

Charles J. Scicluna | Myriam Wijlens [Eds.]

Rights of Alleged Victims in Penal Proceedings

Provisions in Canon Law and the Criminal Law
of Different Legal Systems



Nomos



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Volume 2

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Foreword

Cardinal Seán O'Malley O.F.M. Cap.

From the time that Pope Francis established the Pontifical Commission for the Protection of Minors and Vulnerable Adults, the Holy Father has made clear that the response to victim-survivors of sexual abuse must be among the Church's highest priorities. In the course of ongoing work with local churches and religious institutes, the Commission Members have witnessed extraordinary responses to this call from around the world. We also continue to see how much more needs to be done.

A priority for responding to victims begins with a clear and honest acknowledgement that we have so often tragically failed them. This recognition is particularly important for expressing genuine sorrow, true contrition and a firm amendment to change. These grave crimes are deeply offensive to all people, but even more profoundly so when committed by a Catholic priest who uses his position to gain access to vulnerable children and adults. Justice requires us to hold and fulfil a commitment to defend the rights of those who have been harmed. Further changes to process and procedures are also needed, particularly a genuine willingness to listen in personal encounters so that the voices of victims are heard by the leadership of our Church. Concrete action to promote and defend the rights of victims is critical to bringing about justice and, we pray, their well-being and healing.

The December 2021 seminar organised by the Pontifical Commission for the Protection of Minors on the rights of victims in penal procedures brought together more than 60 experts in civil and canon law, theology, psychiatry and the social sciences, who presented a critical approach to the status quo in canon law and provided recommendations for new criteria and standards. We are grateful to Prof. Dr. Myriam Wijlens for her significant time and effort given to planning and coordinating the seminar, to Archbishop Charles J. Scicluna as co-editor of this publication, as well as to the academic and secular professionals who participated in the seminar, because their understanding of the depth and breadth of the impact abuse has on a person provides important assistance in the work of the Church.

The Commission's support for the development and implementation of guidelines for the protection of minors and vulnerable adults emphasises that local policies must assign priority to victims of sexual abuse. The Dicastery for the Doctrine of the Faith placed this first in their *Circular Letter*¹ on these guidelines (2011) as a clear sign of the primary concern for helping victims of sexual abuse to find assistance, healing and reconciliation.

Decisive and timely action is essential when the Church receives a report of sexual abuse. Sexual abuse is a very personal reality marked by a deep sense of betrayal and profound suffering. The lack of a caring and effective response from representatives of the Church can be just as damaging as a negative, hostile response. Too many victims have been further victimised by egregious errors in the manner they were received by Church leadership or by being ignored.

It is our hope that this documentation of the seminar proceedings will be helpful for an understanding of the importance of the Church assigning priority to the defence of victims and a pastoral, supportive response when reports of abuse are brought forward.

Biography

Cardinal Seán O'Malley, O.F.M. Cap., was named Archbishop of Boston in 2003 and was made a cardinal by Pope Benedict XVI in March 2006. In 2010, Pope Benedict appointed Cardinal O'Malley as Apostolic Visitor for the Archdiocese of Dublin, following the release of the Dublin Archdiocese Commission of Investigation (Murphy Report) concerning Church authorities' handling of allegations or complaints of child sexual abuse by clergy in the Archdiocese of Dublin. In 2013, Pope Francis appointed Cardinal O'Malley to the Council of Cardinals and, in 2014, as President of the Pontifical Commission for the Protection of Minors.

1 Congregation for the Doctrine of the Faith, Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics, available on: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20110503_abuso-minori_en.html access 18.02.2023.

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