

**THE CARE AND PROTECTION
OF THE WEAKEST AND DEFENCELESS**

UISG BULLETIN

NUMBER 174, 2021

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PRESENTATION

The commitment of UISG to the protection of minors and adults in vulnerable situations continues. Both in 2020 and in the current year, the *UISG Office for Protection and Care* has organized a series of webinars in collaboration with the *Pontifical Commission for the Protection of Minors*, with the *Centre for Child Protection* (Gregorian University), with the *Union of the Superiors General* (USG), and with *Telefono Azzurro*. The webinars are specially reserved for the Superiors, the Superiors General, and their delegates.

Information and documents relating to these events can be found on the website of UISG: www.uisg.org

On 2 October 2020, the office of *Catholic Care for Children International* (CCCI) was officially launched. The director, Sr. Niluka Perera, offered some important webinars to explain the significance of the vision of CCCI and the implications of adopting the Continuum of Care.

As Pope Francis has reminded us, the question of the protection of minors and people in vulnerable situations is of close concern to consecrated life and the Church as a whole:

The protection of minors and vulnerable persons is an integral part of the Gospel message that the Church and all its members are called to proclaim throughout the world. Christ himself, in fact, has entrusted us with the care and protection of the weakest and defenceless: “whoever receives one child such as this in my name receives me” (Mt 18:5). Therefore, we all have the duty to welcome openheartedly minors and vulnerable persons and to create a safe environment for them, with their interests as a priority. This requires a continuous and profound conversion, in which personal holiness and moral commitment come together to promote the credibility of the Gospel proclamation and to renew the educational mission of the Church. (Apostolic Letter issued «*motu proprio*» by the Supreme Pontiff Francis: *On the Protection of Minors and Vulnerable Persons*, 26 March 2019).

Claudia Giampietro

The UN Convention on the Rights of the Child and its implications for the work of Religious Institutes.

Today children constitute more than one third of the world's population, and a very large number of them live in extreme poverty and places where nothing is being done about the obligation and opportunity to invest in their future. What we ask, collectively, is what can the Institutes of Women Religious do in concrete terms to develop guidelines for the protection of minors that take into account the fundamental principles promoted by the Convention on the rights of childhood.

Sr. Niluka Perera, SGS

Towards Transitioning from Residential Care for Children to Care Within Families

The International Union of Superiors General (UISG) officially launched Catholic Care for Children International (CCCI) on 2nd October 2020. The launch signaled its commitment to participate in and promote the momentum for reform of care for children. CCCI envisions a world where every child grows up in a safe loving family or family-like environment.

Sr. Tiziana Merletti, SFP

The Scourge of Abuse of Sisters.

The Commitment of the Institutes to Transparency, Just action, Compassion

We can be grateful to the Spirit because He has called us to take these serious steps in a favorable moment, in which the whole Church is invited to think more in a more synodal way, to walk together, to join resources, not to judge each other if something like this happens among us. Words that a Superior General said to me long ago often resound in my mind: “We tend to think that it will never happen to us, yet these cases are more frequent than we are willing to admit.” The accompaniment of a Sister who has fallen victim to abuse or of a Sister who has made herself the perpetrator cannot be improvised. Though both need to be listened to, supported, and involved in a healing process. The time, energy, and also the economic resources that the institute may find itself spending are blessed because they serve a greater good.

Dr. Myriam Wijlens

Passing the Relay from the "Mother Communities" to Young Mission Areas: Challenges of Structural Change in Religious Institutes with Missionary Activity

A very large number of international Religious Institutes that have their headquarters in Europe and elsewhere in the Western world are facing an unprecedented upheaval: the ageing of the sisters, fathers, and brothers, is leading to immense changes not only in Europe, or the industrialized countries, but also in other parts of the world. These changes are situated, firstly, the area of internal government, which can no longer be exercised by members from Europe but will pass to members from the parts of the world usually referred to as the Global South.

THE UN CONVENTION ON THE RIGHTS OF THE CHILD AND ITS IMPLICATIONS FOR THE WORK OF RELIGIOUS INSTITUTES

Claudia Giampietro

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Original in Italian

Documents on the protection of minors in an international context

The protection of minors in international law is a subject of study that belongs to the recent past and has gradually won the attention of nation-states, in particular through the following declarations:

- 1) *The Geneva Declaration of the Rights of the Child of 1924* – presents five articles that clearly express humanity's obligations to the child, "beyond and above all considerations of race, nationality or creed". This was a starting-point, the recognition of fundamental rights to receive material and spiritual goods, to protection where there do not exist conditions propitious for a dignified life, to education resulting in the sharing of one's own talents.
- 2) *The Universal Declaration of Human Rights of 1948* – contains a single reference to the protection of minors, at Art. 25, § 2, which establishes: "Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection."

3) *The UN Declaration of the Rights of the Child of 1959*, also known as the Declaration of New York – consists of ten principles, which set forth the rights listed below:

- i. Right not to be discriminated
- ii. Right to enjoy special protection
- iii. Right to a name and a nationality
- iv. Right to adequate social care and protection
- v. Right to receive aid in the case of “a situation of physical, mental, or social disability”
- vi. Right to love and understanding
- vii. Right to education, the responsibility for which depends in the first instance upon the parents and subsequently upon society and the public authorities
- viii. Right to priority in receiving “protection and relief”
- ix. Right to protection “against every form of neglect, cruelty, or exploitation”
- x. Right to protection against every form of discrimination

4) **The Convention on the Rights of the Child** of 1989 – made up of 54 articles and subdivided into three parts. The first part contains forty-one articles, in which there is first of all a definition of the term “child”, or “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” (Art. 1). Subsequently, the child’s fundamental rights of religious, ideological, social, and sexual freedom are established in a more detailed manner. The recognition of the minor’s right to self-determination is affirmed, thereby contributing to an increasing awareness worldwide of the personality of the child. Moreover, in the Convention there are established the cases in which it is necessary for the State to intervene (Artt. 19, 20) and the steps to be taken so as to ascertain that “the best interests of the child shall be the paramount consideration” in the matter of adoption (Art. 21). The States Parties must, moreover, intervene to guarantee adequate measures for the child that seeks to obtain the status of refugee (Art. 22), or also to safeguard the dignity of “children that are mentally or physically disabled” (Art. 23). Even access to medical services and rehabilitation is a right of the minor that is recognised at art. 24 of the Convention. Other rights that are regulated include the right to education (Artt. 28, 29), to one’s own cultural, religious, and linguistic life (Art. 30), to rest and leisure (Art. 31), and to protection from economic exploitation (Art. 32) or the illicit use of narcotic drugs and psychotropic substances (Art. 33) as well as every form of sexual exploitation and sexual abuse (Art. 34). A further fundamental article concerns the engagement of the States “to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child” (Art. 38). Moreover, States are reminded of their responsibility “to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any

other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts” (Art. 39). Also worthy of note is Article 40, which recognizes “the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth” and establishes moreover that the child receive a treatment that is consonant with its age and allows it to nourish respect for human rights and the fundamental freedoms, thereby favouring the child’s reintegration in society.

The second part of the Convention concerns the implementation of measures aiming to verify that the States Parties are actively engaged in following what was agreed, by means of the establishment of a Committee for the Rights of the Child that fulfils certain functions – further defined in Artt. 43, 44. International cooperation in the sector that is the object of the Convention (Art. 45) is encouraged.

The third part, which comprises Articles 46-54, concerns instead the ratification and adhesion of every State, in addition to the determination of its commencement (Art. 49) and the procedures for amendments (Art. 50). It illustrates moreover the function of the General Secretary of the Organization of the United Nations as regards the Convention (Art. 53).

The Convention contains, moreover, three optional Protocols regarding the sale of children, the prostitution of children, and pornography representing children. The States that ratify the Convention and the optional Protocols engage to respect what is laid down in them. The States that have ratified the Convention are one hundred twenty-six.

There exist, moreover, other important treaties that were concluded after the Convention that is the subject of my contribution: the Convention on the Elimination of All Forms of Discrimination against Women (1979) – which merits mention in that it deals with the rights of female children – and the Convention on the Rights of Persons with Disabilities (2007).

The safeguarding of fundamental principles in the guidelines of the Institutes of Women Religious

A film that was recently presented, “Capernaum” (2018), tells the story of Zain, a child aged twelve who lives in poverty in a Lebanese family. In the opening scene, Zain appears together with his parents in a court at Beirut, where he is under arrest for having committed the crime of attempted homicide. He is the one who convokes his parents so as to denounce them for having brought him into the world. In a world where he is constantly the victim of abuse (perpetrated first and foremost by his own parents), Zain rejects the fundamental right to life.

Today children constitute more than one third of the world’s population, and a very large number of them live in extreme poverty and places where nothing is being done about the obligation and opportunity to invest in their future.¹ What we ask, collectively, is what can the Institutes of Women Religious do in concrete

terms to develop guidelines for the protection of minors that take into account the fundamental principles promoted by the Convention on the rights of childhood?

First of all, it is opportune to clarify the identity of the child as it is presented by the Convention: Art. 1 establishes that “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” Clearly adolescents too, until the age of eighteen, enjoy all the rights listed in the Convention. The criteria of age and dependence upon parents or tutors are not the only ones to determine vulnerability, since there exist various causes of discrimination and disadvantage that can manifest themselves at the same moment in a child’s life: **poverty, gender inequality, disability, and membership in a minority or disadvantaged group.**²

To better understand the various steps of childhood, let us make use of the lifecycle approach, which helps by identifying three stages: maternity and the first years (prenatal to the age of five), school age (from six to twelve), and adolescence (from thirteen to nineteen). Every stage is taken up with established concerns tied to that particular age group, and it is to be hoped that, in dealing with the problems that involve children and the communities of which they are a part, that the holistic perspective of the **whole child approach** be adopted. This needs to be considered at the moment when a plan of action and guidelines are drawn up. That way it will be possible to adopt a perspective based on **human rights** and a **language able to cast light on the marginalized and excluded** (girls, children who belong to minorities, those with disabilities, unaccompanied minors, and yet others). Clearly we cannot provide an exhaustive list, for much depends on the context in which certain ministries are carried out (e.g. at school or in the home). Moreover, there is a need for professional figures capable of guaranteeing that the children are consulted and that decisions take their perspective into account. The guidelines need to be written in a manner that forestalls legal discrimination. Rather, they ought to be in **a language that is inclusive and attributes agency** to groups that are often relegated to the margins of society.

Religious leaders have a role of great responsibility, in that they are key figures directly involved, in assuring that the rights of children are respected.³ The key principles that inform the Convention are:

1. Non-discrimination (Art. 2)
2. The paramount interest of the child (Art. 3)
3. The right to life, survival, and development (Art. 6)
4. Listening to the views of the child (Art. 12)

The rights sanctioned in the Convention are universal, indivisible, interdependent, and non-deferrable. To favour the implementation of the guidelines drawn up by the Institutes, one could hypothesise the **creation of an organism that reproduces at the local level the work done by the Committee on the rights of Childhood** – verify that what is set forth in the guidelines is in effect respected. Each Institute could choose, with an election conducted by the general council, members who

are experts in canonical law, psychology, pedagogy, to establish a commission that examines the effective progress made in implementing the guidelines. Reports could be submitted to it – ideally upon an annual basis – regarding the measures adopted for following the guidelines, and the commission could publish then observations that are not binding, but are useful for creating an atmosphere of dialogue and cooperation.

In the event that there are not conditions required for implementing such a plan of action, it would be possible to imagine **an inter-congregational effort**.

The work of the Institute would foresee first of all a **search for funds to allocate** for the realization of this project and the **organization of courses or workshops** aimed at educating the Institute's members. Efficient coordination between central government and local governments is absolutely necessary to guarantee the project's success. The entire route to be followed at the international level in promoting the rights of children serves as a reminder for the Institutes of Women Religious to change gears and take the offensive.

One of the first steps to be taken, before getting involved in the drafting of guidelines, is an **analysis of the rights of children in the context of the country in which they are situated**, so as to be able to identify what might be the obstacles that keep children and families from living in an environment in which they can realize their rights. What are the relevant laws and strategies that are in force?

Time for research and study is needed to lay the basis for future planning. To identify and formulate the guidelines, we must ask ourselves whether the fundamental principles to which we have referred are included in the initial plan, or if what we are preparing to write will serve to resolve the problems identified. Subsequently, there will be need for a phase of monitoring and evaluation, so as to understand whether the objectives have been reached.

To initiate the phase of study, it is necessary to **identify the primary sources**, or the statistical data (e.g. information systems for the management of health data, education, and statistics or catastrophes or national emergencies). The **secondary sources** can be identified in demographic data, in studies on the exploitation of minors, in the results of *ad hoc* surveys by commissions set up by the Institutes through platforms for online surveys or other similar instruments. It is essential to **resort to discussion groups, to study, and to consultation** with children/adolescents, youths, women, and disadvantaged communities and groups such as ethnic minorities and children with disabilities. It is possible to think of the annual production of reports on the various works and ministries carried out by women religious, so as to be able to assemble essential information for inclusion in the guidelines.

It is necessary to analyze the causes of social exclusion and discrimination in order to know what are the good practices to implement at the level of the Institute. This is a matter of analyzing vulnerability, which includes the following elements:

1. The study of the causes of obstacles to the realization of the rights of minors

2. The consideration of the roles and relations that exist between the bearers of duties the bearers of rights in specific cases
3. The understanding of those instances where the Institute and its members have failed to respect, protect, and realize the rights of child, and (an understanding) of the environment in which the various ministries are carried out.

The European Union and UNICEF have produced a very useful guide for understanding how best to integrate the rights of children in development aid. It presents a series of questions that the Institute might use for undertaking an analysis of the above-mentioned vulnerability.⁴

Guaranteeing the participation of the children

The right to participate is among the fundamental rights expressed by the Convention of the rights of childhood and understanding how to bring about its realization in today's society undoubtedly constitutes an noteworthy challenge. Unfortunately, it is not possible to assert that the majority of children in the world fully enjoy this right.

Children need to be consulted before proceeding to make decisions that concern the use of resources for their benefit. They have the right to access to basic health information and need to be in a condition that allows them to develop their talents through access to education. Sometimes it is possible to make the mistake of thinking that only adults ought to make decisions for children, ignoring the fact that their opinion is essential for their development as individuals. Their participation serves to guarantee their protection from abuse, to the extent that participation challenges a negative and dangerously passive behavior that silences them.

A timely consideration of the right to participation allows the basis to be laid for a society that is just and respectful of the other. In some countries new cultural phenomena are spreading that completely annihilate this right. This is the case with the so-called **cancel culture** in the United States. The phenomenon caught the headlines of newspapers especially after Barack Obama spoke about it in the course of the recent summit of the Obama Foundation. It consists of “cancelling” in real life a person who expresses a different opinion or who is to be punished for having said or done something wrong in the past – which stigmatizes that person forever. Just as one would do on social media, one blocks the person so as to prevent any visibility or any sort of participation or interaction with the surrounding world. It is a fashion that has become extremely widespread among American teenagers, and as one of them explains in an article published in the *New York Times*: “When it comes to cancel culture, it’s a way to take away someone’s power and call out the individual for being problematic in a situation”.⁵

In general, the reasons why children are deprived of their right to participate lie in the mistaken belief that they do not have the requisite competencies which,

instead, – when elicited according to the matter in question via appropriate means such as photographs, poetry, theater – can support their participation. It is often thought that a child does not have responsibility, or that recognizing such a right means depriving the child of childhood or leading it to show disrespect for its parents.

The participation of children needs to be transparent and informed, voluntary, respectful of their perspectives, adequate to their capacities, inclusive, sustained by prepared adults, free of risk, and responsible. It is important to provide information and guarantee that this arrives at its destination, to prepare ever more members of the Religious Institutes to attend courses that enable interaction with people with disabilities – study of Italian Sign Language.

Initiatives that the Religious Institutes can undertake to this end include:

1. Promoting professional codes of conduct that are respectful of the privacy of children.
2. Establishing procedures that make it possible for children to point out instances of abuse.
3. Studying ways in which children with disabilities or belonging to ethnic minorities or indigenous groups can point out instances of abuse.

Protecting children from rape, abuse, and exploitation

Because of the theme of our meeting, it is opportune to start with a more attentive reading of art. 34 of the Convention, so as to understand how to protect children from rape, abuse, and exploitation:

“The member states pledge to protect the child against every form of sexual exploitation and sexual violence. To that end, the States adopt in particular every adequate measure at the national, bilateral, and multilateral level so as to impede:

- a) Children’s being incited or forced to undertake illegal sexual activity;
- b) Children’s being exploited for the purposes of prostitution or other illegal sexual practices;
- c) Children’s being exploited to produce shows or material of a pornographic nature”.

As we well know, there exist various forms of exploitation and abuse, such as prostitution, sexual tourism, and pornography. The concept is not explicitly defined within the Convention, but one can consider the subsequent legislation produced at the national level.⁶ Art. 34 must be read together with Art. 35 – which deals with the kidnapping, sale, or commerce in children for any end and in any form whatsoever – and the articles that deal with the right of children to protection from every form of violence (Art. 19), their physical recovery, and social reinsertion (Art. 39).

Numerous multilateral and regional developments have led to the production

of guidelines that furnish norms in the matter of the protection of minors from violence, abuse, and exploitation. An example that I would like to note is that of the African Charter on the Rights and Welfare of the Child, which was adopted on 11/7/1990 and took effect on 29/11/1999. It offers a further elaboration, with more ample provisions than the Convention as regards the rights of childhood. Whereas the Convention prohibits that children be incited or constrained to undertake **illegal** sexual activity (Art. 34), the African Charter⁷ establishes at Art. 27: “State Parties to the present Charter shall undertake to protect the child from **all forms** of sexual exploitation and sexual abuse”. Another difference is that the Convention asks the States to prevent children’s being exploited for the production of performances or material of a **pornographic nature** (Art. 34), whereas the African Charter uses the term “pornographic **activities**”.

One might continue with a study and a more detailed comparison to show that there are numerous laws at the international level, but what is actually needed is to put them into effect.

The procedure of the drafting of Article 34 of the Convention illustrates a tendency for the States Parties to deal with sexual exploitation rather than sexual abuse.⁸ It can be said that the terms are often used in connection with one another and almost in a way that is interchangeable. The definitions that clarify what is meant by the sale of children, the prostitution of children, and pornography representing children are subsequently clarified in the optional Protocol to Art. 2:

“For the purposes of the present Protocol: a) sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration; b) child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration; c) child pornography means any representation by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”

For the Institutes of Women Religious, it is likewise fundamental to follow what has been laid down by Art. 8 of the Protocol for the protection of the rights and interests of children who are victims of proscribed practices, especially in helping the victims by supporting the expression of their needs and concerns, offering services of assistance, and doing what is possible to protect victims. What has been decided at the international level must be adapted to the Institutes’ own by-laws.

We might affirm that it is essential to include the following elements in the guidelines:

1. Protection of minors under the age of eighteen from sexual exploitation, regardless of consent
2. Use of disciplinary measures, including directives and plans of actions, programs, employee education, protection, recovery and reintegration with the participation of the community and the child

3. Punishment of the abuser and not the victim
4. Engagement to improve information available to us through research
5. Education of juridical operators who are competent and able to intervene in these situations
6. Cooperation between central and local government
7. Acquiring a holistic perspective of all the instruments available to guarantee the protection of minors
8. Allocating funds for projects to be undertaken, with potential benefit for the whole of society

In drawing up the guidelines, it is necessary to decide upon a strategy that examines the following elements:

1. What will be the **long-term effects**? While socio-cultural conditions and policies change rapidly, the rights of children cannot be constantly modified.
2. **Efficacy of the arrangements.** It is necessary to ask whether our actions are truly conducive to the children's welfare and protection.
3. Drafting a **budget**, thinking of how the guidelines can respond to the needs of minors in the countries in which we work.
4. Establishing **working groups** within the Institutes, where we reflect together on what suggestions can be forwarded to the Commission that is preparing to write the guidelines, so as to formulate them in an appropriate juridical language.
5. Giving attention to the technological instruments used in telecommunication and the evolution of the sexual exploitation of children in the internet. *"The daily news offers a dramatic vision of the rapidly increase in episodes of sexual violence that for various reasons involve victims under the age of eighteen and that often involve behavior that is subject to legal sanction: pedophilia, prostitution, and pornography. These are grave crimes the increase of which at the planetary level has been notoriously abetted by the evolution of means of communication through the internet. These are phenomena that have acquired damaging connotations and possibilities that are ever more alarming precisely because the active subject – sometimes a member of an actual organization – has the ability to bypass (in a manner far too easy) the frontier policies of the national States through the use of ever more sophisticated methods and technological instruments. It is certainly true that pedophilia has ancient roots, but it is equally clear that the phenomenon has today taken on aspects of unparalleled seriousness, precisely because of the large-scale commercial exploitation that has arisen as a result of the internet. While the internet did not "invent" pedophilia, it has most certainly permitted its potentially unlimited spread, making possible, through immediate and general access, also an organized dimension and a connection between pedophiles throughout the world. Chat lines represent the internet sector that poses the highest risks for the minor. Indeed, these*

instruments of communication, even though they entail the mediation of a computer, nonetheless allow for an extremely intimate exchange between interlocutors, eliminating certain “gaps” – age and cultural – that normally limit the relationship between adult and minor. Another aspect that has been underrated concerns the risk that the minor enter into direct contact with pedopornographic material, which can happen not only in the course of navigating the internet while engaged in a site search, but also through the receipt of unsolicited email. The potential abusers, in fact, make use of all possible environments for the purpose of enticing their victims: chat rooms, forums, and newsgroups. At the level of techniques of persuasion, a psychological practice that is often used is the so-called “grooming”, a term that denotes the activity of manipulating a child with a view to the abuse’s being consummated under the direct control of the abuser. In effect, the author of the crime grooms the victim, gradually leading the victim by means of psychological suggestion to overcome innate resistance. Grooming is also employed in the next phase of abuse, so as to condition the minor and persuade the minor not to reveal the violence that has been inflicted. The adulter abuser, who normally lies about their age, can construct false profiles using photographs stolen on the internet and frequently claims to be a late adolescent etc. The groomer can eventually introduce into the everyday internet contacts with the victim the theme of sexuality on a very gradual basis, aiming especially at the outset to get the minor to relate details of their sentimental life, feigning interest in all of their problems and doubts. It is therefore normally the case that the conversations progressively focus ever more on sexual themes and precise details of the “love” life of the child/young adult. Every online abuser chooses a specific moment at which to ask the minor to keep the contents of their contacts secret, and this often coincides with the moment at which the abuser believes that the discussion has arrived at something of “interest”. The abuser always shows a readiness to answer all the questions of a sexual nature that the minor may pose, highlighting constantly the affectionate and positive nature of this exchange of information. Many pedophiles are interested in pushing the minor to engage in sexual activity of a masturbatory nature, giving orientation to the minor’s fantasy and manipulating the minor’s nascent sexual imagination. It is not unusual, in fact, that also thanks to the possibilities offered by service such as Facetime, Skype, etc., that, with the smartphone sessions of real-time streaming, the adult propose actions of autoeroticism, realizing something similar to an “indirect” abuse mediated by the presence of the information technology (smarphone, PC, play console joined to the internet, etc.). The start of this sexual interaction is usually represented by the request to photograph naked body parts, initially of a neutral nature (e.g. shoulders, feet, the child in a swimsuit, etc.), then openly sexual, finally arriving at the request for images and brief videos of sexual actions suggested or imposed by the pedophile on the victim. The request that a minor create nude images can represent the crime of

“underage pornography” (art. 600 ter Italian penal code), a criminal offence sanctioned by very severe penalties, which occurs whenever the minor is induced to “represent their sexual organs” or to “be involved in real or simulated explicit sexual activity”. The occurrence of autoerotic activity in videochat sessions in which the abuser simultaneously produces sexual actions and incites the victim to carry them out and record them in webcam can represent various categories of criminal offence that range from the corruption of a minor (Art. 609 quinquies Italian penal code) to sexual violence (Art. 609 bis Italian penal code) and even underage prostitution (Art. 600 bis Italian penal code) in the event that the criminal even merely promises “remuneration or something in exchange”, modest though it may be, for the execution of the above-mentioned sexual activities, such as for example the purchase of a telephone recharge.”⁹

Extremely troubling is the phenomenon of the global spread of “comics”, “cartoons”, and similar material that have as their protagonists minors involved in sexual activity. This is profoundly corrupting and “dangerous”, containing in itself the risk of generating a culture where the sexual abuse of minors is normal. It is quite likely that the penal importance assigned to such things has constituted a significant impediment to the spread of this criminal phenomenon. Occurring in this context is the phenomenon of the “solicitation of minors”, a conduct that assumed penal relevance with L. n. 172 of 2012, which ratified the Convention of Lanzarote on the “protection of children against exploitation and sexual abuse” through the introduction of Art. 609 *undecies* Italian penal code, which sanctions any act whatsoever that aims to “entice” a minor under the age of 16, with a view to inducing them to commit one of the crimes indicated in the provision, in particular: sexual acts with a minor, sexual violence, underage prostitution, or the production, dissemination, publication, and sharing of pedopornographic material.

The criteria to be adopted are:

- a) **Relevance** - It is imperative to ask ourselves if what we wish to establish in the guidelines is in harmony with what was established by the Convention for the rights of childhood and whether it respects other fundamental documents such as, for instance, the Convention on the elimination of all forms of discrimination regarding women and the Convention on the rights of people with disabilities. Even the national provisions on this topic must be taken into account by the guidelines, dealing with problems that hinder the full realization of the rights of children, without forgetting to give space to their voice.
- b) **Effectiveness** – establish evaluation systems and monitoring of results to be achieved, which must reflect the founding principles of the Convention.
- c) **Efficiency** – examine how economic resources can generate a process capable of providing short- and long-term benefits (funding, experience, time).

- d) **Sustainability** – study how the Institute can respond in a positive fashion, promoting an effective change in the achievement of the rights of children.
- e) **Impact** – foresee what primary and secondary consequences might result from new guidelines on this subject.
- f) **Listening to the voices – and imagining who is behind those voices** – while they **tell** of their own childhood **experiences** in relationship to **leisure time, school, and information before and after the arrival of the digital epoch**.¹⁰

From the multi-nation study on the drivers of sexual violence in childhood carried out in Italy and other participating countries¹¹, there emerge two findings related to one another. First, understanding the violence that strikes children requires a holistic approach that takes into account gender and age. Recognizing the dynamic nature of age and the importance of gender differences allows for a better analysis both of the significance of power relations in the life of children and of the significance of fundamental relationship in judging the factors of risk and protection for children. Second, the recognition of behavioral norms and models rooted in time represents an essential step that must be faced through the combination of a top-down approach (policies and social legislation) and bottom-up (working with children, families, teacher, and communities). Here follows a synthesis of some of the main trends that emerge from the study of *Ernacchi, Fabris, Zelano. Multi-country study on the drivers of sexual violence involving children. Report Italy. Institute of the Innocents, Florence, 2016*, on the basis of a review of the relevant literature. At the structural level, inequalities based on socio-economic status, ethnic discrimination, and migratory status emerge as potential drivers, as does also the existence of structures rooted in and connected to organized crime and the perpetuation of commercial sexual exploitation. At the level of the community, children who live in families characterized by social isolation are five times more likely to suffer abuse (Bianchi and Moretti 2006¹²). The prevailing stereotypes regarding masculinity increase the risk of severe corporal punishment in the household and episodes of bullying at school. At the individual and interpersonal level, violence that has been witnessed, previous experiences of (sexual) abuse, and conflictual family situations are risk factors for violence and abuse. For example, children who have witnessed violence or themselves suffered abuse in the past have a much greater likelihood of suffering or inflicting violence in the future (Istat 2015; Dipartimento Giustizia, 2012). Moreover, children who suffer physical or sexual abuse or neglect at home are much more likely to be involved in episodes of bullying at school, whether as victims or as perpetrators. Other risk factors for victimization and bullying include the parents' psychological difficulty, parents' problems of physical health, and parents' lack of education and low income. As regards gender differences, the trend that appears more clearly concerns the fact that girls and young women have a much greater likelihood of being the victims of sexual abuse, whereas the overwhelming majority of the authors of sexual violence (both adults and minors) are male. Female adolescents, especially those of foreign origin who are victims

of trafficking, have a greater likelihood of become dependent upon organizations or people involved in the sector of sexual exploitation. At the same time, boys have a greater likelihood of being the victims of physical violence, which includes corporal punishment. The gender stereotypes that lead to gender inequality are evident from the very first years of life and are mediated both by the family and by the educational system. As concerns age, the age of greatest vulnerability to bullying sexual violence is that of 7-12 years. As far as the greater problems concerning the system of the gathering of information is concerned, the study conducted highlighted the following aspects: a) lack of studies on the prevalence of the phenomenon (most research has a retrospective character) and lack of raw data for gender, b) lack of data regarding the place where the violence takes place, and c) lack of data that takes into account the nationality and ethnicity of the subjects involved. For further recommendations regarding the development of the system of protection of childhood in relationship //pp. 9-10// to the prevention and monitoring of violence against children, see the following documents produced by the Unicef Office of Research and the University of Edinburgh: “Research to Policy Brief: Using Evidence to Inform Violence Prevention in Italy” (2016) and “Understanding the Drivers of Violence Affecting Children in Italy” (2016).

Points of departure identified by the Religious who participated in the Workshop

At the conclusion of the report, the religious who were present drew up the list of following points needing work:

- Being aware: educating and informing oneself
- Defining who is the vulnerable minor and who the adult
- Analyzing and studying in every context what are the rights at risk
- Identifying the victim and the perpetrator of the abuse
- Drawing upon one's own charisma to define basic principles
- Developing an ability to listen to the minor and reproposing it at school, with the parents, in whatever environment in which the minor is present
- Collaborating with experts in the field at both the general and the local level
- Creating an environment in which minors are cared for, favoring their participation in the decision-making process and their awareness of their rights
- Preventing all forms of violence
- Creating and adopting guidelines for the protection of minors with a view to promoting their rights and so that they can prevent any sort of discrimination whatsoever
- Constructing networks and setting up commissions of evaluation
- Establishing the means for denouncing violence and safe spaces for expressing oneself
- Knowing the mechanism of grooming in the context of communications
- Knowing the documents produced in a local and international context and

- make the Congregations aware of the topic
- Understanding how to be able to work on the topic within different cultures, facing different social and economic conditions.

¹ EU-UNICEF Child Rights Toolkit: Integrating Child Rights in Development Cooperation, 2014, p. 3: "Children make up more than one-third of the world's population. In 2010, there were 2.2 billion children; if current demographic trends continue, another 2 billion will be born by 2025 and the proportion living in the world's poorest countries will continue to rise."

² These countries are discussed at greater length at EU-UNICEF Child Rights Toolkit, p. 7.

³ Ibid., p. 12: "Religious leaders can play an important role in ensuring greater realization of children's rights. As respected and influential members of societies and communities, they can galvanize actions in favour of children's survival, development, protection and participation and challenge practices, customs and norms that discriminate against or undermine these rights."

⁴ EU-UNICEF Child Rights Toolkit: Integrating Child Rights in Development Cooperation, 2014, pp. 31-38.

⁵ Tales From the Teenage Cancel Culture <https://www.nytimes.com/2019/10/31/style/cancel-culture.html?searchResultPosition=1> (consulted on 2/11/2019).

⁶ <https://cesie.org/media/judex-country-report-italy-it.pdf> (consulted on 2/11/2019): "In Italy the principal reference is certainly Law no. 66 of 15 February 1996 ('Norms against sexual violence') which not only transformed the crime of sexual abuse from a crime against 'public morality and décor' into a crime against the individual, but also introduced the crimes of sexual violence (Art. 609 *bis* of the penal code), of sexual acts with a minor (Art. 609 *quater* of the penal code), of corruption of a minor (Art. 609 *quinqüies* of the penal code), and group sexual violence (609 *octies* of the penal code). In particular, Art. 609 *bis* specifies the identity of the abuser: 'Whosoever with violence or menace or through an abuse of authority, compels another to perform or undergo sexual acts'; and adds that the gravity increases if advantage is taken of the conditions of physical or mental inferiority of the offended individual at the time of the fact, or misleads the offended person by the guilty party's claiming to be another person."

⁷ African Charter on the Rights and Welfare of the Child: https://www.un.org/en/africa/osaa/pdf/au/afr_charter_rights_welfare_child_africa_1990.pdf (consulted on 2/11/2019).

⁸ A Commentary on the United Nations Convention on the Rights of the Child, Article 34 – Sexual Exploitation and Sexual Abuse of Children, Vitit Muntarbhorn, Martinus Nijhoff Publishers, Leiden-Boston, 2007, p. 23: "The drafting process of Article 34 of the CRC suggests that States were leaning more to the question of the sexual exploitation than the question of the sexual abuse of children."

⁹ https://www.garanteinfanzia.org/sites/default/files/la_tutela_dei_minorenni_nel_mondo_della_comunicazione.pdf (consulted on 2/11/2019).

¹⁰ <https://www.netreputation.it/generazioni-a-confronto/> (consulted on 2/11/2019).

¹¹ What follows is a synthesis of what is to be found at the following link: https://www.istitutodeglinnocenti.it/sites/default/files/rapporto_ita_1_0.pdf (consulted on 2/11/2019).

¹² D. Bianchi and E. Moretti (eds.), *Vite in bilico. Indagine retrospettiva su maltrattamenti e abusi in età infantile*. Firenze, Istituto degli Innocenti, 2006.

TOWARDS TRANSITIONING FROM RESIDENTIAL CARE FOR CHILDREN TO CARE WITHIN FAMILIES.

Sr. Niluka Perera, SGS

Sr. Niluka Perera is the Coordinator of Catholic Care for Children International (CCCI).

She is a Sister of Good Shepherd. She holds a Bachelors and Masters Degree in Social Work.

Sr. Niluka has been involved in a number of different ministries in her province including Child Development centre, care of single mothers, empowerment of women factory workers in the Free Trade Zone, coordinator of the rehabilitation centre for teenagers. She has also functioned as the coordinator of community based child protection projects, Mission Development Officer (MDO) Good Shepherd Sri Lanka.

Also she worked for some years as Coordinator of Good Shepherd Justice Peace office of Sri Lanka, representing Good Shepherd Justice Peace at the Conference of the Major Religious Superiors. During that time she represented Good Shepherd and network with civil societies, NGOs, and faith based organizations. From 2010 until 2019 she was a member of the Asia Pacific Justice Peace (APJP) core team, while serving as a coordinator of Asia Pacific Justice Peace network.

As member of networks of the Movement of Religious Women against Human Trafficking, AMRAT and Talitha Kum, she joined with other congregations to combat trafficking against women and children.

In January 2020 sr. Niluka moved to Rome to take up a role with the Union of International Superiors General (UISG) as a Coordinator of Catholic Care for Children International (CCCI).

Original in English

The International Union of Superiors General (UISG) officially launched Catholic Care for Children International (CCCI) on 2nd October 2020. The launch signaled its commitment to participate in and promote the momentum for reform of care for children. CCCI envisions a world where every child grows up in a safe loving family or family-like environment. There were 314 participants

from 48 countries representing almost all the regions of the world. The event was streamed on the UISG YouTube channel where 340 people watched.

The event began with a meaningful prayer service that invited all the participants to be in touch with their experiences of being with children. Sr. Jolanta Kafka, RMI, the president of the UISG, delivered the official welcome to all the participants and highlighted the significance of the day. She mentioned that religious life has always been sensitive to the needs of the Church and society, moved by the example of Jesus. Moved by compassion, Catholic religious have cared for those who are vulnerable in different ways. Further, she mentioned that each one of us was a child in the past, and if we are here today, it is because the providential care of God, the careful and loving attention of our families, and our background which has laid the foundation for our growth. She invited the participants to work to ensure that every child grows up in a similar context.

Sr. Patricia Murry, IBVM, the Executive Secretary of the UISG, shared the inspiration behind the commitment of UISG to join the venture of care reform. She highlighted history: how in many parts of the world Christian Churches took responsibility for orphans, often at the request of governments and the Catholic Church. This responsibility fell mainly to female religious orders but also some male congregations. She stressed that religious women need to be in the frontlines of change and need to remember that their actions today will be judged by the standards of 30 to 40 years hence. Further, she mentioned that children are generally placed in orphanages because of poverty among parents who struggle to feed children and pay school fee. She said, “I ask myself why we continue to call certain institutions ‘orphanages’ when they are in fact boarding schools for poor children. Why don’t we tackle the causes and seek new ways to support families so their children can remain at home? Can we help them to move out of poverty through micro-financing small projects that restore people’s dignity and independence?” She emphasised that in launching *CCCI*, UISG embraces the obligation to work together in realizing the dream to have a family for every child.

In addressing the gathering Ms Amy Goldman, the CEO of *GHR Foundation*, explained its interest in care reform and their hopes, as they join religious all over the world to fulfil their vision. She mentioned that the Children in Families initiative of *GHR Foundation* supports child protection interventions that strengthen families, respond to children without family care and drive further evidence of innovative approaches. She acknowledged religious institutes as global-scale problem solvers who are well-positioned to realize the best outcomes for vulnerable children and children living outside of family care. She believes

that working with UISG can lead meaningful changes that will reduce recourse to institutional care and encourage family and community-based care, improving the long-term benefits for all children.

Cardinal Kevin Farrell, the Prefect of the Dicastery for Laity, Family, and Life sent greetings and blessings saying that “the little ones you care for are especially vulnerable, often marked from an early age by profound physical, emotional, and relational wounds”. Cardinal Farrell continued: “in orphanages, as well as in other institutions, they have suffered separation from their parents and have been deprived of physical, moral, and spiritual connectedness with those who gave them life; for this reason, they find themselves in an institution of particular fragility and need”.

The guest speaker of the event was Dr. Janestic Twikirize, the senior lecturer in the department of social work and social administration, Makerere University, Uganda. Her presentation highlighted global trends in care reform covering areas related to the care of children, historical and cultural context for child care, children in residential care, benefits of family care, risks associated with residential care and care reform. The presentation of Dr Janestic was very impressive and participants were highly appreciative of it. Sharing of her personal experiences added meaning to what she presented, especially risks associated with residential care which validated the urgency of finding a safe, nurturing family for every child.

Sharing of the beginning of the Catholic Care for Children which led to the birth to Catholic Care for Children International (*CCCI*) was very impressive. Dr Kathleen Mahoney from GHR Foundation started telling the story of the *CCC movement*. She acknowledged the leadership, service, and the spiritual witness of religious sisters around the globe and their immense contributions to the common good. Further, she acknowledged the remarkable leadership among religious sisters in Uganda, Kenya and Zambia who read the signs of the times and gave birth to the *CCC movement*. Then a 15-minute documentary on the *CCC movement* was screened. It depicted the beginning of *CCC movement* in Uganda, Kenya, and Zambia; how the religious conferences of these three countries have organized to journey together in realizing their vision to give family for every child.

At the end of the video Sr. Niluka Perera, RGS, the coordinator of *CCCI*, started to explain what *CCCI* is. She mentioned that *CCCI* holds the vision of creating a world where every child grows up in a safe loving family or family-like environment. Further, she mentioned that *CCCI* wants to help religious institutes to read the signs of the times and change the way they care for children: thus reducing the use of institutional care and promoting family and

community-based care for children. She said that *CCCI* is aiming to work globally to engage the hearts and minds of religious towards care reform through formation and training. She highlighted hopes to build *CCC* networks in Asia and Africa through religious conferences or congregations who hope to move from institutional care for children toward family and community-based care.

Another UISG staff member, Ms Claudia Giampietro, briefly explained the role of the UISG Office for Care and Safeguarding and the network of collaboration with several entities, including *CCCI*.

The launch event ended with the assurance of UISG and *CCCI*'s commitment to begin their journey towards making religious women and men champions in care reform.

Sr. Niluka Perera, SGS

UISG - Bulletin Number 174, 2021



THE SCOURGE OF ABUSE OF SISTERS. THE COMMITMENT OF THE INSTITUTES TO TRANSPARENCY, JUST ACTION, COMPASSION

Sr. Tiziana Merletti, SFP

Sr. Tiziana Merletti is a Franciscan Sister of the Poor since 1986. She obtained her law degree at the University G. D'Annunzio in Teramo and her PhD in Canon Law at the Pontifical Lateran University in Rome. She served as Congregational Minister between 2004 and 2013 based in New York.

She is a member of the Council of Canonists at UISG and does canonical counseling in service of women's religious life, with a special focus on a new culture of abuse prevention.

This text was presented at the UISG Workshop of Canon Law in Rome on 6-7 November 2019.

Original in Italian

Some Introductory Considerations

Addressing the topic of sexual abuse of Sisters certainly does not mean talking about the last topic that captures the attention of the media. Our task as consecrated women is to take responsibility together to open our eyes—not turning our faces away—to a reality that is primarily the result of a sick culture.

Pope Francis has decided to do the right thing. With great enlightened determination, he has taken a new path and is asking the whole Church for more transparency in dealing with the problem, more courage in condemning and denouncing, more compassion in listening to the victims, more justice in repairing the damage, more prophecy in our environments in order to prevent certain crimes and care for injuries caused by the abuse of power and conscience. Indeed, when talking about sexual abuse, we are not talking essentially about sexual impulses, satisfied against the will of another person. We are rather dealing with forms of power abuse expressed in privileges, arrogance, subordination, domination over people, control and manipulation of consciences, deprivation of liberty, and the distortion of reality. Now, to face these scourges, recovery programs are not enough, although necessary and never sufficient for those who have “fallen;” more global and radical actions are needed to change the mentality of the “untouchable above all suspicions.”

Even our religious institutes have been called to promote more deeply the culture of responsibility, reporting, and transparency to be opposed to a culture of silence and secrecy. The UISG has made this direction its own through a strong and clear statement¹:

“Abuse in all forms: sexual, verbal, emotional, or any inappropriate use of power within a relationship, diminishes the dignity and healthy development of the person who is victimized.” Its commitment is to “work with the church and civil authorities to help those abused to heal the past through a process of accompaniment, of seeking justice, and investing in prevention of abuse through collaborative formation and education programs for children, and for women and men. We wish to weave solidarity in these situations that dehumanize and to contribute to a new creation around the world.”

Here, I propose to offer some indications for the drafting of a *Handbook* to guide the leadership’s work, in case find yourself faced with a crisis situation. I have chosen the handbook as the type of document because it allows for greater flexibility in its structure and requirement. Each general government will have the task of choosing to adopt a different instrument, type, and regulations, which entail accurate and faithful observance.

Possible Outline for a Handbook

Introduction

Addressees

Definitions of Terms

Principles

Procedures:

A) If the Sister is the perpetrator

B) If the Sister is the victim

Conclusion

Introduction

It is useful to describe how the institute’s charism is prophetically committed to defending its members and to creating a culture of transparency, just action, and compassionate care for the individual and common good.

Recipients

It should be noted that the handbook applies, albeit in different ways, to:

- a) Members of the institute
- b) Novices and Postulants
- c) Lay people who collaborate with the institute in activities for vulnerable children and people in situations of vulnerability.

Terminological Definitions

Although the institute is present in different parts of the world, it is good to try to clarify the meaning of the terms used in the document, perhaps by leaving the appropriate adaptations to be made in accordance with the different cultures and civil laws.

- **Minor:** each person under the age of eighteen or the person legally equivalent
- **People in situations of vulnerability:** every person who is in a state of infirmity, physical or mental deficiency, or lacks personal freedom which, in fact, limits, even occasionally, his/her ability to understand or want or in any case to resist offense. Strictly speaking: One who habitually has an imperfect use of reason.
- **Sexual Act:** any physical act involving the sexual sphere, which goes from the genital sphere to the erogenous zones.
- **Abuse** is behavior on a person who is non-consenting because deprived of his/her free self-determination.

Its understanding must be verified in accordance with the cultural, civil, and criminal context in which the institution operates.

There are various criminally relevant sex offenses. Here are some examples of sexual abuse:

- rape, even if the perpetrator is the partner or husband;
- any unwanted sexual contact;
- unwanted exposure of a naked body, exhibitionism, and voyeurism;
- the sexual abuse of a minor;
- incest;
- sexual harassment;
- sexual acts perpetrated by therapists, doctors, dentists, bosses, colleagues, or other professional figures on clients or employees.

Yet, all these behaviors have one or more of the following characteristics:

- the consent of one of the people participating in the sexual act is lacking;
- consent is obtained by physical force, coercion, deception, or threats;
- the victim is unable to understand;
- the victim is not fully conscious (as a result of voluntary or involuntary use of alcohol and / or drugs);
- the victim is asleep or unconscious.

One of the most critical elements is consent. In fact, if the agreement of one of the two parties is forced, coerced, or obtained under pressure, it cannot be considered consent since it has not been freely given.

Sexual violence occurs worldwide and is present in all social, economic, ethnic, racial, religious, and age groups. Moreover, men just like women can be victims of sexual violence.

Physical violence: exertion of physical energy aimed at bending the will or

overcoming the resistance of the subject against whom it is exercised.

Psychic violence with various forms threatens to present an unfair future evil the relation of which depends on the agent; abuse of authority exploited to obtain consent to the sexual act.

Abuse of the condition of psycho-physical inferiority:

the situation in which the perpetrator abuses of the victim's physical or mental condition, induces to the performance of the sexual act.

In this hypothesis, the perpetrator exploits the other person's inferiority for his own purposes.

In the Apostolic Letter in the form of "Motu Proprio" *Vos estis lux mundi* (7 May 2019),² Pope Francis delineates the norms that apply:

a) Crimes committed by clerics against the sixth commandment of the Decalogue consisting of:

1. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
2. performing sexual acts with a minor or a vulnerable person;
3. the production, exhibition, possession, or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions.

NB: canonical discipline refers to clerics as well as to members of clerical institutes of consecrated life and societies of apostolic life. Canon 1395 envisages two hypotheses of crime: the first, in § 1, concerns concubinage and scandalous continuation of another external sin against the sixth commandment of the Decalogue; the second, in § 2, concerns the "occasional" delictum contra sextum in the presence of violence or threats, or committed in a place exposed to the public or with a minor under the age of 18. As far as women religious are concerned, can. 695 provides for applying can. 1395 to them, but with the great difference that it is not a matter of "crime" but of "conduct" against the sixth commandment of the Decalogue. The consequence of this is that in the case of a sister who is the author of abuse, the Institute will be able to proceed administratively with her dismissal, while it is presumably left to the diocesan tribunal to carry out a prior investigation (can. 1717) and to decide whether to proceed extra-judicially or judicially.

b) conduct carried out by the subjects referred to in article 6, consisting of actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the delicts referred to in letter a) of the same paragraph.

Principles

It is good, in this part, to enumerate the principles that guide the just action undertaken by the institute, in both the event that one of its members is abused and when a member is accused of sexual abuse. Explaining to ourselves that we are driven by values, and not by external constraint, restores our dignity, gives strong motivations, and makes us humbly but courageously welcome change. Here are some examples:

- Create a culture of transparency and respect for the rights of members in the institute
- Initiate preventive measures such as:
 - Care for the initial and continuous formation of the members;
 - Give clear instructions regarding the behavior to be adopted with minors and people in situation of vulnerability. In particular, the latter should be identified within the specific service;
 - Create internal supervisory bodies, whose composition will have to be specified along with the nature of their work and their relationship with the governing figures of the institution.
 - Provide requirements to be requested to the staff, religious and laity, involved in the work with these groups, through Codes of Conduct to be signed at the time of entering into an employment contract or at the beginning of a volunteer relationship.
- The Major Superior's responsibility in relation to:
 - the Sister: who is a victim or a perpetrator must be accompanied on her journey of care and recovery, which also passes through the decision on how to proceed (possible denunciation / confession of one's crime)
 - the local community: in accompanying its Sister in difficulty, in dealing with internal dynamics and scandal (whether public or not)
 - the surrounding environment: especially if the news is in the public domain
 - the province / the entire institute: in handling internal communications, with attention to the Sister's right to her good reputation, but, at the same time, trying to prevent news from being learned through newspapers in a distorted way
 - the abuser and his context: in contacting the direct superiors, in the case of clerics and religious
 - the victim abused by the Sister: offering help, support, and understanding
 - canonical and civil laws: to be studied with the help of experts.

A) Procedures to foresee in case a Sister is accused of abuse

If the Major Superior of an institute receives the secret of a minor or a person in a situation of vulnerability, declaring that he/she is a victim of sexual abuse by a Sister, she has the obligation to:

- listen to the person carefully, respectfully, without betraying the trust shown
- involve parents as soon as possible
- ensure the necessary psychological and medical assistance
- write down the useful data about the reporting person and his/her version of the facts
- encourage parents / guardians to report the fact to the competent authorities, after having verified the reliability of the accusation
- in any case, assure the alleged injured party of the commitment to seek the historical truth and take the necessary measures
- initiate an investigation to gather evidence on the validity of the allegations and the imputability of the crime, ensuring discretion with respect to the goodwill of all parties involved.

Possible conclusions:

- a. Class the case, in the presence of proof that is insufficient, contradictory, or clearly excludes the involvement of the accused Sister. It is necessary to determine whether the decision to dismiss is the responsibility of the Superior General alone or of any Major Superior.
- b. If the merits of the accusations are ascertained, the Major Superior is called to:
 - meet the Sister (can. 695 § 2), make the accusation known to her, and listen to her version of the facts
 - ensure her the canonical legal assistance and, in the case of a complaint to the civil authorities, also the civil legal assistance (however, the lawyers are different from those of the institute)
 - ensure the respect of the Sister's presumption of innocence, until proven otherwise, even in the presence of any restrictive measures
 - give her the right to defend herself, within a reasonable period of time
 - collect all the documents, signed by her together with a "notary," and send them to the Superior General who is responsible for the final decision.

Once the offense has been ascertained, the solutions provided by canon law and which fall within the power of a Superior General are:

- immediate exclusion of the postulant and novice
- dismissal from the institute in the case of a temporary or perpetual professed Sister (can. 699-700).

From the canonical point of view, for the cases foreseen by can. 1395 § 2, i.e., conduct contrary to the sixth precept of the Decalogue, carried out with violence, or threats, or publicly, or with a minor under the age of 18, the Major Superior is given the faculty to adopt alternative modalities to dismissal which, according to can. 695 § 1, can sufficiently provide for:

1. the correction of the religious (to be proven through the tool of canonical admonitions can. 697)

2. the reintegration of justice
3. the repair of the scandal.

Against the final decision of the Superior General, recourse is always permitted in the form of:

- a. the request for revocation or modification, to be addressed to the Superior General within 15 days of the knowledge of the measure
- b. the hierarchical appeal to the Congregation for the Institutes of Consecrated Life and the Societies of Apostolic Life (CIVCSVA) within 15 days from the knowledge of the new measure / within 30 days from the omitted decision
- c. If criminal proceedings have been initiated by the judicial authority, it is necessary to evaluate the advisability of suspending the internal canonical measure, in order to avoid harmful overlaps.

It will be resumed at the end of the civil proceeding, taking into account the conclusions reached by the latter.

B) Procedures to be provided for in case a Sister has been abused

- Encourage community members to be aware of the “culture” of the places in which they work / provide services, so as not to incur unwanted misunderstandings.
- Pay attention, among Sisters, to some signs indicative of important discomfort that has led to a sudden change in the Sister’s behavior.
- Give clear indications regarding the importance of contacting the major Superiors. Some clarifications. If the victim confides in a Sister, she must know that her task is to support the Sister in her suffering and to accompany her in the decision to speak to the superiors. If it is the local superior who receives the confidence, it must be specified that she cannot judge the reliability of the account given by the abuse Sister and must find a way to encourage her to speak to the major Superior.
- The major Superior must meet the Sister, leaving her the choice of who can and should be present.
- Collect evidence of the fact. For example, a detailed written account of the incident—including the modalities of the incident, times, places, people—is helpful.
- Where deemed appropriate and necessary, contact a commission of experts—this is now made mandatory by the new Vatican norms, at least at the level of Bishops’ Conferences—to get an informed and objective opinion and adequate support, especially for the Sister.
- Agree with the Sister on the possible options:
 - proceed through legal channels
 - proceed on the canonical path
 - not proceed
- a) The Sister must feel free to choose, above all because she will have the greatest weight to carry, for a lifetime, of whatever decision she makes.

- b) The major Superior has the responsibility to offer the Sister all the necessary spiritual, moral, psychological, and economic support.
- c) In the event of a legal proceeding, attention must be paid to some fundamental factors:
- Each State has its own laws, which need to be known, especially in terms of the crime's prescription
 - The choice of the criminal lawyer must take into account that a sexual crime is a particular discipline which requires a certain specialization
 - The complaint must be made in an essential manner, verbally, without mentioning any collateral details, however, bearing in mind the requirements of local legislation
 - The motivation must be supported by strong and significant reasons, in the light of the Gospel and the prophetic dimension of the institute's charism
 - the media impact can be very strong; therefore, it is necessary to be prepared, with the help of experts, in order to avoid being overwhelmed by the pressure of journalists
 - The family of origin should be involved in some way, after hearing the Sister's personal opinion and taking into account the cultural context.
 - The local community should be informed and kept up to date, albeit discreetly. The emotional impact will have greater consequences at their level
- d) If the abuser is a cleric or religious, there is an obligation to activate the canonical procedure (exclusively or concurrently with the legal procedure). This procedure makes it possible for the ecclesiastical authorities to detect the criminal behavior of their members and to act to relieve them of their duties, to have them begin healing and recovery programs, and perhaps also to dismiss them from the clerical and / or religious state.

- *Cleric*

In the case of a cleric, the competent authority to contact is the Ordinary.³ It is within his power to initiate a prior investigation (cf. can. 1717 §1) during which the documentation concerning the crime is collected, without endangering anyone's good reputation. On the basis of the results of the investigations, the Ordinary can decide to take one of the 3 paths:

- request the penal trial
- impose administrative sanctions
- dismiss the case.

In the case of admissibility of the penal trial, the competent authority to whom it pertains to decide how the case should be dealt with can be either the ecclesiastical Court or the Congregation for the Doctrine of the Faith, in the case of reserved crimes.

- *Religious*

The competent authority to contact is the major Superior, because she initiates the procedure which consists of the steps already indicated above, in the case of a Sister accused of abuse. As Ordinary, it is within his power to initiate judicial proceedings as well (cf. can. 1427).

Scandal and Silence

A particularly important element in the CIC with regard to cases of abuse is the scandal, defined by CCC 2284 as an attitude or behavior that leads others to do evil.

The seriousness of the scandal is measured on the basis of various factors. Here are a few:

- Those who provoke it have moral authority that requires a suitable lifestyle (can. 275-277)
- Whoever causes it has legal authority, due to his office, and hence exercises certain duties
- those who suffer it are among those little ones whom Jesus defends with clear words (Mt 18:6)
- the life of the community is threatened by the questioning of the essential values affected by the violation (can. 1741).

Prevention or reparation are key concepts associated with the scandal, as is action (undertaken by the authority and the interested party) for the restoration of justice and the amendment of the offender. The Ordinary can use different methods of intervention (can. 1341):

- Fraternal admonition
- Rebuke
- Other means dictated by pastoral concern
- Judicial or administrative procedure
- Application of penalties.

Clearly, one cannot speak of avoiding scandal “to the small flock” as a deterrent to impose silence on the victims. On the contrary, the new legislation established by Pope Francis in *Vos estis lux mundi* obliges clerics and members of institutes of consecrated life and societies of apostolic life to report to the Ordinary and provides for their protection.⁴

Some conclusive reflections

What has been presented intends to offer at least the starting point for initiating a reflection in our institutes on how necessary it is to set out on the road to formulate good practices on the theme of abuse prevention and with regard to how to act when abuse occurs. *This is the time* to work on reflected and agreed-upon strategies, proposed to members as the result of a responsible commitment to get involved, act, and advance with compassion and justice.

We can be grateful to the Spirit because He has called us to take these serious steps in a favorable moment, in which the whole Church is invited to think more in a more synodal way, to walk together, to join resources, not to judge each other if something like this happens among us. Words that a Superior General said to me long ago often resound in my mind: “We tend to think that it will never happen to us, yet these cases are more frequent than we are willing to admit.” The accompaniment of a Sister who has fallen victim to abuse or of a Sister who has made herself the perpetrator cannot be improvised. Though both need to be listened to, supported, and involved in a healing process. The time, energy, and also the economic resources that the institute may find itself spending are blessed because they serve a greater good.

In situations like these, the right people need to be contacted. That is what we hope to be for one another, as Pope Francis reminds us that we are called to be “*a shining example of virtue, integrity and holiness.*”⁵

¹ <http://www.internationalunionsuperiorsgeneral.org/uisg-declaration-abuse-kinds/>

² POPE FRANCIS, *Vos estis lux mundi*, (7 May 2019), http://w2.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html

³ Can. 1395 §1. A cleric who lives in concubinage, other than the case mentioned in can. 1394, and a cleric who persists with scandal in another external sin against the sixth commandment of the Decalogue is to be punished by a suspension. If he persists in the delict after a warning, other penalties can gradually be added, including dismissal from the clerical state.

§2. A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

⁴ POPE FRANCIS, *Vos estis lux mundi*, Art. 4 - Protection of the person submitting the report

§1. Making a report pursuant to article 3 shall not constitute a violation of office confidentiality.

§2. Except as provided for by canons 1390 CIC and 1452 and 1454 CCEO, prejudice, retaliation, or discrimination as a consequence of having submitted a report is prohibited and may constitute the conduct referred to in article 1 §1, letter b).

§3. An obligation to keep silent may not be imposed on any person with regard to the contents of his or her report.

⁵ POPE FRANCIS, *Vos estis lux mundi*, Incipit.

PASSING THE RELAY FROM THE "MOTHER COMMUNITIES" TO YOUNG MISSION AREAS: CHALLENGES OF STRUCTURAL CHANGE IN RELIGIOUS INSTITUTES WITH MISSIONARY ACTIVITY

Dr. Myriam Wijlens

Prof. Dr. Myriam Wijlens (Netherlands), obtained the licentiate in Theology at the Catholic University of Nijmegen in 1986 and a doctorate in Canon Law from Saint Paul University in Ottawa in 1990. Since 2005, she has been a full professor of Canon Law in Erfurt Germany. Since 2012 she has also been an honorary professor of 'Canon Law and Ecumenism' at the University of Durham in England. In 2008 the Pontifical Council for Christian Unity appointed her for six years as delegate to the Commission on Faith and Order of the World Council of Churches. This was recently renewed up until 2022. Professor Wijlens specializes in ecumenism and canon law. She has published several books and approx. 90 articles.

Original in German

Background

A very large number of international Religious Institutes that have their headquarters in Europe and elsewhere in the Western world are facing an unprecedented upheaval: the ageing of the sisters, fathers, and brothers, is leading to immense changes not only in Europe, or the industrialized countries, but also in other parts of the world. These changes are situated, firstly, the area of internal government, which can no longer be exercised by members from Europe but will pass to members from the parts of the world usually referred to as the Global South.¹ Secondly, the European parts of the institutes often also bear the financial responsibility for the provinces in the Global South, with regard to both the living-costs of their own members and the works of their apostolate. For example, many institutes have a procuratorate for the Missions in Germany, which is already dependent on the cooperation of external workforces, since their own are progressively decreasing. This is not just a question of who will direct these offices in the long term and, for example, appoint the staff, if the work is no longer done by their own members, at least not from Europe. The financial

consequences are perhaps more important, not only with regard to their own members in the Global South, who are still dependent on European financial support, but also, and above all, for the apostolic works there, which can hardly be continued at present without support from the industrialized countries.

The shift of vitality within a religious institute from the industrialized world to the Global South therefore leads to questions and challenges in the field of management and finance. Over the next ten years, the consequences will be strongly felt both in Europe and in the Global South.

This whole problem became very clear to me when I was confronted, about three years ago, with the following facts: in the period of just a months, I was allowed to advise three different Religious institutes, all of which have their Generalates in northern Europe (Benelux, Germany, Austria, and Switzerland). One institute is of diocesan right, but nevertheless has an international structure; the other two are of pontifical right. The members here in Europe are very rapidly aging and, as is the case of a very large number of communities, they will not be able to provide members from Europe for leadership from around 2025 on. The members will already be too old to be elected, since their age at the end of their term of office, i.e. around 2030, is decisive. In 2030, those born in 1950 will be 80 years old.

For example: An institute still has three Provinces in Europe and one in Africa. All the Provincial and General Chapters will be held in 2024. In Europe, one Province still has 64 sisters, none of whom will be under 75 in 2024, and none will be under 80 in 2030. The second province has a total of 84 sisters, four of whom will be under 75 in 2024, and only 2 in 2030. If the European provinces were to be merged in 2024, there would be a total of about 150 to 160 sisters, dispersed in three countries and speaking two languages. Based on age alone—without taking into account other criteria required for a position in government—, only six would be available for a task or position in the Generalate or the Provincial houses. At the end of the term of office, in 2030, only two members will still be under 75, and then bear the responsibility for 125 sisters. However, the institute has 128 sisters in an African country: in 2024, the oldest will be only 66. The African Sisters do not have a common language, and so far, no African Sister has ever been elected to the general leadership. It is unclear why this has never happened so far.

In Europe, the management of the apostolic works has been abandoned or transferred. The apostolic works and the old-age pensions of the Sisters in Africa depend on financial support from Europe.

This strongly ageing tendency does not mean that these institutes will be “extinct” in Europe within ten years: the youngest sisters were born between 1945 and 1950; and, consequently, these members will be about 75 or older then, while several of them will certainly live in northern Europe until 2045 or 2050. This implies they can no longer provide their own members for the leadership, whether in a house, a Provincial government or the General government. Constructive

solutions must, therefore, be found in this area for the tasks of government. However, it also means that members will have to completely “outsource” their care, as they will not be able to take care of each other. Yet, providing care implies more than just offering people a roof over their heads. Those who live in a “retirement home” will continue to need people who buy clothes, talk to doctors and nurses and, if necessary, make decisions about medical care or agree to a transfer to another accommodation, see to the funeral and the inheritance, manage the assets of the institution or also hire staff to carry out these tasks, etc.

However, the inventory also showed that all three Institutes have a Province or region in the same African country. All three are present in the health sector, with hospitals and maternity clinics. They support these institutions both financially and through partnerships with the apostolic works that they run in Europe. All three are even active in the same region in Africa, almost in the same neighborhood. So, the question arises: How will this continue in Africa after 2025? How will not only the Institute’s government change, but also what implications will arise on the financial level? How are the provinces in Africa structured, both in terms of leadership and, above all, in financial terms? How independent and autonomous are they? And do the various Institutes that co-exist in the same region know what to expect? Is there any planning? How is the planning done there? How are plans made here and there? Or also what should and could be planned?

It suddenly became clear that some Institutes in Europe will “withdraw” from the same African region at more or less at the same time, and that the Institutes here in northern Europe are not or rarely communicating with each other on this topic, in order to somehow to coordinate. In Africa, one suspects that a change will come, but the religious do not necessarily have all the information; indeed, they may not even realize that a major turnaround is already imminent towards 2025. Do they really know what to expect, and so quickly? And it is not unimportant to ask how the impending change in Religious institutes will affect the apostolic works, especially the medical care of the people in the specific African region?

During the consultation, the Institutes also reported that a separation of the Institute was planned. The Sisters in Africa were to become a new independent institute. The Sisters in Africa are not enthusiastic about this proposal, especially since they were first to become a diocesan institute in Africa; but the Sisters in Northern Europe and also the Bishop in this country find separation better, even optimal.

This information stuck with me. In one of the Institutes, Mr. Andreas Machnik, Director of the branch of Pax Bank eG in Cologne, also served as an advisor. He is often in the Global South for his work. We exchanged ideas and found that the distribution of roles between the ageing mother community and the younger places of mission, which has existed for such a long time, is facing a massive upheaval. It seemed rational to consider whether and how the forthcoming changes could be mastered for all concerned. We spoke about our worries,

wishes, and thoughts with Sr. Agnesita Dobler, Secretary General of the German Conference of Superiors of Religious Orders (DOK) and decided to offer a seminar on the topic in autumn 2018.² The main aim was to explore the problem firstly with people who carry out tasks of government in institutes and then to explore together the direction in which answers can and must be sought. One thing was clear: the urgency of the problem, since the whole matter must be settled in many communities within the next seven to ten years, because after 2025 the train will have departed, so to speak. However, it was also evident that clear answers and general practicable solutions cannot be developed immediately and may not even be sensible; given the different starting positions of the Institutes, it will probably be necessary to find customized solutions. The aim of the seminar was, therefore, rather to assemble the challenges that will arise from this structural change in legal, personnel, organisational, and economic terms. Keynote speeches by Andreas Machnik³ on the financial aspects and from my viewpoint on Church Law were the prelude. The event was also intended to provide a platform for exchanging experiences and practical examples, and hence Father Matthias Maier OFM, President of the Franciscan Mission Centre, told about his experience.⁴ The event was, therefore, composed of topical impulses, collegial advice, and compiling and discussing questions.

To our surprise, so many people expressed interest in the seminar that it was not possible to admit everyone. It was, therefore, clear that the subject was highly relevant. This article now continues with my keynote speech.

Anyone who is or has been active in the leadership of an Order knows that at least two, if not three, Chapters are required for major structural changes. The first Chapter raises awareness of a problem and finds what needs to happen. The new leadership receives the task of analyzing the problem in detail, discussing solutions for the next Chapter, and involving the entire Congregation in the decision-making process, so that the next Chapter can in fact decide how to proceed. The Chapter, held four or six years later, will make a decision or a recommendation, and the newly elected government will be instructed to implement that decision / recommendation before the third Chapter. Against this background, and together with the situation of the over-aging in the communities of the European part and the dependence of the young mission areas described above, it is high time to take a full look at the problems of the future of the Institute and the commitments it has made.

At the beginning of the reflections, the task is to read and interpret the signs of the times, i.e. to face the question: What does God want from us at this moment? The question must not be answered abstractly, but it should be explored in the light of the Institute's charism and with regard to what the Institute concerns in terms of people and as a community, with respect to both Europe and the Global South. It is necessary to address the question of what to do, on the one hand, in light of the human and financial resources and, on the other hand, with regard to the responsibility already assumed for other people, for example, whose way of life

is supported through the apostolic works. Where do the limits appear, and where are new opportunities arising? In dealing with these questions, the answers often cannot be the same for all Institutes as such or for the different parts within an Institute. Customized answers are needed, because the differences that exist between the diverse places and conditions, both concurrently (*synchon*) and in the course of history (*diachron*). From this awareness comes the challenge of allowing diversity and yet discovering unity in diversity. We will now make an inventory and then formulate the challenges.

Inventory

The following aspects must be taken into account in an inventory:

1. First, this question must be asked: Is the Institute's status of the pontifical right or the diocesan right? Is it international or national? These two questions are of great relevance with regard to the competent authority, which must both approve amendments and have a certain duty of care that, in the case of diocesan institutes, results from the special pastoral care of the Bishop (cann. 594-595). It should be noted that it cannot simply be claimed that the status of "diocesan right" implies that an institute is only extended nationally and that the "pontifical right" means that an institute still has an international reach. There is now a small group of Institutes of the pontifical right that, having been internationally widespread for a long time, are today only nationally established, since the other parts of the institute are already been established as autonomous institutes. However, there are also a relatively large number of diocesan institutes, which present not only in several European countries but also in the Global South. This is remarkable because the diocesan bishop of the headquarters is thus also responsible for parts of the Institute in the Global South, where he can hardly act as diocesan bishop: he does not know the conditions and circumstances first-hand, and he has to take into account the powers of the local diocesan bishop. Looking to the future, the question will arise as to whether it makes sense to continue to have the responsible bishop in Europe if the more active part of the Institute is in the Global South, or whether it makes sense to move the headquarters from the original diocese in Europe, for example, to Africa, or whether, despite the aging in Europe, it makes sense to grant the Institute the status of an institute of pontifical right.
2. Despite the strong aging process they are experiencing in Europe, the governments of several Institutes are still mainly composed of members from Europe. The non-European members, especially from the Global South, have either not yet been elected to the General government or are often insufficiently integrated. Although they have experience governing Provinces, they are still not elected to the General government. The members concerned feel that their abilities are not recognized or valued, but they hardly dare to say so. The fact that they are not elected also often

results from a structural reason, which lies directly in the Chapter. The number of Chapter members from the Global South is often small in comparison to those from Europe. This is so because the number of Chapter members from the different Provinces is determined exclusively according to the size of the provinces and does not take into account that the future of the institute lies in the Global South. Sometimes financial reasons are pretexted, for example, “Because of the cost, we only allowed four sisters to fly to the Chapter;” or: “Since the primarily European provinces support the whole institute financially, they should also be able to make all important decisions, even if they mainly affect the Global South.” This happens despite their age and the associated inability to exercise the apostolate themselves. Basically, this may be linked to the question of power and mistrust, although it is expressed in a language of care. For this reason, people sometimes fail to appreciate the fact that the members of the Global South are crucial for the future of the Institute and must deal with issues such as the novitiate, the expansion of apostolic works, etc., and indeed they work actively in these fields and are basically the only Sisters in the Institute who can still live out the charism in its works.

Moreover, the members are not yet or still insufficiently elected to the General government. It is not uncommon to hear European members say: “The Sisters in Africa are not yet ready.” We outsiders sometimes wonder: Are the Sisters in Europe not yet ready to recognize the others as capable persons? At times, it seems that they fail to see that members from other parts of the world may exercise leadership in a different way, not only because of their origins – which does not necessarily mean that the leadership is worse – but that they also belong to another, completely different, generation. The fact that there have been no or very few new members in the northern European part over the past 35-40 years (!) means that the today’s European members have little to no experience in dealing constructively with a generational change. The challenge is not to avoid considering the differences primarily as cultural differences, but rather to become aware of the danger of hidden unspoken colonialism.

3. Some institutes are scattered all over the world: They have provinces in Europe, Asia, and Africa as well as South America. Often there is little or almost no contact between these provinces. The contact mainly passes through the common Mother House or through the Generalate and the General Chapter; but there is no or very little direct contact between the provinces. It is not uncommon for language and cultural barriers to be obstacles that seems almost impossible to overcome. As a result, the members of the provinces of Asia and Africa hardly know each other. This means that when considering whether to move a Generalate from Europe to another continent, it is unclear where it should be moved to. In addition, it must also be noted that, in some institutes, separations have already been made, especially in Asia: the Asian provinces are established as an autonomous

institute – often of the diocesan right. Hence, Europe and Africa remain together in the Mother Institute.

4. The temporal goods of these institutes are usually located in Europe and also managed there. This is often so because of the fear—which is quite legitimate—of inflation or instability in the economy, as well as corruption in some parts of the world.⁵ However, it implies that the apostolic works in Africa / Asia (schools, hospitals) are financially dependent on Europe. Sometimes the Institutes in Europe receive official development aid for the apostolic works in Africa / Asia / South America. On the one hand, this is good for the supporting projects, but on the other hand, there is a danger that aid will not become self-help, and that the two sides will not communicate on an equal footing. With a view to the future, when support cannot be secured because of the over-aging in Europe, this point must be taken into consideration.
5. Some diocesan bishops in Europe have established a church foundation / juridic person (in accordance with CIC can. 115) for the temporal goods of an institute. Hence, the assets of the Institute are now transferred to a foundation by a civil juridic entity, which is exclusively managed by the members of the Institute and usually has a parallel structure with the ecclesiastical juridic entity. Sometimes the foundation's sole objective is to provide care for the European Sisters in the country where the Mother House is located. This objective then does *not* allow other parts of the institute to be supported. Such a regulation, even if approved by the bishop, would not be compatible with Canon Law.

It is not uncommon for members of the diocese leadership to be on the board of this new juridic entity; sometimes even the bishop himself is the chairman of the juridic entity, and he alone decides who is admitted to a member of the foundation's board. When the members of the Order—or a majority of them in the Board—are no longer able administrate the assets, these are alienated in accordance with can. 638 § 3.

Sometimes the statutes of the civil juridic entity stipulate that when the last Sister in Europe / in the country where Mother House is located has died, the province is abolished or the Generalate is transferred abroad and the patrimony is transferred to the diocese. Such a rule is questionable in several respects. The provision does not seem compatible with Canon Law, since the patrimony should be transferred to the Institution as a higher juridic entity and not to another juridic entity (can. 123). The Institute, in turn, is not the higher juridic entity of the foundation, and it is therefore essential to include in the Foundation's statutes that the assets go to the Institute in accordance with Canon Law.

The idea that the diocese is the higher juridic entity of a diocesan religious institute is erroneous.⁶ Even when a diocesan institute as such is suppressed, the temporal goods are not automatically given to the diocese. The decision

regarding the temporal goods of the suppressed institute is reserved exclusively to the Apostolic See (can. 584).

The establishment of a foundation whose aim is to support only the members in their own country brings with it the problem that other parts of the institute do not have access to the temporal goods and property, if the institute is divided or even its seat is transferred abroad. Consequently, it is important to take a very close look at the foundation's purpose

6. Sometimes the statutes of the foundation stipulate that the diocese will take care of the pension in exchange for the transfer of certain property or all the entire patrimony. However, what "caring" means is not defined. The care of members implies more than putting someone in a "retirement home." Moreover, retirement homes also have different standards.
7. Bishops, as well as European governments, sometimes believe that if there is a separation in an institute, the European part retains the temporal goods and it is not obliged to share the patrimony. It is thought that a part "leaves" the institute. Legally, however, it is separated, not abandoned. The separation is like a divorce: there is no question of guilt, the goods are separated,⁷ taking into account pensions and other obligations. This will increasingly receive attention, because separation, or a new foundation, requires the consent of the Holy See (cf. can. 579)
8. In many institutes, the Bishop's Vicar for Religious is also the Institute's adviser: here, there is a conflict of interest. Institutions should be aware of this.
9. Sometimes a diocesan institute considering applying for status of the "pontifical right" is told by the Diocesan government that, if this is done, it is impossible ensure that the Sacraments can still be administered in the future or that a priest can be made available. This kind of statement is perceived as a form of power abuse or a threat. The pressure exerted by the Diocese can lead to immense tensions in the institute, as not everyone can deal with it in the same way.

Challenges

The issues discussed so far lead simultaneously to a number of open questions that need to be answered in the near future. These questions can be formulated as follows:

1. In face of the progressive over aging of a Congregation, can a Chapter be celebrated when the majority of the Institute's members are no longer able to travel because of age or also because of visas? Older members cannot fly to the Global South, and younger members from the Global South are finding it increasingly difficult to obtain visas for a Chapter meeting. Is it too venturesome to say that, if there is a lack of forces able to go to a Chapter, this could be an indication of the lack of vitality, and perhaps consequences

should be drawn with regard to Chapter Participation? Good external counseling could be helpful in dealing with this question.

2. How is a Chapter to be designed and what should be discussed, when the future of the Institute is clearly outside Europe, but the majority of the Sisters, who are over 80 years old, still resides in Europe? What models are conceivable?
3. How can members from other parts of the world be prepared for tasks of government and to administrate goods? Although the Provincial government in many institutes is already in the hands of local members, it is also necessary to make the change in the General government, since by 2025 many General governments will depend on non-Europeans. A transition must be made. In order to make the change, a Chapter may decide, for instance, to increase the number of councilors from the non-European part. For example, a particular challenge appears if the language in the Generalate is still German, but the language of the future is clearly English, French, or Spanish.
4. The location of the Generalate will also constitute a particular challenge. If the Institute's future is located on another continent, the question will be whether the Generalate should be moved there. The issue of the necessary visas for members in a Generalate to work together will not make the decision any easier. However, the Mother Institution may not automatically suppose that a Generalate should not or could not be relocated.
5. The rights and duties of the diocesan bishops, especially with regard to the management of the temporal goods of the Religious institutes, must receive attention, not only in Europe, but also in other parts of the world.
6. Sisters in the Global South, especially in Africa, generally prefer independence from the local bishop in order to better protect themselves against both sexual and financial power abuse. The Holy See is highly aware of the problem. It is, above all, important to raise awareness of the problem among bishops and religious leaders in Europe. The aim is to examine whether giving an institute the status of "pontifical right" might not be more reasonable than separation from the institute.
7. If a separation is nevertheless carried out, the question arises as to how long-term support can be secured, especially with regard to the apostolic works.
8. It was noted above that members from the provinces in different continents sometimes hardly know each other, because they are only connected via the Mother House, but have no direct contact with each other. The question arises as to how members from different provinces in different continents can be better connected. Here, the issue of cultural and ethnic differences will be an important issue.
9. The European government is not always ready to disclose the financial situation in Europe to the provinces on the other continents. They are fear

that the members will not be able to deal with the sums responsibly. It is repeatedly said that knowledge of the reserves could arouse desires, since members would not take into account costs, for example of pensions in Europe. It is important to increasingly familiarize members with the financial situation.

A crucial point concerns the financial support for apostolic works, precisely on two levels: one is internal and the other external. Internally, the question arises as to how the apostolic works owned by the institute can be secured in the long term. How can various institutes in Europe operating in the same region anywhere in the world network in such a way that the region in question is supported in the long term, in such a way that they will be able to take responsibility for those works? How can this be designed in such a way that, if the Europeans withdraw, the works in other parts of the world do not stop (abruptly)? Can a three- or ten-year plan be drawn up for this? This is the case, for example, three hospitals in a large city in Africa, supported by three different institutions in Europe. How should health care in the region be secured and organized? Here, a plan would have to be developed, in which the governments of the Institutions concerned would act together. However, the support for the apostolic works must also be considered externally. This concerns the income in Europe, i.e. not losing existing sponsors of projects simply because a Religious Institute can no longer be active in Europe itself and is neither able to attract sponsors nor maintain contacts. In a way, this means networking the mission procuratorates of the various Religious institutes in order to ensure revenue, select eligible projects, and regularly check the quality of the implementation of the project's action.

10. Finally, the question arises as to how Bishops, both in Europe and on the other continents, can be involved and the transition from a European to a truly global Church can be made positively and responsibly. The keyword of this project could perhaps be labelled: "Taking Corresponsibility."

A Final Word

With the election of Jorge Mario Bergoglio as Pope Francis, the Church became a global Church: not an Italian, not a European, but a South American, was elected as the successor of Peter. This South American is not a European missionary; he was born in Argentina, studied, and worked there. He did not even go to his Order's university, the Gregorian in Rome. In every sense, Pope Francis embodies the immense shift from Europe to the Global South. The Church has become a universal Church. The Europeans must still come to grips with the new reality. With the over aging of Europe, the Religious institutes are deeply involved in the transformation of the Church: it is necessary to read and interpret the signs of the times and, then, to help shape the process, by once again performing a prophetic task as Religious institutes. It is an exciting time, a challenging and

creative time for canonists who are allowed to accompany this process, since the legislation has not yet taken this situation into account. May all be up to their task and, with trust in the action of the Holy Spirit, make their contribution. May all advance together on new paths—*Duc in Altum*—confident that God himself is holding the steering wheel.

¹ This article is dedicated to Fr. Rudolph Henseler, canonist and member of the Congregation of the Most Holy Redeemer, who has studied primarily the law of religious institutes, drawing on his extensive experience as a canonical advisor to many religious institutes, members of the Orders and Bishops. For this reason, his interpretation and application of law was situated against the background of the limits and possibilities that life itself brings. Thus, with and through science, P. Henseler became a special kind of pastor, with and despite the law.

² The Seminar on Mission activity in Structural Change: Problems and Options for Action in the Continuation/Replacement Process of Young Mission Areas of Aging Mother Communities was held from 5 to 6 November 2018, in the St. Ursula House of Formation in Erfurt.

³ Andreas Machnik, "Der Strukturwandel in wirtschaftlicher Sicht," *Ordenskorrespondenz* 60 (2019) 23-28. He reflects on the challenges of a personnel, organizational, economic, spiritual and cultural nature, and poses the question of solutions.

⁴ Matthias Maier, "Kooperation als Chance: bewährtes erhalten und Neues schaffen," *Ordenskorrespondenz* 60 (2019) 39-43.

⁵ Unfortunately, women religious in particular report that they are sometimes pressured by bishops, especially in Africa, and hand over a part of their temporal goods or their donations to the bishops or the dioceses, although there is no legal basis for doing so. They also report that bishops argue that, because of their vow of poverty, they have no right to pay be paid for their activity. However, the vow of poverty does not imply that one does not have the right to an income corresponding to one's activity, but that one then shares what one is entitled to with those in need. Those who do not receive any income cannot build up pensions. It is precisely because of these financial aspects that women religious in Africa are rarely interested in separating from the Mother Institute and becoming a diocesan institute. They do not always feel up to dealing with the power of the local bishops. It was above all the inadequate spiritual basis and financial stability that led to the decision taken on 11 May 2016, according to which a diocesan bishop must not only consult with the Apostolic See before setting up an institute (can. 579), but that this Consultation *ad validatem* is required for the valid establishment of a diocesan institute. Basically, the Holy See has thus introduced a right of consent or a nihil obstat. See <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2016/05/20/160520b.html> (access: 15.01.2019)

⁶ In some institutes, the statutes of the registered association stipulate that when a Province is abolished, even the clerics of that Province will be incardinated into the diocese. This regulation has historical backgrounds, but it is essential that it be adapted today.

⁷ Of course, the fact that the life expectancy and pensions in different countries differ must be taken into account.



From the Desk of the Executive Secretary

There has been a gap here at UISG since the publication of the last Bulletin which was issued at the end of 2020. It is good to know that many of you have missed the arrival of the UISG Bulletin by post. Postal delivery will hopefully recommence in September but for the moment we have published the Bulletin online in the usual seven languages. The delay in issuing this first Bulletin in 2021 has been due to the impact of Covid-19 on UISG staff, their communities/families and the working regulations which have been in operation in Italy. Unfortunately since several member of staff became infected with the Covid-19 virus, this has meant that there have been periods of quarantine on different occasions. In addition the majority of the staff have been working from home and while they have been working exceptionally well with regard to their particular areas, coordination has been a challenge because of the nature of the work at UISG.

Many of you have written to acknowledge the wonderful support that UISG has offered online to support congregational leadership and membership at this difficult time. Sr. Florence de la Villeon, Patrizia Morgante and Sr. Therese Raad supported by many other staff members have been offering webinars on many different topics and training sisters worldwide in the use of the Zoom platform. We are particularly pleased to have been able to offer an *Interculturality training programme* over several weeks to 140 sisters, a series of webinars on *Care and Safeguarding* in collaboration with the *Vatican Commission for Care and Safeguarding of Minors* and an important series titled *Sisters Empowering Women* on themes from *Fratelli Tutti*. This series of webinars was offered with translation in eight languages and focused on *Synodality, Economy and Health, Education, Peace, Care and Advocacy*.

In addition a new project was initiated in the midst of this pandemic focusing on *Sisters Advocating Worldwide*. Given the impact of covid-19 on the poorest people it seems appropriate that sisters who minister at the peripheries can speak on behalf of and with those who are suffering the most. Finally the *JPIC Office of the UISG-USG* has offered many important webinars and training sessions during this period.

Religious congregations have now moved to a whole new way of communicating with each other, across continents and languages. This has been one of the new areas of development, a “growing edge” within religious life during this challenging period. Another has been the growing sense of solidarity and support that has been experienced within and across congregations as Covid-19 affected country after

country and one religious community after another. We owe a great debt of thanks to many religious congregations, to several US Foundations and to USAID who contributed significant funds to the UISG Covid-19 Solidarity Fund. This fund has enabled UISG to support many congregations struggling with increased expenses for cleaning, sanitizing and the provision of Covid-19 related medical items, initially in communities for the elderly but increasingly wherever there was need within congregations. Funds have been disbursed on every continent and we will continue with this distribution for as long as these funds last. Please pray for all our very generous benefactors.

Many have written and spoken about the changes that have occurred within religious life as a result of this pandemic:

- A growing acceptance of our vulnerability on many fronts
- A new appreciation of community life and of the ministry of presence
- A call to ever deeper levels of contemplation and of prayerfully accompanying the world at this moment of crisis
- A need to reflect on how religious life is called to be present in this post pandemic world.

The fruits of this time of suffering will become clearer as we move into a new phase, where hopefully things will return to a new normal, one which we will create together through our reflection on the experience of confinement and loss. We have learnt to treasure aspects of our consecrated life that perhaps we had taken for granted, to identify other aspects that we need to deepen and to ponder on how religious life is being called to be in response to this emerging future.

The papal encyclical *Fratelli Tutti* and the reflection on this important document by 250 Superiors General, male and female in March, April and May has invited congregations to begin this journey of reflection. The theme of the three day gathering in May was “*Becoming Sisters, Becoming Brothers – Consecrated Life at the Service of Fraternity in a Wounded World.*” The sub-themes for each day which are listed below, were drawn from *Fratelli Tutti* and they call us all to further reflection:

- Looking upon the face of the world, touching the wounds (FT, 115)
- Closeness as a culture of encounter (FT, 216)
- Let the music of the Gospel play (FT, 277)

We have been invited as religious congregations to participate in the synodal process which will begin soon and which will help the Church prepare for the *Synod on Synodality* which will take place in 2023. Our participation will be at several levels – within dioceses and also as congregations through UISG/USG. More information about the synodal process can be found on the website www.synod.va in five languages. As we begin this journey let us remember the humble healing and merciful ministry of Jesus and work and pray together and with others in order to create, in the words of Pope Francis, a revolution of tenderness that will offer the world healing and new life.

News

UISG Assembly 2022

The Executive Board of the UISG (International Union of Superiors General) has created an extended process to enable Superiors General to participate as fully as possible in the UISG Assembly 2022 with the theme:

EMBRACING VULNERABILITY ON THE SYNODAL JOURNEY

While we hope that as many as possible will be able to participate in the MAY ASSEMBLY IN ROME, we know that Covid travel restrictions may still affect some parts of the world.

Here is the outline of the ASSEMBLY PROCESS:

First Phase:

Online meetings on **March 14 and April 4 2022** at 13.00 – 16.00
(Rome time)

Second Phase:

Meeting in ROME in the Ergife Palace Hotel: **May 2-6, 2022.**
(Streaming in a number of languages will be available for the main conferences)

Final Phase:

Online meeting on **July 11, 2022** at 13.00 – 16.00

YouTube channel UISG

We note the address of the YouTube channel UISG: include it in the preferences for your browser. Here, divided into playlists, you can find the recordings of all the webinars that UISG promotes on various topics.

In the month of May, we shall also be making public all the videos of the course ‘Leadership and Inculturality’ that took place online in December 2020.

Here is the address for the Youtube channel with all the playlists: www.youtube.com/c/UISGRome/playlists

Sisters Empowering Women: an event on “Fratelli tutti” from the perspective of Women Religious

An event consisting of panels dedicated to various aspects of the Encyclical “Fratelli tutti”, as seen with the eyes of Women Religious, will take place at the end of March.

The title highlights the fact that the mission of Women Religious in many places enables other women to speak out and contribute to the construction of peace and social friendship in our humanity.

Find the registration on our YouTube channel.

Sowing Hope for the Planet #LaudatoSi: the involvement of Women Religious in the world

“Everything is closely interconnected, and today’s problems require a vision capable of taking into account every aspect of the global crisis” LS 137

The Campaign of UISG dedicated to Laudato Si’ is in full force: various Congregations have already appointed a “Laudato Si’ Leader”. The leaders make up part of the network of Women Religious for the UISG campaign dedicated to Laudato Si’.

Sr. Sheila Kinsey, the Campaign’s coordinator, has been nominated to be one of the consultants for the Ministry for Integral Human Development, for the plan of implementing the Encyclical as far as 2025, when it will be the tenth anniversary of the document.

Numerous educational documents and videos of the Congregations are available:

Materials: www.sowinghopefortheplanet.org

Videos: <http://bit.ly/VideoSowing>

Contact: Sr Sheila Kinsey, coordinator of the Campaign, info@sowinghopefortheplanet.org

A religious undersecretary of the Bishops’ Synod

On 6 February Pope Francis named an Augustinian father and a Saverian nun to be undersecretaries to the Bishops’ Synod. The nun is Sr. Nathalie Becquart. It is the first time that a woman holds this position. Nathalie was already consultant at the Secretary of the Synod, and she participated (actively) at the Synod on Young People and that on the Pan-Amazon Region..

She wrote a doctoral thesis on the theme of Synodality for Boston College.

Sr. Nathalie has met the press to share her ideas on this new charge and to answer journalists’ questions.

“I never imagined that I would find myself in this mission at the Synod. All my life has been characterized by specific vocations: before and after entering religious life. I have received so many messages of congratulations from all over the world. Everyone has expressed joy at this nomination, which is not just for me: it is a sign of careful listening to the local Churches and the many Christians who wish to live together, as women and men, in the Catholic Church. I have received a great many messages as well from friends who are Muslim or Jewish.”

To see the press conference again:

-English: <https://youtu.be/92Uzg-iCIuw>

-French (original): https://youtu.be/Fu9uezx_HOY

Synodality: a reflection by Cardinal Joao Braz de Aviz

Cardinal Braz, Prefect of the Congregation for the Consecrated Life, has met online the UISG Delegates for the 36 constellations, to share a reflection on Synodality, with a view to the Synod on Synodality to be held in October 2022. It is possible to listen to this reflection again; it is available in English, French, Italian (original), and Spanish: <http://bit.ly/3pHM6CJ>

Fund Raising for Religious People

There are available online various courses for educating religious women and men in Fund Raising.

We invite you to visit the site of the organization of the Claretian Fathers who are promoting these courses: <https://www.prismacmf.org/>

Care for Children International. Care for Children: a new project of UISG

Catholic Care for Children (CCC) is a movement led by women religious and inspired with a strong charism. Its aim is to ensure that children grow up in families that are safe and able to make them feel loved. This project of UISG wishes to help the women religious to live the charism of the care of children and orphans in our global and modern society.

Coordinator of Project is Sr Niluka Pereira: ccci@uisg.org

To download the brochure:

Italian <http://bit.ly/CCCItaliano>

English <http://bit.ly/CCCIEnglish>

French <http://bit.ly/CCCIFrancais>

Spanish <http://bit.ly/CCCIEspañol>

UISG Announcement: a new site soon available for you

As we previously announced, UISG is working to give its public image a new look, so as to communicate in a more direct and effective manner both in and out of the Church.

The new website should meet the needs of our members and the sisters who consult it to find information or news about women religious life.

We have sent to the Superiors General two questions to help us give priority to the contents to be inserted. We are also submitting these to you here. If you so wish, you can send us your responses at: comunicazione@uisg.org, with the object 'New UISG Website':

- What are you looking for when you visit our website www.uisg.org?
- What sort of content/news would you like to see in the new website of UISG?

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