

***Motu Proprio***

***Vos Estis Lux Mundi***

**‘You are the Light of the World’**

**(New Norms for Whole Church**

**Against Those Who Abuse or Cover Up)**

**On 7<sup>th</sup> May 2019, Pope Francis issued the Apostolic Letter**

***motu proprio* ‘Vos Estis Lux Mundi’**

**which came into effect on 1<sup>st</sup> June 2019.**

## **Background to the Apostolic Letter**

The Catholic Church was shaken by several cases of clerical sexual abuse of minors in the past decades (e.g. in USA, Belgium, Ireland, Chile, Peru, etc.).

In this context, from 21<sup>st</sup> to 24<sup>th</sup> February 2019, there was a Summit in the Vatican on the Protection of Minors, wherein all the Presidents of the National Bishops' Conferences and the Supreme Moderators of the main Religious Institutes participated.

There were some accusations against this Summit that it did not come out with some concrete norms to deal with the minor abuse cases, or the mechanisms to address this issue, or the procedures to be followed in handling these issues, or what actions would be taken against the bishops who cover up these cases in their dioceses and not taking any actions against these priests, etc.

But, a month after the Summit, 3 documents were published for the Vatican City State on this issue and the three were dated 26<sup>th</sup> March 2019:

- 1) *Guidelines for the Protection of Children and Vulnerable Persons*, given to the Vicariate of Vatican City State;
- 2) Law No. CCXCVII on the *Protection of Minors and Vulnerable Persons*, given to the Vatican City State;
- 3) Apostolic Letter *motu proprio Protection of Minors and Vulnerable Persons*, directed to the Roman Curia and the Vatican City State.

The present *m.p. Vos Estis Lux Mundi* is another result of the Vatican Summit. It finally provided answers to some of the questions raised against the problems that were disturbing the Church during these past years.

## **Why the title 'You are the Light of the World'?**

In the Introduction, Pope Francis observes that “Lord Jesus Christ calls every believer to be a shining example of virtue, integrity and holiness. All of us, in fact, are called to give concrete witness of Faith in Christ in our lives and, in particular, in our relationship with others.”

This call has a greater obligation on the clergy and the religious who are called to be special witnesses of Jesus their Master.

Moreover, Pastoral Leadership is also a moral/ethical leadership.

Moral Leadership requires that the clergy/religious live up to the standards of morality. They are called to be examples or models of Christian moral virtues. They are the lights of the world. When they do not live up to this call, they become like the Pharisees whom Jesus condemned.

## Documents Preceding *Vos Estis Lux Mundi*

1. Pope John Paul II issued *motu proprio* the Apostolic Letter ***Sacramentorum Sanctitatis Tutela (SST)***, on **30<sup>th</sup> April 2001**, on more grave delicts reserved to Congregation for the Doctrine of Faith.
2. The Congregation for the Doctrine of Faith, on **18<sup>th</sup> May 2001**, issued a Letter ***Normae de gravioribus delictis*** to the Ordinaries, especially on the procedural norms.
3. The Congregation for the Doctrine of Faith modified ***Normae de gravioribus delictis*** and Pope Benedict XVI approved and ordered its promulgation on **21<sup>st</sup> May 2010**.
4. The Congregation for the Doctrine of Faith issued a circular letter, on **3<sup>rd</sup> May 2011**, to assist Episcopal Conferences in developing guidelines for dealing with cases of clerical sexual abuses of minors.

5. On **4<sup>th</sup> June 2016** Pope Francis issued an Apostolic Letter *m.p.*  
***Come una madre amarevole (As a loving mother)***:

According to this *motu proprio*, a Bishop (Arts. § 4: The Major Superiors of Religious Institutes and Societies of Apostolic Life of Pontifical Right are considered equivalent to diocesan Bishops) can be legitimately removed from his office if he has through negligence committed or through omission facilitated acts that have caused grave harm to others, or if he is objectively lacking in a very grave manner the diligence that his pastoral office demands of him, even without serious moral fault on his part.

The case of the abuse of minors and vulnerable adults is one of the grave reasons for his removal (Arts. § 1-3).

## Content of the Document:

### Introduction

#### **Title: General Provisions**

- Art 1. Scope of Application
- Art 2. Reception of reports and data protection
- Art 3. Reporting
- Art 4. Protection of the person submitting the report
- Art 5. Care for persons

#### **Title: Provisions Concerning Bishops and their Equivalents**

- Art 6. Subjective Scope of Application
- Art 7. Competent Dicastery
- Art 8. Procedure applicable in the event of a report concerning a bishop of the Latin Church

- Art 9. Procedure applicable to bishops of Eastern Catholic Churches
- Art 10. Initial duties of the Metropolitan
- Art 11. Entrusting the investigation to a person other than the Metropolitan
- Art 12. Carrying out the investigation
- Art 13. Involvement of qualified persons
- Art 14. Duration of the investigation
- Art 15. Precautionary measures
- Art 16. Establishment of a fund
- Art 17. Transmission of the documents and the *votum*
- Art 18. Subsequent measures
- Art 19. Compliance with state laws



## Scope of Application (Art. 1)

(which are the delicts covered under this *motu proprio*?)

Art. 1 §1 prescribes two types of delicts:

- a) **Delicts of commission**, i.e., delicts against the sixth commandment of the Decalogue consisting of:
  - i. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
  - ii. performing sexual acts with a minor or a vulnerable person;
  - iii. the production, exhibition, possession or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions (Art. 1 §1).

Regarding the delicts of commission mentioned in Art. 1 §1, a), ***Vademecum*** gives a typology of ‘delict’ in a quite broad sense:

“the delict can include, for example, sexual relations (consensual or non-consensual), physical contact for sexual gratification, exhibitionism, masturbation, the production of pornography, inducement to prostitution, conversations and/or propositions of a sexual nature, which can also occur through various means of communication” (no. 2).

b) ***Delicts of omission, or attempts to cover-up***, carried out by the authorities referred to in Article 6, i.e., interfering with or avoiding civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the delicts of commission, referred to in a).

## Definition of Minor/Vulnerable/Child Pornography

(Art. 1 §2 clarifies the terminologies used in Art. 1 §1)

- a) “minor” means: any person under the age of 18, or who is considered by law to be the equivalent of a minor; a person who habitually has the imperfect use of reason is to be considered equivalent to a minor;
- b) “vulnerable person” means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence;
- c) “child pornography” means: any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes (Art. 1 §2).

**Vulnerable**: For the first time the Church uses the word 'vulnerable' in the context of sexual abuse of minors. A vulnerable person is:

- Anyone who is in a state of infirmity, physical or mental deficiency;
- Anyone who is under the authority of someone, through office (superior and inferior situations), or, because of economic dependency or, under those in authority who are persons of trust.

These vulnerable persons cannot resist their (authority's) sexual abuse and violence, and moreover, they have no personal liberty even if they want to resist the abuse.

In this context, even the 'seminarians' and 'religious novices' come under the list of vulnerable.

## Subjects of Delicts of Commission

a) The *motu proprio* states that the norms will be applied to reports regarding delicts against the sixth commandment of the Decalogue, if they are committed by:

- i. Clerics (deacons, priests, bishops)
- ii. Members of Institutes of Consecrated Life and Societies of Apostolic Life (Art. 1 §1)

## Subjects of Delicts of Omission and Cover-ups

- b) The norms of this *motu proprio* will be applied regarding acts of omission or cover-up, if they are committed by:
- i. Cardinals, Patriarchs, Bishops and Legates of the Roman Pontiff;
  - ii. Clerics who are, or who have been, the pastoral heads of a particular Church or of an entity assimilated to it, Latin or Oriental, including the Personal Ordinariates, for the acts committed *durante munere*;
  - iii. Clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed *durante munere*;
  - iv. Those who are, or who have been, supreme moderators of Institutes of Consecrated Life or of Societies of Apostolic Life of Pontifical right, as well as of monasteries *sui iuris*, with respect to the acts committed *durante munere* (Art. 1 §6).

## An “Office/System” for Reporting in Every Diocese (Art. 2)

In order to facilitate the reporting of sexual crimes committed by clerics or religious against minors and vulnerables, an obligation is placed on the Bishops or Hierarchs that they must establish in their dioceses or eparchies, individually or together, one or more public, stable and easily accessible “systems” for receiving of reports, even by instituting a specific ecclesiastical office, following the norms issued by the respective Episcopal Conferences, by the Synod of Bishops of the Patriarchal Churches and the Major Archiepiscopal Churches, or by the Councils of Hierarchs of the Metropolitan Churches *sui iuris*.

The *motu proprio* emphasizes that establishment of the systems must be done within a year from the entry into force of these norms, i.e., by June 2020 and then, inform to the Pontifical Representative (Art. 2 §1).

- Though the document states that it is mandatory to set up one or more public, stable and easily accessible systems for submission of reports concerning sexual abuse, it does not specify what these “offices/systems” consist of. It leaves the operational choices to the diocese; and these may differ according to various cultures and local conditions.
- In simple words, “system” can be described as an office which is responsible to receive the reports concerning sexual abuse or cover-up;
- It is where the victims are welcomed and the petitions are accepted;
- It is where psychological /spiritual/ medical assistance is given to the victims;



- It helps the victims to write the complaint.
- The reason behind the establishment of the “offices/systems” is that, anyone who has suffered abuse can have recourse to the local Church with easy access, to assure them that they will be well received, protected from retaliation, and that their reports will be treated with the utmost seriousness.
- The *motu proprio* emphasizes that the information received in the “office/system” must be well protected so that its safety, integrity and confidentiality is guaranteed (Art. 2 §3).

## Right and Obligation to Report (Art. 3)

- First of all, the victim and his/her guardians have the right to report;
- Secondly, a cleric or a member of an Institute of Consecrated Life or of a Society of Apostolic Life who has “notice of, or well-founded motives to believe that, a delict (mentioned in Art. 1) has been committed” are under obligation to give the report (Art. 3 §1).
- Thirdly, any person claiming to have knowledge about the matter can submit a report concerning such delicts, making use of the systems or by any other appropriate means (Art. 3 §2).
- Lastly, local Ordinary or Hierarch can acquire a report *ex officio* if he has notice of such delicts through the exercise of his duty for vigilance (Art. 3 §5).

However, there are two exceptions to this norm:

1) the people who are mentioned in can. 1548 §2 of *CIC* (can. 1229 §2 of *CCEO*) are exempted from the obligation to report. As per this canon, they are:

“1° clerics, in those matters revealed to them by reason of their sacred ministry; civil officials, doctors, midwives, advocates, notaries and others who are bound by the secret of their office, even on the ground of having offered advice, in respect of matters subject to this secret;

2° those who fear that, as a result of giving evidence, a loss of reputation, dangerous harassment or some other grave evil will arise for themselves, their spouses, or those closely related to them by consanguinity or affinity.”

2) the confessors and anyone who received the knowledge of the delict through the confession (can. 1550 §2, 2°).

In the context of Art. 3, the *motu proprio* observes that making any report of the sexual delict or act of omission or cover-up is not considered a breach of professional secrecy, or in other words, violation of office confidentiality (Art. 4 §1).

With regard to the persons reporting to the authorities, *Vademecum* adds:

“it can be reported to the local Ordinary or Hierarch by the civil authorities through channels provided for by local legislations; it can be made known through communications media (including social media); it can come to his knowledge through hearsay, or in any other adequate way” (no. 10);

“At times, a *notitia de delicto* can derive from an anonymous source, namely, from unidentified or unidentifiable persons. The anonymity of the source should not automatically lead to considering the report as false. Nonetheless... great caution should be exercised in considering this type of *notitia*, and anonymous reports certainly should not be encouraged” (no. 11).

## Report to the Church Authorities

### 1) Report of the delicts (described in Art. 1 §1, a.) committed by a cleric or a religious:

Whenever a cleric or a member of an Institute of Consecrated Life or of a Society of Apostolic Life has information with solid evidence of the delict committed by a cleric or a religious, he/she has to report it to the local Ordinary or to one's own Major Superior, or to another Ordinary among those referred to in canons 134 *CIC* and 984 *CCEO*.

The local Ordinary who receives the report shall transmit it without delay to the Ordinary of the place where the events are said to have occurred, as well as to the proper Ordinary of the person accused, if he is different from the one where the delict alleged to have taken place (Art. 2 §3).

In cases where the report concerns a member of an Institute of Consecrated Life or a Society of Apostolic Life, the Major Superior will also inform the Supreme Moderator and, in the case of Institutes and Societies of diocesan right, also the respective Bishop (*Vademecum*, no. 31).

**2) Report of the delicts of omission or cover-up (described in Art. 1 §1, b.) committed by a Bishop or those who are equivalent to him:**

***In the Latin Church:***

The authority who receives the report about a Bishop, shall transmit it both to the Holy See and to the Metropolitan of the Ecclesiastical province where the person is domiciled (Art. 8 §1).

If the report concerns the Metropolitan, or if the Metropolitan See is vacant, the report shall be forwarded to the Holy See, as well as to the senior suffragan Bishop by promotion to episcopacy (Art. 8 §2).

If the report concerns a Papal Legate, it shall be transmitted directly to the Holy See (Art. 8 §3).

In all these cases, report to the Holy See is sent directly or through the Pontifical Representative.

## ***In the Eastern Catholic Churches:***

Reports concerning a Bishop of a Patriarchal, Major Archiepiscopal or Metropolitan Church *sui iuris* shall be forwarded to the respective Patriarch, Major Archbishop or the Metropolitan of the concerned Church *sui iuris* (Art. 9 §1).

If the report concerns a Metropolitan of Patriarchal, Major Archiepiscopal Church *sui iuris* shall be forwarded to the respective Patriarch, Major Archbishop (Art. 9 §2).

In these two cases, the authority who receives the report shall forward it to the Holy See (Art. 9 §3).

If the person reported is a Bishop or a Metropolitan outside the territory of the Patriarchal, the Major Archiepiscopal or the Metropolitan Church *sui iuris*, the report shall be forwarded to the Holy See (Art. 9 §4).

If the report concerns a Patriarch, a Major Archbishop, a Metropolitan of a Church *sui iuris* or a Bishop of the other Eastern Catholic Churches *sui iuris*, it shall be forwarded to the Holy See (Art. 9 §5).

## Dicastery to which the Report to be Forwarded (Art. 7)

- a. For the cases reserved to CDF, the same congregation remains competent. They are the delicts of performing, by a cleric, a sexual act with a minor or who are equated with minor and the delicts related to child pornography described in Art. 1 of this *motu proprio*.
- b. If a non-cleric commits these delicts, it is not reserved to the CDF but it must be forwarded to the competent Dicastery.
- c. The other competent Dicasteries are:
  - the Congregation for the Oriental Churches;
  - the Congregation for Bishops;
  - The Congregation for the Evangelization of Peoples;
  - the Congregation for the Clergy;
  - the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.



## Content of the Report

The *motu proprio* states that “The report shall include as many particulars as possible, such as indications of time and place of the facts, of the persons involved or informed, as well as any other circumstance that may be useful in order to ensure an accurate assessment of the facts” (Art. 3 §4).

Though it is not mentioned in the *motu proprio*, the reporting shall be in writing. If the reporting is done orally, the notary shall record the matter in writing, which is to be read to, and approved by the reporter (cf. can. 1503 §§1-2).

*Vademecum* describes this report as *notitia de delicto* or *notitia criminis* (no. 9).

## Protection of the Person submitting the Report (Art. 4)

The *motu proprio* ensures that the persons, who report sexual delicts of clergy and religious, or any acts of omissions and cover-ups by the authorities, are protected from any coercion or external pressure from any person.

As a consequence of having submitted a report, except in the cases of false accusation (cann. 1390 *CIC* and 1452 and 1454 *CCEO*), if the authorities who receive the report show any reaction of “prejudice, retaliation or discrimination” towards the one who gave the report, it is considered as a crime of ‘acts of omission or cover-up’ mentioned in Art. 1 §1, b. (Art. 4 §2).

Moreover, on those who make report, an obligation to keep silent may not be imposed with regard to the contents of his or her report (Art. 4 §3).

Rescript of Pope Francis, promulgating the Instruction on the *Confidentiality of Legal Proceedings* (6 December 2019), states in no. 5: “The person who files the report, the person who alleges to have been harmed and the witnesses shall not be bound by any obligation of silence with regard to matters involving the case.”

## Care for victims (Art. 5)

The ecclesiastical authorities, who receive a report from minors and vulnerables that they have been harmed, have the obligation to ensure that these victims, together with their families, are to be treated with dignity and respect. In particular, the authorities have to make them feel that they are to be welcomed, listened to and supported; they are also to be offered spiritual and medical assistance, including therapeutic and psychological assistance, as required by the specific case (Art. 5 §1).

Moreover, the authorities concerned are obliged to make sure that the good name and the privacy of the persons involved, as well as the confidentiality of their personal data, is protected (Art. 5 §2).

## Presumption of Innocence of the Accused

Protection of the rights of a cleric or religious who is accused of sexual delict against a minor or a vulnerable person, is also an obligation on the part of the Church authorities.

Though the *motu proprio* does not state anything with regard to the presumption of innocence of the accused cleric or religious, in the context of the procedure to be followed in cases involving bishops or those who are equivalent to them, Art. 12 §§7,8 state that the person under investigation enjoys the presumption of innocence. He/she will be informed of the investigation when requested to do so by the competent Dicastery. The accusation will be notified only if formal proceedings are opened. If deemed appropriate, in order to ensure the integrity of the investigation or of the evidence, this notification may be omitted during the preliminary stage (cf. *Vademecum*, nos. 53-54).

## Statute of Limitation

*Normae de Gravioribus Delictis* Art. 7 §1. A criminal action for delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by prescription after twenty years. CDF has the right to derogate from prescription in individual cases.

§ 2. Prescription runs according to the norm of can. 1362 §2 (from the day the crime was committed or if continuous/habitual, from the day it ceased). However, in the delict of abuse of minors, prescription begins to run from the day on which a minor completes his eighteenth year of age.

Thus, the prescription for sexual abuse of minors expires when the victim of abuse reaches the age of 38, that is, 20 years after the person's 18<sup>th</sup> birthday.

## Compliance with State Laws (Art. 19)

With regard to the protection of minors and vulnerable persons from any sexual abuse, both the ecclesiastical laws and civil laws are equally vigilant and also have enacted stringent norms to deal with these cases. However, in order to avoid any undue conflict, the *motu proprio* prescribes to follow the state laws on this matter, particularly those concerning any reporting obligations to the competent civil authorities. In India, the following civil laws deal with the protection of children and vulnerable from sexual offences:

1. Protection of Children from Sexual Offences Act (POCSO), 2012.
2. Sexual Harassment of Women at Work Place, 2013.
3. Juvenile Justice: Care and Protection of Children Act, 2015.
4. Amendment Bill: The Protection of Children from Sexual Offences Act (POCSO), 2019.

## **Obligations of the Metropolitan in the Procedure for the Cases of Complaint of Delicts mentioned in Art. 1, §1 committed by Bishops and their Equivalents**

### **1. Initial duties of the Metropolitan (Art. 10)**

Articles 8 §1 prescribes that in the event of a report concerning a Bishop, the authority that receives a report transmits it both to the Holy See and to the Metropolitan of the Ecclesiastical Province where the person reported is domiciled.

- As soon as the Metropolitan receives the report, he is bound to request immediately from the competent Dicastery, that he be assigned or given the mandate to initiate an investigation. The reason is, except for the instances specified in canon law, a Metropolitan does not have power of governance over suffragan dioceses (Art. 10 §1).



- If a case is manifestly unfounded or baseless, he may not ask the competent Dicastery for competence to start the investigation, but he should inform his opinion to the Pontifical Representative (Art. 10 §1).
- The competent Dicastery shall make arrangements without delay, at least within thirty days after the receipt of the report of the first report by the Pontifical Representative or the request for the assignment by the Metropolitan, by giving appropriate instructions with the to the specific course of action for the particular cases (Art. 10 §2).

## **2. Entrusting the investigation to a person other than the Metropolitan (Art. 11)**

- The competent Dicastery, depending upon each case and situation, may entrust the investigation to the Metropolitan or to any other person. If any other person is entrusted with this responsibility, the Metropolitan is so informed and he hands over all relevant information and documents to the person appointed by the Dicastery (Art. 11 §1).

### **3. Procedural Responsibilities of the Metropolitan in Carrying out the Investigation (Art. 12):**

The following provisions concerning the Metropolitan will equally apply also to the

- a) senior suffragan Bishop who is entrusted with the investigation as per Art. 8;
- b) any of the competent authority of the sui iuris Church mentioned in Art. 9, if they are given the assignment to investigate by the competent Dicastery;
- c) any other person to whom the investigation is entrusted as per Art. 11.

**a. *Collecting information and documents:*** Once appointed by the competent Dicastery, the Metropolitan has to investigate in compliance with the instructions received. He can do this, either personally or through one or more suitable persons, by fulfilling the following:

- i) Collecting relevant information regarding the facts;
- ii) Assessing the information and documents necessary for the purpose of the investigation kept in the archives of ecclesiastical offices;
- iii) obtaining the cooperation of other Ordinaries or Hierarchs whenever necessary;
- iv) requesting information from individuals and institutions, including civil institutions, that are able to provide useful elements for the investigation (Art. 12 §1).

**b. *Hearing the minor or the vulnerable*:** For the investigation, if it is necessary to hear from a minor or a vulnerable person, the Metropolitan shall adopt appropriate procedures, which take into account the status of the person concerned (Art. 12 §2).

**c. *Safety of the information and documents collected*:** If there are reasonable and well-founded grounds to conclude that the collected information or documents concerning the investigation are at risk of being removed or destroyed, the Metropolitan should take the necessary measures for their safe preservation (Art. 12 §3).

**d. *Personal Responsibility of the Metropolitan*:** Even when other persons are made use for investigation, the Metropolitan remains responsible for conducting the investigation, as well as for the timely execution of the instructions referred to in article 10 §2 (Art. 12 §4).

**e. *Appointment of a Notary*:** The Metropolitan is to be assisted by a notary freely appointed in accordance with the canons 483 §2 *CIC* and 253 §2 *CCEO* (Art. 12 §5).

**f. *Impartiality in Action*:** The Metropolitan is under the obligation to act impartially and free of conflicts of interest. If he considers himself to be in a conflict of interest or is unable to maintain the necessary impartiality to guarantee the integrity of the investigation, he is obliged to abstain from the investigation and he himself report the matter to the competent Dicastery (Art. 12 §6).

**g. *Presumption of Innocence*:** During the investigation, the accused enjoys the presumption of innocence and so, the investigator must try to find out the truth procuring all the necessary proofs and evidences and prove the reality (Art. 12 §7).

**h. *Right of Defence of the person under investigation:*** The Metropolitan, if requested by the competent Dicastery, has to inform the accused about the investigation concerning him/her. He should also hear the account of the facts and invite the person under investigation to present a brief in defence. For this, the investigated person may be permitted to obtain the assistance of legal counsel (Art. 12 §8).

**i. *Status Report every thirty days:*** Every thirty days, the Metropolitan should send a status report on the progress of the investigation to the competent Dicastery (Art. 12 §9).

## 4. Involvement of qualified persons (Art. 13)

***a. List of Qualified Persons and Freedom to choose any Appropriate Persons:*** To assist him in the investigation, the Metropolitan may choose also qualified persons from the list prepared by Bishops of the respective Province, individually or together, taking into account, the directives given by the Episcopal Conference, the Synod of Bishops or the Council of Hierarchs. In particular cases, he can make use of the cooperation offered by the lay faithful in accordance with canons 228 *CIC* and 408 *CCEO* (Art. 13 §1). The Metropolitan, however, may choose also other equally qualified persons (Art. 13 §2).



***b. Integrity of Qualified Persons:*** The person who assists the Metropolitan in the investigation is required to act impartially and must be free of conflicts of interest. If he feels sure that he is in a conflict of interest or he is unable to maintain the necessary impartiality required to ensure the integrity of the investigation, he is obliged to abstain himself and report the reasons for his withdrawal to the Metropolitan (Art. 13 §3).

***c. Need of Oath:*** The persons assisting the Metropolitan in the investigation shall take an oath to fulfil the tasks given to them properly and faithfully (Art. 13 §4).

## **5. Duration of the investigation (Art. 14)**

**a. *Time Limit for Investigation:*** Once the Metropolitan receives the mandate to conduct the investigation, he should complete it within the term of ninety days or the term otherwise provided in the instruction given to him by the competent Dicastery (Art. 14 §2). Even if the term is ninety days, the Metropolitan should send a to the competent Dicastery every thirty days (Art. 12 §9).

**b. *Extending the Time Limit:*** If there are just reasons, the Metropolitan may request the extension of the term to the competent Dicastery (Art. 14 §3).

## **6. Precautionary measures (Art. 15)**

If the facts or circumstances so demand, the Metropolitan shall propose to the competent Dicastery the adoption of provisions or impose appropriate precautionary measures on the person under investigation (cf. cann. 1722 *CIC* and 1473 *CCEO*).

## **7. Establishment of a fund (Art. 16)**

***a. Creation and Administration of a Fund:*** In order to sustain the costs of the investigations, Ecclesiastical Provinces, Episcopal Conferences, Synods of Bishops and Councils of Hierarchs may create “autonomous foundation.” This fund should be established according to the norms of canons 116 and 1303 §1, 1° *CIC* and 1047 *CCEO* and administered according to the norms of canon law (Art. 16 §1).

***b. Availability of the Fund and its Accountability:*** When the Metropolitan is appointed for investigation, and if he makes a request for a fund necessary for the purpose of the investigation, it should be made available to him by the administrator of the fund. The Metropolitan may make use of the fund responsibly for the investigation and at the end of the investigation, he is obliged to present an account to the administrator of the fund (Art. 16 §1).

## **8. Transmission of the documents and the *votum* (Art. 17)**

***a. Forwarding the Results of the Investigation with *Votum*:*** Once the Metropolitan completes the investigation, all the acts should be transmitted to the competent Dicastery, together with his *votum*. The *votum*, which is an authoritative opinion of the Metropolitan, should be based on the results of the investigation and responses to the questions contained in the instructions issued under article 10 §2 (Art. 17 §1).

***b. Cessation of the Mandate:*** Upon the completion of the investigation and transmission of the acts and the *votum* to the competent Dicastery, the faculties of the Metropolitan cease for that particular case (Art. 17 §2).

***c. Informing the Outcome of the Investigation to the Accused:*** After the completion of the investigation, the Metropolitan, upon the request and the instructions of the competent Dicastery, may inform the accused person, or his/her legal representatives, of the outcome of the investigation (Art. 17 §3).

## 9. Subsequent Provisions (Art. 18)

***Supplementary Investigation or Further Procedures:*** After receiving the acts of investigation from the Metropolitan, if the competent Dicastery is not satisfied, it may extend his competence and instruct him to do supplementary investigations. If the Dicastery is satisfied with the investigation, it proceeds with further steps, in accordance with the law provided for such delicts (Art. 18).

**Congregation for the Doctrine of Faith**

***VADEMECUM***

**On Certain Points of Procedure in Treating  
Cases of Sexual Abuse of Minors Committed by Clerics**

**16<sup>th</sup> July 2020**

## **I. What constitutes the delict? (Nos. 1-8)**

- Concepts of minor, delict, vulnerable.

## **II. What must be done when information is received about a possible delict? (Nos. 9-31)**

- a. What is meant by the term *notitia de delicto* (*notitia criminis*)
- b. What actions should be taken upon receiving a *notitia de delicto*? (authorities who could receive the report; prescription; notification to CDF; to the civil authorities).

## **III. How does the preliminary investigation take place? (nos. 32-75)**

- a. What is the preliminary investigation? When is it not necessary?
- b. What juridical acts must be carried out to initiate the preliminary investigation? (appointing a suitable person; cooperation of lay persons; decree of opening preliminary investigation; priest-notary)

- c. What complementary acts can or must be carried out during the preliminary investigation? (protecting good name of the accused/victim/witnesses; information to the civil authorities; caution while public statements or information about the delict; whether Ordinary is obliged to inform the civil authorities about report and preliminary investigation? information to the accused; help and assistance to the victim and family/to the accused; what are the precautionary measures to be imposed on the accused)
- d. How are the precautionary measures imposed?
- e. What must be done to conclude the preliminary investigation? (no unjustified delay; handing over all the acts to the Ordinary; Decree of conclusion of the preliminary investigation; sending the authentic copies of all the acts, with votum and suggestions to CDF).



#### **IV. What can the CDF do at this point? (Nos. 76-83)**

- acknowledgment to the Ordinary and to all the concerned Congregations; CDF acts in different ways: request for more preliminary investigation; impose non-penal disciplinary measures, with a penal precept;

a. What are non-penal disciplinary measures?

b. What is a penal precept?

c. What are penal remedies, penances and public rebukes?

#### **V. What decisions are possible in a penal process? (no. 84)**

- Conviction; acquittal and dismissal of the report

## VI. What penal procedures are possible? (nos. 85-141)

- Three penal procedures are possible:

- 1) a judicial penal process (provisions given in the Code; SST Art. 8-15; 18-19; 21-31)
  - 2) an extrajudicial penal process;
  - 3) the procedure introduced by Article 21 §2,2° of SST (in most grave cases, present the case to the Roman Pontiff for dismissal from the clerical state).
- a. What is the extra-judicial penal process (administrative process)? Only CDF decides whether this process to be followed or not; it can be carried out by CDF, or it permits the lower tribunal, or an Ordinary or even a third party.
  - b. How is an Extra-Judicial Penal Process carried out according to *CIC*?
  - c. How is an Extra-Judicial Penal Process concluded according to *CIC*?
  - d. How is an Extra-Judicial Penal Process carried out according to the *CCEO*?
  - e. Does the penal decree fall under the secret of office?

## **VII. What can happen once a penal procedure ends? (Nos. 142-149)**

- No appeal or recourse against the acts of the Roman Pontiff
- Possibility of legal challenge – a complaint of nullity; *restitutio in integrum*, or appeal;
- Recourse against extra-judicial penal process.

## **VIII. What should be done in case of recourse against a penal decree? (Nos. 150-156)**

- a. What does *CIC* provide for in case of recourse against a penal decree? (cann. 1734-1737)
- b. What does *CCEO* provide for in case of recourse against a penal decree? (can. 1487)

## IX. Things that should always to be kept in mind (Nos. 157-164)

- If the accused wants to present a petition for dispensation from all the obligations of clerical state, including celibacy, send it through CDF;
- Possibility of recourse for all the singular administrative acts decreed or approved by CDF;
- Consult the guidelines give by the Episcopal Conference;
- If the *notitia de delicto* is concerning a cleric who is already deceased?
- If the accused cleric dies during the preliminary investigation?
- If the accused cleric dies during the penal process?

- If the accused obtains dispensation from all the obligations of clerical state, including celibacy, during the preliminary investigation or during the penal process?
- Information to the alleged victim and the accused, if they request it, about the individual phase of the proceeding, but not revealing what is covered by the pontifical secret or secret of the office, which could harm the third parties.

**Thank You**