

Congregation of Servants of Charity

**Guidelines
for the protection
of minors and vulnerable adults**

Rome, May 2020

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GENERAL INTRODUCTION

Dignity of the human person in the Guanellian Educational Project

“In the light of Christian revelation, every human being is made in the image and likeness of God... Here lies the foundation of, and the highest reason for, the dignity each person possesses from the moment of conception, regardless of any personal or social condition preventing him/her from exercising his/her abilities... Because the human being is made in the image and likeness of God, he/she is a person, a unique, unrepeatable individual, gifted with intelligence and will, capable of love and of relating to others: God, people, things, able to know and will...

Created and redeemed in Christ, the whole human person naturally carries a character of sacredness; sacred is the soul, sacred is the body.

Due to this dignity, every person, regardless of limitations, deserves respect and opportunity for improving his/her life. This is true even of a life marked by sickness or any form of poverty. Each life is important and valuable”¹.

The Congregation of the Servants of Charity has drawn up these Guidelines as an element of prevention, being sensitive to what is happening in the world and aware that it is our duty to fully protect all those entrusted to us². These are the precise guidelines by Servants of Charity, given on the subject of sexual abuse, bearing in mind the provisions issued by Canon Law, by ecclesial documents and by our juridical documents³.

The pain of the victims and their families is also our pain (Pope Francis)

“If one member suffers, all suffer together with it” (*1 Cor* 12:26). These words of Saint Paul forcefully echo in my heart as I acknowledge once more the suffering endured by many minors due to sexual abuse, the abuse of power and the abuse of conscience perpetrated by a significant number of clerics and consecrated persons. Crimes that inflict deep wounds of pain and powerlessness, primarily among the victims, but also in their family members and in the larger community of believers and nonbelievers alike. Looking back to the past, no effort to beg pardon and to seek to repair the harm done will ever be sufficient. Looking ahead to the future, no effort must be spared to create a culture able to prevent such situations from happening, but also to prevent the possibility of their being covered up and perpetuated. The pain of the victims and their families is also our pain, and so it is urgent that we once more reaffirm our commitment to ensure the protection of minors and of vulnerable adults”⁴.

¹ (AA.VV. Documento base per Progetti Educativi Guanelliani, Ed. Nuove Frontiere, Roma 1986, n. 3).

² Congregation of Servants of Charity, Final document XX General Chapter, 2018, n. 21

³ Congregation of Servants of Charity, General Regulations nn. 50.1; 50.2; 50.3

⁴ Pope Francis, *Letter to the people of God*, August 20, 2018

GUIDING PRINCIPLES

PREMISE

“At that time the disciples came to Jesus and asked, “Who is the greatest in the kingdom of heaven?” He called a child and placing him among them, and said, “Truly I tell you, unless you change and become like children, you will never enter the kingdom of heaven. Whoever becomes humble like this child is the greatest in the kingdom of heaven. Whoever welcomes one such child in my name welcomes me.” (Matthew 18: 1-5)

The term "children" or "boys" is not referring only to a specific chronological stage of life, but has a broader meaning. Indeed, it is understood by the Guanellians in a wider sense. With the term “children” we refer as well to the young adults and the elderly with disabilities and those who live in our houses and centres, they all fall into the category of the "most vulnerable" (they can be called “our children” in general). Don Guanella called them "Buoni Figli” (Good Children). Entering into the Kingdom of God means having the very life of God. Jesus assigns a theological quality to the condition of children (cf. Mk 10:14). We are in front of a beatitude, which is aimed at the future, a condition to be reached in the eternal life with the commitment to freedom.

For Jesus there are, in childhood, some conditions that qualify the true form of faith.

Let us think first of the astonishment, typical of those who do not derive a reason for from their knowledge presumption, but an openness to what is new; the figure of Zacchaeus is an eloquent example (cf. Lk 19: 1-10). A second characteristic is that of "jumping into things", getting involved: children easily get passionate and spend themselves without measure; when we grow up it is an arduous undertaking, because there is a strong concern about losing something and getting lost. It is up to the grown-ups, however, to live the passion faithfully, without slipping into the grey habit of those who are lazy or simply resigned. The challenge, therefore, to live as Christians in this world is to grow up with a "child" style.

Since trust and passion constitute its alphabet, it is understandable why Jesus admits a congenital harmony between his Gospel and the children who were willingly with him. Precisely for this reason, however, those who abuse trust and pervert the gaze of a child it opens up the abyss in which the trustworthy God is overwhelmed by the lie that leads to death. " “If any of you put a stumbling block before one of these little ones who believe in me, it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea.” (Mt 18: 6). Every obstacle placed to the maturation of trust destroys hope. It creates the suspicion that life is not worth living. Any abuse against children and the most vulnerable is first of all, a very serious sin before becoming a crime. For this reason our Congregation also intends to oppose and prevent this sad phenomenon with absolute determination.

REGULATIONS of the Servants of Charity

The Congregation of the Servants of Charity, in communion with the whole Catholic Church, acknowledges these guiding principles that we are going to describe.

We find this in the Regulations of SdC, “The Church, in the face of the serious phenomenon of sexual abuse of minors commits us to be aware and prevent from this kind of crime. In case, if they occur, we need to address the issue with a spirit of justice and charity.

It is our obligation to observe the guidelines from the national Bishop Conferences who have established for these cases and to these guidelines defined also by the General Council of our Congregation”⁵.

ECCLESIAL RENEWAL

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.”⁶

The whole Congregation of the Servants of Charity with its members is involved in responding to these issues of sexual abuses, not because everyone is guilty, but because the responsibility of the Guanellian religious is to take care of the little ones of our society. Whenever one of them is injured, the whole Congregation suffers because we were not able to stop the aggressor or to put into practice everything that could prevent the abuse. However, it is not just a question of doing the possible things to prevent abuse. But a personal and community renewal is required, on how to focus on the care and protection of the little ones or most vulnerable persons. Only this conversion can allow the whole Congregation to overcome every silence, indifference, prejudice or inactivity to become participation, care, solidarity and commitment.

PROTECTION AND DEFENCE OF MINORS AND VULNERABLE PERSONS

What does it mean the “most vulnerable” for Guanellians? “The most vulnerable” are mostly children who are in a state of abandonment, those who have parents dead or abandoned, the juvenile children (we receive from the courts), the social misfits, the altar servers, the young children of catechism classes, the children and young people who attend our schools and oratories and the disabled.

The care and protection of minors and vulnerable persons constitute an essential point of reference and a decisive criterion for these Guidelines. The Care and protection are an integral part of the Mission of the Church in constructing the Kingdom of God and of the members of our Congregation called by their charism to safeguard and promote every person, especially the fragile and vulnerable people. The Fidelity to the Gospel and to our charism is fidelity to God and to man. Therefore, it is a high necessity to take care of the smallest and weakest of our society. It should be renewed with force, even in the face of betrayals which in the recent past have deeply affected the Congregation itself. Taking care of the little ones and the weak means first of all orienting one's heart, one's gaze and one's work in favour of the smallest and most defenceless, through a co-responsibility of all the members of the Congregation shared with the Church and civil society.

Our PEG, desiring to respond to a strong invitation from our Founder Don Luigi Guanella who demanded that “In our homes everyone should improve themselves day by day and be of benefit to others for some good progress in virtue”, because the Morality is the most desired goal of our homes.

⁵ Congregation of Servants of Charity General regulations, n. 50.1

⁶ Pope Francis, *Pope Francis, Letter to the people of God, August 20, 2018*

Then he affirms, “In our facilities we prevent and remove all offending moral character. We propose attitudes and behaviour which make life beautiful in the eyes of God and the persons⁷”.

The first step of this care and protection of the minors is recognized in listening to the victims and taking care of them. We need to foster a culture of prevention, the formation and information of the whole Congregation, the care of communities and providing good environment for the little ones, implementation of procedures and best practices, vigilance and that clarity in acting, which alone builds and renews trust.

PREVENTION, A PRECIOUS ELEMENT OF GUANELLIAN EDUCATION.

The Basic Document for Guanellian educational project (PEG) reinforces a pedagogical intuition of the founder that is very valid in the topic which we are treating here.

“In our educational style, prevention is considered a prerequisite for the advancement of persons and communities. It consists in precluding any form of evil, physical or emotional regression, and of avoiding negative experiences.

Our preventive strategy is carried out by placing the persons, communities and society in a position of protecting themselves from dangers and overcoming difficulties caused by social or environmental situations.

This occurs through a constant maintenance and strengthening of physical, emotional and moral resources of individuals and communities. They can then stand alone, able to raise an internal defence against evil and prevent it from taking root in body and spirit.

Keeping in mind the frailty of the physical and moral state of the individuals and the communities we assist, prevention occurs by anticipating and possibly averting occasions of physical, emotional or moral harm by promptly removing them.

We must also avoid the incidence of difficulties overwhelming to those in our care, foreseeing needs and carefully providing for them. This work of safeguarding demands discernment of what is happening to us and the environment. We must detect danger, single out negative situations and take appropriate action.

The Guanellian preventive strategy enables people and communities to face dangers and obstacles with self confidence and trust in the power of God's grace.⁸

LISTENING, WELCOMING AND ACCOMPANYING THE VICTIMS

We must give the right and proper listening to the people who have been abused and had courage to denounce. The victim should be recognized as a seriously wounded person and to be listened with empathy, respecting his/her dignity. This initiative is already a first act of prevention because only truly listening to suffering people will open our hearts to solidarity and calls on us to do everything possible to prevent the abuse from happening again. This is the only way to go from knowing something about sexual abuse to feeling, suffering, knowing and trying to understand what really happened in the life of a victim, so as to feel challenged to a personal and community renewal.

⁷ AA: VV: Documento base per Progetti Educativi Guanelliani, Ed. Nuove Frontiere, Roma 1986, n. 41, pag. 66-67

⁸ Idem, n. 26 pag. 48-49

As a Congregation, therefore, we all feel called in first person to listen to the victims and show closeness to those who have been abused. Our Listening, then, must be transformed into the evangelical disposition to take care of the victims, to accompany and support them on a path of reconciliation, interior healing and peace. While the whole Congregation is involved in this journey, those who have sexually abused or exploited a minor or a vulnerable person, especially if these little ones were entrusted to their educational, welfare or pastoral care, have the moral duty of a profound personal conversion, which leads to own one's vocational infidelity, to resume spiritual life and, last but not least, to the humble request for forgiveness from the victims of their actions.

PERSONAL AND COMMUNITY RESPONSIBILITY. Formation to the Staff

From the perspective of prevention, making every member of the Congregation responsible means taking on the responsibility of protecting minors and vulnerable people as a mission that cannot simply be delegated to others. Each one can and must play one's role, starting with an interior renewal and passing through a community renewal. The Congregation takes into account also the cultural change and places the little and weak persons at the centre in this process. The discernment will be inserted on the educational and pastoral assistance and those who are in contact with minors in different ways in our mission and communities: animators, educators, staff, collaborators, assistants, catechists, coaches, teachers and all those who are engaged in assistance, rehabilitation, charity, animation and recreation. They are the persons who work along with us in our residential centres, parishes, communities. They contribute a precious service, for which they need to be formed and made co-responsible for the style and choices of our Congregation for the protection and care of the smallest and most vulnerable. The Congregation will therefore plan and arrange some training courses to give adequate formation and accompaniment both to the religious and to the other staff regarding this delicate issue.

FORMATION OF THE CANDIDATES FOR CONSECRATED LIFE AND SACRED ORDERS

The delicate task of governing our religious communities in a spirit of faithful service to the Gospel and to our charism requires a high prudence in the criteria for admission for the Candidates for religious and priestly formation. First of all, a deep and rooted spiritual journey is needed, moulded by prayer and an encounter with the Word of God. Therefore, pedagogical itineraries are necessary that aim to form in the seminarians a solid and authentic sense of identity and the true meaning of the particular authority linked to the religious consecration and priesthood. This authority is one of service and compassion, the authority of those who freely place their lives at the service of others.

Also, in the choice of religious vows, especially chastity, it is essential to pay attention to the quality of relationships. The vow of chastity, in fact, is an expression of the central focus to the figure of Jesus in the life of the religious. He is a treasure discovered and jealously guarded, a passion that fills every fragment of existence and love with light and meaning. The celibate for Christ is the one who has learned to live two passions together in a process that lasts a lifetime: he loves God with a human

heart (including his frailties and wounds) and he loves people (especially the most vulnerable ones) with a heart more and more similar to that of God. It therefore becomes essential for the formators of candidates to Guanellian consecrated life to strengthen the path in the first formation of the affective aspect that should reach the goal “chaste to all trial”, as our holy Founder wanted. A particular severe discernment should also be applied in the admissions of candidates by the competent Superiors. They should not admit to the definitive stages especially the candidates who remain in doubt or express perplexity in the area of their emotional and affective maturity.

Major attention will be shown to the ongoing formation of the priests and religious, so that they may persevere in their choices by renewing their motivations over time. It is necessary to be faithful and creatively capable of responding to God's ever new proposal of love in so many ways. The Ongoing formation is exactly allowing this freedom that is renewed every day and re-motivates our choices, making it discover the beautiful qualities of our life for others, to the point of experiencing profound joy of belonging totally to God and the poor.

JUSTICE AND TRUTH

Our Congregation must seek the truth by aiming at the establishment of justice. So that these objectives may be pursued without hesitation, we need to promote these values with all the available means, by collaborating effectively with the civil authorities. There should not be silence or concealment regarding the sexual abuse. Strict compliance with canonical and civil legislation, the drafting and application of procedures and protocols, as well as the support of specific professional skills and structured Services at the level of the General Curia, Provincial Curies and Delegations can allow Major Superiors doing what they are responsible for with the utmost clarity and transparency.

The care and protection should be taken in favour of minors and vulnerable persons and all the possible and suitable initiatives must be taken to prevent the recurrence of crimes. The canonical procedures should be strictly respected. These are not done as the substitution or replacement of the civil authority, but these initiatives are taken in order to ascertain the truth and the establishment of justice within the Congregation in cases in which certain behaviours are not considered crimes for the civil law, but they are for canon law.

COLLABORATION WITH SOCIETY AND CIVIL AUTHORITIES

The Congregation is called to have a promotion of a culture of prevention of all forms of abuse, of a culture of care and protection of minors and vulnerable persons, in dialogue with families and society⁹ and in courageous dialogue with universities, social service organizations, local government and local NGOs. The Congregation wants to promote a culture and formative projects aimed at building a more just society, starting with our local religious communities, where every person has the right to live in a context purified of all kind of cover and collusion with forms of violence and abuse. Collaboration with the civil authority is part of this spirit, in compliance with mutual autonomy and canonical and civil law. It finds a point of convergence in the common search for the good of the smallest and most

⁹ PEG, n. 48 pag. 74-75

defenceless, for truth and for the restoration of justice. In a climate of dialogue and sharing, collaboration, esteem and mutual trust can make progress towards a safer world for all.

TRANSPARENCY AND COMMUNICATION

Information corresponding to the truth, which avoids exploitation and partiality, is of great value. All the confreres of the Congregation must be adequately informed of the choices made by the Congregation with these Guidelines, of the procedures and application protocols that each Province and Delegation will deem appropriate to draw up, of the measures taken to better protect the smallest and most vulnerable. Correct information is already an integral part of an increasingly necessary process of ongoing formation for the entire Congregation.

In the case of a single procedure for ascertaining the truth by major Superiors, Bishops and civil authorities, the burden of fair information must be balanced with the character of secrecy typical of some phases of the procedure (such as during the preliminary investigation, to ensure the effectiveness of the investigative action) and with the obligation to protect, as far as possible, the good reputation and confidentiality of all those involved. Professional skills and adequate tools will be essential to prepare a clear and efficient information service.

STRUCTURES AND OPERATIONAL SERVICES

There are also some local services and means which will be in support to the responsibility of the major Superiors of the Congregation; services and tools available at the central level, at the province and delegation levels, through the precious contribution of educational, medical, psychological, canonical, juridical, pastoral and communicative skills and professional helps. These services can help importantly to promote a culture of prevention, training and information tools, as well as procedural protocols. If necessary, they may also prove useful for the management of reports. Of no less importance is the fact that, alongside a general level offered by the General Curia, there is always also a provincial and delegation level. The effectiveness of these Services will also be measured on their ability to be present on the territory ~~in time and~~ in a widespread manner, in harmony with the central organisms, in order to have a good and fruitful interactions.

LINES OF ACTION

1. ADDRESSEES

These Guidelines are applied to all those who work at any capacity and duty either in our religious communities or in any of the mission centres of Opera don Guanella. These guidelines are applied to individuals or groups, both for the confreres and for the staff or volunteers of Opera don Guanella, within all the religious communities and structures of Guanellian mission itself.

2. LISTENING, WELCOME AND ACCOMPANYING THE VICTIMS

2.1 Those who affirm that they have suffered exploitation, sexual abuse or ill-treatment within our institutions, by our confreres or staff, as well as their family members, have the right to be welcomed, listened to and supported. The competent major Superiors at each level must always be willing to welcome and listen to these persons, both personally or through their delegate regarding the matter.

2.2 Listening to those who affirm that they have suffered exploitation, sexual abuse or ill-treatment by our confreres or staff must continue in time and follow the paths of protection and care through the ways of justice and reconciliation.

2.3 Since any sexual abuse affects the totality of the person in every aspect, physical, psychic, relational, moral - and above all it can create a deep wound in his or her spiritual life, the Congregation must assure adequate spiritual assistance to the victims and their families with clinical, psychological and spiritual support.

2.4 Every form of support to the victims should be given by the Congregation according to principles of legality and transparency, so that it can never be considered a means to silence the victims themselves, but a way to try to alleviate their suffering and promote inner healing in their life.

2.5 Even the religious community which is closely involved, must be adequately accompanied and supported in the elaboration of the abuse that took place.

3. SELECTION AND FORMATION TO THE STAFF

3.1 Those who intend to work in our Guanellian centres at any title, as paid or voluntary workers, should be carefully examined and received.

3.2 Anyone who works in our houses of Mission must be aware of these guidelines and make them their own for sharing the common commitment for the protection of minors.

3.3 It is necessary to pay particular attention to the formation program of those who work in our houses of mission run by Servants of Charity¹⁰. For this purpose, the Guanellian Superiors at all levels must:

¹⁰ PEG, n. 62 pag.89-90

- a) provide the specific formation and training programs for those who work or have in contact with the minors of our houses.
- b) prepare training courses on how create and maintain a safe environment for minors. This should be done also in collaboration with the parents, civil authorities, educators and other NGOs. ecclesial and civil communities. These paths, suitable for their age, will have to explain what sexual abuse is, how to identify it, what are the grooming techniques, how to report suspected sexual abuse to civil and ecclesiastical authorities;
- c) prepare appropriate texts for prayers and catechesis on the theme of the life, respect and dignity of minors in order to favour and increase the spiritual life of the communities, a necessary foundation for a true and vigilant care of the most vulnerable persons.

4. SELECTION, TRAINING AND ACCOMPANYING RELIGIOUS

4.1 Particular care and attention must be given during the selection of candidates for sacred orders and the consecrated life. The Major Superiors should not admit the persons who have not shown a profound and structured personal and spiritual balance.

4.2 There should be a healthy human formation for the future religious at psychological, affective and spiritual level. Therefore, specific lessons, seminars and courses on the protection of minors should be included in the programmes of initial and ongoing formation.

Adequate information must be provided in an appropriate fashion, which also gives attention to areas dealing with possible exploitation and violence such as for example, the trafficking of minors, child labour and the sexual abuse of minors or vulnerable adults. (*Ratio Fundamentalis Institutionis Sacerdotalis*, n. 202) The seminarians who are in preparation to become future religious and priests are to be made aware of their responsibilities in this regard, both in accordance with canon law and civil law.

4.3 “The greatest attention must be given to the theme of the protection of minors and vulnerable adults, being vigilant that those who seek admission to one of our seminaries or houses of formation, or who are already petitioning to receive the Holy Orders, have not been involved in any way with any crime or problematic behaviours in this area” (*Ratio Fundamentalis Institutionis Sacerdotalis*, n. 202).

In addition to the documentation established by universal, particular and proper laws, candidates for sacred orders and consecrated life are always required to undergo a specialist evaluation carried out by an expert approved by the major superiors, who can reasonably exclude that the candidate is affected by sexual deviations or personality disorders or other psychiatric disorders, which may affect the control of sexual impulses, favouring the commission of sexual offenses or of inappropriate sexual behaviour. Full compliance must be ensured with the provisions contained, as an example, in the General Decree regarding the admission to the seminary of candidates from other seminaries or religious families (CEI, March 27, 1999), paying rigorous attention to the exchange of information, complete and truthful, regarding those candidates for the priesthood who move from one seminary to another, between religious institutes and dioceses (cf. *Ratio Fundamentalis Institutionis Sacerdotalis*,

n. 198). The documentation may be suitably completed with civil attestations that exclude any precedent on the matter.

4.4 The formation of religious on issues relating to guardianship and protection of minors and vulnerable people and the prevention of abuse must continue afterwards priestly ordination and religious profession, with specific contents, depending on the ministry of each.

4.5 For religious to whom a diocesan office is entrusted by the Bishop, the Bishop or Major Superior *ad quem* must receive a written, truthful and complete information from the Bishop or Superior *a quo*, including any elements of suspicion or alarm. The same obligation is incumbent on the Bishop or Superior who authorizes or orders the exercise of the ministry in other ecclesiastical circumscriptions. The ecclesiastical documentation may be suitably completed with civil attestations that exclude any precedent on the matter.

5. HANDLING OF REPORTS OF ALLEGED SEXUAL ABUSE

5.1 The universal definition of sexual abuse does not yet exist due to the cultural differences and the different norms established by the individual States, which make it difficult to unify, even scientifically, the criteria. In this regard, the World Health Organization expresses as follows: "Sexual abuse is defined as the involvement of a minor in sexual acts that he or she does not fully understand, for which he or she is not able to consent or for which the child has not yet reached a certain level of maturity, or still violating the law or social taboos. Children can be sexually abused by both adults and other children who are, by reason of their age or level of development, in a position of responsibility, trust or power towards the victim "(WHO, World Report on Violence and Health , 2002).

5.2 The canonical legislation includes sexual abuses committed by clerics on minors among the «More serious crimes against the customs reserved for the judgment of the Congregation for Doctrine of the Faith ". In particular, it establishes that should be prosecuted "the crime against the sixth commandment of the Decalogue committed by a cleric with a minor of eighteen" and "The acquisition or possession or disclosure, for the purpose of lust, of images pornographic of minors under the age of fourteen by a cleric, in any way or by any means "(cf. *Normae de delictis reservatis*, art. 6 § 1, 1 ° and 2 °).

The Motu Proprio *Vos estis lux mundi* of Pope Francis further specifies that the crimes against the sixth commandment of the Decalogue are:

to). in forcing someone, by violence or threats or by abuse of authority, to perform or suffer sexual acts;

b). engaging in sexual acts with a minor or a vulnerable person; c). in the production, exhibition, possession or distribution, including electronically, of child pornography material, as well as in the recruitment or induction of a minor or a vulnerable person to participate in pornographic performances "(art. 1, § 1, letter a).

5.3 By "minor" we mean any person under the age of eighteen. To the minor ~~it~~ is equivalent, by canonical norms, ~~to~~ the person who habitually has an imperfect use of reason (cf. *Normae de delictis reservatis*, art. 6 § 1, 1 °).

5.4 By "vulnerable person" we mean any person in a state of infirmity, physical or psychic deficiency, or deprivation of personal freedom which in fact, even occasionally, limits the ability to understand or want or in any case to resist the offense (see *Vos estis lux mundi*, art. 1, § 2, b).

5.5 No climate of complicity and conspiratorial silence on the subject of sexual abuse towards minors or vulnerable people can be tolerated. "It is the moral duty of each individual confrere, and particularly of the local Superiors, to monitor and in case report to the Major Superiors the knowledge or suspicion of cases of sexual abuse by a confrere on a minor or a vulnerable adult. In fulfilling this duty, concern for the good and privacy of any victim and the constraints placed to protect the sacramental seal must be kept in mind "(SdC Regulations n. 50.2).

5.6 Notification not only does not exclude, but also does not intend to hinder the presentation of a complaint to the competent State authority, which is indeed encouraged. For this reason, the whistleblower of alleged sexual abuse of minors or the one who declares to have suffered this crime and / or his / her parents or guardians are always and clearly informed by the Major Superiors of the possibility of presenting a complaint according to the laws of the State and of the fact that the canonical procedure, independent and autonomous with respect to the civil one, does not intend in any way to replace it.

5.7 Except in the case provided for by cann. 1548 § 2 CIC and 1229 § 2 CCEO, whenever a member of an Institute of consecrated life has news or good reasons to believe that sexual abuse of minors or a vulnerable person has been committed by a cleric or a member of our Institute, he has the obligation to promptly report the fact to his Major Superior where the facts would have occurred. This report does not constitute a violation of professional secrecy nor can it give rise to prejudice, retaliation or discrimination (see *Vos estis lux mundi*, articles 3, § 1; 4, § 1).

5.8 Every report must be accepted by the Major Superior who can appropriately avail himself of the help of confreres in charge of this office or appointed for a single cause, or of the Services and Referents for the Protection of Minors, the Disabled and Vulnerable adults. that any religious Province, if it deems it necessary, can establish. These Services, through specially trained personnel equipped with the necessary human qualities, ensure welcome, competent listening and respectful accompaniment of reports.

5.9 If the report addressed directly to the Services and Referrals for the Protection of Minors, the Disabled and Vulnerable adults is about a Cleric or a Guanellian religious, the competent Superior must be informed, so that he can proceed with the preliminary investigation required by canonical procedures.

5.10 Listening to and welcoming the whistle-blower and / or the person who claims to have suffered sexual abuse and / or his / her family members must take place in an accessible, protected and

confidential environment. To protect the transparency of the activity carried out, it is appropriate that every interview with the ecclesiastical authority is duly documented at least by means of a text jointly signed by the attendees or other methods agreed between those present.

5.11 The report must contain detailed elements, such as indications of time and place of the facts, of the persons involved or informed, as well as any other circumstance that may be useful in order to ensure an accurate assessment (see *Vos estis lux mundi*, art. 3, § 4).

5.12 Reports will be protected and treated in such a way as to guarantee their security, integrity and confidentiality pursuant to cann. 471, 2 ° CIC and 244 § 2, 2 ° CCEO (cfr. *Vos estis lux mundi*, art. 2, § 2).

5.13 No obligation of silence can be imposed on whoever makes a report with regard to its content (cf. *Vos estis lux mundi*, art. 4, § 3).

5.14 The whistle-blower may also request that his identity not be disclosed to the accused; this request will be accepted if, in the specific case, it is permitted by canonical legislation and if the testimony of the reporting party will not be decisive in ascertaining the reported fact.

5.15 Unless the report concerns the Major Superiors of the Congregation (cf. *Vos estis lux mundi*, art. 6), the one who received the report must send it without delay to his own Major Superior who will proceed according to the norm of law according to the provisions of the case. specific (cf. *Vos estis lux mundi*, art. 2, § 3).

5.16 As regards the reports against the Major Superiors regarding alleged sexual abuse committed on minors or vulnerable adults, rather than behaviours by the same that do not comply with current legislation in relation to investigations into sexual abuse committed by clerics or religious, these will be treated in accordance with the provisions of the Apostolic Letter *Vos estis lux mundi*.

5.17 If a Major Superior is made aware of sexual abuse of minors committed by lay workers of our structures, without prejudice to the presumption of innocence of the accused up to the definitive sentence and the protection of the good reputation of the persons involved, possibly hearing, if they are established, the Services and Representatives for the Protection of minors, the disabled and vulnerable people, will abide by the civil and canonical norms on the matter; if requested, he will provide full cooperation to the judicial authority; he will in any case adopt the precautionary measures that fall within his possibilities for the best protection of the minors involved in pastoral activities.

6. CANONICAL PROCEDURES IN TREATING CASES OF SEXUAL ABUSE OF MINORS COMMITTED BY RELIGIOUS

6.1 When the competent Major Superior receives the news of possible sexual abuse of minors by a religious who is under his jurisdiction, he must first of all inform the Supreme moderator of the Congregation. He should proceed in agreement with the Supreme moderator to carry out the

investigations according to the guidelines given in canons 1717, § 1 CIC and 1468 § 1 CCEO (see also *Normae de delictis reservatis*, art. 17), about verifying the plausibility of the *notitia criminis*. The relative task will be entrusted, if deemed right and appropriate, to a suitable person of proven prudence and experience or to the Services and Referrals for the Protection of Minors, the Disabled and the Vulnerable Persons of their Province, if they have been established. Finally, he will take care of protecting the confidentiality and good reputation of all the persons involved in the issue.

6.2 During this process of investigation, it is up to the discernment of the Supreme Moderator, properly assessed for each individual case, the choice of whether to inform or not to inform the religious person of the accusations. He shall take all the necessary measures in order to avoid the risk that the criminal facts hypothesized can be repeated.

6.3 The Supreme Moderator or the competent Major Superior, in his discernment, will focus on the safety and protection of the minors. To this end, without prejudice to the presumption of innocence of the accused until the definitive sentence and the evaluation of each individual case, the Supreme Moderator or the competent Major Superior, to prevent scandals, protect the freedom of witnesses and guarantee the course of the justice, they can prohibit the accused person from exercising his ministry and any activity with minors and the accused person may be removed from the sacred ministry or an ecclesiastical office and task, a specific place to live can be imposed or prohibited him (cf. cann. 1722 CIC and 1473 CCEO and art.19 *Normae de delictis reservatis*).

6.4 Any measures adopted, because of their precautionary nature, must be revoked, when the cause ceases, with a subsequent decree and, in any case, *ipso iure* cease at the end of the canonical penal process.

6.5 While facing a serious and concrete danger of repetition of the alleged crime, the canonical provisions adopted may be made public, without prejudice to the provided canonical procedures, weighing the aforementioned danger against the right to good reputation and confidentiality of the subjects involved and the need for secrecy for a more effective investigation. In any case, the protection and the safety of the minors prevails.

6.6 If, once the plausibility of the crime report has been positively verified, the carrying out of the preliminary investigation is deemed absolutely superfluous, the Supreme Moderator may refer the case directly to the Congregation for the Doctrine of the Faith (cf. cann. 1717, § 1 CIC and 1468 § 1 CCEO; *Normae de delictis reservatis*, art.17).

6.7 If, on the other hand, he justifiably excludes the likelihood of the crime report (case of "manifest and proven groundlessness"), the Supreme Moderator may issue an archiving decree, keeping the documentation suitable to allow him to certify, where necessary, the activity carried out and the reasons for the decision.

6.8 In the event that, having ascertained the likelihood of the *notitia criminis*, the Supreme Moderator does not consider the prior investigation absolutely superfluous, he should proceed to carry it out observing the prescript of cann. 1717 CIC and 1468 CCEO. In particular, if the Supreme Moderator

does not feel that he must proceed personally, he appoints for this purpose a Major Superior or a presbyter investigator expert in procedural matters and prudent in discernment, as well as a presbyter with the functions of Notary. The investigation will have to reconstruct: the facts of the criminal conduct, the number and time of the criminal acts, the general information and age of the victims, the damage caused, the possible admixture with the sacramental forum, any other related crimes, although not reserved. During the investigation, documents, testimonies and information may be collected, also by requesting information from other Superiors of the communities where the suspect has resided; the victim must be heard and all the documents and provisions of the civil authorities, if any, must be collected.

6.9 In particular, the formal collection of the testimony of the minor must take place only if it is decisive for the ascertainment of the fact and with the prior written consent of the parents or legal guardians. In this event, the procedure should be done in a protected and confidential environment, in perfect compliance with the methodologies and criteria for listening to the alleged victim of sexual abuse, in the presence of a professional with specific skills, relating to the psychological, cognitive and emotional conditions of the fragile subject. Minors can always be assisted and supported by their parents or legal guardian or another trusted person indicated by them. Even in this phase, the well-being of the child is the priority.

6.10 A complete documentation of the activities carried out during the preliminary investigation must be kept in the secret archive of the curia, (ref cann. 1719 CIC and 1470 CCEO).

6.11 Once the preliminary investigation has been completed, the Supreme Moderator will make it known to the Congregation for the Doctrine of the Faith, in accordance with the provisions of art. 16 of the *Normae de delictis reservatis*, so that the Congregation itself can take the consequent decisions.

6.12 As a rule, *delicta graviora* must be prosecuted "by judicial means" (art. 21, § 1, of the *Normae de delictis reservatis*). The Supreme Moderator is entrusted - without prejudice to the right of the Congregation for the Doctrine of the Faith, to claim the cause as per art. 16 of the *Normae de delictis reservatis* – with the first degree of the criminal trial, to be carried out according to the indications of the aforementioned Dicastery, which in any case constitutes the Court of second instance. The Supreme Moderator can set up his own Court of First Instance.

6.13 If the Congregation for the Doctrine of the Faith decides that the matter must proceed by way of extrajudicial decree, the Supreme Moderator must nevertheless fully guarantee the accused cleric to exercise his fundamental right to defence (cf. cann. 1720 CIC and 1486 CCEO; *Normae de delictis reservatis*, art. 21).

6.14 The canonical sanctions that can be inflicted on a priest (cleric) who was found guilty of the sexual abuse of a minor are generally of two types:

- 1). Measures that may be accompanied by a criminal precept, aimed at restricting totally the public ministry or at least excluding contacts with minors;
- 2). Ecclesiastical penalty, of which the most serious is dismissal from the clerical state.

6.15 Perpetual penalties cannot be imposed or declared by extrajudicial decree nor can penalties be so applied when the law or precept establishing them prohibits their application by decree. (can. 1342, § 2 CIC), It is possible only in the case in which the Congregation for Doctrine of the Faith has previously authorized the Supreme Moderator of the Congregation to this effect by means of a mandate as in article 21, § 2, 1 ° of the *Normae de delictis reservatis*. In the absence of the aforementioned mandate, the Supreme Moderator will have to contact the Congregation for the Doctrine of the Faith for this purpose, which may also make use of the power to refer the decision to the Supreme Pontiff, according to the provisions of art. 21, § 2, 2 ° of the *Normae de delictis reservatis*. The Congregation for the Doctrine of the Faith also has the faculty to bring the most serious cases directly before the Holy Father for *ex officio* dismissal. The accused always has the right to freely submit to the Holy Father the request for dispensation from priestly or religious obligations.

6.16 The procedure related to the individual cases is usually referred to the responsibility of the Supreme Moderator of the Congregation, without prejudice to the competence of the Congregation for the Doctrine of the Faith.

6.17 In the event that the criminal action is clearly prescribed, the Supreme Moderator, without prejudice to the provisions of art. 7 *Normae de delictis reservatis*, ~~he~~ may adopt measures for the protection of minors, after consulting the Congregation for the Doctrine of the Faith.

7. ACCOMPANYING THOSE WHO HAVE ABUSED

7.1 Having Strongly reaffirmed that it is necessary to act with absolute determination to stop abusers according to the laws in force and canonical provisions, the cleric or religious guilty of these serious abuses, including one discharged from the clerical state, must not be left alone, but accompanied in his path of empowerment, request for forgiveness and reconciliation, reparation, psychological care and spiritual support.

7.2 The responsibility for the sexual offense is personal. The sentence definitive for sexual abuse imposes on the offender a just punishment and the reparation of the damage caused.

8. RELATIONS WITH CIVIL AUTHORITIES

8.1 In compliance with the reciprocal autonomy of religious and civil systems, as well as of the canonical, civil and concordat legislation, we aim at providing a significant collaboration with the judicial authority of the State in ascertaining the fact, with a view to of the common search for the good of the weak, for the truth and for the reparation of justice, if injured.

8.2 The Supreme Moderator, although he does not have the legal obligation to report to the authorities judicial news received of alleged abuse of minors (as he does not hold the position of public official or person in charge of public service), whenever he receives a report of an alleged sexual abuse committed by a cleric or religious of his Congregation, against a underage, should inform the author

of the report and the parent or legal guardian of the alleged victim that what has been learned can be transmitted, in the form of a complaint, to the competent judicial authority of the State.

To this end, the Supreme Moderator should request the author of the report to formalize in writing the *notitia criminis* brought to his attention, so that said communication, in the presence of a crime punishable by state law, can form the basis of the complaint to the judicial authority.

The Supreme Moderator has the moral obligation to forward the complaint to the civil authority if, after the prompt completion of the preliminary investigation, the existence of the *fumus delicti* is ascertained. The competent Major Superior will not proceed to present the complaint in the case of express opposition, duly documented and reasonably justified, by the victim (if in the meantime he/she has come of age), his/her parents or legal guardians, always without prejudice to the priority interest of the underage.

8.3 Even if there is no criminal proceeding by the State (including also the preliminary investigation phase), the competent Major Superior must activate the canonical procedure without delay if they have become aware of possible abuses, proceeding to the judgment of likelihood and, if necessary, to the preliminary investigation and adoption appropriate precautionary measures.

8.4 In the event that investigations are underway for the offenses in question or criminal proceedings are opened according to the law of the State, the cooperation of the competent Superior with the civil authorities will be important, within the sphere of their respective competences and in compliance with canonical norms, concordat and civil.

Once the canonical precautionary measures deemed necessary have been adopted, the competent Superior will be able to evaluate the appropriateness of suspending the canonical investigation activities to avoid unnecessary overlap.

8.5 The competent Superior may refer to definitive or non-definitive acts or conclusions of the state procedure, without this impeding or exempting him from his own evaluation, in accordance with canon law.

8.6 In the event that a civil procedure is opened, in the absence of a grave cause to the contrary, within the scope of the relative competences and in strict compliance with canonical, concordat and civil law, the Major Superior is obliged to give the utmost cooperation to the state authority.

9. FALSE ACCUSATIONS

The false accusations seriously damage the good reputation and integrity of the accused person of the entire Congregation and can be punished, without prejudice to the actions envisaged by the civil system, with a just penalty, not excluding censorship (cf. cann. 1390 § 2 e 1452 CCEO).

The person who is falsely accused of having committed sexual abuses has the right to be protected and restored his or her good reputation and integrity.

The Major Superiors of the Congregation have the duty to protect the person and the Congregation itself by re-establishing the truth.

10. INFORMATION AND COMMUNICATION

10.1 It is important that the Congregation, in the most appropriate ways, is informed and made aware of what happens in the Congregation and that necessarily involves it. It should also be motivated to become the protagonist of the action of prevention and protection in the Congregation and in the society.

10.2 Our Congregation should also have one person who is officially the spokesperson at the general, provincial and delegation levels, in order to avoid the multiplication of distinct or divergent voices, which may create confusion and disorientation. It is the responsibility of the Major Superior to appoint this official spokesperson.

10.3 Our Congregation, in line with the canon law, must become the protagonist of communication, assuming it with conviction, careful to respond to legitimate requests for information, without delays or incomprehensible silences.

11. CONGREGATION SERVICES FOR THE PROTECTION OF MINORS

The Congregation, at General, Province, and Delegation level, should implement, as an application of these guidelines, Services and References for the Protection of Minors, Disabled and Vulnerable Persons. The General Council of the Congregation of the Servants of Charity leaves the responsibility to each Major Superior to define whether these Services are to be appointed from time to time, in the face of a particular case of abuse, or whether they prefer to have them permanently, as an office directly dependent on the Major Superior of a territory.

12. EVALUATION MEANS

12.1 The Congregation, through the General, Provincial and Delegation Councils, will prepare a systematic procedure to verify the exercise of these Guidelines and for evaluating their effectiveness.

12.2 Every year, on the occasion of the meeting of the Major Superiors of the Congregation, there will be a sharing about how each Province and Delegation has implemented the protection of minors and the prevention of abuse.

13. OPERATION, UPDATING AND REVIEW OF THE GUIDELINES

13.1 These Guidelines will become effective from the day of their issue and publication in the Communication organisms of the Congregation of the Servants of Charity.

13.2 The Provincial and Delegation Councils are responsible for preparing the lines of action and publishing the necessary tools to implement these Guidelines of the General Council.

13.3 Any further works of application using these tools such as Guidelines of the Provinces and Delegations of the Congregation must be approved by the General Council of the Servants of Charity.

13.4 The revision of the Guidelines will be under the responsibility of the General Council of the Congregation, after the consultation with the Major Superiors.

Rome, April 29, 2020