

Apéndice documental

Documentos relativos a las "Essential Norms" de la Conferencia episcopal de los EE.UU.

SUMARIO: I. Carta del Prefecto de la Cong. para los Obispos al Presidente de la Conferencia episcopal, con la que se remite el decreto de *recognitio* / II. Decreto de la Cong. para los Obispos que concede la *recognitio* / III. Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (texto definitivo) / IV. Comparación de los textos inicial y revisado de las "Essential Norms" / V. Charter for the Protection of Children and Young People (texto revisado)

I. Carta del Prefecto de la Congregación para los Obispos al Presidente de la Conferencia episcopal, con la que se remite el decreto de *recognitio*

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

II. Decreto de la Congregación para los Obispos que concede la *recognitio*

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

III. Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (texto definitivo[?])

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 appli-

[?] La Conferencia episcopal de Estados Unidos (USCCB) celebró una asamblea plenaria en Dallas, del 13 al 15 de junio de 2002, en la que se aprobaron las "Essential Norms" (el 14 de junio), por 229 votos a favor y 5 en contra. El texto, enviado a la Santa Sede para obtener la *recognitio*, fue objeto de estudio y revisión por parte de una comisión mixta, compuesta por cuatro Obispos americanos y cuatro representantes de la Santa Sede, que se reunió en Roma los días 29 y 30 de octubre de 2002. A raíz de los trabajos de esta comisión mixta, la misma Conferencia episcopal introdujo las modificaciones oportunas (*vide infra*, n. IV de este Apéndice documental), en una asamblea general celebrada en Washington del 11 al 14 de noviembre de 2002. El 15 de noviembre el texto revisado fue remitido a la Sede Apostólica, y la *recognitio* fue concedida con fecha 8 de diciembre, mediante decreto del Prefecto de la Congregación para los Obispos. Las "Norms", según su texto revisado, entraron en vigor el 15 de marzo de 2003.

cants 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

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.

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

³ Due regard must be given to the proper legislative authority of each Eastern Catholic Church.

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

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.

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

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).

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.

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.

IV. Comparación de los textos inicial y revisado de las "Essential Norms"

Se presentan los textos en dos columnas para facilitar la valoración de las modificaciones introducidas. Se omiten las Notas al texto revisado, que se han incluido en el texto de las "Essential Norms" que aparece *supra* bajo el epígrafe III de este Apéndice documental.

TEXTO DE JUNIO DE 2002

TEXTO REVISADO

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 evalu-

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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 evalu-

<p>ate the background of seminary applicants as well as all church personnel, who have responsibility for the care and supervision of children and young people.</p>	<p>ate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.</p>
<p>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 priests, deacons, or other church personnel.</p>	<p>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.</p>
<p><i>[Preamble for June Norms ends here – following is the definition of sexual abuse according to the Charter:]</i></p> <p>Cf. c. 1395, §2. Notice that a sexual offense violative of §2 need not be a complete act of intercourse, nor should the term necessarily be equated with the definitions of sexual abuse or other crimes in civil law. "Sexual abuse [includes] contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome" (Canadian Conference of Bishops, <i>From Pain to Hope</i>, 1992, p. 20). If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and, if necessary, the opinion of a recognized expert shall be obtained (Ca-</p>	<p>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 (Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, USCC, 1995, p. 6). A canonical offence against the sixth commandment of the Decalogue (c. 1395, §2) need not be a complete act of intercourse. Nor, to be objectively</p>

APÉNDICE DOCUMENTAL

<p><i>nonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State</i>, 1995, p. 6). We also note that diocesan/eparchial policies must be in accord with the civil law.</p>	<p>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." (c. 1321, §3). Cf. cc 1322-27.²</p>
<p>Norms 1. These norms, after approval by the Apostolic See, constitute particular law for all the dioceses/eparchies of the United States of America. Two years after <i>recognitio</i> has been received, these norms will be evaluated.</p>	<p>Norms 1. Having received the <i>recognitio</i> of the Apostolic See on _____, 2002, and having been legitimately promulgated in accordance with the practice of this Episcopal Conference on _____, 2002, these Norms constitute particular law for all the dioceses/eparchies of the United States of America. Two years after <i>recognitio</i> has been received, these norms will be evaluated by the plenary assembly of the United States Conference of Catholic Bishops.</p>
<p>2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests, deacons, or other church personnel. 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.</p>	<p>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 canons 1717-1719. 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.</p>
<p>3. Each diocese/eparchy will designate a competent assistance coordinator to aid in the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests, deacons, or other church personnel.</p>	<p>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.</p>
<p>4. To assist the diocesan/eparchial</p>	<p>4. To assist diocesan/eparchial bish-</p>

DOCUMENTACIÓN RELATIVA A LAS "ESSENTIAL NORMS" DE LOS EE.UU.

<p>bishop in his work, each diocese/eparchy will have a review board whose functions include</p>	<p>ops, 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:</p>
<p>A. The assessment of allegations of sexual abuse of minors by priests, deacons, and other church personnel in order to advise the diocesan/eparchial bishop on whether or not the allegations appear to be credible; the assessment will be communicated to the victim and accused; the board can act both retrospectively and prospectively on these matters;</p>	<p>A. advising the diocesan bishop/ eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;</p>
<p>B. The review of the diocesan/eparchial policy and procedures for dealing with these allegations at least every two years in order to recommend to the diocesan/eparchial bishop any modifications, if appropriate; and</p>	<p>B. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and</p>
<p>C. The recommendation concerning fitness for ministry in particular cases.</p>	<p>C. offering advice on all aspects of these cases, whether retrospectively or prospectively.</p>
<p>5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment. 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, 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.</p>	<p>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.</p>

<p>6. Each province will establish an appellate review board, to be composed of at least five persons of outstanding integrity and good judgment. The majority of the members will be lay persons; but at least one member should be a bishop, and at least one member should be a canon lawyer. The appellate review board's function will be to offer—upon request by the bishop, the alleged victim, or the accused—its advice to the diocesan/eparchial bishop on the case (cf. norm 4A). The request must be made within fifteen (15) days after the alleged victim or the accused has been notified of the assessment of the initial review board. Within sixty (60) days of its receiving the request, the appellate review board's advice will be communicated to those involved.</p>	<p><i>[Norm 6 of June Essential Norms omitted in Revised Norms]</i></p>
<p>7. When a credible allegation of sexual abuse of a minor by priests, deacons, or other church personnel is made, the alleged offender will be relieved of any ecclesiastical ministry or function. An investigation in harmony with canon law will promptly commence. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the preliminary findings of the investigation.</p>	<p>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 (c. 1717). 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 canon 1722—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.</p>
<p>8. If the credible allegation of sexual abuse of a minor involves a priest or</p>	<p>7. The alleged offender may be requested to seek, and may be urged</p>

<p>deacon, the ordinary/hierarchy will ask him to undergo appropriate medical and psychological evaluation and intervention, if possible.</p>	<p>voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.</p>
<p>9. Where sexual abuse by a priest or deacon is admitted or is established after an appropriate investigation in accord with canon law, the following will pertain:</p> <p>A. Diocesan/eparchial policy will provide that for even a single act of sexual abuse of a minor-past, present, or future-the offending priest or deacon will be permanently removed from ministry.</p>	<p>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. (c. 1395, 2).³</p>
<p>B. In every case, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. <i>Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State</i>, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). These provisions may include a request by the priest or deacon for dispensation from the obligations of holy orders and the loss of the clerical state, or a request by his diocesan/eparchial bishop for dismissal from the clerical state even without the consent of the priests or deacons. 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.</p>	<p>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. <i>Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State</i>, 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 to proceed. (Article 13, "Procedural Norms" for <i>Motu proprio Sacramentorum sanctitatis tutela</i>, 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 derogation 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 canon 1722 shall be implemented during the pendency of the penal process, in accord with Article 15 of this <i>motu</i></p>

APÉNDICE DOCUMENTAL

	<i>proprio.</i>
<p>C. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest.</p>	<p>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.</p>
<p>[In revised norms, norm 9 constitutes an additional norm]</p>	<p>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.⁴ Because sexual abuse of a minor 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.⁵</p>
<p>[In revised norms, norm 10 constitutes an additional norm]</p>	<p>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 <i>ex officio</i>, even without the consent of the priest or deacon.</p>
<p>10. The diocese/eparchy will report to the public authorities any allegation (unless canonically privileged) of sexual abuse of a person who is currently a minor and will cooperate in their investigation. It will cooperate with public authorities about reporting in cases when the person alleged to have been abused is no longer a minor. In every</p>	<p>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.⁶</p>

<p>instance, the diocese/eparchy will advise and support a person's right to make a report to public authorities.</p>	
<p>11. Before a priest or deacon is proposed to another diocese/eparchy for assignment, transfer, or residence, if there is anything in his background to indicate that he would be a danger to children or young people, an accurate and complete description of the priest's or deacon's record will be forwarded by his ordinary/hierarch to the local ordinary/hierarch of his new residence. This holds even if the priest or deacon will only 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).</p>	<p>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.</p>
<p>12. 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 the person against whom the charge has been made. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.</p>	<p>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 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.</p>
<p>13. These norms will become par-</p>	

APÉNDICE DOCUMENTAL

particular law after recognitio is received |
from the Holy See.

V. Charter for the Protection of Children and Young People (texto revisado¹)

Preamble

The Church in the United States is experiencing a crisis without precedent in our times. The sexual abuse of children and young people by some priests and bishops, and the ways in which we bishops addressed these crimes and sins, have caused enormous pain, anger, and confusion. Innocent victims and their families have suffered terribly. In the past, secrecy has created an atmosphere that has inhibited the healing process and, in some cases, enabled sexually abusive behavior to be repeated. As bishops, we acknowledge our mistakes and our role in that suffering, and we apologize and take responsibility for too often failing victims and our people in the past. We also take responsibility for dealing with this problem strongly, consistently, and effectively in the future. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people are enduring.

We, who have been given the responsibility of shepherding God's people, will, with God's help and in full collaboration with our people, continue to work to restore the bonds of trust that unite us. Words alone cannot accomplish this goal. It will begin with the actions we take here in our General Assembly and at home in our dioceses/eparchies.

The damage caused by sexual abuse of minors is devastating and long-lasting. We reach out to those who suffer, but especially to the

¹ [N. De la R.] La "Charter" se aprobó (con fecha 14 de junio), junto a las "Essential Norms", en la asamblea plenaria de la Conferencia episcopal de Estados Unidos celebrada en Dallas, del 13 al 15 de junio de 2002, por 239 votos a favor y 13 en contra. El texto fue preparado por el *Ad Hoc Committee on Sexual Abuse of the United States Conference of Catholic Bishops*. Como consecuencia de los cambios introducidos en las "Essential Norms" (*vide supra*, n. IV de este Apéndice documental), se introdujeron también cambios en la redacción de la "Charter", que fueron aprobados por la asamblea general de la USCCB celebrada en Washington del 11 al 14 de noviembre de 2002. Esos cambios afectan a la Nota en la que se define el "abuso sexual" y a diversos artículos del texto (cfr. Nota 14 del estudio de L. Navarro publicado en este mismo volumen).

victims of sexual abuse and their families. We apologize to them for the grave harm that has been inflicted upon them, and we offer them our help for the future. In the light of so much suffering, healing and reconciliation are beyond human capacity alone. Only God's grace, mercy, and forgiveness can lead us forward, trusting Christ's promise: "for God all things are possible" (Mt 19:26).

The loss of trust becomes even more tragic when its consequence is a loss of the faith that we have a sacred duty to foster. We make our own the words of our Holy Father: that sexual abuse of young people is "by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God" (Address to the Cardinals of the United States and Conference Officers, April 23, 2002).

The Conference of Bishops has been addressing the evil of sexual abuse of minors by a priest and, at its June 1992 meeting, established five principles to be followed (cf. Ad Hoc Committee on Sexual Abuse, National Conference of Catholic Bishops, Restoring Trust, November 1994). We also need to recognize that many dioceses and eparchies did implement in a responsible and timely fashion policies and procedures that have safeguarded children and young people. Many bishops did take appropriate steps to address clergy who were guilty of sexual misconduct.

Let there now be no doubt or confusion on anyone's part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve.

Jesus showed constant care for the vulnerable. He inaugurated his ministry with these words of the Prophet Isaiah:

The Spirit of the Lord is upon me,
because he has anointed me
to bring glad tidings to the poor.
He has sent me to proclaim liberty to captives
and recovery of sight to the blind,
to let the oppressed go free,
and to proclaim a year acceptable to the Lord (Lk 4:18).

In Matthew 25, the Lord made this part of his commission to his apostles and disciples when he told them that whenever they showed mercy and compassion to the least ones, they showed it to him.

Jesus extended this care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: "Let the children come to me" (Mt 19:14). And he uttered the grave warning about anyone who would lead the little ones astray, saying that it would be better for such a person "to have a great millstone hung around his neck and to be drowned in the depths of the sea" (Mt 18:6).

We hear these words of the Lord as prophetic for this moment. With a firm determination to resolve this crisis, we bishops commit ourselves to a pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church. We renew our determination to provide safety and protection for children and young people in our church ministries and institutions. We pledge ourselves to act in a way that manifests our accountability to God, to his people, and to one another in this grave matter. We commit ourselves to do all we can to heal the trauma that victims/survivors and their families are suffering and the wound that the whole Church is experiencing. We acknowledge our need to be in dialogue with all Catholics, especially victims and parents, around this issue. By these actions, we want to demonstrate to the wider community that we comprehend the gravity of the sexual abuse of minors.

To fulfill these goals, our dioceses/eparchies and our national conference, in a spirit of repentance and renewal, will adopt and implement policies based upon the following.

To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors

ARTICLE 1. Dioceses/eparchies will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Where such outreach is not already in place and operative, each diocese/eparchy is to develop an outreach to every person who has

been the victim of sexual abuse² as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by abuse should be fostered and encouraged in every diocese/eparchy and in local parish communities.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative will offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the bishop or his delegate will also be directed to faith communities in which the sexual abuse occurred.

ARTICLE 2. Dioceses/eparchies will have mechanisms in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies will have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually

² 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 (CIC, c. 1395 §2, CCEO, c. 1453 §1). 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 offense 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, cc. 1322-1327, and CCEO, cc. 1413, 1415, and 1416. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be 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.

abused as minors by clergy or other church personnel. Dioceses/eparchies will also have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members will be lay persons not in the employ of the diocese/eparchy (see norm 5 in Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2002). This board will advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. It will regularly review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses required in connection with these cases. The procedures for those making a complaint will be readily available in printed form and will be the subject of periodic public announcements.

ARTICLE 3. Dioceses/eparchies will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.

To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors

ARTICLE 4. Dioceses/eparchies will report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies 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 accord with the law of the jurisdiction in question.

Dioceses/eparchies will cooperate with public authorities about reporting in cases when the person is no longer a minor.

In every instance, dioceses/eparchies will advise victims of their right to make a report to public authorities and will support this right.

ARTICLE 5. We repeat the words of our Holy Father in his Address to the Cardinals of the United States and Conference Officers: "There is no place in the priesthood or religious life for those who would harm the young."

When an allegation of sexual abuse of a minor by a priest or a deacon is received, a preliminary investigation, in harmony with canon law (CIC, cc. 1717-1719; CCEO, cc. 1468-1470), will be initiated and conducted promptly and objectively. If this investigation so indicates, the diocesan/eparchial bishop will both notify the Congregation for the Doctrine of the Faith and apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., relieve the alleged offender promptly of his ministerial duties. The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by civil authorities. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the priest or deacon.

When sexual abuse of a minor by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, the following will pertain:

— Diocesan/eparchial policy will provide that for even a single act of sexual abuse (see Article 1, note *) of a minor—past, present, or future—the offending priest or deacon will be permanently removed from ministry, not excluding dismissal from the clerical state, if the case so warrants. In keeping with the stated purpose of this Charter, an offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.

— In every case involving canonical penalties, the processes provided for in canon law must be observed (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). 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 or deacon.

— Also provided for in canon law are the following: a request by the priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state or a request by the bishop for dismissal from the clerical state even without the consent of the priest or deacon (cf. *Canonical Delicts*).

— 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.

— 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. Because sexual abuse of a minor 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 or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

ARTICLE 6. While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people.

ARTICLE 7. Each diocese/eparchy will develop a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, dioceses/eparchies will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors.

To Ensure the Accountability of Our Procedures

ARTICLE 8. To assist in the consistent application of these principles and to provide a vehicle of accountability and assistance to dioceses/eparchies in this matter, we authorize the establishment of an Office for Child and Youth Protection at our national headquarters. The tasks of this Office will include (1) assisting individual dioceses/eparchies in the implementation of "safe environment" programs

(see Article 12 below), (2) assisting provinces and regions in the development of appropriate mechanisms to audit adherence to policies, and (3) producing an annual public report on the progress made in implementing the standards in this Charter. This public report shall include the names of those dioceses/eparchies which, in the judgment of this Office, are not in compliance with the provisions and expectations of this Charter. This Office will have staffing sufficient to fulfill its basic purpose. Staff will consist of persons who are expert in the protection of minors; they will be appointed by the General Secretary of the Conference.

ARTICLE 9. The work of the Office for Child and Youth Protection will be assisted and monitored by a Review Board, including parents, appointed by the Conference President and reporting directly to him. The Board will approve the annual report of the implementation of this Charter in each of our dioceses/eparchies, as well as any recommendations that emerge from this review, before the report is submitted to the President of the Conference and published. To understand the problem more fully and to enhance the effectiveness of our future response, the National Review Board will commission a comprehensive study of the causes and context of the current crisis. The Board will also commission a descriptive study, with the full cooperation of our dioceses/eparchies, of the nature and scope of the problem within the Catholic Church in the United States, including such data as statistics on perpetrators and victims.

ARTICLE 10. The membership of the Ad Hoc Committee on Sexual Abuse will be reconstituted to include representation from all the episcopal regions of the country.

ARTICLE 11. The President of the Conference will inform the Holy See of this Charter to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to address this present crisis.

To Protect the Faithful in the Future

ARTICLE 12. Dioceses/eparchies will establish "safe environment" programs. They will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about

ways to make and maintain a safe environment for children. Dioceses/eparchies will make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse.

ARTICLE 13. Dioceses/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513).

ARTICLE 14. 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 that he has been or may be a danger to children or young people. (Cf. National Conference of Catholic Bishops and Conference of Major Superiors of Men, Proposed Guidelines on the Transfer or Assignment of Clergy and Religious, 1993.)

ARTICLE 15. The Ad Hoc Committee on Sexual Abuse and the Officers of the Conference of Major Superiors of Men will meet to determine how this Charter will be conveyed and established in the communities of religious men in the United States. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates will meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.

ARTICLE 16. Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

ARTICLE 17. We pledge our complete cooperation with the Apostolic Visitation of our diocesan/eparchial seminaries and religious houses of formation recommended in the Interdicasterial Meeting with the Cardinals of the United States and the Conference Officers in April 2002. Unlike the previous visitation, these new visits will focus on the question of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis*. We look forward to this opportunity to strengthen our priestly formation programs so that they may provide God's people with mature and holy priests. Dioceses/eparchies will develop systematic ongoing formation programs in keeping with the recent Conference document Basic Plan for the Ongoing Formation of Priests (2001) so as to assist priests in their living out of their vocation.

Conclusion

In the midst of this terrible crisis of sexual abuse of young people by priests and bishops and how it has been dealt with by bishops, many other issues have been raised. In this Charter we focus specifically on the painful issue at hand. However, in this matter, we do wish to affirm our concern especially with regard to issues related to effective consultation of the laity and the participation of God's people in decision making that affects their well-being.

We must increase our vigilance to prevent those few who might exploit the priesthood for their own immoral and criminal purposes from doing so. At the same time, we know that the sexual abuse of young people is not a problem inherent in the priesthood, nor are priests the only ones guilty of it. The vast majority of our priests are faithful in their ministry and happy in their vocation. Their people are enormously appreciative of the ministry provided by their priests. In the midst of trial, this remains a cause for rejoicing. We deeply regret that any of our decisions have obscured the good work of our priests, for which their people hold them in such respect.

It is within this context of the essential soundness of the priesthood and of the deep faith of our brothers and sisters in the Church that we know that we can meet and resolve this crisis for now and the future.

An essential means of dealing with the crisis is prayer for healing and reconciliation, and acts of reparation for the grave offense to God and the deep wound inflicted upon his holy people. Closely connected to prayer and acts of reparation is the call to holiness of life and the care of the diocesan/eparchial bishop to ensure that he and his priests avail themselves of the proven ways of avoiding sin and growing in holiness of life.

By what we have begun here today and by what we have stated and agreed to,

We pledge most solemnly to one another and to you, God's people, that we will work to our utmost for the protection of children and youth.

We pledge that we will devote to this goal the resources and personnel necessary to accomplish it.

We pledge that we will do our best to ordain to the priesthood and put into positions of trust only those who share this commitment to protecting children and youth.

We pledge that we will work toward healing and reconciliation for those sexually abused by clerics.

We make these pledges with a humbling sense of our own limitations, relying on the help of God and the support of his faithful priests and people to work with us to fulfill them.

Above all we believe, in the words of St. Paul as cited by Pope John Paul II in April 2002, that "where sin increased, grace overflowed all the more" (Rm 5:20). This is faith's message. With this faith, we are confident that we will not be conquered by evil but overcome evil with good (cf. Rm 12:21).

This charter is published for the dioceses/eparchies of the United States, and we bishops commit ourselves to its immediate implementation. It is to be reviewed in two years by the Conference of Bishops with the advice of the National Review Board created in Article 9 to ensure its effectiveness in resolving the problems of sexual abuse of minors by priests.