2. GUIDELINES AND DIRECTIVES

**2.1. Provincial guidelines for the protection of minors (GC27 73.4)**

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Among the tasks of youth service, GC27 points out to us the protection of minors. In particular, it asks us to commit to “encouraging in our centres an atmosphere of respect for the dignity of minors, committing ourselves to creating conditions which prevent any form of abuse and violence, where every Province follows the guidelines and directives of the Rector Major and General Council” (CG27 73.4).

In order to put this commitment into practice, the Project of the Rector Major and the General Council for the six-year period asks the Vicar of the Rector Major to "help the Provinces to formulate guidelines for the safeguarding and protection of minors and for the prevention of cases of abuse". The purpose of the present guideline is to sensitize and encourage the Provinces to develop these guidelines.

However, the recent meeting on the "Protection of Minors in the Church" held in the Vatican on February 21-24, 2019, with the Presidents of the Episcopal Conferences of the whole world and with the representatives of the Superiors General of Religious Institutes, commits us to reviewing, deepening or beginning the process of drawing up some guidelines.

**1. Suggestions for the steps to be taken**

The protection of minors is not limited to dealing with every *notitia criminis* (notice of the crime) concerning cases of violation of the sixth Commandment *cum minore* (with a minor). Since 2002 our Congregation has prepared guidelines that refer to the listening and help of the victims, the support of their families, the preliminary investigation. The provinces have gradually learned to deal with these cases, which require commitment to overcoming the culture of silence, to speeding up the canonical investigation, to taking care of the relationship with communication, to collaborating with justice. These actions are an important condition for the credibility of those who, like us, state they to want to guarantee "safe educational environments"; but other interventions are necessary.

I therefore suggest the following steps.

The first one concerns the reading of the reports of the Vatican meeting on the "Protection of Minors in the Church" held last February and of the concluding speech delivered by Pope Francis on that occasion, as well as of the first acts of the Supreme Pontiff himself after this meeting, dated March 26, 2019: the "*Motu Proprio* on the Protection of Minors and Vulnerable Persons", "Law No. CCXCVII on the Protection of Minors and Vulnerable Persons of Vatican City State”, the "Guidelines for the Protection of Minors and Vulnerable Persons" for the Vicariate of Vatican City. It is also necessary to know the work of the Pontifical Commission for the Protection of Minors, created by Pope Francis in March 2014.

There is also the need to consider the Pope's "Motu proprio", published on 7 May 2019 and entitled *"Vos estis lux mundi" (You are the Light of the World)*, on how to proceed in cases of "notitia criminis" in reference to crimes against the sixth commandment of the Decalogue. The provinces will have a particular interest in everything that is explained in Title I on the “General Provisions" concerning the establishment of a place accessible to the public for submission of reports, the obligation to report by a cleric and a member of an Institute of Consecrated Life, the protection of the person submitting the report, the welcoming of and listening to those who claim to have been offended along with their families. The "Motu proprio" equates the "vulnerable person" with the minor, of whom it gives a clear definition in art. 1 §2 letter b. In Title II on "Provisions concerning Bishops and Their Equivalents", what is stated about compliance with state laws (article 19) is of particular interest for the provinces. As regards the violation of the sixth commandment of the Decalogue with Minors, *"Vos estis lux mundi"* does not modify the discipline of can. 1395 §2 CIC and art. 6 §1, n. 1 of the Motu proprio *"Sacramentorum sanctitatis tutela"*. It is also confirmed that judgement for such crimes, if committed by a cleric, is within the competence of the Congregation for the Doctrine of the Faith.

The second step is to have as a point of reference the "Guidelines" of one’s own Episcopal Conference, which are normative for each Province, as they deal with situations related to their cultural context, adopt common solutions, especially bearing in mind the civil and penal legislation of the country. These "Guidelines" are being revised by each Episcopal Conference and will be approved by the Congregation for the Doctrine of the Faith.

The third step is to identify the scheme of these "Guidelines", discussing them within the Regions or Provincial Conferences under the guidance of the Regional Councillor or asking for models from those Provinces that have already done this work. For example, the "Guidelines for the Protection of Minors and Vulnerable Persons" for the Vicariate of Vatican City, published by Pope Francis, cover the following topics: the scope of implementation, the contact person for the protection of minors, pastoral workers, pastoral activities, the informed consent of parents or guardians, the treatment of reports of alleged cases of exploitation, sexual abuse and ill-treatment.

A fourth step concerns the involvement of educative and pastoral communities in their various components. Since it is a question of ensuring the creation of safe educative and pastoral environments, the educative and pastoral community must be involved from the beginning of the process and not only during its implementation. For this reason, we think that it is not effective to send to the provinces a single model to be copied and applied. The "Provincial Guidelines" are not a "bureaucratic implementation": before being a document, they are a "process" that involves in the reflection the confreres, the laity who are in contact with minors, the representatives of the parents. This "process", that is made up of reflection, comparison, adaptation to individual situations and cultures, makes the sensitivity and culture of prevention grow in a province.

The last step is the approval of these "Provincial Guidelines" by the Provincial and the Provincial Council and their publication. Making this work public is also a contribution to increasing ever more in the Church and in society a greater sensitivity for the protection of minors.

The protection of minors, just as it is not limited to dealing with every *notitia criminis* concerning cases of child abuse, cannot either be reduced to preventing cases of abuse. In this regard, GC27 offers a guideline when it asks the provinces to commit themselves to "promoting and defending human rights and the rights of minors through the innovative approach of the Preventive System, paying particular attention to child labour, the sex trade, drug dependency and all forms of exploitation, youth unemployment and migration and human trafficking” (GC27 73.3).

**2. Operative instructions**

The legal entity that conducts the process and approves the "Provincial Guidelines for the Protection of Minors" is the Province; therefore, it is not made up of the educative and pastoral communities, the Provincial Conferences or the Regions.

It seems appropriate that the Province set up a commission to study and conduct the process of involving the educative and pastoral communities in reflecting on and contributing to the provincial "Guidelines". It will be important that, by beginning this process, the Province offer motivation to its confreres and to the educative and pastoral communities and illustrate to them what the phases of its realization will be; that is, moments of formation are needed.

Since the responsibility lies with each province, the Rector Major and the General Council will not give an approval of the "Provincial Guidelines". The Vicar of the Rector Major and the juridical office may offer suggestions or advice, but each province will have to decide the modality of the implementation of the process and of the involvement. The Regional Councillors will encourage moments of study and discussion within the Regions and especially in the meeting of the Provincials.

In particular, the Vicar of the Rector Major will ensure that the **Provinces can deliver this work before the next General Chapter or give information** on the state of the ongoing process, on the steps taken and on those to be taken.