

Presentation of the Congregation for the Doctrine of the Faith's Circular Letter to Bishops' Conferences on guidelines for cases of sexual abuse of minors by clergy

Note of Fr. F. Lombardi

In recent days, the Congregation for the Doctrine of the Faith has sent to all Episcopal conferences a "Circular Letter to assist Episcopal Conferences in developing Guidelines for dealing with cases of sexual abuse of minors perpetrated by clerics."

The preparation of the document was announced in July, to mark the publication of new rules for the implementation of the *motu proprio* "Sacramentorum sanctitatis tutela" (see Note Fr. F. Lombardi, in OR, 16/07/2010, 1, and , Abuse of minors. The Church's response). H.E., Cardinal Levada, Prefect of the Congregation, later informed of its preparation during the meeting of the Cardinals at the November Consistory (see Press Release on the Afternoon Session, 11/19/2010).

The document is accompanied by a letter of presentation, signed by Cardinal Levada, illustrating its nature and purpose.

Following the revision of norms on sexual abuse of minors by members of the clergy, approved by the Pope last year, "it seems opportune that each Episcopal Conference prepare Guidelines whose purpose will be to assist the Bishops of the Conference to follow clear and coordinated procedures in dealing with these instances of abuse. Such Guidelines would take into account the concrete situation of the jurisdictions within the Episcopal Conference".

To this end, the Circular Letter "contains general themes" for the consideration which naturally must be adapted to national realities, but which will help to ensure a coordinated approach by the various episcopates as well as – precisely thanks to the Guidelines – within the Episcopal Conferences.

Regarding the drafting of new Guidelines or the revision of existing ones, Cardinal Levada's letter also gives two indications: first, to involve the Major Superiors of clerical religious Institutes (to take into account not only diocesan clergy, but also religious), and then to "send a copy of the completed Guidelines to the Congregation by the end of May 2012"

In conclusion, two concerns are clear:

1. The need to address the problem promptly and effectively with clear, organic, indications that are suitable to local situations and in relation to the norms and civil authorities. The indication of a specific date and a relatively short period within which all Episcopal conferences must develop Guidelines is clearly a very strong and eloquent statement.
2. Respect for the fundamental competence of the diocesan bishops (and Major Superiors) in the matter (the wording of the Circular is very keen to stress this aspect: the guidelines are intended to "assist the diocesan bishops and Major Superiors").

The Circular Letter itself is short but very dense, and is divided into three parts.

The first part develops a set of general considerations, including in particular:

Priority attention to the victims of sexual abuse: listening to the victims and their families, and a commitment to their spiritual and psychological assistance.

The development of prevention programs to create truly safe environments for children.

The formation of future priests and religious and exchange of information on candidates to the priesthood or religious life who are transferred.

Support for priests, their ongoing formation and informing them of their responsibilities regarding the issue, how to support them when they are accused, dealing with cases of abuse according to law, the rehabilitation of the good reputation of those who have been unjustly accused.

Cooperation with civil authorities within their responsibilities. “Specifically, without prejudice to the sacramental internal forum, the prescriptions of civil law regarding the reporting of such crimes to the designated authority should always be followed”. This cooperation should be implemented not only in cases of abuse by clergy, but by any employee who works in a Church structure.

The second part addresses applicable canonical legislation in force today, after the revision of 2010.

It refers to the power of bishops and Major Superiors in preliminary investigation and, in the case of a credible allegation, their obligation to refer the matter to the Congregation for the Doctrine of the Faith, which offers guidance for the handling of the case.

It speaks about the precautionary measures to be imposed and information to be given to the accused during the preliminary investigation.

It refers to the canonical measures and ecclesiastical penalties that can be applied to offenders, including dismissal from the clerical state.

Finally, it specifies the relationship between canon law valid for the entire Church and any additional specific particular norms that given Episcopal Conferences deem appropriate or necessary, and the procedure to be followed in such cases.

The Third and final part lists a number of useful observations in formulating concrete operational guidelines for bishops and major superiors.

Among other things, the need to offer assistance to victims is stressed as well as the need to treat the complainant with respect and ensure the privacy and reputation of the people involved: to take due account of the civil laws of the country, including any obligation to notify the civil authorities, to ensure the accused information on the allegation and an opportunity to respond, and in any case a just and worthy support; to exclude the cleric’s return to public ministry, in case of danger to minors or of scandal to the community. Once again, the primary responsibility of bishops and Major Superiors is reiterated, a responsibility which cannot be replaced by supervisory bodies, however useful or necessary they may be in support of this responsibility.

The Circular therefore represents a very important new step in promoting awareness throughout the Church of the need and urgency to effectively respond to the scourge of sexual abuse by members of the clergy. Only in this way can we renew full credibility in the witness and educational mission of the Church, and help create in society in general, safe educational environments of which there is an urgent need.