



**VADEMECUM OF THE CLARETIAN MISSIONARIES**  
**MANUAL FOR THE PROTECTION OF MINORS AND**  
**VULNERABLE ADULTS**

**AND**

**PROTOCOL IN THE EVENT OF A POSSIBLE**  
**CRIME OF SEXUAL ABUSE**



## DOCUMENT OUTLINE

### ABBREVIATIONS

#### [I] INTRODUCTION

To whom is this Vademecum addressed?

What does the Church understand by minor and by sexual abuse?

#### [II] MANUAL FOR THE PROTECTION OF MINORS AND VULNERABLE ADULTS

**Our commitment: the promotion of a culture of care and a safe environment.**

- Promotion of safe environments for the protection of minors and rejection of mistreatment.
- Attention to families and contribution to their education.
- Personalized attention to minors and their training.
- Fostering an integral spirituality in the Claretian Missionaries.
- Promotion of fraternal and welcoming Claretian communities.
- Selection and formation of those who enter the Congregation.
- Care for the ongoing formation of the Claretian Missionaries.
- Selection, preparation and training of people who intervene where minors and vulnerable adults may be involved.
- Implementation of manuals, protocols and codes of conduct and supervision of their application.
- Prioritization of attention to survivors, their rights and needs.
- Accompaniment of those who have committed abuse or have been accused of abuse.

#### [III] PROTOCOL IN THE EVENT OF A POSSIBLE CRIME OF SEXUAL ABUSE

What to do when you become aware of inappropriate behavior?

Preliminary investigation.

After the preliminary investigation.

Precautionary measures.



## ABBREVIATIONS

c.	canon
cc.	canons
CIC	<i>Code of Canon Law</i>
DDF	Dicastery (formerly Congregation) for the Doctrine of the Faith
Dir	<i>Directory of the Claretian Missionaries Congregation</i>
DIVCSVA	Dicastery (formerly Congregation) for Institutes of Consecrated Life and Societies of Apostolic Life
GPF	<i>General Formation Plan of the Claretian Missionaries Congregation</i>
MP	Motu Proprio
SST	<i>MP Sacramentorum sanctitatis tutela</i>
VDDF	DDF Vademecum (2022)
VELM	<i>MP Vos estis lux mundi</i>



## I

### INTRODUCTION

[1] Following the example of Jesus Christ, the Good Shepherd who lays down his life for his sheep (cf. Jn 10:2,11), the protection of minors, vulnerable adults and those who habitually have an imperfect use of reason<sup>1</sup> is an integral part of the Church's mission, and is firmly rooted in the conviction that each person has a unique value as a being created in the image and likeness of God<sup>2</sup>.

[2] Like all human beings, minors and vulnerable adults - as persons and sons and daughters of God - deserve full respect for their dignity and their physical and psychological integrity<sup>3</sup>.

Any relationship with them must be governed by respect, fairness and cordiality, and must exclude any discrimination based on ethnicity, religion, culture, social status, sexual orientation, illness or physical or mental abilities. Violence, intimidation, hostility, harassment and humiliation must be excluded from any relationship.

[3] Sexual abuse offends God, violates the rights of every human being, causes very serious physical, psychological and spiritual harm to the survivors, damages the whole Church and undermines the credibility of its mission, and is in clear contradiction with the command of Jesus Christ to protect the poorest and most helpless (cf. Mt 18:7,10)<sup>4</sup>.

Therefore, the Claretian Missionaries<sup>5</sup> reaffirm our commitment to assume the demands of the mission entrusted to us, to defend and protect the minors in our care from any kind of abuse, and to offer them a safe environment in which they can develop and be formed peacefully and harmoniously as persons and Christians. We invite all those who work or collaborate with us to make this commitment their own.

[4] This Vademecum contains two main parts (a *Protection Manual* and an *Intervention Protocol*) and assumes and applies the principles and provisions of the Catholic Church<sup>6</sup> and the norms of the Congregation.

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<sup>1</sup> Unless expressly stated otherwise, in this Vademecum, whenever "minor" is mentioned, "equivalent persons" and "vulnerable adults" are also included according to the definition given for these concepts in n. 11 of this document.

<sup>2</sup> cf. FRANCIS (2014) *Chirograph for the institution of the Pontifical Commission for the protection of minors* (22.03.2014); ID. (2023) *Address to the participants in the meeting promoted by the Italian Episcopal Conference for the protection of minors and vulnerable people* (18.11.2023).

<sup>3</sup> DICASTERY FOR THE DOCTRINE OF THE FAITH (2024) *Declaration Dignitas infinita on human dignity* (2.04.2024).

<sup>4</sup> FRANCIS (2023) *Vos estis lux mundi* (Motu Proprio, 25.03.2023), Proemio.

<sup>5</sup> Also officially called Missionary Sons of the Immaculate Heart of Mary.

<sup>6</sup> JOHN PAUL II (2001) *Sacramentorum sanctitatis tutela* (Motu Proprio, 30.04.2001); CONGREGATION FOR THE DOCTRINE OF THE FAITH (2010) *Letter to the Bishops... concerning the modifications introduced in the Apostolic Letter Motu Proprio Sacramentorum sanctitatis tutela* (21.05.2010); FRANCIS (2016) *As a Loving Mother* (Motu Proprio,



[5] At the heart of the Claretian Missionaries' concern and, therefore, of this Vademecum are the survivors and their families. We commit ourselves to protecting them, accompanying them, helping repair the damage they have suffered, achieving the justice they deserve, and avoiding any possible experience of re-victimization.

[6] Each Major Organism of the Congregation<sup>7</sup>, and each of its institutions and pastoral platforms, should have its own documents based on this Vademecum, also taking into account the laws of the nations in which they carry out their activities and the dispositions of the Episcopal Conferences and Conferences of Religious. The approval of the manuals and protocols of the Major Organisms is the competence of the Superior General with his Council; that of the documents of the various institutions and activities, of the Major Superior of the Organism and his Council.

### **TO WHOM IS THIS VADEMECUM ADDRESSED?**

[7] This Vademecum is addressed to all Claretian Missionaries, their collaborators, volunteers and contracted personnel of the communities, institutions and activities of the Congregation.

[8] All Claretian Missionaries should:

- a) to be faithful to their religious profession and to consider the weakest members of society as preferential subjects of their actions;
- b) care for children and create safe and friendly environments for them;
- c) to report immediately and without reservation to the appropriate authorities that sexual abuse may have been committed or that someone is producing, possessing or exchanging child pornographic material<sup>8</sup> ;

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4.06.06.2016); ID. (2019) *On the protection of minors and vulnerable persons* (Motu Proprio, 26. 03. 2019); ID. (2019) *Law CCXCVII On the protection of minors and vulnerable persons. Guidelines for the protection of minors and vulnerable persons of the Vicariate of Vatican City* (26.03.2019); ID. (2019) *On the confidentiality of causes* (Instruction, 6.12.2019); CONGREGATION FOR THE DOCTRINE OF THE FAITH (2021) *Norms on the Most Serious Crimes Reserved to the Congregation for the Doctrine of the Faith* (11.10.2021); DICASTERY FOR THE DOCTRINE OF THE FAITH (2022) *Vademecum on some procedural questions in the face of cases of sexual abuse of minors committed by clerics* (Vers. 2.0. - 05.06.2022); FRANCIS (2023) *Vos estis lux mundi* (Motu Proprio of 25.03.2023, modifying a first version of 7.05.2019); PONTIFICAL COMMISSION FOR THE PROTECTION OF MINORS (2024) *Universal guidelines framework* (03.2024).

<sup>7</sup> The communities and activities of the Claretian Missionaries are grouped in 'Major Organisms'. Some are called Provinces; others are called Delegations. Unless expressly stated, all that is said in this document about the Provinces also applies to the Delegations, to all the communities and activities of these Major Organisms, and to those that depend directly on the General Government of the Congregation.

<sup>8</sup> cf. VELM art. 3 § 1-2; FRANCIS (2019) *On the Protection of Minors and Vulnerable Persons* (Motu proprio, 26.03.2019).



- d) listen attentively, kindly and benevolently to people who have suffered abuse, accompany them and offer them all the necessary support<sup>9</sup>.
- e) be familiar with the Manual and Protocol of their Major Organization and commit to comply with it.

**[9]** Major Superiors, in particular, must:

- a) help other Claretians to live their religious consecration with joy.
- b) take special care of the protection of minors, vulnerable adults and those who habitually lack the use of reason;
- c) develop the Manual and Protocol of the Major Organism and ensure that each of the institutions and apostolic platforms of its Province or Delegation have the appropriate codes of conduct and protocols of action in the event of a possible crime of sexual abuse;
- d) make the Organism's Manual and Protocol known to all members of the Major Organism and ensure that its contents are brought to the attention of those who work or collaborate with the Congregation and to the parents and guardians of minors;
- e) provide all Claretian Missionaries and their collaborators with basic training on the protection of minors and the prevention of abuse;
- f) closely monitor compliance with the standards and provisions of this Vademecum and evaluate their application at least once every three years;
- g) welcome people who may have been abused with respect and concern for their situation;
- h) proceed against anyone who has abused a minor, an equivalent person or a vulnerable adult according to the norms of the Church, the laws of the country and this Vademecum;
- i) cooperate with the legal system and comply with the requirements of each nation's legislation;
- j) ensure that the Major Organism has well-trained individuals to help promote a culture of safe environment, protect minors and combat inappropriate behavior.

**[10]** The contracted personnel, volunteers and all those who collaborate in the works of the Claretian Missionaries must:

- a) Know the manuals, protocols, and codes of conduct in force in the institution and commit to complying with them in writing.
- b) Bring to the attention of those responsible for the Congregation's activities any news or suspicion of abuse that may have been committed by a Claretian missionary, collaborator, employee, or participant in these activities.

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<sup>9</sup> cf. VELM art. 5 § 1; FRANCIS (2019) *Address at the end of the Eucharistic celebration at the meeting on the protection of minors in the Church* (24.02.2019), 6.



## **WHAT DOES THE CHURCH UNDERSTAND BY MINOR AND BY SEXUAL ABUSE?**

### **Child, equivalent person, and vulnerable adult**

[11] "Minor" is, for the Church, one who has not reached the age of eighteen<sup>10</sup>. In each country it is the State that establishes the age of majority.

Church legislation equates one who habitually has an imperfect use of reason to a minor.<sup>11</sup>.

For the Church, "vulnerable adult" is "any person in a state of illness, physical or psychological deficiency, or deprivation of personal freedom which, in fact, limits even occasionally his or her capacity to understand or to will or, in any case, to resist the offense"<sup>12</sup>. It may be, therefore, a person who has all his psychological faculties, but who feels completely helpless and incapable of reacting to someone who intends to abuse him at a given moment because the abuser holds authority, has power or provokes a reverential fear.

### **Sexual Abuse**

[12] Sexual abuse is defined as any sexual act committed with a minor, with a vulnerable adult or with a person who habitually has an imperfect use of reason. This act may be committed with violence, threats or abuse of authority.

Even if sexual intercourse with a minor is conscious and consented to by the minor, it is always sexual abuse<sup>13</sup>.

Abuse can consist of:

- "sexual acts with contact and penetration" (oral, vaginal or anal).
- "acts with contact, but without penetration" such as masturbation, caressing, kissing or touching for libidinal purposes.  
"acts without physical contact" (exhibitionism, voyeurism, fetishism...).
- conversations and any action intended directly or indirectly to generate sexual satisfaction for oneself or for third parties, including sexual misconduct made through the media<sup>14</sup>.

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<sup>10</sup> CIC c. 97 § 1; VELM art. 1 § 2a. Abuse of minors under 18 committed before April 30, 2001, the date on which the motu proprio SST was promulgated, may be dealt with in the light of cc. 695ff.

<sup>11</sup> SST art. 6 § 1.1°; VELM art. 1 § 2a.

<sup>12</sup> VELM art. 1 § 2b.

<sup>13</sup> cf. VDDF 2.

<sup>14</sup> cf. FRANCIS (2019) *Address at the end of the Eucharistic celebration at the meeting on the protection of minors in the Church* (24.02.2019), 7; VDDF 1-2.



- the production, acquisition, possession - even temporary - and dissemination in any form and with any instrument, of pornographic images of minors or persons with an imperfect use of reason for libidinous or profit-making purposes<sup>15</sup>.
- sexual exploitation of a minor, prostitution and/or inducement to prostitution, and sex tourism<sup>16</sup>.

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<sup>15</sup> cf. CIC can. 1398; VELM art. 1 § 1a; 1 § 2c.

<sup>16</sup> cf. FRANCIS (2019) *Address at the end of...* (24.02.2019), 8.





## II MANUAL FOR THE PROTECTION OF MINORS AND VULNERABLE ADULTS

### OUR COMMITMENT: THE PROMOTION OF A CULTURE OF CARE AND SAFE ENVIRONMENT

[13] As disciples of Christ, we Claretian Missionaries seek the good of all those with whom we come in contact, and in a special way of those who, for whatever reason, face more difficulties in life (cf. Mt 25:31-46).

Together with the Catholic Church and many people of good will, our Congregation has in recent years increased its concern for the protection of children and vulnerable adults, determined to combat and eradicate every practice of abuse, disinterest and neglect. Any action, intervention or procedure that infringes on the freedom and integrity of persons is totally contrary to the Gospel<sup>17</sup>. No kind of physical or emotional abuse should be allowed in our institutions and activities. Abuses of power and conscience seriously harm people and have no justification whatsoever<sup>18</sup>.

Aided by survivors of crimes and situations that should never have happened, our concern for protection has given way to a commitment to prevention and the creation of safe environments in every institution, encounter and activity. We want to help every person, especially children, adolescents and vulnerable adults, to grow up in freedom and responsibility, respected in their dignity and rights<sup>19</sup>.

Proclaiming the Gospel of Jesus Christ, we commit ourselves to foster, with empathy, listening, dialogue, mutual acceptance and solidarity, a culture of care that permeates society<sup>20</sup> and leads us to always seek what is best for the lives of others<sup>21</sup>. A culture that, in the words of Pope Francis, "permeates our ways of relating to one another, of praying, of thinking, of living authority; our customs and languages and our relationship with power and money"<sup>22</sup>.

[14] And we intend to contribute to this by:

- The promotion of safe environments for the protection of minors and the rejection of mistreatment.
- Attention to families and contribution to their education.

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<sup>17</sup> cf. FRANCIS (2018) *Letter to the People of God on Pilgrimage in Chile* (31.05.2018), 5; ID. (2016) *Amoris laetitia* (Apostolic Exhortation, 19.03.2016), 156.

<sup>18</sup> cf. FRANCIS (2023) *Address to the participants in the meeting promoted by the Italian Episcopal Conference for the protection of minors and vulnerable people* (18.11.2023).

<sup>19</sup> CLARETIAN MISSIONARIES - XXVI GENERAL CHAPTER (2021) *Dear Congregation*, 69.

<sup>20</sup> cf. FRANCIS (2015) *Laudato Si'* (Encyclical Letter, 24.05.2015), 231.

<sup>21</sup> FRANCIS (2020) *Fratelli Tutti* (Encyclical Letter, 3.10.2020), 94.

<sup>22</sup> cf. FRANCIS (2018) *Letter to the People of God on pilgrimage in Chile* (31.05.2018), 4-5.



- Personalized attention to minors and their training.
- The fostering of an integral spirituality in the Claretian Missionaries.
- The promotion of fraternal and welcoming Claretian communities.
- The selection and formation of those who enter the Congregation.
- Care for the ongoing formation of the Claretian Missionaries.
- The selection, preparation, and training of people who intervene where minors and vulnerable adults may be involved.
- Implementation of manuals, protocols and codes of conduct and supervision of their application.
- Prioritization of attention to survivors, their rights, and needs.
- Accompanying those who have committed abuse or have been accused of abuse.

**The promotion of safe environments for the protection of minors and the rejection of mistreatment.**

[15] With the collaboration of all, societies must create environments of respect, mutual care and rejection of any kind of abuse. To this end, we must favor the positive elements that are present in each society and combat everything that goes against respect for the rights of all.

[16] The Major Organisms of the Congregation should take into account the characteristics of the various societies when drawing up their manuals, protocols and codes of conduct. In each culture there are factors that can increase the risk of abuses occurring such as:

- a) cultural trends that promote subjectivism and relativism, exaggerate the autonomy of individuals and their freedom or do not admit superior ethical principles valid for all.
- b) the abundance of conflicts and marital breakups.
- c) lack of sex education and permissiveness in sexual relations, even among adolescents.
- d) the precarious employment of parents and guardians, or their dedication to multiple jobs, which may facilitate the abandonment of children or make it difficult to care for them.
- e) levels of poverty that encourage the exploitation of minors.
- f) lack of respect for women, children and vulnerable people.
- g) the eroticization of culture and childhood and the rise and uncontrolled use of pornography and sex tourism.
- h) misuse of social networks.
- i) the promotion of secrecy and lack of transparency.



### **Attention to families and contribution to their education.**

[17] Given the capital importance of families, the Congregation commits itself to:

- a) To involve them as recipients of the mission in the institutions and pastoral activities with minors, so that parents and guardians live with maturity and joy love and their obligations as educators.
- b) Organize programs to help adults become trained in the protection of minors and vulnerable adults.
- c) Inform parents and guardians about what sexual abuse is and how to prevent it; explain to them the recruitment techniques that an abuser may use and the symptoms by which abuse can be recognized; indicate risk and protective factors and guide them on how to act in case of abuse.
- d) Invite them to talk to their children about their bodies, sexuality, right and wrong behaviors, and explain how to behave with adults.
- e) Provide parents, guardians and educators with awareness programs to help them deal with abuse and its consequences through direct, audiovisual or written testimonies from survivors, psychiatrists or psychologists, therapists and others who have accompanied survivors and their families.
- f) To help parents and guardians to acquire competencies and skills that enrich and strengthen their educational capacity.

### **Personalized attention to minors and their training.**

[18] In our institutions, *minors* must receive personalized attention and adequate training that:

- a) Instruct them according to their age and capacity about the body, sexuality and its meaning.
- b) Help them to trust in themselves and to set purposes, goals and objectives, strengthening their personality.
- c) Form them with moral criteria inspired by the Gospel.
- d) Educate them in respect and care for others and the values of justice and solidarity.
- e) Encourage them to develop relational skills and provide them with resources and healthy ways of dealing with their emotions and needs.
- f) Warn them about inappropriate relationships with adults, especially strangers, and teach them how to react when someone touches an intimate body part or is upset by their behavior.
- g) Encourage them, if they have been molested by someone, not to hesitate to report it and to confidently explain what happened to their parents, guardians or educators.
- h) Encourage them to find someone who will listen if they have something to communicate.
- i) Educate them in the safe use of social media and networks.



## **The Promotion of an Integral Spirituality in the Claretian Missionaries**

[19] The Claretian Missionaries, called by God to follow Christ and to collaborate with Him in His mission, should live an intense spirituality that allows them to unify their life from the love of God and their brothers and sisters. Cultivating an integral spiritual life helps the Missionaries healthily live their affectivity, chastity with fidelity, and apostolic dedication as an opportunity to do good, avoiding any kind of abuse.

- a) Prayer, the daily celebration of the Eucharist, listening to the Word of God, attention to one's own ongoing formation, and following an ordered plan of life will be promoted.
- b) A spirituality that helps the Missionaries live as children of the Heart of Mary, which is, centered on the love of God and the attentive care of others, especially the poorest and weakest, will be cultivated.
- c) The daily practice of the examination of conscience and the frequent celebration of the sacrament of reconciliation will be encouraged as opportunities to evaluate one's fidelity to God's call and the concrete way of living the care of others. Each Claretian should be aware that missionary life is not compatible with any kind of abuse.
- d) Spiritual accompaniment will be lived as an instrument to promote the joyful and faithful living of one's vocation and, if necessary, correct or improve those aspects hindering personal integration and progress in missionary life. If necessary, the superiors will help the Missionaries to find psychological accompaniment.

## **The promotion of fraternal and welcoming Claretian communities.**

[20] The Claretian Missionaries, called by their vocation to live forming missionary communities, should relate to every person in a way that is consistent with Gospel values. A fraternal atmosphere of transparency, co-responsibility, open dialogue, and mutual knowledge helps to live chastity with joy and to promote a culture of care and a safe environment that prevents and combats any abuse.

- a) The use of the instruments that the Congregation proposes to foster fraternity, such as participation in community prayer, the celebration of the Eucharist, community meetings, and sincere dialogue, will be promoted.
- b) Teamwork, complementarity of tasks, revision of work and fraternal correction will be encouraged. Individualism, ostentation, solitary pastoral work, opacity and lack of transparency will be combated.
- c) Claretians should be aware that the behavior of one of their brothers in community is not only "his own business" but involves everyone.
- d) Those who do not denounce ambiguous behavior or behavior contrary to their own vocation do a grave disservice to their brother, the Congregation and the Church.



- e) The superiors of the communities shall educate their brothers to avoid any imprudent or inappropriate behavior, especially if it has already been known or suspected that these may occur<sup>23</sup>.

### **The selection and formation of those who enter the Congregation.**

[21] The Church clearly affirms that "there is no place in the priesthood or religious life for those who harm the young"<sup>24</sup>. In the words of St. Paul VI, "the life of the celibate priest, which so totally and delicately involves the whole man, excludes those who have insufficient physical, psychological and moral qualities, and it should not be pretended that grace supplants nature in this"<sup>25</sup>.

[22] The Church and the Congregation have given precise indications on the selection and formation of candidates<sup>26</sup>. According to them:

- a) Whoever feels called to be a Claretian Missionary must: (i) welcome and appreciate the gift of consecrated chastity; (ii) understand the Church as the People of God and the priestly ministry as a service, not as a power or social status; (iii) appreciate and value all ministries and charisms in the Church.
- b) The formators will receive the necessary and qualified preparation to accompany the candidates in all these fields.
- c) Major Superiors should verify that candidates have no criminal record, allegations or reports of sexual misconduct, and verify the information provided about them, especially when they come from a seminary or other religious congregation<sup>27</sup>.
- d) The candidate will undergo psychological evaluations to ensure that he/she is of age-appropriate maturity and that there are no psychological impediments to admission. The results must be evaluated professionally.
- e) The formation and accompaniment of the young missionaries will pay special attention to their affective and relational dimension and will foster habits of respect and a safe environment.
- f) Formators should strive to create an atmosphere of trust and transparency that facilitates the relationship with the formandi and their spiritual accompaniment.

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<sup>23</sup> cf. VDDF 15. The General Plan of Formation of the Congregation proposes some very suggestive measures to combat possible inappropriate behavior: cf. GPF 542-561.

<sup>24</sup> JOHN PAUL II (2002) *Address to the American Cardinals* (April 23, 2002), 3.

<sup>25</sup> FRANCIS (2019) *Address at the end of the Eucharistic celebration at the meeting on the protection of minors in the Church* (24.02.2019), 4; PAUL VI (1967) *On the Celibacy of the Priest* (Encyclical Letter, 24.06.1967), 64; GPF 310.

<sup>26</sup> cf. CONGREGATION FOR THE CLERGY (2016) *Ratio Fundamental*, n. 202; CONGREGATION FOR THE DOCTRINE OF THE FAITH (2011) *Circular Letter to assist Episcopal Conferences in developing guidelines for dealing with cases of sexual abuse of minors perpetrated by clerics* (3.05.2011); GPF 308-311; GPF, Appendix 4 (Forms 2, 4).

<sup>27</sup> cf. Dir 190; GPF 325.



- g) Specific modules on sexual abuse will be included during the training process, covering topics such as harm to survivors, the impact on families, communities and the abuser himself, recognizing signs of abuse or violence, ministering to those who have been abused, and creating safe environments.
- h) The formandi will be made aware of their responsibilities in protection, prevention and intervention when a crime or inappropriate behavior occurs, and they will be clearly informed of their civil and ecclesial obligations.

### **Care for the ongoing formation of the Claretian Missionaries.**

[23] The governments of the Major Organisms (provinces and delegations) will ensure that, in their ongoing formation programs, all Claretian Missionaries receive appropriate formation on affectivity, sexuality, culture of care and proper treatment of children and vulnerable adults.

[23.1] Formation on sexual abuse will provide information on its characteristics, the factors that can favor it, the symptoms of having suffered or committed abuse, the ecclesiastical and civil legislation of each country (obligation to report, collaboration with the justice system, etc.), the responsibilities of each person in this area and how to intervene if a possible case comes to light.

[23.2] The Major Organisms shall take advantage of their assemblies and meetings and of the formation opportunities directed to missionaries of various ages to update their formation in these topics.

[23.3] The General Government will present this *Vademecum* as part of its proposal for ongoing formation for the whole Congregation. Its contents will be the object of special study in the programs for the training of major superiors, the members of their councils and those responsible for the formation of missionaries.

[23.4] The General Government and the governments of the Major Organisms will see to it that the missionaries have the opportunity to interact with people who have suffered the experience of abuse and to listen to them directly<sup>28</sup> and to learn to give them the attention and treatment they deserve (cf. *infra*, 27-29, 51)<sup>29</sup>.

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<sup>28</sup> cf. FRANCIS (2017) *Address to the Pontifical Commission for the Protection of Minors* (21.09.2017); ID. (2024) *Address to the Pontifical Commission for the Protection of Minors* (7.03.2024).

<sup>29</sup> cf. PONTIFICAL COMMISSION FOR THE PROTECTION OF MINORS (2024) *Universal Guidelines Framework* (03.2024) 8.4.2.



**The selection, preparation and training of people who intervene where minors and vulnerable adults may be involved.**

[24] In many Claretian institutions and communities, the presence of minors and vulnerable adults is commonplace. In others, although this presence is not as constant, it is also possible. Those responsible for these communities and activities should ensure that appropriate prevention and formation measures are also taken in these communities and activities<sup>30</sup>.

[24.1] The Major Superior, the person in charge of pastoral activities or the person responsible for the "human resources" department of our institutions, each in his own area, should carefully select and prepare those who may come into contact with minors and vulnerable adults.

- a) The suitability and capacity of all persons involved in these ministries must be assured, and they must be accompanied spiritually and pastorally.
- b) Claretian missionaries, pastoral agents, collaborators, volunteers and contracted persons should be certain that they do not have criminal records, nor substantiated accusations or complaints of inappropriate sexual behavior, requiring them to have the corresponding criminal record certificates.
- c) Attempts will be made to ensure that they are mature, non-confrontational individuals.
- d) Attention will be paid to any situation that may increase the risk of abusive situations occurring.

[24.2] Periodically, the Major Organism shall offer Claretian Missionaries, collaborators, volunteers and contracted workers the formation and training necessary for the pastoral work they are to carry out. All should participate in these programs.

[24.3] Such training shall insist on:

- the value of each person as a son or daughter of God and the meaning of the body.
- what sexual abuse is and what is involved in creating safe environments.
- situations, procedures and techniques used to abuse.
- recognition of signs of sexual abuse or violence.
- awareness of the harm suffered by survivors and their families.
- the Church's norms and each country's legislation on abuse.
- the relevance of pastoral care for survivors and secondary victims.

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<sup>30</sup> For example, many communities without direct ministry to minors have employees or collaborators who sometimes bring minors into the community. Claretian houses are visited by people who may be accompanied by minors.



- the relationship between sexual abuse and abuse of trust, power, conscience and spiritual authority.
- the existence of limits and prudent behavior in any type of ministry or pastoral relationship.
- the richness of ecclesial charisms and ministries, understood as gift and service, not as power or function.
- the reality of shared mission and its consequences.

[24.4] Such training will help to combat any temptation to cover up and to detect unacceptable conceptions of the Church's reputation that lead to concealing the truth and to offending and re-victimizing survivors<sup>31</sup>.

[24.5] In response to the Church's invitation, this training will call for a special preventive attention to certain groups, such as indigenous or native populations and minors who do not normally live in the family residence or who suffer any type of discrimination.<sup>32</sup>

[24.6] Persons from other countries involved in the care of children and vulnerable adults shall be provided with information about the cultures of the host countries and communities, the characteristics of care and safe environment that are to be encouraged, and possible undesirable and prohibited behaviors.

[24.7] In case of incardination or assignment of a Claretian Missionary to another Major Organism of the Congregation, or of prolonged stay in it, the Major Superior from whom he comes should offer the necessary information about him to the Superior of the Major Organism to which the missionary is incardinated or temporarily assigned, particularly if his work includes the pastoral care of children and young people.

### **Implementation of manuals, protocols and codes of conduct and supervision of their application.**

[25] All Major Organisms should have their Manual and Protocol updated in the light of this Vademecum, the laws of the countries in which they operate and the directives of the Episcopal and Religious Conferences.

[25.1] Likewise, every institution that works with or receives children, young people and vulnerable adults should have its manual or code of conduct and its protocol of action in the face of a possible crime of sexual abuse, which should be known, understood and

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<sup>31</sup> cf. FRANCIS (2018) *Letter to the People of God on Pilgrimage in Chile* (31.05.2018), 4-5; ID. (2021) *Video Message for a meeting organised by Pontifical Commission for the protection of minors* (18.09.2021).

<sup>32</sup> cf. PONTIFICAL COMMISSION FOR THE PROTECTION OF MINORS (2024) *Universal Guidelines Framework* (03.2024) 5.2.1.





accepted by each of those involved: Claretian Missionaries, collaborators, volunteers and employees.

[25.2] Each of these persons shall state in writing, on an official form approved by the Major Organism, that he undertakes to comply with the terms of these documents. The Major Superior of each Organism and his Council will decide whether these documents are to be kept in the local archives or in the archives of the Province or Delegation.

[25.3] If the Diocese has promulgated norms on the protection of minors, prevention or intervention in case of reported or suspected crime or inappropriate behavior, the institutions (parishes, schools, etc.) will ensure that these norms are followed. If such norms do not exist, they will draw up their own documents in accordance with this Vademecum and the decisions of their Major Organism.

[25.4] In any case, the manuals, protocols and codes of conduct of the communities and institutions shall be submitted to the approval of the government of the Major Organism and must contain<sup>33</sup> :

- a) An *institutional statement* that reflects the objectives and commitments formulated by the Church and the Congregation, as expressed in this Vademecum.
- b) The presentation of the *means* to be used to achieve them.
- c) The *clear announcement* of the procedures by which the manuals, protocols and codes of conduct are made available to all persons involved in the institution's activity or to their parents or guardians.
- d) The *reminder* that all participants must leave a written record, as indicated above (cf. *supra*, 25.2), of their knowledge of the contents of these documents and their commitment to comply with them.

[25.5] Good conduct, care for persons and absolute respect for their rights must characterize any pastoral relationship.

[25.6] In any relationship with minors, whether habitual or occasional (excursions, camps, retreats, trips, etc.), there should be explicit and binding norms of conduct for all those involved. These norms should be set down in writing in Codes of Conduct.

**[26]** All of us involved in our institutions and activities are responsible for promoting a culture of respect and safe environment, for protecting and preventing inappropriate behavior. The responsibility of others is never an excuse for each of us not to exercise our own.

[26.1] To assist in overseeing the implementation of this Vademecum and to encourage the spread of a culture of treatment and prevention, the Superior General of the

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<sup>33</sup> Cf. CONGREGATION FOR THE DOCTRINE OF THE FAITH (2011) *Orientations*; PONTIFICAL COMMISSION FOR THE PROTECTION OF MINORS (2015) *Model Orientations*.



Congregation and his Council will have a commission composed of persons with knowledge and experience in the treatment, care and attention to survivors of abuse.

[26.2] The Major Organisms should determine in their manuals and protocols ways of verifying the implementation of what is proposed and prescribed, especially with regard to awareness-raising; the training of pastoral agents; the attention and processing of possible complaints; and the pastoral care and accompaniment of possible victims, abusers and secondary victims.

[26.3] Each year the Major Superior will send a report to the Superior General in which he will give an account of what has happened in the Organism (formation and awareness initiatives; new prevention measures; complaints received and processed; evolution of situations pending resolution; relationship with possible victims and affected groups and communities...).

[26.4] Each Major Organism will have a team appointed by the government of the Province or Delegation to promote the application of this Vademecum. The presence on the team of women and other persons who do not belong to the Congregation is recommended.

[26.5] The Major Organisms, with prior consultation with the General Government, may have recourse to the assistance of agents or institutions outside the Congregation to help them evaluate the fulfilment of their policies of prevention, protection and intervention in these matters.

[26.6] Major Organisms will periodically review the programs and structures with which they accompany those in formation in their human and affective-sexual maturation (cf. *supra*, 21-22, 24).

[26.7] The General Government will take advantage of the canonical visitations to evaluate the application of this Vademecum in the Major Organisms and in the Claretian communities and institutions.

### **Prioritization of attention to survivors, their rights and needs.**

[27] At the center of the concern of the Claretian Missionaries and of all the institutions and activities we promote are the survivors, those who may have suffered a situation of abuse, their families and communities (cf. *supra*, 5). As the Church affirms, they must be given primary importance in every way<sup>34</sup>. Their dignity has been violated and the trust they placed in the Church has been betrayed.<sup>35</sup>

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<sup>34</sup> cf. FRANCIS (2019) *Address at the end of the Eucharistic celebration at the meeting on the protection of minors in the Church* (24.02.2019), 1; PONTIFICAL COMMISSION FOR THE PROTECTION OF MINORS (2024) *Universal Guidelines Framework* (03.2024).

<sup>35</sup> BENEDICT XVI (2010) *Pastoral Letter to the Catholics of Ireland* (19.03.2010).



[28] The Claretian Missionaries commit ourselves to:

- a) Helping survivors of abuse and maltreatment.
- b) Welcome them, listen to them and accompany them with empathy, showing exquisite respect for their right to confidentiality, accepting that their opinions and criteria may be very different from ours.
- c) To try to contribute to their healing, helping them to file their complaints and to know and exercise their rights, and making available to them, when they deem it appropriate, medical and therapeutic, psychological and spiritual assistance<sup>36</sup>.
- d) Avoid practices that, if not necessary, force them to retell what they have experienced, to avoid possible re-victimization experiences.
- e) To decisively promote, as proposed in this Vademecum, the culture of safe environment and prevention, avoiding all inappropriate behavior, facilitating its detection and reporting, and proceeding with determination and transparency in the face of any possible abuse.
- f) Combat any practice that tends to undervalue or cover up abuse<sup>37</sup>.
- g) Listen to the voices of survivors, incorporate their wisdom and experience into the formative and preventive processes, and periodically seek their feedback to evaluate the Congregation's practices, protocols and codes of conduct<sup>38</sup>.
- h) Contribute to maintaining the memory of the pain suffered by survivors, especially where it may have been ignored or undervalued.
- i) Invite the one who has committed abuse to be - when appropriate (cf. *infra*, 42.9) - at the disposal of the survivors to answer their questions, acknowledge the harm done and ask for forgiveness with humility and sincerity<sup>39</sup>.
- j) Promote initiatives of prayer and penance when members of the Congregation or persons linked to our activities have committed acts of abuse<sup>40</sup>.

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<sup>36</sup> cf. VELM, art. 5 § 1.

<sup>37</sup> cf. FRANCIS (2018) *Letter to the People of God on pilgrimage in Chile* (31.05.2018); ID. (2019) *Address at the end of the Eucharistic celebration at the meeting on the protection of minors in the Church* (24.02.2019), 5.

<sup>38</sup> cf. FRANCIS (2017) *Address to the Pontifical Commission for the protection of minors* (21.09.2017); ID (2022) *Address to the Pontifical Commission for the protection of minors* (29.04.2022); ID. (2023) *Address to the participants in the meeting promoted by the Italian Episcopal Conference for the protection of minors and vulnerable people* (18.11.2023).

<sup>39</sup> cf. FRANCIS (2023) *Address to the participants...* (18.11.2023).

<sup>40</sup> Congregational communities and activities are encouraged to join in the days of prayer for survivors of abuse promoted by bishops' conferences and to pray frequently for survivors and abusers.



[29] Aware that no measure or action can fully repair the damage caused by abuse, the Claretian Missionaries wish to do everything possible so that survivors can open a new stage in their lives.

- a) We place ourselves at their disposal so that, whenever a victim so desires, they can feel listened to and welcomed in our communities and apostolic works.
- b) Expediting, to the extent of our possibilities, the investigations and processes, and offering them all the information that the laws and the safeguard of the rights of the people involved allow.
- c) Complying scrupulously and promptly with the resolutions of the cases that are judged civilly or canonically.
- d) By showing our willingness, if survivors so desire, to undertake restorative justice processes when abuse cannot be adjudicated by ordinary procedures.
- e) Discerning in dialogue with the survivors whether we can contribute financially to their rehabilitation or therapeutic treatment as a gesture that we deeply regret what they have suffered.
- f) In the latter two cases (nn. 29d, 29e), the Major Organism will maintain a dialogue with the Episcopal and Religious Conferences to learn about the experiences in each place and context. No money will ever be given to anyone in exchange for their silence.

**Accompanying those who have committed abuse or have been accused of having done so.**

[30] Those who have committed abuse should be treated with Christian charity. Without denying the seriousness of their behavior and always seeking the truth and the good of the survivors, abusers deserve to be treated with special attention to their rights and may need spiritual, medical and psychological assistance.

[30.1] A thorough psycho-spiritual assessment of the accused may be important in determining his or her need for psychological and spiritual care. For such an evaluation and subsequent accompaniment, experts should be consulted.

[30.2] While appropriate investigations are being carried out, the accused should be offered the possibility of using the time without compromising the safety of anyone, especially minors. The superiors of the Congregation will discern what measures to take in this regard.

[31] After scrupulously observing the decisions made by the Church and civil justice on the case, the Congregation will decide whether the accused person may again take up some pastoral task or responsibility.

[32] As a general criterion, it is not considered possible for a missionary who has been canonically found guilty of having committed abuse against a minor or vulnerable adult to return to public ministry.



- a) If exceptionally granted<sup>41</sup>, reintegration into the public exercise of ministry will be decided by the Superior General and his Council after having studied the opinion of the survivors, the Major Superior of the Claretian and whoever has accompanied him therapeutically.
- b) If the missionary is finally readmitted to some form of public ministry, he/she must previously accept to be subject to monitoring and supervision and will be totally prohibited from pastoral activity with minors<sup>42</sup>.
- c) The decision will be communicated to the Bishop of the place where he will exercise the ministry, and may be revoked at any time by the Superior General, who will evaluate it at least once a year with the Major Superior of the missionary.
- d) The Major Superior will officially communicate to the members of the Major Organism the conditions under which the said missionary may exercise the ministry.

**[33]** If the Congregation has knowledge that one of its members, who has not previously made it known, has committed sexual abuse before becoming a Claretian Missionary (cf. GPF 325), it will not admit him to renewal of profession. In the case of a perpetually professed or ordained member, the major superiors will promptly study the case and take appropriate measures consistent with what is canonically and civilly legislated and with what is determined in this Vademecum.

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<sup>41</sup> The criteria formulated by the Congregation for the Doctrine of the Faith should be taken into account: "the return of a cleric to public ministry is excluded if such ministry may pose a danger to minors or there is a risk of scandal to the community" [(2011) *Circular Letter to assist Episcopal Conferences in drawing up guidelines for dealing with cases of sexual abuse of minors perpetrated by clerics* (3.05.2011), III. i]; PONTIFICAL COMMISSION FOR THE PROTECTION OF MINORS (2024) *Universal Guidelines Framework* (03.2024) 4.2.12.

<sup>42</sup> BENEDICT XVI (2010) *Meeting with journalists during his flight to the United Kingdom* (16.09.2010).



### III

## PROTOCOL

# IN THE EVENT OF A POSSIBLE CRIME OF SEXUAL ABUSE

## WHAT TO DO WHEN YOU BECOME AWARE OF INAPPROPRIATE BEHAVIOR?

[34] We can all become aware or be informed that someone is engaging in or has engaged in 'inappropriate behavior'. This Vademecum outlines how we should proceed. Not all such behavior is a crime, but if we consider it inappropriate (or it is defined as such in our codes of conduct) it should be brought to the attention of those responsible for the institution or activity in which it is taking place or to the attention of Claretian superiors.

### **What does the law call having 'notice of a crime'?**

[35] Church law uses the expression 'notice of a crime' (*notitia criminis*) to refer to any information about a possible crime that reaches a superior in any way<sup>43</sup>. The information received may be detailed and exhaustive or imprecise and contain few details. It may or may not be formulated as a 'formal denunciation'.

### **Who can or should report a crime?**

[36] In an increasing number of countries, the laws indicate who is obliged to report a crime and under what circumstances. Such laws should always be taken into account.

The Church affirms that except in the cases indicated in n. 37 of this Vademecum, any member of an institute of consecrated life (such as the Claretian Congregation) who has notice or reasonable grounds to believe that sexual abuse or a crime indicated in n. 12 of this Vademecum has been committed is obliged to report it to his Major Superior or to the person explicitly designated by him for this purpose<sup>44</sup>.

If the person who has received the news does not want to contact the Major Superior, he should as soon as possible pass the information on to someone he trusts who will make the news available to other authorities of the Congregation or the Church.

### **Notice of crime, confidentiality and sacrament of Penance.**

[37] A confessor who has knowledge of a crime during the sacrament of Penance should not reveal what he has heard<sup>45</sup>, nor "make use, to the detriment of the penitent, of the knowledge acquired in confession, even if there is no danger of revelation"<sup>46</sup>. This obligation of secrecy

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<sup>43</sup> cf. VDDF 9.

<sup>44</sup> cf. VELM art. 3 § 1.

<sup>45</sup> cf. CIC can. 983 § 1; SST art. 4 § 1.

<sup>46</sup> CIC c. 984.



affects even situations in which absolution could not be given or, having already celebrated the sacrament, the penitent has given the priest the power to lift the prohibition of secrecy<sup>47</sup>.

[37.1] The confessor, at the same time, should encourage the penitent to make the information about the crime known to the ecclesiastical or civil authorities<sup>48</sup>.

[37.2] What someone knows in the context of the exercise of ministry in the non-sacramental internal forum (for example, in spiritual direction) “demands a certain secrecy *ad extra*, inherent to the content of spiritual colloquies and deriving from each person’s right to the respect of his or her own privacy (cf. CIC can. 220)”<sup>49</sup> unless the law obliges to denounce the facts. In any case, the one who has received the confidence must invite the informant to bring the facts referred to the attention of the authorities.

[37.3] By virtue of natural law, other confidences made under the seal of secrecy (as in the case of so-called "professional secrets") must always be kept secret, except when non-disclosure would result in very serious harm avoidable only by disclosure of the truth<sup>50</sup>.

### **Sources of the information about a crime**

[38] The information about a possible crime can come from any person: from an alleged victim, his or her parents or guardians, witnesses of the facts, well-informed persons, any Claretian or pastoral agent who has knowledge or a well-founded suspicion of what has happened....

[38.1] Among these possible sources<sup>51</sup>, of which there are many, are also:

- the channels of information offered by a Major Organism or the General Government of the Congregation,
- social media,
- civil or ecclesiastical authority,
- rumors or anonymous information or information from unidentified or insufficiently credible persons.

[38.2] The testimony of a child is sufficient for an inquiry to be made into what happened.

[38.3] In any case, the Major Superior should proceed as indicated in this Vademecum (cf. *infra*, 41).

### **To whom can a person who wishes to report a crime contact?**

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<sup>47</sup> cf. APOSTOLIC PENITENTIARY (2019) *Note on the importance of the internal forum and the inviolability of the sacramental seal* (29.06.2019); CIC c. 1550 § 2.2.

<sup>48</sup> cf. VDDF 14.

<sup>49</sup> cf. VELM art. 3 § 1; Note of the Penitentiary... n. 2; CIC c. 1548 § 2.1.

<sup>50</sup> Note from the Penitentiary... n. 3.

<sup>51</sup> cf. VDDF 10-13.



[39] Anyone with information about a possible crime may contact:

- the civil authorities,
- any Claretian or to the person in charge (religious or lay) of the activity or institution,
- the Major Superior or the Bishop of the place, either directly or through the official channel indicated on the website of the Claretian Major Organism of the place where the events occurred,
- the person officially appointed to receive this type of information in each Province or Delegation, whose name, telephone number, or e-mail address must be easily accessible on the website of the Major Organism,
- the e-mail address provided on the official website of the Congregation [tutela@cmfgen.org].

### **What should someone who receives information about a possible crime do?**

[40] Whoever receives information about a possible crime must:

[40.1] immediately inform the Major Superior or the person explicitly designated by him.

[40.2] receive survivors and their families with respect and treat them with dignity.

[40.3] inform the offended persons that they may submit their complaint to the civil authority.

[40.4] refrain from expressing an opinion on the information received and from excusing the accused.

[40.5] avoid convincing survivors and informants of the lack of seriousness of the facts.

[40.6] collect in writing, as detailed as possible, all the data that may help to clarify what happened (time, place, circumstances): the name and surname of the victim or victims; their address; the name and surname of the accused; the type of possible crime; the names and surnames of the persons involved and possible witnesses<sup>52</sup>.

[40.7] ask the person providing the information, if he/she has no serious inconvenience, to ratify with his/her signature the information he/she has submitted and to provide some information about him/herself so that he/she can be consulted at a later date if necessary.

[40.8] respect the principle of the presumption of innocence of the accused and safeguard the reputation and confidentiality of the data of all persons who may be involved in the facts (victims, witnesses, collaborators, actors...) <sup>53</sup>.

### **What should a Major Superior who is informed of a possible crime do?**

[41] The Major Superior who is informed of a possible crime:

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<sup>52</sup> cf. VELM art. 3 § 4.

<sup>53</sup> cf. VELM art. 5 § 2; 13 § 7; 20.





[41.1] is to inform immediately the Superior General, the Bishop of the diocese in which the accused resides and the Bishop of the place where the crime is alleged to have been committed if they are not the same person.

[41.2] must inform the civil authorities of "*notice of an offense*" if required by civil law, even if under civil law the reported offense is not an offense or may be time-barred<sup>54</sup>.

[41.3] must inform the civil authority in writing if he believes that what has come to his attention may constitute a danger to other minors.

[41.4] should personally - or through designated persons - respectfully welcome those who claim to have been survivors of abuse, listen to them and offer them accompaniment, spiritual care and medical, therapeutic and psychological assistance, as the case may be<sup>55</sup>.

[41.5] No complaint should be dismissed 'a priori', even if it is inaccurate, anonymous or made by persons of dubious credibility.

[41.6] The credibility of the information received cannot be taken for granted and must therefore be properly examined and evaluated.

[41.7] must initiate by decree the conduct of an investigation, unless he is fully satisfied that the crime could not have been committed.

[41.8] may instruct someone to collect data and elements useful to determine the plausibility of the complaint.

[41.9] shall ensure that a written record is kept of all data relating to information received that may be relevant and shall take measures to ensure its safekeeping.

[41.10] Neither he nor the person in charge (cf. 41.8), if they are priests, should hear the confession of the complainants, the accused or the witnesses.

[41.11] If the judicial authorities legitimately request the delivery of documents relating to a case, the Major Superior should collaborate with them<sup>56</sup>. If there are doubts about the legitimacy of the request, a legal expert should be consulted. In both cases, the Superior General and the local Ordinary should be informed.

[41.12] shall take the necessary measures for their safeguarding if there are reasonable grounds to consider that elements of value for clarifying the information received may be stolen or destroyed<sup>57</sup>.

[41.13] If the crime is canonically prescribed, the Superior General should submit the case to the Dicastery for the Doctrine of the Faith (DDF), the only competent authority that can repeal or maintain the statute of limitations<sup>58</sup>.

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<sup>54</sup> VDDF 49.

<sup>55</sup> cf. VELM art. 5 § 1; cf. FRANCIS (2024) *Address to the Pontifical Commission for the protection of minors* (7.03.2024).

<sup>56</sup> cf. VELM art. 20; VDDF 50.

<sup>57</sup> cf. VELM art. 13 § 3.

<sup>58</sup> In canon law, the statute of limitations for the crime begins 20 years after the minor turned 18. In civil law, the statute of limitations is established by each country. Since the statute of limitations for this type of crime has been changing for the Church, in case of doubt always



[41.14] He may, at any time, seek the advice of the Procurator General of the Congregation, who, if necessary, will know to which dicastery he should address himself.

[41.15] Likewise, he may freely consult experts in canonical criminal matters. However, he should always avoid disseminating information that could prejudice the investigations to be carried out and give the impression that he has already established with certainty the facts or the guilt of the accused<sup>59</sup>.

### **Some important issues to consider.**

[42.1] The one who receives the information about a crime, the Major Superior and those who may have knowledge of the information received must maintain the "ex officio secret". Survivors, those who offer information or denounce and witnesses are not bound to secrecy<sup>60</sup>, although they must always keep in mind respect for the good reputation and confidentiality of the personal data of all those involved (victims, accused, witnesses)<sup>61</sup>.

[42.2] If at any time it is necessary to hear the testimony of a minor, or a similar person, it must be done in accordance with the civil regulations of the country and in a manner appropriate to his age and condition, allowing him to be accompanied by a guardian or a trusted adult and always avoiding direct contact with the accused<sup>62</sup>.

[42.3] In cases of child abuse, negligence and actions or omissions aimed at interfering with or evading civil, canonical, administrative or criminal investigations are reprehensible actions and may constitute a crime<sup>63</sup>.

[42.4] In the event that the accused has engaged in improper behavior, in order to protect the common good and avoid scandals, the Major Superior should take appropriate administrative or penal remedies<sup>64</sup> against the accused.

[42.5] If at the end of a first inquiry it is concluded that a report is not credible, and it is therefore decided not to proceed with a preliminary investigation, the Major Superior will keep all the documentation on the case, to which he will add an explanatory note explaining his decision, will communicate his decision to the Superior General<sup>65</sup> and to the Bishops whom he has informed of the beginning of the inquiry, and will issue a decree rejecting the initiation of the preliminary investigation.

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consult the Procurator General of the Congregation to the Holy See, who will help to shed light on specific cases (cf. VDDF 28).

<sup>59</sup> cf. VDDF 29.

<sup>60</sup> cf. VELM art. 4 § 3.

<sup>61</sup> cf. VELM art. 5 § 2; VDDF 30.

<sup>62</sup> cf. VELM art. 13 § 2; VDDF 51.

<sup>63</sup> cf. FRANCIS (2016) *As a loving mother* (Motu Proprio 4.06.2016), 1; VELM art. 1 § 1 b; VDDF 21.

<sup>64</sup> cf. CIC cc. 1312, 1339; VDDF 20. On some possible measures, see nn. 42.9; 58-59 of this *Vademecum*.

<sup>65</sup> cf. VDDF 16, 19; CIC cc. 1717ff.



[42.6] If someone considers insufficient the reasons that have led a Major Superior to determine that the preliminary investigation is not appropriate, he may transfer his opinion to the Superior General of the Congregation.

[42.7] No one may be recriminated against or be subjected to reprisals or discrimination for having reported the possible commission of a crime or for having testified about it<sup>66</sup>. The Major Superior will act if it is proven that someone, knowingly, has made a false accusation (cf. *infra*, 57)<sup>67</sup>.

[42.8] Both in the first assessment of the report of the crime received and in the conduct of the preliminary investigation (if any), the participation of persons who have been confessors, companions or spiritual directors of the accused, the alleged victims or witnesses shall be avoided<sup>68</sup>.

[42.9] In the interest of all persons involved, the Major Superior shall prohibit in writing the accused from contacting, by whatever means, directly or through third parties, the complainants, possible victims and their families.

### **What to do if the defendant is a deceased person?**

[43] The information received may suggest that the person to whom a possible crime is attributed is a deceased person. In this case, the Church will not be able to activate any type of criminal proceeding, a criterion that also applies if an accused person dies while the prior investigation is underway<sup>69</sup>. In any case, for the sake of the truth, the good of the Church and the singular good of the possible victims, a preliminary investigation should be carried out as rigorously as possible and the Superior General, the corresponding Dicastery, the Ordinary of the place where the acts may have been committed, the complainants, the survivors and their guardians should be informed of the results.

With the same criteria, the Major Superior will discern what information to offer to the Claretian communities and the family of the deceased accused.

## **THE PRELIMINARY INVESTIGATION**

### **What is the purpose of preliminary investigation, and should it always be done?**

[44] The preliminary investigation<sup>70</sup> is not a judicial process, but an administrative action designed for the Major Superior to make a plausibility judgment as to whether the crime may have been committed and to decide what steps should be taken thereafter<sup>71</sup>.

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<sup>66</sup> cf. VELM art. 4.

<sup>67</sup> cf. CIC cc. 1390-1391.

<sup>68</sup> cf. CIC c. 1548.

<sup>69</sup> cf. VDDF 160-162.

<sup>70</sup> Sometimes it is called initial investigation. Cf. CIC cc. 1717-1719.

<sup>71</sup> The term '*fumus delicti*' refers to the sufficient factual and legal basis for assuming that the content of a piece of information is plausible (cf. VDDF 33).



[45] As already noted, without prejudging in any way what may have happened, urging those who are obliged to do so to keep the 'secret of office' (cf. supra, 42.1), if the Major Superior sees any possibility (however small) that the crime may have taken place, he will order the opening of a preliminary investigation. He will only refrain from doing so if he is absolutely certain that the crime could not have been committed<sup>72</sup>. In this case, he will proceed as indicated in this Vademecum.

[45.1] The Major Superior may decide that it does not make sense to conduct a preliminary investigation for various reasons:

- The crime is notorious.
- The accused persons acknowledge that they have committed the crime.
- A civil investigation has already been carried out and provides sufficient information. In this case, however, it must be taken into account that the civil and Church systems may value a series of factors differently (the age of the victims, the consideration as a crime of the events that occurred, their statute of limitations, etc.).

[45.2] If the Major Superior concludes that the crime may have occurred but that the preliminary investigation is not appropriate, he will inform the Superior General as soon as possible so that he may forward to the appropriate Dicastery the documentation that will enable the latter to take action on the matter.

[45.3] The Major Superior shall ensure that notice of the decision to open or dismiss the conduct of a preliminary investigation is given to the persons who filed the report of the crime and to the possible survivors of the facts referred to.

[45.4] In view of what is indicated below (n. 51, 5-7), it is up to the Major Superior to decide when to communicate to the accused the existence of information linking them to a possible crime and the decision taken as to whether or not to open a preliminary investigation<sup>73</sup>. In doing so, he will evaluate the various juridical goods at stake: the common good and that of the survivors; the right of the accused to defend himself; the protection of the rights of all those involved; the risk that the investigation may be contaminated or that informing the accused may lead to the disappearance of evidence or other relevant information.

### **Civil proceedings and preliminary investigation**

[46] If civil legislation prohibits an investigation parallel to its own, an ecclesiastical investigation cannot proceed<sup>74</sup>. If the Episcopal Conference of the country has issued norms to the same effect, the Major Organism will scrupulously comply with them.

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<sup>72</sup> For example, if a person is accused of having committed a crime at a certain place and time when there is evidence that he or she was elsewhere.

<sup>73</sup> cf. VDDF 52-53.

<sup>74</sup> VELM art. 20; VDDF 26.



If the civil authorities have initiated a process, it may be more prudent to suspend the preliminary investigation until the process is completed to avoid interference or misinterpretation. In this case the Major Superior will contact the Procurator General of the Congregation so that he may inform the competent Dicastery of the situation.

Once the processes undertaken by the authorities have been concluded, the canonical procedures must also be carried out. The results of the preliminary investigation will include its conclusions or at least inform of its content.

### **When and how is a preliminary investigation initiated and who is involved?**

[47.1] It is the responsibility of the Major Superior to issue a decree announcing the opening of the preliminary investigation and to inform the Superior General.

[47.2] Although the Major Superior may personally conduct the investigation, it is advisable that he appoint a person to conduct it<sup>75</sup>. Such a person, called an 'instructor', may be a lay person.

[47.3] If qualified persons are available, it may be appropriate for the investigation to be carried out by someone outside the Congregation, either so that they can carry out their work with greater objectivity or independence, for the greater safety of the survivor, or because there are no persons prepared for this task.

[47.4] If the Major Superior encounters problems in beginning or carrying out the preliminary investigation, he shall immediately contact the Procurator General of the Congregation for advice or to resolve possible questions<sup>76</sup>.

[47.5] Whether he is a member of the Congregation or not, the investigator should be appointed by the Major Superior with a Decree in which he will establish his competencies<sup>77</sup>. It is advisable that in the same Decree a priest notary be named, who will assist the investigator, guarantee the authenticity of the acts of the proceeding and faithfully guard them<sup>78</sup>.

[47.6] The Major Superior may also appoint one or two advisors, experts in juridical matters and, if possible, with psychological and psychiatric knowledge, to help him evaluate the information received.

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<sup>75</sup> cf. VDDF 38-39. In appointing the instructor, let it be noted in CIC c. 1717 § 3 and n. 42.8 of this Vademecum, that the one who acts as 'instructor' in a preliminary investigation cannot assume certain important responsibilities if judicial or extra-judicial processes are to be undertaken later.

<sup>76</sup> cf. VDDF 23.

<sup>77</sup> VDDF 40 attributes to the instructor the powers granted to him by c. CIC 1717 §3.

<sup>78</sup> cf. VDDF 41; CIC cc. 483 § 2; 1437 § 2. The advisable appointment of a notary is not indispensable (cf. VDDF 42).



[47.7] Having received notification of the appointments made by the Major Superior, the persons appointed must promise fidelity in the performance of their duties<sup>79</sup> and take an oath to maintain the secrecy of the corresponding office, without prejudice to the fulfilment of the obligations derived from civil legislation<sup>80</sup>.

### **Preliminary investigation, confidentiality, good reputation and greater good**

[48] The duty to protect the good name of any person must always be borne in mind. However, if the common good is at risk, the dissemination of news of the existence of an accusation does not necessarily constitute a violation of that good name<sup>81</sup>.

[49] All persons involved in the investigation should be advised that in the event of a judicial seizure or an order for the release of the records by the civil authority, the Church cannot guarantee the confidentiality of the statements made or the documentation acquired in canonical headquarters.

### **How should the preliminary investigation be carried out?**

[50.1] At the end of the investigation, the investigator shall submit a report to the Major Superior in which he shall indicate the conclusion he has reached as to the plausibility or not of the commission of the crime, and how he has proceeded in the course of the investigation.

[50.2] The preliminary investigation must be carried out with a preferential criterion of attention to the alleged survivors, professionalism and rigor, caution and speed, respecting the principle of the presumption of innocence and the rights of the accused<sup>82</sup>.

[50.3] In his or her communications, the investigator must be sober and concise, especially scrupulous about the confidentiality requested by the survivors, and must refrain from making judgments on the innocence or guilt of the accused, even in a personal capacity<sup>83</sup>.

[50.4] If, during the investigation, statements are to be taken from minors, remember what has been said (cf. *supra*, 42.2).

[50.5] In his investigation, the investigator shall seek to clarify, above all, the following elements:

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<sup>79</sup> cf. VELM art. 13 § 6; CIC c. 1448.

<sup>80</sup> cf. VELM art. 20; FRANCIS (2019) *On the Confidentiality of Causes* (Instruction, 6.12.2019), 1, 3-4.

<sup>81</sup> cf. VDDF 44.

<sup>82</sup> cf. VDDF 44, 55-56, 164; CIC cc. 220, 221, 1717 § 2.

<sup>83</sup> cf. VDDF 46.



- Personal data of alleged victims and perpetrators.
- Facts on which the charge is based.
- Number, date and duration of possible criminal conduct.
- Circumstances.
- Possible relations with the sacramental internal forum.
- Existence of other possible crimes or inappropriate behavior by the defendants.
- Testimonials and information from any source<sup>84</sup>.

[50.6] If, during the preliminary investigation, other possible crimes committed by the same persons come to light, they shall be joined in the same investigation. In the case of crimes allegedly committed against other victims, a new investigation shall be opened and its results shall be attached to the ongoing investigation, albeit as separate cases.

[50.7] In his final report to the Major Superior, the instructor shall include:

- A preliminary assessment of the possible physical, psychological and moral damages suffered by the survivors.
- A reference to the measures taken to inform survivors of their rights and the wishes expressed by them.
- Their impression of the degree of credibility of survivors, informants, witnesses and accused persons.
- The possible existence of exonerating, extenuating or aggravating circumstances in what happened<sup>85</sup>.

### **How should survivors and defendants be treated during the preliminary investigation?**

[51.1] Alleged victims and their families should be treated with dignity and respect, welcomed, listened to and offered assistance, without at any time giving the impression of anticipating the outcome of the process<sup>86</sup>.

[51.2] Encourage survivors to exercise their rights and duties before the State authorities, carefully preserving documentary evidence of this suggestion. Any act that could be interpreted as an obstacle to the exercise of survivors' rights before the authorities should be avoided at all times<sup>87</sup>.

[51.3] The Major Superior shall ensure that the survivors are informed of the beginning of the preliminary investigation, the name of the person who will conduct it and the precautionary measures that may have been applied to the accused, always respecting their presumption of innocence.

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<sup>84</sup> cf. VDDF 34.

<sup>85</sup> cf. CIC cc. 1323, 1324, 1326.

<sup>86</sup> cf. VDDF 55.

<sup>87</sup> cf. VDDF 48, 56.



[51.4] During the preliminary investigation, structures for consultation, guidance and assistance may be used to provide information and support to survivors, always bearing in mind that their analysis does not constitute canonical process decisions<sup>88</sup>.

[51.5] Whenever requested, the alleged victims and defendants should be informed in the proper manner about the different phases of the proceedings, taking care not to disclose information that is confidential and avoiding both altering the development of the investigation and causing harm to third parties<sup>89</sup>.

[51.6] It should be noted, however, that if the matter under investigation is related to the Sacrament of Penance or Confession, neither the names of the penitent nor the names of the complainants may be communicated to the accused or to his or her patrons without their express consent<sup>90</sup>.

[51.7] The accused are to be treated with dignity and respect (cf. *supra*, 30). The Major Superior and the persons involved in the preliminary investigation will at all times maintain their presumption of innocence and ensure the protection of their privacy and good reputation<sup>91</sup>.

[51.8] The accused shall be offered spiritual, psychological, legal and medical assistance<sup>92</sup>, shall be advised to avail themselves of appropriate legal assistance (civil and canonical, if applicable), and shall be given the opportunity to defend themselves and to respond to the accusations against them.

[51.9] The Major Superior, taking into account n. 45.4, will decide when to inform the accused that someone is linking him to a possible crime.

[51.10] An investigated person may never be required to take an oath<sup>93</sup>.

[51.11] Whenever at this stage it is decided to hear the accused persons, it is not obligatory to appoint a public defender for them. However, if they deem it appropriate, they may have the assistance of the lawyers they have chosen<sup>94</sup>.

[51.12] It is desirable that the accused and the Claretian Major Organism have separate counsel.

[51.13] In order to protect the public good and the good of the survivors and to avoid the risk of extortion against them, scandal among the faithful or concealment of evidence,

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<sup>88</sup> cf. VDDF 57.

<sup>89</sup> cf. VDDF 164.

<sup>90</sup> cf. (2021) *Norms regarding delicts reserved to the Dicastery for the Doctrine of the Faith* 4 §2; VDDF 102.

<sup>91</sup> cf. VELM 13 § 7.

<sup>92</sup> cf. VDDF 55.

<sup>93</sup> cf. VDDF 54.

<sup>94</sup> cf. VDDF 54.





the Major Superior can impose on the accused, by means of a special decree legitimately notified, certain precautionary measures (cf. *infra*, 58-59) or other disciplinary measures<sup>95</sup>.

### **What type of information should be provided during the preliminary investigation?**

[52] During the preliminary investigation, all actions that may be detrimental to the investigation should be avoided. If the common good or the best interests of minors or other possible victims make it advisable to offer any type of information, all possible precautions should be taken, keeping the secrecy of office, maintaining the presumption of innocence, respect for the investigation and the desire for confidentiality expressed by the presumed victims, and safeguarding the good reputation of all those involved<sup>96</sup>.

It is advisable to use essential and concise language that avoids any type of anticipatory judgment on the guilt or innocence of the persons reported.

Informants have the right to make public their own actions<sup>97</sup>. The Church prohibits imposing any bond of silence regarding the facts on those who report a possible crime, claim to have been offended, or are witnesses to what happened<sup>98</sup>.

### **How long should the preliminary investigation last?**

[53] Its duration must be appropriate to its purpose: to determine whether the information received is credible. The unjustified prolongation of the investigation, in addition to being unfair to the persons most directly affected by the facts, can constitute an act of negligence punishable by the Church<sup>99</sup>.

### **How and when is the preliminary investigation concluded?**

[54.1] The investigator of the investigation must deliver to the Major Superior all the minutes of the investigation, signed by him, together with his evaluation of the results of the investigation<sup>100</sup>.

[54.2] The Major Superior must issue a Decree announcing the conclusion of the preliminary investigation<sup>101</sup>.

[54.3] Whatever the result of the investigation, the Major Superior should send to the Superior General an authenticated copy of the acts and his evaluation of the

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<sup>95</sup> cf. VDDF 58-60. Recall what was said in *supra*, 42.9.

<sup>96</sup> cf. VDDF 44-46.

<sup>97</sup> cf. VDDF 47.

<sup>98</sup> cf. VELM art. 4 § 3; VDDF 30.

<sup>99</sup> cf. FRANCIS (2016) *As a loving mother* (Motu Proprio, 4.06.2016), art. 1; VDDF 66.

<sup>100</sup> cf. VDDF 67.

<sup>101</sup> cf. VDDF 68; CIC c. 1719.



investigation<sup>102</sup>. This authentication will be done by the notary of the investigation, if there was one, or by the secretary of the Major Organism<sup>103</sup>.

[54.4] The originals of the minutes must be kept in the archives of the curia of the Organism<sup>104</sup>.

### **Who should be informed after the conclusion of the preliminary investigation?**

[55] The Major Superior will ensure that the survivors (or their guardians) are notified of the conclusion of the preliminary investigation and the forwarding of the acts to the Superior General of the Congregation. Such information should not refer to the content of the investigation, in order to avoid anticipating the outcome of a possible trial.

The Major Superior will inform the Bishop of the place where the reported facts took place of the result of the preliminary investigation.

If the beginning of the investigation was publicly announced, the conclusion of the investigation and the forwarding of the minutes to the Superior General should be announced in the same manner.

## **AFTER THE PRELIMINARY INVESTIGATION**

### **What will happen after the preliminary investigation?**

[56.1] Once the Superior General has sent the reports to the corresponding Dicastery<sup>105</sup>, it is necessary to await the communications or instructions of the latter<sup>106</sup>, among which may be: that the case be archived, that the Dicastery request an extension of the preliminary investigation, order the Congregation to carry out an administrative process, request that a criminal process be opened or that non-criminal disciplinary measures, penal remedies or admonitions be imposed....

[56.2] If, between the sending of the reports to the competent Dicastery and its response, new elements of relevance to the matter under investigation emerge, they should be sent to the Dicastery as soon as possible to complement the information already sent<sup>107</sup>.

[56.3] The Major Superior shall ensure that the survivors (or their guardians) are notified of the referral of the acts to the appropriate Dicastery by the Superior General of the Congregation.

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<sup>102</sup> cf. VDDF 69-71.

<sup>103</sup> cf. VDDF 72.

<sup>104</sup> cf. VDDF 73.

<sup>105</sup> cf. SST art. 6; VELM art. 7 § 1; VDDF 6-7; DICASTERY FOR THE DOCTRINE OF THE FAITH (2024) *Chiarimento sugli adulti vulnerabili* (30.01.2024).

<sup>106</sup> cf. VDDF 74, 76-77.

<sup>107</sup> cf. VDDF 75.



[56.4] If, before giving a definitive response, the Dicastery requests further information, the Major Superior will inform the survivors and the accused. In any case, the Major Superior will see to it that the survivors are informed every six months of any new developments.

[56.5] After careful study of the reports received, the Dicastery will communicate to the Superior General and the latter to the Major Superior its resolution and a series of instructions that the Claretian superiors will promptly put into practice, informing those concerned of their rights (accused, victims, complainants...) <sup>108</sup>.

[56.6] Once a final resolution has been communicated by the Dicastery, the superiors of the Congregation shall ensure that it is known to the persons and communities concerned and shall take the necessary steps to facilitate its implementation <sup>109</sup>.

[56.7] If a penal process is held, the final decision of the competent authority, set forth by decree or sentence, may be condemnatory (*constat*), acquittal (*constat de non*) or dimissorial (*non constat*) <sup>110</sup>. If the decision is condemnatory, the decree will specifically indicate what canonical sanction is to be imposed. If it is dimissorial, the accused is neither condemned nor absolved, and the Major Superior, in close dialogue with the Superior General, will have to decide what measures are to be taken.

### **What to do if a complaint is found to be false?**

[57] A person who has been falsely accused has the right to have his good name restored, although nothing and no one can compensate him for the suffering and consequences he will have had to endure <sup>111</sup>.

He, as well as the Province or the Delegation to which he belongs and the affected institutions, must consider whether to request -within the legal system of the State- the adoption of appropriate measures to compensate for the damages suffered.

## **PRECAUTIONARY MEASURES**

### **What are precautionary measures and what do they do? <sup>112</sup>**

[58] It can take a long time from when the occasion a possible crime comes to light until it is clear what has happened. Thinking of the good of the community, of the survivors, the accused and of all those involved in an accusation, the Church authorizes a series of measures that are in no way intended to prejudge whether the accused are guilty.

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<sup>108</sup> cf. VDDF 77-141.

<sup>109</sup> cf. VDDF 142-159.

<sup>110</sup> cf. VDDF 84.

<sup>111</sup> cf. CIC 1390-1391.

<sup>112</sup> cf. CIC 1722; VDDF 58-65.



They are also intended to protect those who have offered information and potential victims, to prevent the withholding of evidence, to avoid influencing persons who may be consulted during the investigation, or to prevent attempts to influence survivors or informants not to exercise their rights or to keep silent. There are occasions, moreover, when the public presence or performance of a person accused of improper behavior may harm or scandalize the faithful.

### **Who determines precautionary measures and what can they consist of?**

[59.1] The legislation of the Church attributes the power to impose precautionary measures to the Major Superior, who can dictate them from the beginning of the preliminary investigation<sup>113</sup>. It is also up to him to modify them (aggravating or alleviating them) and to revoke them. If the matters under investigation end up being the object of a criminal process, the precautionary measures automatically cease to be in force when the process ends.

[59.2] Both the Major Superior when adopting the measures, as well as the Major Organism and the institutions when referring to them, must insist that a precautionary measure is never a punishment, nor does it imply in any way that the guilt of a person who, until proven otherwise, is innocent, is affirmed with them<sup>114</sup>.

[59.3] Among the precautionary measures contemplated by the Church are<sup>115</sup> :

- That the accused be removed from the exercise of the sacred ministry<sup>116</sup> or from an ecclesiastical office or position.
- To be forbidden or required to reside in a certain place or territory<sup>117</sup>.
- That they be forbidden to participate publicly in the Eucharist.

[59.4] The Major Superior could also forbid the Claretian missionary to:

- Make use of social networks.
- Contact specific individuals or all types of minors (cf. *supra*, 42.9).
- Wear certain clothing or external signs.
- Write or publish on specific topics.
- Listen to confessions or perform spiritual accompaniment tasks.

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<sup>113</sup> Even before the beginning of this investigation, the major superior can impose some disciplinary measure on the accused if he considers it prudent or convenient (cf. VDDF 58, 60).

<sup>114</sup> CIC c. 1321 § 1; VELM 13 § 7.

<sup>115</sup> cf. CIC 1722; VDDF 58.

<sup>116</sup> In this case the expression 'suspension' should not be used, but rather 'prohibition or limitation of the exercise of ministry'. Suspension, which is a penalty, cannot be imposed at this stage (cf. VDDF 62).

<sup>117</sup> For the Church, the mere change of office or religious community of the accused is not, in principle, a sufficient precautionary measure (cf. VDDF 63).



- Exercise of active or passive voice in congregational settings<sup>118</sup>.

[59.5] Precautionary measures are always imposed by a singular precept legitimately notified by the Major Superior and are also modified or revoked by a decree legitimately notified<sup>119</sup>. If the measures are adopted during the preliminary investigation, they must be recorded in the acts of the investigation.

[59.6] It is up to the Major Superior to decide which of the precautionary measures to adopt from among those indicated by the Church. The common good - and in particular the good of minors - may make it advisable that, even if there has been no crime, the Major Superior impose other disciplinary measures on the person who has behaved improperly or imprudently, which are not strictly speaking 'precautionary measures'<sup>120</sup>. These measures must always be recorded in writing.

[59.7] If precautionary measures are to be applied to a person bound to the Congregation by contract, the laws of the nation are to be taken into account.

This Vademecum (Manual and Protocol) was approved by the Superior General of the Claretian Missionaries and his Council on October 31<sup>st</sup>, 2024 and will enter into force on 1 January 2025.

(SGD )**Fr. Mathew Vattamattam, C.M.F.**  
*Superior General*

(SGD )**Fr. Efrén Limpo Lo, C.M.F.**  
*Secretary General*

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<sup>118</sup> cf. Dir 325.

<sup>119</sup> cf. CIC cc. 48-58, 1319; VDDF 64-65.

<sup>120</sup> cf. VDDF 60.