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"RECOGNITIO" DELLA SANTA SEDE PER LE "ESSENTIAL NORMS" REDATTE DALLA CONFERENZA DEI VESCOVI CATTOLICI DEGLI STATI UNITI D'AMERICA

"*RECOGNITIO*" DELLA SANTA SEDE PER LE "*ESSENTIAL NORMS*" REDATTE DALLA CONFERENZA DEI
VESCOVI CATTOLICI DEGLI STATI UNITI D'AMERICA

- LETTERA DEL CARDINALE PREFETTO DELLA CONGREGAZIONE PER I VESCOVI
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Pubblichiamo di seguito il testo della Lettera inviata dal Prefetto della Congregazione per i Vescovi, Em.mo Card. Giovanni Battista Re, al Presidente della Conferenza dei Vescovi Cattolici degli Stati Uniti, S.E. Mons. Wilton Daniel Gregory, con la quale si comunica il decreto di "*recognitio*" per le "Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons" ("*Essential Norms*") redatte e riviste dai Vescovi americani:

- LETTERA DEL CARDINALE PREFETTO DELLA CONGREGAZIONE PER I VESCOVI

The Most Reverend Wilton D. GREGORY
President of the United States Conference of Catholic Bishops

Your Excellency,

With your letter dated November 15, 2002, you requested the *recognitio* for the "Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons", approved by the Episcopal Conference at the Plenary Assembly of the United States Conference of Catholic Bishops which took place in Dallas on June 13-15, and revised in the recent General Meeting held in Washington on November 11-14.

I am pleased now to send you the Decree of *recognitio* for the "Essential Norms", and wish to express renewed and sincere appreciation for the pastoral concern and resolve with which the bishops of the United States have addressed the distressing situation caused by such aberrant crimes.

The Holy See is fully supportive of the bishops' efforts to combat and to prevent such evil. The universal law of the Church has always recognized this crime as one of the most serious offenses which sacred ministers can commit, and has determined that they be punished with the most severe penalties, not excluding - if the case so requires - dismissal from the clerical state (cf. Canon 1395 § 2). Moreover, the Holy Father in the year 2001 already had determined that this crime should be included among the most serious delicts ("*graviora delicta*") of clerics, to underscore the Holy See's aversion to this betrayal of the trust which the faithful rightly place in Christ's ministers, and to ensure that the guilty will be appropriately punished. He therefore gave to the Congregation for the Doctrine of the Faith a special competence in this matter, applicable for the whole Church, establishing a particular procedure to be followed (cfr. *Motu proprio "Sacramentorum sanctitatis tutela"* of May 18, 2001, AAS, 93, 2001, p. 737).

As the Holy Father has affirmed on various occasions, the Holy See is spiritually united to the victims of abuse and to their families, and encourages particular concern for them on the part of the bishops, priests and the whole Catholic community. This closeness is now once again confirmed through the approval of the present "Essential Norms", which will help to restore, wherever necessary, the trust of the faithful in their pastors, assuring at the same time the defense of the innocent and the just punishment of the guilty.

The "Essential Norms" in their present formulation are intended to give effective protection to minors and to establish a rigorous and precise procedure to punish in a just way those who are guilty of such abominable offenses because, as the Holy Father has said, "there is no place in the priesthood and religious life for those who would harm the young".

At the same time, by ensuring that the true facts are ascertained, the approved Norms protect inviolable human rights - including the right to defend oneself - and guarantee respect for the dignity of all those involved, beginning with the victims. Moreover, they uphold the principle, fundamental in all just systems of law, that a person is considered innocent until either a regular process or his own spontaneous admission proves him guilty.

The genuine ecclesial communion between the Episcopal Conference and the Apostolic See, demonstrated once again in these painful circumstances, prompts us all to pray earnestly to God that from the present crisis might emerge, as the Holy Father has stated: "a holier priesthood, a holier episcopate, and a holier Church" (cf. *L'Osservatore Romano*, 24 April 2002). In this way, the bonds of communion which unite the bishops with their priests and deacons, and the faithful with their pastors, will be further strengthened.

The Holy See, moreover, together with the bishops of the United States, feels duty-bound in justice and in gratitude to reaffirm and defend the good name of the overwhelming majority of priests and deacons who are and have always been exemplary in their fidelity to the demands of their vocation but have been offended or unjustly slandered by association. As the Holy Father has said, we cannot forget "the immense spiritual, human and social good that the vast majority of priests and religious in the United States have done and are still doing". Indeed, it appears necessary to devote every available resource to restoring the public image of the Catholic priesthood as a worthy and noble vocation of generous and often sacrificial service to the People of God.

As regards religious priests and deacons I would ask the representatives of the Episcopal Conference to continue to meet with the representatives of the Conference of Major Superiors of Men to examine more closely the various aspects of their particular situation, and to forward to the Holy See whatever agreements they may reach.

With the promise of prayers for your important work in serving the United States Conference of Catholic Bishops, I remain

Sincerely yours in Christ,

+ Giovanni Battista Card. Re
Prefect Congregation for Bishops

Vatican City, December 8, 2002

[01994-02.01] [Original text: English]

• **DECRETO DELLA CONGREGAZIONE PER I VESCOVI**

CONGREGATIO PRO EPISCOPIS

FOEDERATARUM CIVITATUM AMERICAЕ SEPTENTRIONALIS
De Conferentiae Episcoporum decreti generalis recognitione

DECRETUM

Exc.mus P.D. Wilton D. Gregory, Conferentiae Episcoporum Foederatarum Civitatum Americae Septentrionalis Praeses, ipsius Conferentiae nomine, ab Apostolica Sede postulavit ut "Essential Norms for Diocesan-Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons", a conventu plenario Conferentiae ad normam iuris latae et approbatae, rite recognoscerentur.

Congregatio pro Episcopis, vi facultatum sibi articulo 82 Constitutionis Apostolicae "Pastor Bonus" tributarum et collatis consiliis cum Dicasteriis quorum interest, memoratis normis, prout in adnexo exemplari continentur, recognitionem concedit et ratas habet ut normas complementares Codicis iuris canonici et Litteris Apostolicis Motu Proprio datis "Sacramentorum sanctitatis tutela" accommodatas.

Cum autem ipsi Praesules Foederatarum Civitatum Americae Septentrionalis statuerint post duos annos easdem normas usus examini subicere, praesens recognitio ad biennium valet.

Quapropter eadem normae a memorata Conferentia Episcopali in commentario officiali promulgari poterunt.

Datum Romae, ex Aedibus Congregationis pro Episcopis, die 8 mensis Decembris anno 2002.

+ Ioannes B. Card. Re
Praefectus

+ Franciscus Monterisi
A Secretis

[01995-07.01] [Testo originale: Latino]

• **ESSENTIAL NORMS FOR DIOCESAN/EPARCHIAL POLICIES DEALING WITH ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY PRIESTS OR DEACONS**Preamble

On June 14, 2002, the United States Conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*. The charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the

pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by diocesan and religious priests or deacons.¹ These norms are complementary to the universal law of the Church, which has traditionally considered the sexual abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth Commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offence against the sixth commandment of the Decalogue (CIC, c. 1395, §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation...unless it is otherwise apparent" (CIC, c. 1321, §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416.²

Norms

1. Having received the *recognitio* of the Apostolic See on December 8, 2002, and having been legitimately promulgated in accordance with the practice of this Episcopal Conference on December 12, 2002, these Norms constitute particular law for all the dioceses/eparchies of the United States of America.³ Two years after *recognitio* has been received, these norms will be evaluated by the plenary assembly of the United States Conference of Catholic Bishops.
2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.
3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.
4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include
 - A. advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;

B. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and

C. offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.

8. When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (CIC, c. 1395, §2; CCEO, c. 1453 §1).⁴

A. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch how to proceed (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.

B. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

9. At all times, the diocesan bishop/eparch has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.⁵ Because sexual abuse of a minor is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.⁶

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the diocese/eparchy will advise and support a person's right to make a report to public authorities.⁷

12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

13. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

¹ In applying these Norms to religious priests and deacons, the term "religious ordinary" shall be substituted for the term "bishop/eparch" *mutatis mutandis*.² If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.³ Due regard must be given to the proper legislative authority of each Eastern Catholic Church.⁴ Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment.⁵ Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1°-2°, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, 1389-1396.⁶ The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff; CCEO, cc. 178, 979ff): a. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971). b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149, §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396). c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, c. 391, §1 and 142, §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3). d. The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good. e. Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1-1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good. These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1°-2°, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2,

1520) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734 ff; CCEO, cc. 999ff).⁷ The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.[01996-02.01] [Original text: English]
