

# POLICIES FOR THE PROTECTION OF MINORS AND THE VULNERABLE IN THE INSTITUTIONS OF THE CHURCH IN INDIA

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## Abstract

This article systematically studies the policies for the protection of minors and the vulnerable in the context of the Church in India. In the light of the teachings of Pope Francis, Dicastery for the Doctrine of Faith and CBCI, the study discusses the policies enacted by the Universal Church to deal with sexual abuse cases, which are applicable in the context of India; the policies enacted by the Catholic Bishops Conference of India (CBCI) to deal with sexual abuse cases in India, especially the cases in which clerics are involved; and the procedures to be followed when a sexual abuse case is reported to the Bishop or the Major Superior. Furthermore, various policies are presented in detail so that they may become a practical guide to follow the procedures of the Church in dealing with sexual abuse cases.

**Keywords:** Protection of Minors 2. Vulnerable 3. Church is a mother 4. Light of the World 5. Church in India

## Introduction

This article deals with the policies formulated to protect minors and vulnerable in the Institutions of the Church in India. It starts with the *motu proprio Come una Madre amorevole* (As a Loving Mother, 2016) of Pope Francis. Pope underlines the serious responsibility of the shepherds of the Church in protecting minors and the vulnerable in the institutions of the Church in India. In his Apostolic Letter *Vos Estis Lux Mundi* (You are the Light of the World) given on 07 May 2019, Pope Francis said. "every believer is called to be a shining example of virtue, integrity and holiness". The child protection policies in Catholic

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Institutions are formulated based on the guidelines given by DDF. A detailed study is made on the policy of CBCI in dealing with sexual abuse of minors and the policy of CBCI on sexual harassment at the workplace.

## 1. Church is a Loving Mother

Pope Francis, giving the *motu proprio*, 'As a Loving Mother' (*Come Una Madre Amorevole*) on 04 June 2016,<sup>1</sup> underlined the 'motherly care' of the Church towards the smallest and defenceless. Christ himself entrusted this responsibility to the entire Christian community. Bishops, the shepherds of communities, need to be vigilant in safeguarding the flock entrusted to their care. They are punished severely through due process if they fail in their responsibility.

"The Church loves all her children like a loving mother but cares for all and protects with special affection those who are smallest and defenceless. This is the duty that Christ himself entrusted to the entire Christian community. Aware of this, the Church is especially vigilant in protecting children and vulnerable adults."<sup>2</sup>

"This duty of care and protection devolves upon the whole Church, yet it is especially through her Pastors that it must be exercised. Therefore, diocesan/eparchial Bishops and those responsible for a Particular Church must pay vigilant attention to protecting the weakest of those entrusted to her care."<sup>3</sup>

"With this Letter, my intention is to underline that among the aforesaid 'grave reasons' is the negligence of a Bishop in the exercise of his office, and in particular about cases of sexual abuse inflicted on minors and vulnerable adults."<sup>4</sup>

"The diocesan Bishop or Eparch, or one who even holds a temporary title and is responsible for a Particular Church, or other community of faithful that is its legal equivalent, according to CIC, can. 368 or CCEO, can. 313, can be legitimately removed from this office if he has through negligence committed or through omission facilitated acts that have caused grave harm to others, either to physical persons or to the

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<sup>1</sup> Pope Francis, Apostolic letter issued «*motu proprio*» *Come una Madre Amorevole* (*As a loving mother*), Vatican, 4 June 2016.

<sup>2</sup> MP, *As a Loving Mother*.

<sup>3</sup> MP, *As a Loving Mother*.

<sup>4</sup> MP, *As a Loving Mother*.

community as a whole. The harm may be physical, moral, spiritual or through the use of patrimony.”<sup>5</sup>

## 2. To be the ‘Light of the World’ (*Lux Mundi*)

Pope Francis, in his Apostolic Letter *Vos Estis Lux Mundi* (You are the Light of the World) given on 07 May 2019,<sup>6</sup> said that every believer is called to be a shining example of virtue, integrity, and holiness. “You are the light of the world. A city set on a hill cannot be hidden” (Mt 5:14). Our Lord Jesus Christ calls every believer to be a shining example of virtue, integrity and holiness. All of us, in fact, are called to give concrete witness of faith in Christ in our lives and, in particular, in our relationship with others.”<sup>7</sup>

Since crimes of sexual abuse cause physical, psychological, and spiritual damage to the victims and harm the community of the faithful, continuous and profound conversion of hearts is needed, and at the same time, concrete and effective actions are to be taken to prevent such abuses.

“The crimes of sexual abuse offend Our Lord, cause physical, psychological, and spiritual damage to the victims, and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church’s mission. This becomes possible only with the grace of the Holy Spirit poured into our hearts, as we must always keep in mind the words of Jesus: “Apart from me you can do nothing” (Jn 15: 5).”<sup>8</sup>

The responsibility falls mainly on the shepherds of the churches and all those who have the care of souls. “This responsibility falls, above all, on the successors of the Apostles, chosen by God to be pastoral leaders of his People, and demands from them a commitment to follow closely the path of the Divine Master.”<sup>9</sup>

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<sup>5</sup> MP, *As a Loving Mother*, art. 1§ 1.

<sup>6</sup> Pope Francis, *Vos Estis Lux Mundi* (You are the Light of the World), 07 May 2019.

<sup>7</sup> Ap. Letter, *Vos Estis Lux Mundi*.

<sup>8</sup> Ap. Letter, *Vos Estis Lux Mundi*.

<sup>9</sup> Ap. Letter, *Vos Estis Lux Mundi*.

Because of their ministry, Bishops, "as vicars and legates of Christ, govern the particular churches entrusted to them by their counsel, exhortations, example, and even by their authority and sacred power, which indeed they use only for the edification of their flock in truth and holiness, remembering that he who is greater should become as the lesser and he who is the chief become as the servant."<sup>10</sup>

What more closely concerns the successors of the Apostles concerns all those who, in various ways, assume ministries in the Church profess the evangelical counsels, or are called to serve the Christian People. Therefore, it is good that procedures be universally adopted to prevent and combat these crimes that betray the trust of the faithful.

### **Sexual Abuse Cases (Delicts against the Sixth Commandment)<sup>11</sup>**

- a) A delict against the sixth commandment of the Decalogue committed through violence or threat or through abuse of authority, or by forcing someone to perform or submit to sexual acts;
- b) A delict against the sixth commandment of the Decalogue committed with a minor or with a person who habitually has imperfect use of reason or with a vulnerable adult;
- c) The immoral acquisition, possession, exhibition or distribution, in any way or by any means, of pornographic images of minors or of persons who habitually have imperfect use of reason;
- d) The recruitment or inducement of a minor or of a person who habitually has imperfect use of reason or a vulnerable adult to pose in a pornographic manner or to participate in real or simulated pornographic exhibitions;

### **Catholic Church's Policy in Dealing with Sexual Abuse Cases**

**a) Reception of reports and data protection (art. 2):** Taking into account the provisions that may be adopted by the respective Episcopal Conferences, by the Synods of the Bishops of the Patriarchal Churches and the Major Archiepiscopal Churches, or by the Councils of Hierarchs of the Metropolitan Churches *sui iuris*, the Dioceses or the Eparchies, individually or together, must provide for institutions or offices that are easily accessible to the public for the submission of reports. The reports are to be submitted to these ecclesial institutions and offices.

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<sup>10</sup> LG 27.

<sup>11</sup> Ap. Letter, *Vos Estis Lux Mundi*, art. 1.

**b) Reporting (art. 3):** Except the information received in the internal forum, a cleric or a member of an Institute of Consecrated Life or a Society of Apostolic Life learns that one of the acts mentioned above has been committed, that person is obliged to report it promptly to the local Ordinary where the events are said to have occurred or to another Ordinary (Vicar Generals, Episcopal Vicars, Major superiors of Clerical Religious Institutes of Pontifical Right and Clerical Societies of Apostolic Life of Pontifical Right (CIC, can. 134; CCEO, can. 984).

**c) Protection of the person submitting the report (art. 4):** Retaliation or discrimination as a consequence of having submitted a report is prohibited; An obligation to keep silent may not be imposed on the person claiming to have suffered as a result of a delict or on the witnesses about the contents of their report.

**d) Care for persons (art. 5):** The ecclesiastical Authorities shall commit themselves to ensuring that those who state that they have been harmed, together with their families, are to be treated with dignity and respect; a) they are to be welcomed, listened to and supported, including through provision of specific services; b) offered spiritual assistance; c) offered medical assistance, including therapeutic and psychological assistance, as required by the specific case.

The legitimate protection of the good name and the privacy of all persons involved, as well as the confidentiality of their data, must be ensured.

These norms came into force on 1 June 2019, and the law mandated that each diocese set up by June 2020, 'one or more public stable and easily accessible systems for submission of reports.'

### **3. Circular letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics,<sup>12</sup>**

#### **I General considerations:**

**a) The victims of sexual abuse:** The Church, in the person of the bishop or his delegate, should be prepared to listen to the victims and their families and to be committed to their spiritual and psychological assistance. Pope Benedict XVI, has given us a model

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<sup>12</sup> Dicastery for the Doctrine of Faith, *Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics*, 03 May 2011.

with his availability to meet and listen to the victims of sexual abuse. He said, "You have suffered grievously and I am truly sorry. I know that nothing can undo the wrong you have endured. Your trust has been betrayed and your dignity has been violated."<sup>13</sup>

**b) The protection of minors:** Programs of education and prevention have been begun within the Church to ensure 'safe environments' for minors. Such programs seek to help parents as well as those engaged in pastoral work and schools to recognize the signs of abuse and to take appropriate measures. These programs have often been seen as models in the commitment to eliminate cases of sexual abuse of minors in society today.

**c) The formation of future priests and religious:** Pope John Paul II stated, "There is no place in the priesthood and religious life for those who would harm the young."<sup>14</sup> These words call to mind the specific responsibility of Bishops and Major Superiors and all those responsible for the formation of future priests and religious. Candidates should be formed with an appreciation of chastity and celibacy and the responsibility of the cleric for spiritual fatherhood. Formation should also ensure that the candidates have an appreciation of the Church's discipline in these matters. More specific directions can be integrated into the formation programs of seminaries and houses of formation through the respective *Ratio Institutionis Sacerdotalis* of each nation, Institute of Consecrated Life, and Society of Apostolic Life.

Particular attention, moreover, is to be given to the necessary exchange of information regarding those candidates for the priesthood or religious life who transfer from one seminary to another, between different dioceses, or between religious Institutes and dioceses.

**d) Support of Priests:** The bishop must treat all his priests as father and brother. Moreover, with special attention, the bishop should care for the continuing formation of the clergy, especially in the first years after Ordination, promoting the importance of prayer and the mutual support of priestly fraternity. Priests are to be well informed of the damage done to victims of clerical sexual abuse.

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<sup>13</sup> Pope Benedict XVI, *Pastoral Letter to the Catholics of Ireland*, 19 March 2010, n. 6.

<sup>14</sup> Pope John Paul II, *Address to the American Cardinals*, 23 April 2002, n. 3.

The accused cleric is presumed innocent until the contrary is proven. Nonetheless, the bishop can always limit the exercise of the cleric's ministry until the accusations are clarified. If the case so warrants, whatever measures can be taken to rehabilitate the good name of a cleric wrongly accused should be done.

**e) Cooperation with Civil Authority:** Sexual abuse of minors is not just a canonical delict but also a crime prosecuted by civil law. Although relations with civil authority will differ in various countries, it is important to cooperate with such authorities within their responsibilities.

## **II Canonical Legislation Concerning the Delict of Sexual Abuse of Minors Perpetrated by a Cleric**

If the accusation is considered credible, the case must be referred to the Dicastery for the Doctrine of Faith (DDF). Once the case is studied, the DDF will indicate the further steps to be taken. At the same time, the DDF will offer direction to ensure that appropriate measures are taken which both guarantee a just process for the accused priest, respecting his fundamental right of defence and care for the good of the Church, including the good of victims.

In this regard, it should be noted that normally, the imposition of a permanent penalty, such as dismissal from the clerical state, requires a penal judicial process. Canonically, the ordinary court is not competent to decree permanent penalties by extrajudicial decree.<sup>15</sup> The matter must be referred to the DDF, which will make the definitive judgement on the guilt of the cleric and his unsuitability for ministry, as well as the consequent imposition of a perpetual penalty.<sup>16</sup>

## **III Suggestions for Ordinaries on Procedures:**

The Guidelines prepared by the Episcopal Conference ought to provide guidance to Diocesan Bishops and Major Superiors in case they are informed of allegations of sexual abuse of minors by clerics present in the territory of their jurisdiction. Such Guidelines, moreover, should take account of the following observations:

**a)** the notion of 'sexual abuse of minors' should concur with the definition of article 6 of the *motu proprio Sacramentorum Sanctitatis*

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<sup>15</sup> CIC can. 1342.

<sup>16</sup> SST art. 21, §2.

*Tutela* (SST)<sup>17</sup> (the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years);

- b) the person who reports the delict ought to be treated with respect. In the cases where sexual abuse is connected with another delict against the dignity of the sacrament of Penance (SST art. 4) the one reporting has the right to request that his or her name not be made known to the priest denounced (SST art. 24);
- c) ecclesiastical authority should commit itself to offering spiritual and psychological assistance to the victims;
- d) investigation of accusations is to be done with due respect for the principle of privacy and the good name of the persons involved;
- e) unless there are serious contrary indications, even in the course of the preliminary investigation, the accused cleric should be informed of the accusation and allowed to respond to it
- f) During the course of the disciplinary or penal process, the accused cleric should always be afforded a just and fit sustenance;
- g) the return of a cleric to public ministry is excluded if such ministry is a danger for minors or a cause of scandal for the community.

#### **4. Procedural Norms for Dealing with Cases Involving Sexual Abuses of Minors in India**

Procedural Norms for Dealing with Cases Involving Sexual Abuses of Minors received *Recognitio* of DDF on 9 June 2015 (Prot.N.191/2010-51190). Baselios Cardinal Cleemis promulgated the norms through a decree on 01 October 2015, and the norms came into effect for the whole Church in India on 01 November 2015.<sup>18</sup>

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<sup>17</sup> Pope John Paul II, Apostolic Letter issued *motu proprio Sacramentorum Sanctitatis Tutela* of the Supreme Pontiff by which norms are promulgated on more grave delicts reserved to the Congregation for the Doctrine of the Faith, April 30, 2001.

<sup>18</sup> Catholic Bishops Conference of India (CBCI), *Procedural Norms for Dealing with Cases Involving Sexual Abuses of Minors*, 01 October 2015. Read the following documents for further study of the matter. Congregation (Dicastery) for the Doctrine of Faith, *Norms regarding Delicts, reserved to the Congregation (Dicastery) for the Doctrine of Faith*, 10 October 2021; DDF *Vademecum on certain Points of Procedures of Sexual Abuse of Minors by Clerics*, 5 June 2022. DDF gives a *Vademecum* which explains the correct procedures in dealing with cases of sexual abuses of minors perpetrated by clerics. This can be used



The norms of CCBI is divided into two sections: introductory and operative. The introductory part has 15 articles. They are the following:

**Art. 1:** Bishops and major superiors have the primary responsibility of dealing with sexual abuse cases.

**Art. 2:** Bishops and major superiors shall not attempt to shield the case from being sent to DDF if the accusation seems credible.

**Art. 3&4:** Bishops and major superiors shall cooperate with civil authorities and never try to hamper their investigation of the case.

**Art. 5:** Bishops and major superiors shall establish a preliminary committee in consultation with Conference of Religious in India (CRI) unit if the victim is a female.

**Art. 6:** Bishops and major superiors shall provide prompt assistance to the victims of sexual abuse of minors.

**Art.7 & 8:** Bishops and major superiors shall deal with allegations of sexual abuse of minors with 'transparency and objectivity'.

**Art. 9:** Bishops and major superiors are prohibited from imposing a perpetual penalty on the accused through extra judicial decree without the mandate of the DDF.

**Art. 11-14:** Responsibility of Bishops and major superiors in the selection and formation of the candidates for priesthood and religious life; the need for organizing systematic ongoing formation programs to assist priests and religious in their living out of their vocation.

**Art. 15:** Bishops shall prepare a 'code of conduct' for every church personnel working with minors in the diocese.

## **Procedures to be Followed by Bishops and Major Superiors in Dealing with Sexual Abuse Cases**

### **1. Filing of Notitia Criminis**

Filing of *notitia criminis* to the Diocesan/Eparchial Bishop or major superior or to the special office created for dealing with sexual abuse cases. *Notitia criminis* shall include the name, address and age of the victim, the nature of the accusation, a brief description of the offence, its frequency, and the date of the offence with the signature of the

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as a handbook to do the procedures correctly ensuring justice to the victim and the alleged offender.

petitioner. *Notitia criminis* can be made, other than by the victim, only by the parent, guardian, family member, or a legal delegate.<sup>19</sup>

## **2. Establishment of a Preliminary Enquiry Committee by the Bishop and the Major Superior**

Bishops and major superiors shall form a preliminary enquiry committee. In the diocesan committee, the first member shall be the Judicial Vicar, Chancellor, or a Curia member. The second member shall be a senior priest, and the third member shall be a layperson or a religious male or female. If the victim is a female, the third member shall be a religious sister.

In the religious institutes, the committee shall include one member from the provincial team, and the other two members are to be appointed by the major superior in consultation with his councilors. If the victim is a female, then one member should be a religious sister.

The committee shall conduct interviews with one or two witnesses. It shall also collect documentary evidence (art.5). The committee shall also interview the alleged offender regarding accusations, allowing him to clarify and defend his position (art.5b).

## **3. Conclusion of the Preliminary Enquiry**

The preliminary committee has to complete its enquiry and submit its report to the diocesan bishop or to the major superior within thirty days of receiving *notitia criminis* (art.6). Based on this report and conclusions of the preliminary committee, it is the responsibility of the diocesan bishop or major superior to decide whether the accusation seems to be true or not and to refer the matter to DDF (art. 7).

## **4. Imposing 'Administrative Leave' to the Accused**

The Diocesan/Eparchial bishop or the major superior shall impose administrative leave to the accused so that the accused in no way contacts the victim, nor will he influence the impartial enquiry of the accusations alleged against him. At the same time, the rights of the accused should be protected, and he shall be given the means of sustenance.

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<sup>19</sup> In Indian civil law any person who is aware of sexual abuse of a minor, who fails to report an offence will be "punished with imprisonment of either description which may extend to six months or with fine or with both" (POCSO Act, Section 21§1).

## **5. Psychological, Spiritual, and Medical Assistance to the Victims**

The 'norms' obliges bishops to provide the victim and his or her family whatever psychological, spiritual, and medical assistance necessary for them to get out of this trauma and to lead a normal life (art. 7c).

## **6. Establishment of a 'Sexual Offence Committee'**

This committee is established according to the direction of DDF if it directs the diocesan bishop or major superior to proceed with further examination of the case after it has gone through the complete acts of the preliminary investigation (art 9c).

This committee consists of three members and, in special circumstances, five members. It is a stably established committee for three years. One of the members should be a person expert in Canon Law, if the victim is a girl, two members must be women and one of them if possible, should be a member of a government-recognized Non-Governmental Organization (NGO). A senior priest also should be part of this committee.

## **7. Functioning of Sexual Offence Committee (art 11-12)**

- sexual offence committee is obliged to hear both the accuser and the alleged offender.
- sexual offence committee has to communicate to the accused the accusations against him, conclusions of the preliminary investigation and the directives of DDF.
- complainant and the accused have the right to present their witnesses.
- sexual offence committee has the power to examine any ex officio witness, any documentary evidence like audio-video recordings, letters, emails, photographs etc.
- sexual offence committee is given 90 days' time to do the investigation and to submit report and written conclusions to the Diocesan bishop or to the major superior.
- bishop or the major superior shall communicate the conclusions of the case to the accused and the accuser.

## 8. CBCI National Review Board (NRB) (art 15-16)

- NRB is comprised of three bishops appointed by the standing committee of the CBCI - two CBCI vice presidents, and the secretary general are its members.
- The victim and the accused have the right to appeal to the NRB against the conclusions of the sexual offence committee.
- NRB also has the faculty to examine the appeals of any penalties imposed after a period of three years from the imposition of the penalty.

## 9. Appeal to DDF; Final Judgment of DDF

- The accused and the victim have the right to appeal against NRB's decisions to DDF.
- DDF always gives the final judgement on the clerical sexual abuse cases of minors.

## 10. CBCI Guidelines to Deal with Sexual Harassment at Workplace<sup>20</sup>

The CBCI acknowledges and considers violence against women and children as a special area of concern and advocates zero tolerance for any act of violence towards women and children (Gender Policy, Part III 5 (iii)).<sup>21</sup> The Government of India enacted a law through Act No.14 on 23rd April 2013 known as 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.'<sup>22</sup> Sexual harassment against any person below eighteen years of age shall be governed by 'The Protection of Children from Sexual Offences Act (POCSO), 2012.'<sup>23</sup>

### Responsibility of the Institutions

- (a) Create a harmonious working environment free of intimidation, hostility, offence, and any form of harassment and abuse of authority.
- (b) Ensure only eligible, well-reputed, and morally upright persons are recruited and appointed as the staff of the institutions, and they should

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<sup>20</sup> Catholic Bishops Conference of India (CBCI), *Guidelines to deal with Sexual Harassment at Work Place*, 14 September 2017.

<sup>21</sup> CBCI Commission For Women Catholic Bishops' Conference of India, *Gender Policy of the Catholic Church of India*, 2010.

<sup>22</sup> Government of India, *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act*, 23rd April, 2013.

<sup>23</sup> *The Protection of Children from Sexual Offences Act*, 2012.

be trained, supervised, and supported at their workplace, which should promote genuine and mature human behaviour.

(c) Communicate the zero-tolerance policy on sexual harassment and abuse of authority at the workplace to all the members of the institution and ensure that they are given training on gender sensitivity and prevention of sexual harassment.

(d) The root causes arising from various factors of behavior patterns of all persons that provoke a person to see the other only as an object of sexual satisfaction are to be addressed, made aware of, and eradicated through awareness program/training.

(e) All the members of the institution should be given the proper knowledge and training with regard to the moral and social behavior expected in an institution or workplace of the Catholic Church.

(f) Display at a conspicuous place in the workplace the details of the grievance redressing authority that should be approached by a victim in the event of sexual harassment and the penal consequences of sexual harassment.

(g) Ensure that staff members supervising others do not engage in harassment at the workplace.

(h) Take measures consistent with the Guidelines should they witness any acts of harassment at the workplace.

(i) Ensure that incidents of harassment at the workplace or abuse of authority are promptly addressed.

(j) Ensure that all discussion, communication, and activities are handled with extreme sensitivity and utmost confidentiality.

(k) Ensure that no employee is retaliated against.

(l) Ensure compliance with the provisions of these 'Guidelines,' including the appointment of the Internal Complaints Committee (ICC), preferably within a period of sixty days from the date of publication of these 'Guidelines.'

(m) Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.

(n) Assist in securing the attendance of Respondent and Witnesses for ICC.

(o) Make available such information to ICC as it may require having regard to the complaint made.

(p) Monitor the timely submission of annual reports by ICC.

(q) Organize workshops and awareness programs regularly to sensitize the employees to the provisions of this 'Guidelines' and the present civil law in force.

### **Professional Ethos**

(a) At the time of appointment, all staff should sign a policy statement with regard to their behavior at the workplace.

(b) All the institutions should take care that the individuals demonstrate the maturity and competence expected from them regarding their respective professions.

(c) Sexual abuses often occur in contexts in which the abuser is in a position of trust in relation to the person abused. Appropriate professional boundaries must be maintained between members of all sections of ministry or service at all times and in all places.

(d) To achieve this, the establishment or management must employ people or invite volunteers to discharge professional services to draw up clear boundaries in their workplace.

(i) All persons must be treated with respect and dignity.

(ii) Offices and service areas should be accessible and visible.

(iii) No one should be under the influence of alcohol or of prescribed or non-prescribed drugs that hamper cognitive function at the workplace.

(iv) When corrections or reprimands are to be given, they must be communicated in writing or if verbally, in the presence of another colleague of the employee.

(v) Members of the institution should not entertain or be in the company of people of ill repute.

(vi) Those who are in charge of the institution must strictly maintain the working hours, and when overtime services are required, it should be with the knowledge of people in higher authority and with a proper registry of the people involved, the nature of the work and the time of leaving the workplace.

(vii) In the exercise of professions like that of doctors or caregivers where physical touches or contacts are required, the person concerned

must seek the presence of another person of the same sex as the client while carrying out the official duty.

(viii) People of the opposite sex must not be lodged in living quarters meant for single living.

### **Internal Complaints Committee (ICC)**

- **D/PCC** (Diocesan/Provincial Complaints Committee): Every Diocese and Province of a Religious Congregation of the Catholic Church in India is obliged to have a Diocesan/Provincial Complaints Committee (D/P CC).
- **ICC** (Internal Complaints Committee): An institution under a Diocese or Province that employs ten or more employees should constitute an Internal Complaints Committee (ICC).
- In the case of institutions with less than ten employees, as well as complaints against the institution's head like Manager, H.M, Director, Principal, etc., the complaint should be given to the Diocesan/Provincial CC, which will carry out the functions of ICC.

### **The Following Matters are also Included in the CBCI Guidelines**

a) composition of ICC b) composition of D/P CC c) Responsibilities of the ICC d) Responsibilities of the D/P CC.

Procedures for resolution, settlement, or prosecution of acts of sexual harassment: i) informal process ii) formal process iii) inquiry iv) reporting v) abandoning the process vi) confidentiality.

Annual report, care and healing for the victims, care for the respondent and code of protective behaviour (for the members of the catholic institutions).

### **11. Policy of KCBC in Dealing with Sexual Harassment at Work Place, Guidelines to Deal with Sexual Harassment at Workplace**

The document titled 'KCBC Guidelines for Safe Environment Programme for Church Personnel Connected with Institutions where Minors or Vulnerable Adults are Given Particular Care'<sup>24</sup> was issued in June 2018, and came to the public on 4 December 2019.<sup>25</sup> It has adopted the Guidelines of CBCI and applied it in the context of Kerala.

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<sup>24</sup> KCBC, *Guidelines to deal with Sexual Harassment at Work Place*, 4 December 2019.

<sup>25</sup> We do not explain in detail this document due to the limitation of pages of this article. But it may be referred for further study.

## 12. CBCI Child Protection Policy

CBCI Child Protection Policy was released during the CBCI Standing Committee Meet on 23 September 2023.<sup>26</sup> The policy was prepared and published by the CBCI Office for Education and Culture.

## 13. Concluding Remarks

- "Let the little children come to me; do not stop them; for it is to such as these that the kingdom of heaven belongs (Mt 19:14; Mk 10:14; Lk 18:16) - *Mens Jesu, Mens Ecclesiae*.
- The role of the Church is to be a loving mother. Every believer should experience the motherly care of the Church in every sphere of life.
- It is the serious responsibility of the bishops in the dioceses and major superiors in the religious institutes and societies of apostolic life to formulate appropriate policies for the protection of minors.
- When they receive a *notitia criminis* they have to be diligent in taking immediate measures to deal with the case following the canonical procedures.
- In every diocese and in every religious institute and societies of apostolic life, a stable office deals with the issues of sexual offences against minors and vulnerable adults.
- Diocesan bishops and major superiors have to take all the measures to protect the victim by providing whatever physical and psychological help necessary to heal the wounds of abuse.
- It is very important to give the right of defense to the alleged offender, and proper investigations are to be done so that the innocent parties are not unjustly punished.

## References

1. Pope Francis, Apostolic letter issued «*motu proprio*» *Come una Madre Amarevole (As a loving mother)*, Vatican, 4 June 2016.
2. Pope Francis, *Vos Estis Lux Mundi (You are the Light of the World)*, 07 May 2019.

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<sup>26</sup> CBCI, *Child Protection Policy*, 23 September 2023. We do not explain in detail this document due to the limitation of pages of this article. But it may be referred for further study.



3. Dicastery for the Doctrine of Faith, *Circular letter to assist episcopal conferences in developing guidelines for dealing with cases of sexual abuses of minors perpetrated by clerics*, 03 May 2011.
4. Dicastery for the Doctrine of the Faith, *Vademecum On Certain Points of Procedure in treating cases of Sexual Abuse of Minors Committed by Clerics*, 5 June 2022.
5. Catholic Bishops Conference of India (CBCI), *Procedural Norms for Dealing with Cases Involving Sexual Abuses of Minors*, 01 October 2015.
6. Catholic Bishops Conference of India (CBCI), *Guidelines to deal with Sexual Harassment at Work Place*, 14 September 2017.
7. Sister Arina Gonsalves, *Indian Bishops urged to Expedite Implementation of Child Protection Policy*, 17 February 2020, <https://mattersindia.com/2020/02/implement-child-protection-policy-without-delay-nun-asks-bishops/>.
8. Congregation (Dicastery) for the Doctrine of Faith, *Norms regarding Delicts, reserved to the Congregation (Dicastery) for the Doctrine of Faith*, 10 October 2021.
9. Catholic Bishops Conference of India (CBCI), *Child Protection Policy*, 23 September 2023.
10. Shaji Jerman, *A Guide to the Reformed Penal Laws of the Catholic Church, Amendments of Pope Francis*, RIC Publications, Aluva, 2022.