

Vos Estis Lux Mundi ¹

Protocol: Reporting and Managing allegations of crimes of sexual abuse against minors committed by clerics

The legislation, Vos estis lux mundi (VELM) ('You are the light of the world') is a motu proprio by Pope Francis, promulgated on 7 May 2019 and updated on 30 April 2023, it concerns:

- The obligation on clergy and religious to report their well-founded belief that another cleric or religious has engaged in the sexual abuse of a minor;
- The responsibilities of bishops and religious superiors to respond to allegations of sexual abuse by clerics and to report them to the competent authorities;
- The procedures for reporting and managing allegations of sexual abuse of a minor on the part of a bishop or other religious superior;

This Protocol explains how an allegation of sexual abuse of a minor on the part of a cleric or religious will be managed in accordance with VELM and civil legislation within the Diocese of Wilcannia - Forbes.

TITLE I: GENERAL PROVISIONS

1. Scope of application – what crimes must be reported?

This protocol applies to reports regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life and moderators of international associations of the faithful recognised or erected by the Apostolic See concerns:

- a) 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 person who habitually has an imperfect use of reason or a vulnerable adult;
The immoral acquisition, storage, exhibition or dissemination, in any way and by any means, of pornographic images of minors or persons who habitually have an impaired use of reason, the recruitment or inducement of a minor or a person who habitually has an impaired use of reason or a vulnerable adult to exhibit pornography or to participate in real or simulated pornographic performances;
- b) Conduct by the persons referred to in Article 6, consisting of actions or omissions intended to interfere with or circumvent civil investigations or canonical, administrative or criminal investigations of any of the persons referred to in §1 above in respect of the offences referred to in point (a) of this paragraph.

For the purpose of this protocol:

¹ Apostolic Letter issued Motu Proprio by the Supreme Pontiff Francis "Vos Estis Lux Mundi"

- a) "minor" shall mean any person below the age of eighteen years; a person habitually suffering from the imperfect use of reason shall be equated with a minor;
- b) "Vulnerable adult"² means any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which in fact, even occasionally, limits his or her capacity to understand or will or otherwise resist the offence;
- c) "Child pornography material" means any depiction of a child, irrespective of the medium used, involved in real or simulated sexually explicit activities, and any depiction of the sexual organs of minors for the purposes of lust or profit.

2. How to report and data protection

In the Diocese of Wilcannia - Forbes:

- a) A report may be submitted by email to: safeguarding@wf.catholic.org.au
- b) A report can be given over the telephone by calling: 02 68539341
- c) A report may be submitted in writing to: The Safeguarding Office, P.O. Box 775 Forbes NSW 2871
- d) A report may be sent directly to the Holy See at: Piazza della stessa Congregazione, 00120 Citta del Vaticano, Italy

If a person is unable to notify the Safeguarding Office of a complaint due to their age, a language barrier or a disability, another person may make the notification on their behalf.

All civil authorities will be advised of any allegation of a delict against the sixth commandment of the Decalogue within the statutory time frame. Reporting obligations to civil authorities will take precedence where a conflict occurs (Art. 19).

With the clearance of the relevant civil authority (if required), The diocese of Wilcannia - Forbes will provide a report to any other relevant Ordinary, e.g. to the Ordinary in which the events are said to have occurred, and to the Ordinary of the person reported (Art. 2§3).

All reports are managed to ensure safety, integrity and confidentiality pursuant to canons 471,2° CIC and 244 §2, 2° CCEO.

3. Reporting – who is required to report?

- a. A cleric or member of an Institution of Consecrated Life or of a Society of Apostolic Life who has reason to believe that an offence listed above in *1. Scope of this Application* has been committed, **MUST report within 24 hours** to the Safeguarding and Ministerial Integrity Office (except in the grave circumstances noted in canons 1548 §2 CIC and 1229 §2 CCEO).
 - I. Should an allegation concern any of the persons listed below under *6. Scope of the Application* then the report of the allegation should be addressed to the Authority identified based upon Section *7. Competent Dicastery*. The report can always be sent to the Holy See directly or through the Pontifical Representative, noting civil reporting requirements at 3b.
- b. Any person who knows, believes or reasonably ought to know that a minor or vulnerable person has been subject to, the conduct referred to above in *1. Scope of this Application* **MUST** submit a report either directly to the civil authorities or using the methods referred to above in section *2. Receiving reports and data protection*

² The Catholic Diocese of Wilcannia - Forbes uses the term "Adult at Risk" when referring to "Vulnerable Adult".

- c. Any person who acquires the information *ex officio* in which case the person who receives the information must without delay inform the Safeguarding and Ministerial Integrity Office.

Reporting – what to report

Reports are to provide as much detail as possible including the time and place of the matter being reported, 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).

This does not require the reporter to ask intrusive questions about the nature of the abuse; just to report the abuse as reported to them.

4. Protection for the person making the report

Anyone who makes a report of sexual abuse or a potential cover up will not be subject to “prejudice, retaliation or discrimination” because of the report they have made (Art. 4). Furthermore, the person making the report, the victim nor witnesses cannot be required to keep silent about the facts. Making a report is not deemed to be a violation of any confidentiality agreements.

5. Care for the persons involved

Victims and their families must be treated with dignity and respect, must be welcomed, listened to and supported, and must be offered appropriate spiritual, medical and psychological assistance as appropriate in each case.

The legitimate protection of good reputation and the privacy of all persons concerned, as well as the confidentiality of personal data, must in any case be safeguarded. The presumption of Article 13 §7 shall apply to reported persons, subject to Article 20.

The accused must be given the opportunity to defend himself and engage legal counsel.

TITLE II: PROVISIONS CONCERNING BISHOPS AND THEIR EQUIVALENT

6. Scope of application

This section refers to conduct as detailed in Section 1 above alleged to have been carried out by:

- a) Cardinals, patriarchs, Bishops and Legates of the Roman Pontiff;
- b) 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 while in office;
- c) clerics who are or who have been in the past leaders of a Personal Prelature for the acts committed while in office;
- d) clerics who are or have been at the head of a public clerical association with the power to incardinate, for acts committed while in office; those who are or have been Supreme Moderators of Institutes of Consecrated Life or Societies of Apostolic Life of Pontifical Right, as well as Monasteries *sui iuris*, for acts committed while in office.
- e) lay faithful who are or have been Moderators of international associations of the faithful recognised or established by the Apostolic See, for acts committed while in office.

7. Competent Dicastery

Competent Dicastery means the Dicastery for the Doctrine of the Faith, regarding the delicts reserved to it by the norms in force, as well as, in all other cases and as far as their respective jurisdiction is concerned, based on the proper law of the Roman Curia:

- The Dicastery for the Oriental Churches;
- The Dicastery for Bishops;

- The Dicastery for the Evangelisation of Peoples;
- The Dicastery for the Clergy;
- The Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life
- The Dicastery for the Laity, Family and Life.

Communication between the Archbishop and the Holy See takes place through the Pontifical Representative.

Reports received relating to any of the persons listed above should be managed in accordance with the “*Procedure applicable in the event of a report concerning a Bishop of the Latin Church*” or “*Procedure applicable to Bishops of Eastern Catholic Churches*”.

8. Procedure applicable in the event of a report concerning a Bishop of the Latin Church made to the Archbishop of Sydney (The Archbishop):

- a) The **Archbishop** will send reports to the competent Dicastery and to the Metropolitan of the Ecclesiastical Province where the person reported is domiciled.
- b) If the report concerns another Metropolitan, or the Metropolitan See of Sydney is vacant, the report will be forwarded to the Holy See as well as to the senior suffragan Bishop. Similarly, the notification concerning those who are at the pastoral head of ecclesiastical circumscriptions immediately subject to the Holy See itself shall be forwarded to the Holy See.
- c) If the report concerns a Papal Legate, it will be forwarded to the Secretariat of State.

9. Procedure applicable to Bishops of Eastern Catholic Churches

- a) Reports concerning a Bishop, or an equivalent subject, of a Patriarchal, Major Archiepiscopal or Metropolitan Church *sui iuris* who will forward it to the Holy See.
- b) If the report concerns a Metropolitan of a Patriarchal or Major Archiepiscopal Church, who exercises his office within the territory of these Churches, it is forwarded to the respective patriarch or Major Archbishop who will forward it to the Dicastery for the Oriental Churches.
- c) If the person reported is a Bishop or Metropolitan outside of the territory of the Patriarchal, the Major Archiepiscopal or the Metropolitan Church *sui iuris*, the report will be forwarded to the Dicastery for the Oriental Churches, which, if it considers it appropriate, informs the competent Patriarch, Major Archbishop or Metropolitan Church *sui iuris*.
- d) If the report concerns a Patriarch, a Major Archbishop, a Metropolitan of a Church *sui iuris*, it will be forwarded to the Dicastery for the Oriental Churches.

10. Procedure applicable to Supreme Moderators of Institutes of Consecrated Life or Societies of Apostolic Life

If the report concerns those who are or have been Supreme Moderators of Institutes of Consecrated Life or Societies of Apostolic Life of Pontifical Right, as well as monasteries *sui iuris* present in Urbe and suburbicarian Dioceses, it is forwarded to the competent Dicastery.

11. Initial duties of the Metropolitan

The Metropolitan who receives the report shall without delay request the competent Dicastery to initiate the investigation. All communication between the Archdiocese and the Holy See will take place through the Pontifical Representative.

If the Metropolitan considers the report to be manifestly unfounded, he shall, through the Pontifical Representative, inform the competent Dicastery and, unless the latter decides otherwise, order it to be closed.

12. Allocating the investigation

The competent Dicastery, having heard the Pontifical Representative, will allocate the investigation to the most appropriate person or Metropolitan. If that person is not the **Archbishop**, then **the Archbishop** will deliver all relevant information and documents to the person appointed by the Dicastery.

13. Carrying out the Investigation

Once the Archbishop has been appointed by the relevant Dicastery, he will instruct the Vicar General to oversee the investigation that is to be managed by the Safeguarding and Ministerial Integrity Office. The Safeguarding and Ministerial Integrity Office will appoint a suitably qualified independent person, cognisant of both civil and canonical standards of proof either lay or clerical, according to the needs of the individual matter. The investigation will follow the process provided in Art. 12 – Carrying out the investigation (Art. 12§1-9) and as directed by the Diocese *Protocol: Managing Safeguarding Complaints*.

14. Person appointed to undertake investigation

Any person assisting in an investigation is required to act impartially and must be free of conflicts of interest. If that person considers themselves to be in a conflict of interest or unable to maintain the necessary impartiality required to guarantee the integrity of the investigation, they are obliged to excuse themselves. Persons assisting the **Archbishop** shall take an oath to fulfil their charge properly in accordance with Article 13 §7.

15. Duration of the investigation

A status report will be sent to the Holy See every 30 days regarding the progress of the preliminary investigation which normally should be completed within 90 days. Where there are just reasons, **the Archbishop** may request that the competent Dicastery extend the term of 90 days.

16. Precautionary measures

If necessary, the **Archbishop** can propose to the competent Dicastery appropriate precautionary measures relating to the person under investigation. The Dicastery takes the measures after hearing the Pontifical Representative. This may be in addition to precautionary measures already instigated by civil authorities.

17. Transmission of the documents and the *Votum*

At the conclusion of the investigation, the **Archbishop** will forward details of the investigation including the findings to the competent Vatican Dicastery along with his *votum*. A copy of the acts is kept in the Archives of the competent Papal Representative.

Unless there are further instructions from the competent Dicastery, the faculties of **the Archbishop** cease once the investigation is completed. The **Archbishop** will inform the complainant or his/her legal representative and, where appropriate, the person who made the report or their legal representatives of the outcome of the investigation when advised to do so by the competent Dicastery.

18. Compliance with state laws

As detailed in the Diocese Policy and Protocols, all statutory reporting obligations and any statutory investigations or processes must be adhered to.