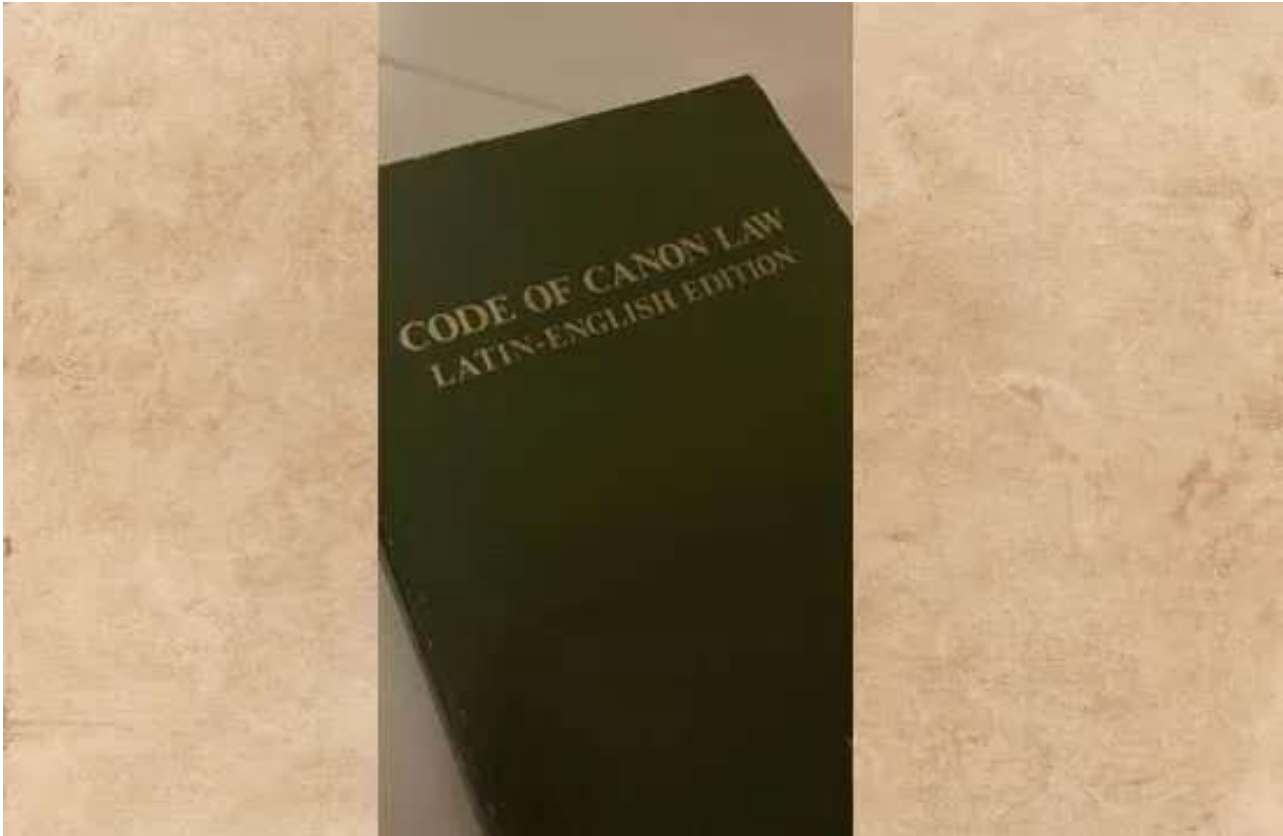


Pedocriminality, corruption... The Church reforms its criminal law

Revised criminal law came into force in the Vatican on December 8th, with new provisions against pedocriminal priests



The work on the apostolic constitution "Pascite gregem Dei" was launched in 2007 by Benedict XVI. (Photo by BERTI HANNA/REA)

By [Loup Besmond de Senneville](#) | [Vatican City](#)

It's a Vatican reform that seemed to have been forgotten because it was announced so long ago.

The Vatican **announced last June** that a project Benedict XVI launched in 2007 to revise the Church's internal legislation – the Code of Canon Law (CC) – was finally completed.

But it was not until this past Wednesday – December 8 – the revision finally went into effect.

Pedocriminality, the fight against corruption, sentencing, statute of limitations...

With this apostolic constitution, entitled *Pascite gregem Dei* ("Tend the flock of God"), the pope goes far beyond a simple tidying up of Book VI of the 1983 CC, which spells out

sanctions in the Church's internal law.

The most significant point is the creation of a specific article on sexual abuse committed by priests against minors or vulnerable persons, which holds a 20-year statute of limitations.

Canon 1398 provides that any priest who commits a sexual offense "with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognises equal protection" may be punished or even dismissed from the priesthood.

These crimes are now placed in a section on "offences against human life, dignity and liberty". Before, they were catalogued in the much broader framework of faults against chastity committed by priests.

These penalties also extend, for the first time ever, to those who view or disseminate child pornographic images and clerics who participate in "pornographic exhibitions, whether real or simulated".

"The change is significant, especially in the area of abuse"

The Church goes one step further by opening the possibility of also punishing religious and lay people in this matter.

Any person, priest or not, who commits sexual abuse of a minor may therefore be discharged from their office or function in the Church.

"The change is significant, especially in the area of abuse," emphasized Claudia Giampietro, a lay canon lawyer who works at the International Union of Women Superiors General (UISG).

This substantial change actually responds to demands made by victims in recent years to include vulnerable adults in the Code of Canon Law.

"This has led to discussions among canonists about the difficulty of formulating the concept of vulnerability in legal terms," added Giampietro.

Among the victims, however, there are those who feel that Rome does not yet go far enough.

"Unfortunately, we are still far from zero tolerance," said Marie Collins, an Irish woman who resigned as an original member of the Pontifical Commission for the Protection of Minors.

Collins told *La Croix* there should be an automatic dismissal of priest-offenders.

"It's clear that the decision to remove the offending priest or not is left to the discretion of each individual," she lamented.

"The proportionality of the punishment must be taken into account"

"The offences covered by this canon can be very different, and it is necessary to take into account the proportionality of the punishment," Archbishop Filippo Iannone told reporters back in June.

The 64-year-old Italian Carmelite has been president of the Pontifical Council for Legislative Texts since 2018. It's his office that is responsible for this reform.

"An automatic sentence would not make sense. It is a principle of justice," the archbishop pointed out.

He said judges must examine each case on its own merits.

But the overhaul of canon law approved by the pope goes far beyond the issues of sexual crimes against minors.

"It is a matter of embarking on new and concrete ways to translate accountability, and apply accountability and transparency to the code of canon law," said Giampietro of the UISG.

New offenses

The reform introduces, for example, new offenses, such as the violation of the pontifical secret, which is explicitly mentioned, and various measures against corruption.

Anyone "who gives or promises something so that someone who exercises an office or function in the Church would unlawfully act or fail to act" is liable to sanctions, depending on the seriousness of the fault, which can go as far as a ban from celebrating Mass.

The same applies to any "cleric or religious" who commits an economic offence.

One of the strong points of this text is that it develops a much more precise judicial mechanism than before.

This is the case for the clearly spelled out "expiatory penalties" that can be applied to an offender.

For instance, judges have several possibilities for sentencing priests. They range from house arrest to dismissal from the clerical state, and can include the prohibition from wearing clerical or religious dress.

A suitable instrument

It is in this context that the possibility of imposing "a fine or a sum of money for the Church's purposes" appears.

It is a penalty that is already applied in some ecclesiastical courts -- through the obligation to make a donation to a Catholic association -- but which clearly makes it possible to feed diocesan or national funds intended for victims.

Another new feature is that anyone who "attempts" to ordain a woman priest is subject to immediate excommunication.

This prohibition, although real, was not explicit in the 1983 code.

"This reform does not change the basic principles that governed criminal law until now, but it makes it an efficient instrument adapted to the protection of the faithful in the Church," says Father Bruno Gonçalves, professor of criminal law at the Faculty of Canon Law at the Institut Catholique in Paris.

"We have taken up this whole part of canon law and reordered it to make it easier to read and understand," he added.

"There is a desire to make these provisions more applicable," said the canon lawyer.

"This can also be seen in the insistence on the concept of reparation for scandals, which permeates the whole of the new Book VI," he pointed out.

Similarly, the new code now compels a bishop to carry out a sentence pronounced by an ecclesiastical tribunal, on pain of punishment.

New obligations for bishops

Bishops are now obliged to initiate legal proceedings against a priest who has not heeded his reprimands, whereas this was previously a mere possibility.

Father Gonçalves said another sign of tightening up is that in some cases judges are now required to increase their penalties, whereas previously it was only an option for them.

This is especially the case when the crime is committed by a person "who by force, threats or abuse of his authority commits an offence".

It is a way of systematically more harshly punishing the abuse of authority, especially in cases of spiritual abuse, within the framework of relationships marked by control.

After more than 13 years of work, all that remains is to apply these important changes.

That began on December 8, the day the Catholic Church celebrates the Immaculate Conception.