognises equal protection* of the Order of Clerics Regular of Somasca, drawn up by the Superior General and the Council, approved at the meeting of the Consulta of the Order 2021 held in Guatemala from 4 to 8 October 2021.

HOW TO BEHAVE WHEN REPORTING ABUSE BY A CHILD

These modes of behaviour concern the case when a minor confides to an adult (cleric, religious, lay person) that he/she has been a victim of sexual abuse, violence, mistreatment or bullying.

- The attitude of the adult receiving the minor's statement must be welcoming and gentle, he/she must limit him/herself to listening and gathering the minor's account without asking questions.
- Intrusive, inappropriate questions should be avoided, and, in the case of reticence, moderate input should be given to continue the dialogue.
- During the dialogue, the adult interlocutor must moderate his or her emotions, even if the minor's statements reveal very serious or rough facts.
- It is not the task of the adult who receives the minor's confidence to ascertain the truthfulness and validity of the minor's statement, nor should some kind of diagnosis be drawn up.
- It is necessary to create a temporal and physical space in which the alleged victim can be comfortable to express him/herself.
- The interview with the minor does not have to be recorded.
- The interview must be reported immediately to the Superior responsible for the protection of minor's
- If the minor must necessarily be heard in the course of the preliminary investigation, the hearing must take place in a protected environment and always in the presence of a psychologist or psychotherapist.

INDICATORS OF THE SITUATION OF DISCONFORT OF THE CHILD

The minor's behaviour is absolutely crucial, but case studies show that there are many variables of indicators from which it can be deduced that the minor may have been a victim of violence.

Physical violence is revealed by physical signs, but when abuse occurs the physical signs may not be obvious and may be contradictory.

From the psychological point of view, some recurring signs emerge in the child, such as:

1. Confusion and difficulty in expressing oneself with words
2. Sadness and tendency to self-isolation
3. Frequency of anger attacks
4. Aggressiveness, hyperactivity or, on the contrary, extreme laziness
5. Sudden fits of crying

6. Sudden change of habits
7. Pathologies and sudden repressive behaviour (e.g. enuresis)
8. Sleep disorders, food refusal, eating disorders
9. Difficulty in concentrating, significant drop in school performance
10. Abnormal behaviour with adults or with other minors (extreme fear, seduction, proposition of games with inappropriate sexual content).

In all minors these behaviours can be present, they can become markers of possible situations of abuse if they are frequent, excessive, prolonged in time.

RULES OF BEHAVIOUR IN THE CASE OF REPORTING AN ABUSE BY AN ADULT

The older alleged victim may decide to disclose the abuse after many years, because the mechanisms used for many years to conceal what happened no longer work.

The criteria to be adopted when listening to an adult are very similar to those used for minors, in particular listening quietly without asking specific questions, control of emotions on the part of the listener, immediate reporting to the Superior responsible for the protection of minors.

Norms on reserved crimes of the Congregation for the Doctrine of the Faith

Part One

SUBSTANTIVE RULES

Art. 1

§1. The Congregation for the Doctrine of the Faith, in accordance with art. 52 of the Apostolic Constitution *Pastor Bonus*, judges, in accordance with art. 2 §2, crimes against the faith, as well as more serious crimes committed against morals or in the celebration of the sacraments and, if necessary, proceeds to declare or impose canonical penalties in accordance with the law, whether common or proper, without prejudice to the competence of the Apostolic Penitentiary and without prejudice to the *Agendi ratio in doctrinarum examine*.

§2. In the crimes mentioned in §1, the Congregation for the Doctrine of the Faith has the right, after receiving a mandate from the Roman Pontiff, to judge Cardinal Fathers, Patriarchs, Legates of the Apostolic See, Bishops, as well as the other persons mentioned in can. 1405 §3 of the Code of Canon Law (CCL) and can. 1061 of the Code of Canons of the Eastern Churches (CCEC).

§3. The Congregation for the Doctrine of the Faith judges the reserved crimes mentioned in §1 in accordance with the following articles.

Article 2

§1. The crimes against the faith, mentioned in Article 1, are heresy, apostasy and schism, according to the norms of canons 751 and 1364 CCL and canons 1436 and 1437 CCEC.

§2. In the cases mentioned in §1, it is the responsibility of the Ordinary or Hierarchy, in accordance with the law, to conduct the judicial process in the first instance or extrajudicially by decree, without prejudice to the right of appeal or recourse to the Congregation for the Doctrine of the Faith.

§3. In the cases mentioned in §1 the Ordinary or Hierarchy, in accordance with the norms of law, is entitled to remit a *latae sententiae* excommunication or a major excommunication to the external forum.

Article 3

§1. The most serious crimes against the sanctity of the most august Sacrifice and Sacrament of the Eucharist reserved to the judgement of the Congregation for the Doctrine of the Faith are:

1° the removal or keeping for sacrilegious purposes, or the profanation of consecrated species, referred to in can. 1382 §1 CCL and can. 1442 CCEC;

2° the liturgical action of the Eucharistic Sacrifice referred to in can. 1379 §1, 1° CCL;

3° the simulation of the liturgical action of the Eucharistic Sacrifice referred to in can. 1379 §5 CCL and can. 1443 CCEC;

4° the concelebration of the Eucharistic Sacrifice prohibited by can. 908 CIC and can. 702 CCEO, referred to in can. 1381 CCL and can. 1440 CCEC, together with ministers of ecclesial communities

who do not have apostolic succession and do not recognise the sacramental dignity of priestly ordination.

§2. The Congregation for the Doctrine of the Faith is also responsible for the crime of consecrating one or both species for a sacrilegious purpose during or outside the celebration of the Eucharist, in accordance with can. 1382 §2 CCL.

Article 4

§1. The most serious offences against the sanctity of the sacrament of Penance reserved for judgement by the Congregation for the Doctrine of the Faith are:

1° absolution of the accomplice in the sin against the sixth commandment of the Decalogue, mentioned in can. 1384 CCL and can. 1457 CCEC;

2° the attempted sacramental absolution or the forbidden hearing of the confession referred to in can. 1379 §1, 2° CCL;

3° the simulation of sacramental absolution, as referred to in can. 1379 §5 of the CCL and can. 1443 CCEC;

4° the solicitation to sin against the sixth commandment of the Decalogue in the act or on the occasion or under the pretext of confession, mentioned in can. 1385 CCL and can. 1458 CCEC, if directed to sin with the confessor himself;

5° the direct and indirect violation of the sacramental seal, referred to in can. 1386 §1 CCL and can. 1456 §1 CCEC;

6° the recording, by any technical means, or the malicious dissemination by the means of social communication of things said by the confessor or the penitent in sacramental confession, whether true or simulated, as referred to in can. 1386 §3 CCL.

§2. In cases of the crimes mentioned in §1, it is not lawful for anyone to disclose the name of the complainant or penitent, either to the accused or to his Patron, unless the complainant or penitent has given express consent; the credibility of the complainant is to be weighed with particular care, and any danger of violation of the sacramental seal is to be avoided at all costs, while the right of defence of the accused is to be guaranteed.

Article 5

The Congregation for the Doctrine of the Faith is also reserved for the more serious crime of attempting the sacred ordination of a woman:

1° If the person who attempts the conferral of Holy Orders or the woman who attempts the reception of Holy Orders is a member of the faithful who is subject to the CCL, he/she incurs excommunication *latae sententiae*, the remission of which is reserved to the Apostolic See in can. 1379 §3 CCL;

2° if the person who is responsible for the conferral of Holy Orders or the woman who is responsible for the reception of Holy Orders is a member of the faithful subject to the CCEC, he/she shall be punished by a major excommunication, the remission of which is reserved to the Apostolic See.

Article 6

The most serious offences against morals, which are reserved for the judgment of the Congregation for the Doctrine of the Faith, are:

1° the crime against the sixth commandment of the Decalogue committed by a cleric with a person under eighteen years of age or with a person who habitually has an imperfect use of reason; ignorance

or error on the part of the cleric concerning the age of the minor does not constitute an attenuating or exonerating circumstance;
2° the acquisition, possession, exhibition, or dissemination, for the purpose of lust or profit, of pornographic images of minors under the age of eighteen by a cleric, in any manner and by any means.

Article 7

A person who commits the crimes mentioned in articles 2-6 shall be punished, if appropriate, in addition to what is provided for individual crimes in the CCL and the CCEC, as well as in the present Norms, with a just punishment according to the gravity of the crime; if he is a cleric he may also be punished by dismissal or deposition from the clerical state.

Article 8

§1. Criminal proceedings for offences reserved to the Congregation for the Doctrine of the Faith are time-barred after twenty years.

§2. The limitation period begins in accordance with canon 1362 §2 CCL and canon 1152 §3 CCEC. However, in the case of the offence referred to in Article 6 n. 1, the limitation period begins on the day on which the child reaches the age of eighteen.

§3. The Congregation for the Doctrine of the Faith has the right to derogate from the statute of limitations for all individual cases of reserved crimes, even if they concern crimes committed before the entry into force of these Norms.

Part Two

PROCEDURAL RULES

Title I

Jurisdiction of the Court

Article 9

§1. The Congregation for the Doctrine of the Faith is the Supreme Apostolic Tribunal for the Latin Church, as well as for the Eastern Catholic Churches, in judging the crimes defined in the preceding articles.

§2. This Supreme Court shall judge, in respect of offences reserved to it, also judge other offences for which the offender is accused on the grounds of personal connection and complicity.

§3. Crimes reserved for this Supreme Court shall be prosecuted in judicial proceedings or by extrajudicial decree.

§4. The pronouncements of this Supreme Court, issued within the limits of its competence, are not subject to the approval of the Supreme Pontiff.

Article 10

§1. Whenever the Ordinary or hierarch has information, at least probable, of a more serious crime, he is to inform the Congregation for the Doctrine of the Faith, which, if it does not take over the case because of special circumstances, orders the Ordinary or Hierarch to proceed further.

§2. It is the competence of the Ordinary or Hierarch, from the beginning of the preliminary investigation, to impose what is established in can. 1722 CCL or can. 1473 CCEC.

§3. If the case is referred directly to the Congregation without conducting a preliminary investigation, the preliminary steps of the process, which by common law are the responsibility of the Ordinary or the Hierarch, can be carried out by the Congregation itself, which does this directly or through a delegate.

Article 11

The Congregation for the Doctrine of the Faith, in cases concerning crimes reserved to it, may sanction acts, without prejudice to the right of defence, if purely procedural laws have been violated.

Title II

The judicial process

Article 12

§1. Judges of this Supreme Tribunal are, by right, the Members of the Congregation for the Doctrine of the Faith.

§2. The Prefect of the Congregation presides over the Tribunal as first among equals and, in the case of the Prefect's vacancy or impediment, the Secretary of the Congregation carries out his office.

§3. It is for the Prefect of the Congregation to appoint other judges.

Article 13

In all courts, for the cases referred to in these Rules, the following may validly perform the function of:

1st Judge and Promoter of Justice only priests with a doctorate or at least a licence in canon law, of good morals, particularly distinguished for prudence and juridical experience;

2nd Notary and Chancellor only priests of integrity and above suspicion;

3rd Lawyer and Procurator faithful with a doctorate or at least a licence in canon law, who are admitted by the President of the College.

Article 14

The Congregation for the Doctrine of the Faith may in particular cases grant dispensation from the priesthood requirement.

Article 15

The President of the Court of First Instance, having heard the Promoter of Justice, has the same power as in Article 10 §2.

Article 16

§1. When the application to another court has been terminated in any way, all the acts of the case are to be sent to the Congregation for the Doctrine of the Faith as soon as possible.

§2. The accused and the Promoter of Justice of the Supreme Tribunal of the Congregation for the Doctrine of the Faith may lodge an appeal within the peremptory term of sixty days from the publication of the judgement of first instance.

§3. The appeal must be brought before the Supreme Tribunal of the Congregation, which, except in the case of another Tribunal, judges in second instance the cases defined in first instance by the other Tribunals or by the Supreme Apostolic Tribunal itself in another collegial composition.

§4. An appeal is not permitted before the Supreme Court of the Congregation against a judgement if it relates only to other crimes mentioned in Article 9 §2.

Article 17

If, on appeal, the Promoter of Justice brings a specifically different accusation, this Supreme Court may admit and judge it as if it were in the first instance.

Article 18

This becomes final:

1° if the judgment was given in the second instance;

2° if an appeal has not been lodged within the time limit laid down in Art. 16 §2;

3. whether, on appeal, the application failed or was waived.

Title III

The extrajudicial process

Art.19

§1. If the Congregation for the Doctrine of the Faith has decided that an extra-judicial process is necessary, cann. 1720 CCL or 1486 CCEC must be applied.

§2. Perpetual expiatory penalties may be imposed subject to a mandate from the Congregation for the Doctrine of the Faith.

Article 20

§1. The extra-judicial process may be carried out by the Congregation for the Doctrine of the Faith or by the Ordinary or the Hierarch or their delegate.

§2. Only priests with a doctorate or at least a licence in canon law, of good morals, particularly distinguished for their prudence and juridical experience, may fulfil the function of Delegate.

§3. According to can. 1720 CCL, the requirements of can. 1424 CCL apply to the function of Assessor in this process.

§4. The person conducting the investigation may not perform the functions referred to in paragraphs 2 and 3.

§5. According to the norms of canon 1486 of the CCEC, only priests with a doctorate or at least a licence in canon law, of good morals, and particularly distinguished for their prudence and juridical experience, may fulfil the function of Promoter of Justice.

§6. Only priests of good reputation and above suspicion may perform the function of Notary.

§7. The offender must always have recourse to a lawyer or procurator who must be a member of the faithful with a doctorate or at least a licence in canon law, admitted by the Congregation for the Doctrine of the Faith or by the Ordinary or the Hierarch or their delegate. If the offender does not do so, the competent authority shall appoint one, who shall remain in office until the offender has set up his own.

Article 21

The Congregation for the Doctrine of the Faith may grant dispensations from the requirements of the priesthood and academic qualifications referred to in Article 20.

Article 22

Once the extra-judicial process has been completed in any way, all the acts of the case are to be transmitted ex officio as soon as possible to the Congregation for the Doctrine of the Faith.

Article 23

§1. In accordance with can. 1734 CCL, the Promoter of Justice of the Congregation for the Doctrine of the Faith and the offender have the right to request in writing the revocation or correction of the decree issued by the Ordinary or his Delegate in accordance with can. 1720, 3° CCL.

§2. Only then can the Promoter of Justice of the Congregation for the Doctrine of the Faith and the offender, having observed the provisions of canon 1735 of the CCL, lodge a hierarchical appeal with the Congress of the same Dicastery in accordance with canon 1737 of the CCL.

§3. Against the decree issued by the hierarch or his delegate in accordance with can. 1486, § 1, 3° CCEC, the Promoter of Justice of the Congregation for the Doctrine of the Faith and the offender may lodge a hierarchical appeal with the Congress of the same Dicastery in accordance with can. 1487 CCEC.

§4. No appeal is permitted before the Congress of the Congregation for the Doctrine of the Faith against a decree if it relates only to the other crimes mentioned in Article 9 §2.

Article 24

§1. Against the individual administrative acts of the Congregation for the Doctrine of the Faith in cases of reserved crimes, the Promoter of Justice of the Dicastery and the accused have the right to appeal within the pre-emptory term of sixty working days to the same Congregation, which judges the merit and legitimacy, after eliminating any further appeal under article 123 of the Apostolic Constitution *Pastor Bonus*.

§2. For the presentation of the appeal referred to in §1, the accused must, on pain of inadmissibility of the appeal, always avail himself of the services of a lawyer who is a member of the faithful, has the appropriate mandate and holds a doctorate or at least a licence in canon law.

§3. In order to be admissible, an application under paragraph 1 must clearly state the cause of action and contain the pleas in law and fact on which it is based.

Article 25

The out-of-court criminal decree becomes final:

1° when the period of time envisaged in canon 1734 §2 CCL or that envisaged in canon 1737 § 2 CCL has elapsed in vain;

2° if the period of time mentioned in canon 1487 § 1 CCEC has expired unnecessarily;

3° if the time limit set out in Art. 24 § 1 of these Rules has expired unnecessarily;

4° if it has been issued by the Congregation for the Doctrine of the Faith in accordance with art. 24 §1 of the present Norms.

Title IV

Final provisions

Article 26

It is the right of the Congregation for the Doctrine of the Faith, at any stage and degree of the proceedings, to refer directly to the decision of the Supreme Pontiff, concerning dismissal or deposition from the clerical state, together with dispensation from the law of celibacy, cases of particular gravity referred to in articles 2-6, when it is evident that the crime has been committed, after the offender has been given the faculty to defend himself.

Article 27

It is the right of the accused, at any time, to present to the Supreme Pontiff, through the Congregation for the Doctrine of the Faith, a request for dispensation from all the obligations deriving from sacred Ordination, including celibacy and, where appropriate, also from religious vows.

Article 28

§1. With the exception of denunciations, trials and decisions concerning the crimes mentioned in Article 6, cases relating to crimes regulated by the present Norms are subject to papal secrecy.

§2. Whoever violates secrecy or, through wilful misconduct or gross negligence, causes other harm to the accused or to witnesses or to those involved in the criminal case in any other capacity, at the request of the injured party or even ex officio, shall be punished with appropriate penalties.

Article 29

In these cases, together with the prescriptions of these Rules, the canons on crimes and punishments and on the criminal trial of both Codes must also be applied.