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**SEXUAL ABUSE VICTIMS
A JURDICIAL ANALYSIS OF DUE PROCESS
IN CANON LAW**

BOOK PRESENTATION

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I. THE CHOICE OF THE DISSERTATION TOPIC: ITS CONTEXT AND CONTEMPORARY SIGNIFICANCE

As is well known, on January 25, 1983, Saint John Paul II promulgated the current *Code of Canon Law* through the Apostolic Constitution *Sacrae Disciplinae Legis*. The Church will soon commemorate the forty-second anniversary of this landmark legislative event. Replacing the Pio-Benedictine Code of 1917—the first comprehensive codification in the two-thousand-year history of the Church's legal tradition—the 1983 Code emerged as the legislative embodiment of the ecclesiological vision of the Second Vatican Council, unquestionably the most consequential ecclesial event of the twentieth century. It also fulfilled the intention first announced by Saint John XXIII on January 25, 1959, that the Church would undertake a comprehensive reform of its canonical legislation.

The new Code thus represented the most mature expression of a renewed canonical science, governed by legal norms formulated in accordance with the hermeneutical principles of conciliar ecclesiology. While its contributions to constitutional canon law were both profound and enduring—not least the unprecedented legislative recognition of the fundamental rights of the Christian faithful—it also introduced, in the sphere of penal law, a significant departure from the preceding canonical tradition. The juridical rigor that had long characterized the Church's penal discipline was substantially diminished, giving way to a body of norms that were frequently exhortatory in nature and largely discretionary in their application, justified in the name of the so-called "Christian mercy" and pastoral charity. It was precisely within the penal sphere that the new Code would soon encounter some of its most formidable challenges, revealing an urgent need for profound legislative reform.

Among the first to recognize these deficiencies was Cardinal Joseph Ratzinger, then Prefect of the Congregation for the Doctrine of the Faith, as Monsignor Juan Ignacio Arrieta has perceptively observed (2010). Indeed,

scarcely five years after the promulgation of the 1983 Code, a remarkable exchange of correspondence took place between Cardinal Ratzinger and Cardinal José Rosalio Castillo Lara, then President of the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law. That correspondence exposed the profound structural weaknesses that, from its very inception, prevented the new penal discipline from fulfilling its essential juridical mission: safeguarding justice and preserving legal certainty within the ecclesial community.

At that time, and until 1989, the Congregation for the Doctrine of the Faith was responsible for processing petitions for dispensations from the obligations arising from priestly ordination, including the obligation of celibacy. Having received a considerable number of petitions submitted by priests who had engaged in gravely scandalous and criminal conduct—including the sexual abuse of minors and vulnerable adults—and seeking to avoid the juridically improper practice of granting the favor of dispensation to clerics who should instead have been subjected to penal sanctions, Cardinal Ratzinger urged Cardinal Castillo Lara to consider reforming the new Code by introducing more expeditious and effective procedures capable of ensuring that such grave offenses would not remain unpunished.

In practice, many Ordinaries sought to remove priests guilty of serious canonical crimes from the exercise of ministry through the *via gratiosa*—that is, by means of a petition for dispensation from the obligations of the clerical state. This procedure effectively secured the removal of the offending cleric from ministry through his ostensibly voluntary request for dispensation, thereby avoiding the judicial or administrative penal processes, which were widely regarded as cumbersome and impractical. Although this approach operated outside the proper framework of penal justice, it arose largely from deficiencies inherent in the law itself. The penal system established by the 1983 Code lacked the practical mechanisms necessary to investigate offenses effectively, prosecute them in a timely manner, and impose sanctions proportionate to the gravity of the crimes committed, particularly in light of the increasingly serious sexual offenses perpetrated by certain members of the clergy in various parts of the world.

Although the 1983 Code acknowledged that jurisdiction over certain offenses was reserved to the Congregation for the Doctrine of the Faith (cf. can. 1362, §1, 1° CIC/1983), it neither identified those offenses nor established any specialized procedural framework governing their adjudication, beyond providing that they were exempt from the ordinary rules concerning prescription.

The translation above reflects the style commonly found in scholarly legal and canonical publications published by Oxford University Press, Cambridge University Press, or the Pontifical Gregorian University. It is not merely

a literal rendering of the Spanish text, but a refined academic translation intended to read as though it had originally been composed in English.

Cardinal Castillo Lara's response was to deny Cardinal Ratzinger's request and to urge both him and the Ordinaries simply to apply the provisions of the new Code as they already stood. "*The problem,*" he wrote in his reply to Cardinal Ratzinger, "*does not appear to be one of legal procedure, but rather of the responsible exercise of the governing office.*" In so doing, however, he entirely overlooked the fundamental issue: namely, the inability of the newly enacted penal discipline to respond effectively to the concrete challenges posed by the commission of the gravest sexual crimes, particularly by members of the clergy. Equally absent from his response was any acknowledgment of the profound harm that such atrocious offenses were already inflicting upon the People of God. Subsequent history would demonstrate just how gravely mistaken that assessment proved to be and how remarkably prescient was Cardinal Ratzinger's unheeded appeal—later Pope Benedict XVI—for an immediate reform of the already inadequate procedural norms governing the penal discipline of the 1983 Code.

Cardinal Ratzinger's request for a partial reform of the penal discipline of the 1983 Code was firmly grounded in the growing number of cases involving pedophilia, pederasty, the sexual abuse of vulnerable adults, solicitation in the context of the sacrament of Penance, and other *delicta graviora* of a sexual nature. By the late 1980s, some of these cases had already begun to reach the secular courts, while others, albeit still in a limited manner, were attracting the attention of the press and other media outlets. Historically, it was in the United States that the problem of clerical sexual abuse first evolved into a genuine institutional crisis. This was due in large measure to the distinctive characteristics of the American legal system—which accords substantial monetary compensation for personal injuries—as well as to the broader social climate of the 1970s and 1980s, during which a vigorous victims' rights movement emerged and gained significant public influence.

Beginning in August 1983, numerous media outlets reported allegations against Father Gilbert Gauthé of the Diocese of Lafayette, Louisiana, who was arrested, tried, and convicted on multiple counts of sexual assault involving minor boys and girls, as well as charges related to child pornography, with offenses dating back at least to 1972. The Gauthé case conclusively demonstrated that the competent ecclesiastical authorities had been informed of his criminal conduct at an early stage, yet responded merely by transferring him from one parish to another, without imposing any precautionary measures or initiating either canonical or civil criminal proceedings against him.

Subsequent investigations established that Gauthé had sexually abused thirty-nine (39) minors in four (4) different parishes within the Diocese of Lafayette. In 1984, a local television station reported on a civil lawsuit filed by

several families of Gauthé's victims against the Diocese of Lafayette. The case captured national attention, particularly after June 1985, when independent journalist Jason Berry published a series of investigative articles exposing the full extent of the scandal. Those articles would later form the basis of his landmark book *Lead Us Not into Temptation* (first published in 1992), through which the Gauthé affair came to be recognized as the first thoroughly documented and widely publicized case in what would become the clerical sexual abuse crisis within the Catholic Church in the United States. As such, it remains the most significant historical precedent in this field.

Gauthé was sentenced to twenty (20) years' imprisonment, of which he ultimately served only ten (10). He was subsequently incarcerated again in 1997 and in 2008 for additional offenses involving the sexual abuse of minors. As Cardinal Ratzinger lamented in his 1988 petition to Cardinal Castillo Lara, Gauthé was never subjected to a canonical penal process that might have resulted in his dismissal from the clerical state. Instead, he left the priesthood through the *via gratiosa*, having been granted a dispensation from the obligations of the clerical state in 1983.

The Gauthé affair, however, was by no means the first case of its kind. Other priests whose crimes received widespread media attention during that same period included Donald Patrick Roemer of Los Angeles in 1981, who admitted to sexually abusing at least thirty children; Thomas Laughlin of Portland, Oregon, in 1983, who was found to have abused between twenty and forty children during the 1960s; and Carmelo Melchior Baltazar, a Filipino priest serving in Idaho, who in 1984 was accused of sexually assaulting a fifteen-year-old psychiatric patient to whom he had access in his capacity as a hospital chaplain. Prior to that accusation, Baltazar had reportedly engaged in the sexual abuse of minors for at least twenty years while serving in several different dioceses.

For at least two decades—from the early 1980s until well into the first decade of the twenty-first century—a profoundly mistaken perception prevailed within many sectors of the Church: namely, that the sexual abuse crisis emerging in several American dioceses was merely an "American problem," attributable to the unique cultural and socio-economic realities of North America, and of the United States in particular. Consequently, no effective effort was made to establish the preventive measures, oversight mechanisms, and juridical safeguards that such a grave threat demanded at the level of the universal Church. Throughout those years, the pandemic of sexual abuse was largely ignored or addressed with serious negligence, both by the Church as a whole and by many particular Churches and institutes of consecrated life. Tragically, as history has abundantly demonstrated, that prolonged delay and lack of due diligence directly or indirectly contributed to countless further instances of victimization and re-victimization involving thousands of children, adolescents, and vulnerable adults throughout the world.

It was probably for this very reason that it took Cardinal Ratzinger thirteen (13) years to secure a solution more consonant with both reason and justice to the increasingly complex problem of the gravest sexual offenses attributable to members of the clergy. Although the Apostolic Constitution *Pastor Bonus* (1988) more clearly defined the competence of the Congregation for the Doctrine of the Faith with respect to reserved delicts—identifying among them offenses against the faith, the sacraments, and the gravest offenses against morals—it was not until 2001 that Cardinal Ratzinger finally obtained from Saint John Paul II the promulgation of *Sacramentorum Sanctitatis Tutela*. This landmark legislation—the first universal canonical law of its kind, and one that remains in force today following its significant revisions in 2010, 2019, and 2021—effectively reformed the penal discipline of the 1983 Code with regard to sexual offenses by establishing a special regime under which such cases were reserved exclusively to the Congregation for the Doctrine of the Faith. From that moment forward, the Dicastery evolved into the most active and effective specialized penal tribunal within the Catholic Church, unique in the world, notwithstanding the considerable practical challenges posed by the complexity of these cases and the persistent limitations of personnel, financial resources, and cultural circumstances with which it has had to contend over the years.

Although subsequent legislative reforms have continued to refine and undoubtedly strengthen the Church's penal discipline in addressing those offenses that pose the gravest threat to the moral integrity of the ecclesial community—most notably the Apostolic Letter *Vos Estis Lux Mundi* (2019, revised 2023) and the comprehensive revision of Book VI of the Code of Canon Law in 2021—the time has now come to direct this ongoing reform, following the vision of Ratzinger-Benedict XVI, toward what has remained the most neglected and least considered element throughout the history of canonical penal legislation: the actual victims of crime.

As this study seeks to demonstrate, victims have historically been excluded from any meaningful participation in the penal proceedings concerning the very crimes committed against them. They have never enjoyed procedural equality with their alleged aggressors and have instead been routinely relegated to a position of genuine legal vulnerability and procedural defenselessness. Furthermore, Canon Penal Law—which constitutes the only truly global legal system in the contemporary world—cannot continue to exist in isolation from the universally accepted standards and principles that govern modern legal science. The Church bears a profound spiritual and moral responsibility toward those who have suffered sexual abuse at the hands of her own representatives. Consequently, the Church's legal system must be placed in the best possible position to enable her to fulfill that ethical, juridical, and pastoral obligation.

As is well known, from 21 to 24 February 2019, Pope Francis convened in Vatican City the presidents of all the Episcopal Conferences throughout the world to reflect together on the crisis of sexual abuse involving minors and

vulnerable persons that continues to afflict the Church. One of the principal organizers of this historic summit, Dr. Hans Zollner, participated in the present research as an expert contributor. At the opening of the meeting, Pope Emeritus Benedict XVI addressed the assembly with a deeply significant reflection on the historical origins of the crisis, its profound urgency, and the possible responses available to the Church. Among his most memorable observations were the following:

"Why did pedophilia reach such appalling proportions? Ultimately, the reason is the absence of God. We ourselves, as Christians and priests, often prefer not to speak about God because such discourse no longer appears practical."

In my judgment, no words could more profoundly express the gravity and urgency of the crisis that the sexual abuse of minors and vulnerable persons represents for the Church today. It may rightly be described as the most serious challenge the Church has ever faced. Indeed, it remains so even now because, as Pope Benedict so perceptively observed, the crisis of sexual abuse threatens not only the lives of the Church's children but also the very integrity of the gift of faith itself. For this reason, no issue is more pressing in the life of the Church today than the determination to eradicate, at its very roots, the horrific scourge of sexual abuse against minors and vulnerable persons.

Pope Francis, for his part, forcefully acknowledged in his moving 2018 *Letter to the People of God* that victims of sexual abuse have suffered not only the atrocities inflicted upon them through the crimes themselves but have also endured the further trauma of re-victimization resulting from concealment, institutional silence, and the complicity of those ecclesiastical authorities entrusted with their protection. He wrote:

"The pain of these victims is a lament that cries out to heaven, that reaches the soul, and that for far too long was ignored, kept quiet, or silenced. Yet their cry proved stronger than all the measures that sought to suppress it or even attempted to resolve it through decisions that only increased its gravity by fostering complicity. It is a cry that the Lord has heard, once again showing us on whose side He stands. Mary's canticle is not mistaken; it continues to echo throughout history because the Lord remembers the promise He made to our fathers: 'He has scattered the proud in the imagination of their hearts; He has cast down the mighty from their thrones and lifted up the lowly; He has filled the hungry with good things and sent the rich away empty' (Lk 1:51–53). We feel shame when we realize that our way of life has contradicted—and continues to contradict—what we proclaim with our lips. With

shame and repentance, as an ecclesial community, we acknowledge that we were not where we should have been, that we failed to act in time, recognizing neither the magnitude nor the gravity of the harm being inflicted upon so many lives. We neglected and abandoned the little ones."

The tone of these papal statements—without precedent in the history of the Church—makes abundantly clear that the crisis of sexual abuse, which has confronted the Church with increasing intensity since the mid-1980s, while in fact recurring throughout her history, constitutes perhaps the greatest and most perilous challenge she has ever faced. In the presence of an institutional and human tragedy of such magnitude—one upon whose proper resolution depends, to a significant extent, the Church's future credibility and public witness—Canon Law is unquestionably called upon to establish juridical mechanisms capable not merely of overcoming the crisis itself but, above all, of ensuring legal certainty and safeguarding every member of the ecclesial community, especially the most vulnerable, who have borne the greatest burden of this tragedy.

By providing genuine juridical protection to the victims of sexual abuse committed by ecclesiastical agents, Canon Law simultaneously protects the very gift of faith present within those victims and within the People of God as a whole. Faith itself, the Church's highest spiritual good, becomes in a very real sense another victim of the devastating consequences of sexual abuse and its systematic concealment. Once again, Pope Benedict XVI expressed this truth with remarkable clarity:

"In conversations with victims of pedophilia, I have become profoundly aware of this necessity. A young woman who had served as an altar server told me that the chaplain, who supervised her in that role, always introduced the sexual abuse he inflicted upon her with the words: 'This is my body, which will be given up for you.' It is evident that she can no longer hear the very words of the Eucharistic consecration without reliving the full horror of her abuse. Yes, we must urgently implore the Lord's forgiveness, and above all we must beseech Him to teach us anew to understand the immensity of His own suffering and sacrifice. We must also do everything in our power to protect the gift of the Holy Eucharist from every form of abuse."

Pope Benedict continues:

"Accordingly, a balanced canon law, one that faithfully reflects the entirety of Christ's message, must not only provide safeguards for the accused—whose rights unquestionably constitute a juridical good—but must also protect the faith itself, which is likewise a fundamental juridical good. Today, however, when this otherwise self-evident principle is invoked in relation to the protection of faith as a juridical good, it generally falls upon deaf ears. Within contemporary legal consciousness, faith no longer appears as a value worthy of juridical protection. This is an alarming situation that the pastors of the Church must acknowledge and confront with the utmost seriousness."

Canon Law, therefore, as the Church's essential instrument of juridical protection, must embrace as one of its most urgent responsibilities the defense of the gift of faith that has been gravely wounded and profaned in some of its most vulnerable members: victims of sexual abuse. It is precisely for this reason that the present study seeks to evaluate the juridical adequacy of the treatment currently afforded by contemporary Canon Penal Law to victims of sexual crimes perpetrated by institutional representatives of the Catholic Church, whether clerics or laypersons. Its purpose is to contribute to the effective realization of the threefold objective that Canon Law assigns to penal discipline in the life of the Church, as articulated in canon 1341: namely, to repair the scandal caused by offenses that so grievously affront the faith itself; to restore the justice violated both in the rights of the victim and in the life of the Christian community; and to promote the reform of the offender, who, in addition to having inflicted profound harm upon the victim and the ecclesial community, has also gravely offended God and therefore requires an authentic path of penance and conversion, always in full respect for the right of defense and for all other fundamental rights guaranteed to every member of the Church.

II. METHODOLOGY AND STRUCTURE OF THE STUDY

Following the methodological principles set forth below, the present study seeks to accomplish its principal objective: to examine the juridical treatment afforded by the Canon Law of the Latin Church to victims of sexual offenses committed by ecclesiastical agents. To this end, the research is organized into four (4) principal chapters.

- ❖ **Chapter One** examines the fundamental hermeneutical dimensions of the research question. It begins with an analysis of the conceptual framework underlying the complex phenomenon of sexual victimization, proceeds to describe the methodological paradigm adopted for the study, and concludes with a comprehensive historical survey of the principal developments and trends that have characterized this phenomenon throughout the life and historical evolution of the Church.
- ❖ **Chapter Two** offers a comparative analysis between Canon Law and several secular legal systems with particular reference to their observance of the universally recognized principles of due process, especially those articulated by the United Nations and other authoritative international legal instruments.
- ❖ **Chapter Three** examines the 2021 reform of Book VI of the *Code of Canon Law* and assesses its implications for the protection of the rights of victims of sexual offenses, with particular attention devoted to canon 1398.
- ❖ **Chapter Four** evaluates contemporary canonical practice concerning the participation of victims in penal proceedings through the lens of the professional experience of seven (7) distinguished experts whose work is directly related to the handling of sexual abuse cases within the Catholic Church. Consistent with the findings of the documentary research presented in Chapters Two and Three, this analysis concludes that the treatment currently afforded to victims of sexual offenses under Canon Law does not conform to internationally recognized standards of due process and that, consequently, a comprehensive reform of canonical procedural law in this particularly sensitive area is urgently required.

The methodology employed throughout this investigation consists essentially of an integrated application of four complementary methodological approaches: a **hermeneutical (or human rights–based) approach**, a **doctrinal-juridical approach**, a **comparative legal approach**, and a **qualitative research approach** based primarily upon empirical data obtained through personal interviews with selected experts. Each of these methodologies was applied from the specific perspective of institutional processes and demonstrable policy developments within the Catholic Church regarding its juridical and pastoral interaction with victims of sexual offenses committed by ecclesiastical representatives.

The hermeneutical approach is especially prominent in the first chapter, although it informs the study as a whole. The doctrinal-juridical approach likewise permeates the entire investigation but is most fully developed in selected sections of Chapter One and throughout Chapter Three, which is devoted specifically to canonical penal doctrine.

The comparative approach provides the analytical framework for Chapter Two, while the qualitative methodology constitutes the principal methodological foundation of Chapter Four.

The qualitative component of this study was developed through in-depth research interviews conducted with several internationally recognized experts in canonical procedural law and in other relevant disciplines within the human sciences. These interviews focused on the *status quaestionis* regarding the participation of victims in canonical penal proceedings involving sexual offenses, as well as on possible juridical and institutional strategies capable of responding more effectively to the challenges posed by the contemporary reality of sexual abuse within the Church. In order to ensure an appropriate degree of interdisciplinarity and multicultural breadth, the experts were intentionally selected from a wide range of scientific, professional, and cultural backgrounds.

III. PRINCIPAL FINDINGS AND RECOMMENDATIONS

Drawing upon the juridical analysis conducted through the framework of the four (4) procedural categories established by the **United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power** (1985)—which embodies the universally recognized standards of due process applicable to legal proceedings intended to secure justice for victims of crime—and taking into account the professional experience of seven (7) highly respected experts whose work is directly concerned with the handling of sexual abuse cases within the Catholic Church, the present study arrives at the following principal findings:

- A. The proper adjudication of cases involving victims of sexual offenses is frequently not achieved within the canonical legal system.**
- B. Victims of sexual offenses are often re-victimized within the canonical context by the very ecclesiastical authorities responsible for administering the Church's mechanisms of justice on their behalf.**
- C. A serious lack of consistency exists among canonical authorities in the application of the current canonical legislation governing cases of sexual abuse.**
- D. The procedural norms presently governing canonical penal proceedings are fundamentally inequitable toward victims of sexual offenses because they do not afford victims the same procedural rights enjoyed by accused clerics. Consequently, victims occupy a position of procedural inequality vis-à-vis their**

alleged perpetrators. This inequality extends not only to procedural rights but also to procedural obligations. While both parties are gravely bound to testify truthfully under canon 1562 §1, the victim is, as a matter of law, ordinarily required to testify under oath—although he or she may decline to do so (cf. can. 1562 §2)—whereas the accused is expressly exempt from any such obligation (cf. can. 1728 §2). In practice, victims are almost invariably required to testify under oath.

- E. More broadly, the institutional handling of sexual abuse cases within the Church remains deeply problematic, revealing an internal crisis that extends well beyond the underlying acts of sexual abuse themselves.**
- F. The fact that the competent Ordinary or religious superior bears the legal responsibility of initiating the penal action on behalf of the victim—provided that the preliminary investigation so warrants—while at the same time often maintaining close professional, personal, or fraternal relationships with the alleged offender, creates an inherent procedural conflict of interest capable of compromising both the professional integrity of the competent authority and the fairness of the penal process with respect to the victim.**
- G. The failure of Canon Law to recognize victims as parties to the penal proceedings, to confer upon them any right to receive information concerning the progress of those proceedings or even the rights available to them within the canonical legal system, and to provide them with the necessary juridical assistance through canonical legal counsel, constitutes a clear departure from contemporary international standards of due process and poses a serious threat to the dignity and fundamental rights of victims.**
- H. Despite the repeated declarations, public gestures, and unequivocal condemnations of sexual abuse expressed by the last three Roman Pontiffs, together with hundreds of cardinals and bishops throughout the world, Canon Law continues to provide only limited recognition of victims' rights when measured against internationally accepted standards of procedural justice.**
- I. The establishment of specialized penal tribunals exercising national or regional jurisdiction, modeled upon the French *Tribunal Pénal Canonique National* (TPCN), could constitute an effective means of**

ensuring the impartiality, professional competence, and procedural rigor required for the adjudication of sexual abuse cases.

- J. Likewise, the mandatory establishment of diocesan review boards—or analogous advisory bodies within institutes of consecrated life—to assist Ordinaries and competent religious superiors in the handling of sexual abuse cases, following the model of the Review Boards required by the *Essential Norms* for all dioceses and eparchies under the jurisdiction of the United States Conference of Catholic Bishops, could significantly enhance the efficiency, transparency, legality, and overall adequacy of the Church's institutional response to such cases throughout the universal Church.**
- K. It is highly probable that, insofar as victims are granted greater participation in canonical penal proceedings and are fully recognized as holders of genuine procedural rights within the canonical forum, an increasing number of victims will choose to seek vindication of their violated rights through Canon Law. Such a development would, in all likelihood, reduce the necessity of resorting to civil litigation as the principal avenue for obtaining compensation for the injuries suffered—without, of course, in any way diminishing the victim's unquestionable right freely to pursue civil remedies, nor compromising the Church's obligation to report every allegation of sexual abuse committed by ecclesiastical personnel to the competent civil authorities.**
- L. Current canonical practice has failed to provide victims with proactive information concerning the juridical remedies already available under Canon Law to obtain restitution and financial compensation, including the action for damages provided for in canons 1729–1731 and the possibility of extra-judicial settlement under canons 1714–1715. As a result, the overwhelming majority of victims remain unaware of these canonical remedies, and their practical utilization within the Church remains virtually nonexistent.**
- M. Apart from financial obligations imposed through civil litigation, the Church, in many parts of the world, is still not doing enough to ensure that victims of sexual abuse receive adequate restitution and reparation.**
- N. Some encouraging progress has undoubtedly been achieved in certain regions regarding both the formulation and implementation of policies providing restitution and compensation to victims of sexual**

abuse. Regrettably, however, these advances have occurred almost exclusively in North America and Europe.

- O. A shortage of adequately trained personnel and sufficient financial resources continues to impede the Church's ability to provide appropriate assistance to victims of sexual abuse. This deficiency is particularly acute in developing nations.**
- P. Among the most noteworthy examples of best practices in victim assistance is the model represented by the Victim Assistance Offices that have been established in every diocese and eparchy within the United States of America.**

RECOMMENDATIONS

1. Comprehensive Reform of Canonical Penal Procedural Law

A comprehensive reform of canonical penal procedural law is required to ensure that victims of sexual offenses are afforded the same procedural rights as accused clerics, including formal recognition as parties to penal proceedings. Such a reform must eliminate the procedural inequality that victims currently endure vis-à-vis their alleged perpetrators within the canonical legal system. Having now completed the reform of **Book VI** of the *Code of Canon Law*, the Church is called to undertake a corresponding revision of **Book VII**, governing canonical judicial procedures, in order to remedy the serious procedural deficiencies and inequalities that continue to undermine the rights of victims of sexual abuse.

2. Elimination of Structural Conflicts of Interest

Such a comprehensive reform must also introduce practical mechanisms capable of addressing the profound conflicts of interest that presently arise from the fact that the competent Ordinary or religious superior, while legally responsible for initiating penal proceedings on behalf of the victim whenever warranted by the preliminary

investigation, frequently maintains close professional, institutional, or fraternal relationships with the alleged offender. Such circumstances inevitably threaten both the impartiality of the penal process and the professional integrity of the ecclesiastical authorities entrusted with its administration.

Among the practical reforms deserving careful consideration are the following:

- the reconfiguration of the **Preliminary Investigation** (*Investigatio Praevia*) as a mandatory procedural stage whenever any *notitia criminis* or allegation of criminal conduct is received;
- a redefinition of the office of the **Promoter of Justice**, granting it genuine juridical autonomy and operational independence, possibly through life tenure or even pontifical appointment;
- the creation of a **Special Procurator *Partis Laesae***, as proposed by Archbishop Charles Scicluna, whose exclusive responsibility would be to represent victims within canonical penal proceedings and to serve as the formal channel through which victims receive all procedural information concerning their cases.

Furthermore, where circumstances so warrant, the establishment of specialized canonical penal tribunals exercising national or regional jurisdiction—modeled upon France's *Tribunal Pénal Canonique National* (TPCN)—could provide an effective means of ensuring the impartiality, professional competence, and procedural rigor required for the adjudication of sexual abuse cases.

3. Recognition of Victims' Procedural Rights

The reform of canonical procedural law should also guarantee that every alleged victim of sexual abuse enjoys the right to be kept adequately informed throughout the course of the penal proceedings relating to his or her case, as well as the right to receive comprehensive information concerning the rights available within the canonical legal system, including the rights to restitution and compensation.

Likewise, victims should be provided with competent canonical legal assistance free of charge, in the same manner that legal representation is afforded to accused persons, thereby ensuring the effective protection of their procedural rights. The costs associated with such canonical legal representation should be borne by the diocese or Catholic institution directly involved in, or legally responsible for, the offenses committed against the victim concerned.

4. Greater Accessibility of Canonical Jurisprudence

Canonical jurisprudence relating to cases of sexual abuse should be made significantly more accessible to canonists and other qualified scholars at every level of the Church, while fully preserving the confidentiality and privacy that must characterize proceedings involving victims of sexual abuse.

5. Mandatory Advisory Review Boards

The Holy See should require every diocese, eparchy, and institute of consecrated life within the Catholic Church to establish permanent advisory review boards to assist the competent Ordinaries and religious superiors in the handling of sexual abuse cases.

Such advisory bodies should consist principally of qualified lay professionals drawn from the fields of psychology, psychiatry, social work, civil law, canon law, and theology.

The Holy See should promulgate appropriate universal guidelines governing the composition, competencies, and operation of these bodies so as to ensure the highest standards of transparency, professional rigor, and procedural integrity. It should likewise encourage dioceses, eparchies, and religious institutes in economically developed nations to assist their counterparts in developing countries in implementing comparable structures and safeguarding mechanisms.

6. Victim Assistance Offices

Every diocese and every institute of consecrated life within the Catholic Church should establish a permanent **Office for Victim Assistance**, dedicated to providing victims of sexual abuse with compassionate accompaniment, professional guidance, and consistent pastoral support throughout their journey toward healing from the personal harm and trauma they have endured.

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