GAS Journal of Arts Humanities and Social Sciences (GASJAHSS)

Volume 4 | Issue 5, 2026 Homepage: https://gaspublishers.com/gasjahss/ ISSN: 3048-5002

The Church's Response to Sexual Abuse of Minors by Clerics

Patrick Okachi Okuta

Lecturer, Canon Law Department, Catholic Institute of West Africa (CIWA), Port Harcourt, Nigeria

Received: *11.04.2026* | ***Accepted:*** *05.05.2026* | ***Published:*** *08.05.2026*

***Corresponding Author:** Patrick Okachi Okuta

DOI: *10.5281/zenodo.20088185*

Abstract **Original Research Article**

The crime of sexual abuse generally and of minors in particular has tainted the reputation of the Catholic Church as a teacher of good morals. The involvement of clerics in this unwholesome act makes the matter even more grievous, since they are the pastoral agents through which the church accomplishes her salvific mission. The church's efforts to hold offenders responsible and the effort to balance the tension between the interest of the victim and the right of the accused have been interpreted differently by different groups. The attempt to resolve this dilemma has resulted in litigations, financial compensations and apologies on the part of the church. Documents have emanated from the Holy See giving not only instructions and directives but have shaped the church's penal laws to discipline offenders and restrain others, reaffirming the church's defence of human right.

Keyword: Abuse, Clerics, Minors, Response, Sexual.

INTRODUCTION

The Catholic Church has persistently and consistently responded to challenges bordering on human right violations at all times. This longstanding history is rooted in scripture and calls for responsible living in a society that is founded on justice. The right to life includes the right to liberty, security, job, fair wage, properties, marriage, welfare of children and vulnerable persons, education, participation in politics, freedom of speech among others. The church's emphasis on the sacredness of life and human dignity is the focal point of her moral vision for a just society. The human person regardless of his/her situation is a subject not an object, therefore, the society is considered just or unjust depending on whether its programmes threaten or support the human person. The protection of individual and community should be the concern for the formulation of political, economic and social norms of the society. The law, whether political, economic or social must serve individuals and community and not the other way round.

Clerical fidelity to celibacy and commitment to scandal free institution has become a matter of great concern to the church now more than ever. This concerns have necessitated the revision of the penal sanctions of the 1983 code of Canon Law (CIC/83) such that issues of abuses not properly addressed in the former provision received adequate clarifications. The sexual abuse of minors and vulnerable persons is provided for in the norms of canon 1398 of the revised book six which is the focus of this work. This offence against the sixth commandment of the Decalogue by clerics, and especially committed with minors, has been a source of worry for the church in the past as in the present. In this discourse an attempt is made to

expose the measures taken by church and society in response to the issue at different times in history.

HISTORICAL OVER VIEW OF THE OFFENCE

Clerical sexual abuse of minors allegedly predates this modern media hype and publicity that has given the offence a notorious character. An available source claim that, "Sexual abuse in the Catholic Church has been reported as far back as the 11th century, when Peter Damian wrote the treatise *Liber Gomorrhianus* against such abuses and others." [1] This offence having survived ten centuries in accordance with this record has brought pain, shame and dishonor to the Catholic Church, the reasons for which the church has rendered apologies at various times. The same source reports the church's response to the offence in the past,

> In the late 15th century, Katharina von Zimmern and her sister were removed from their abbey to live in their family's house for a while partly because the young girls were molested by priests. In 1531, Martin Luther claimed that Pope Leo X had vetoed a measure that cardinals should restrict the number of boys they kept for their pleasure, 'otherwise it would have been spread throughout the world how openly and shamelessly the Pope and the cardinals in Rome practice sodomy'.[2]

These actions alleged to have been taken by the authority, that is, merely removing the girls from their abbey is only to protect the victims from further abuse or molestation, nothing in the action taken was to prevent the offence from being committed in the future. There was no legal or punitive action against the offender(s) either to restore justice, repair scandal or to reform the offender and to serve as deterrent to others. The counsel alleged to have been given by Pope Leo X will only appear to be permissive and a cover up, not a decisive and determined will to condemn the offence. Measures such as these, if indeed was taken, could only pass for pampering not sanction and the reason for the ten centuries survival and fruition of this embarrassing and scandalous offence.

Canon 2359 of the 1917 code (CIC/17) was the first authoritative legislation by the church in response to clerical sexual scandal generally. It provides that, "Concubinious clerics in sacred [orders], whether secular or religious, previous warnings not being heeded, are to be coerced into giving up their illicit relationship and to repair scandal by [being] suspended from divine things [and by suffering] the loss of the benefits of office, benefices, and dignities, the prescriptions of canons 2176 – 81 being observed."[3] This canon is concerned mostly with clerics living in concubinage and persisting in it after warnings have been issued. Such clerics whether secular or religious were to be punished in accordance with the norms of law.

As a follow up from the above prescriptions the canon also provided for other offences against the sixth commandment of the Decalogue.

> If they engage in a delict against the sixth precept of the Decalogue with a minor below the age of sixteen, or engage in adultery, debauchery, bestiality, sodomy, pandering, incest with blood-relatives or affines in the first degree, they are suspended, declared infamous, and are deprived of any office, benefice, dignity, responsibility, if they have such, whatsoever, and in more serious cases, they are to be deposed.[4]

The church since the codification of the CIC/17 has never pretended about her hatred for sexual offences of all types and against minors in particular. There have always been tough penalties for clerics, secular as well as religious, who offend in this direction, however, the implementation by individual bishops could have created the lapses that accommodated and fertilized this crime.

The Instruction issued from the Vatican on June 9,

[1] https://en.wikipedia.org/wiki/Catholic_Church_sexual_abuse_cases. 24/01/2026.
[2] Ibid.
[3] Code of Canon Law 1917; Conon 2359 §1
[4] Ibid. §2

1922 by the Supreme Sacred Congregation of the Holy Office, signed by the prefect, Cardinal Merry del Val, and approved by Pope Pius XI dealt with the crime of solicitation. It was concerned about the priest sinning while exercising his office at the confessional and not the crime committed against the victim nor does it address the victim who suffers the consequence of the action. This document was not made public but was circulated only to all the bishops of the world. Forty years later, another document *Crimen Sollicitationis* was issued by the Supreme Sacred Congregation of the Holy Office on March 16, 1962 and approved by Pope John XXIII. This like the 1922 document was kept strictly secret and dealt with the crime of solicitation but not exclusively. In Title V '*Crimine Pessimo'* (The worst Crime) of the document, offences other than solicitation were mentioned.

> The 1922 document has an identical section. The norms of both documents were thus established as the obligatory procedures for prosecuting cases of four separate and distinct canonical crimes, namely, a) solicitation for sex in the act of sacramental confession, b) homosexual sex, c) sexual abuse of minor males or females, d) bestiality or sex with animals. It is therefore incorrect to state that the norms and procedures of *Crimen Sollicitationis* are applicable only to cases of solicitation for sex in the confessional.[5]

It is not clear what the provisions of the documents were since they were not made public. However, it is clear that the church's response to sexual abuse of minors has been there and has been sustained till date.

> It is also incorrect to assume, as some have unfortunately done, that these two Vatican documents are proof of a conspiracy to hide sexually abusive priests or to prevent the disclosure of sexual crimes committed by clerics to secular authorities. The documents were written in a style and within an ecclesiastical context common for that preconciliar age. Both are legal-canonical documents written in highly technical language. The English translation of *Crimen sollicitationis*, though basically accurate, is also strained and awkward which can lend itself to misunderstanding.[6]

The intention to cover up the crime was not in any way anticipated in the secrecy of the documents as some critics of the church have insinuated. The ability to give the correct interpretation of the document was of the utmost concern of the church at that time.

The CIC/83 in canon 1395 dealt with the sin against the sixth commandment in general and made specific provision on the sexual abuse of minors. This canon did not adequately address the crime of sexual abuse of minors, as such the reason for the revision from which canon 1398 is a novelty. However, prior to this revision, documents such as *Sacramentorum Sanctitatis Tutela* (SST) April 30, 2001 and the most recent *Vos Estis Lux Mundi* (VELM) May 7, 2019 had provided some response to the crime of sexual abuse of minors.

Canon1395 §1 of CIC/83 like the previous code, besides attempted marriage, criminalizes concubinage and other external sins against the sixth commandment of the Decalogue that causes scandal and prescribed suspension as initial punishment. Other penalties are to be gradually added including dismissal from the clerical state if the cleric remain contumacious after official warning. This legislation is genuine effort to safeguard authentic clerical continence. "The issue is quite serious since dismissal from the clerical state is possible in cases of notable intransigence."[7]

[5] Thomas Doyle. The 1922 Instruction and The 1962 Instruction "*Crimen Sollicitationis*," Promulgated by The Vatican. http://www.awrsipe.com/doyle/2008/2008-10-03-Commentary-on-1922-and-1962-documents.pdf. 4. n. 14. 25/01/2026.

[6] Doyle. 6. n.20.

[7] Thomas J. Green. "Sanctions in the Church." *New Commentary on the Code of Canon Law. Ed.* John Beal, James Coriden, and Thomas Green. Bangalore: Theological Publication, 2007. 1599. Print.

Any ongoing sexual relationship between a cleric and a woman whether married or not and homosexuality is a serious violation of the clerical continence which the church has preserved as a distinguishing character of the Catholic clergy. Unlike the previous code this legislation instead of listing specific crimes summed all as other sins against the sixth commandments of the Decalogue.

The second paragraph of this canon provides that, "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 threat 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."[8] This legislation considered four characteristics which makes this crime a special one namely that it is committed by force or threat or publicly or with a minor below the age of sixteen years. "These four criteria must be carefully considered in determining whether a delict has been committed. If any one of them is verified in an instance of external, seriously imputable, clerical sexual behavior, there may be a delict. In fact occasionally more than one of these criteria may be exemplified, e.g., the use of force or manipulation in sexual abuse of minors." [9] Just penalties are recommended as punishments for the offender, that is, at the discretion of the authority but in accordance with the norms of law. However, dismissal from the clerical state not excluded, proves the seriousness of the offence and the church's determination to end or reduce the crime to the barest minimum.

It is important to note that while concubinage is a consensual sexual offence, the offence in this legislation is a non-consensual sexual offence. "The cleric engaging in consensual sexual activity with another adult, however morally objectionable, is different from the one forcefully engaging in non-consensual sexual activity with a minor or another vulnerable person such as a counselee."[10] The difference is rooted in betrayal of trust and taking advantage of the physical and/or moral weakness of the victim who has genuine intention and innocently come to the cleric for help, spiritual or otherwise. The cleric has also taken advantage of his exalted office to pursue a cause that is criminal and unbecoming of his status.

The *Motu Proprio, Sacramentorum Sanctitatis Tutela* (SST) identified two types of offences (i) *Delicta in sacramentorum celebratio commissa* (delict committed in the celebration of the sacraments) and (ii) *Delicta contra mores* (delict against morals) which are judged by the Congregation for the Doctrine of the Faith (CDF). This work focuses on the second which is delict against moral. The document SST provides that, "Reservation to the Congregation for the Doctrine of the Faith is also extended to a delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years." [11] The novelty in the provision of this document is the extension of the age of a minor from below sixteen years to eighteen years of age. This is in line with the global recognition of the age for adulthood which is eighteen not sixteen as contained in both the 1983 and the previous code.

The penalty recommended by SST for the crime of abuse of minors is in accordance with the norms of law. "One who has perpetrated the delict mentioned in § 1 is to be punished according to the gravity of the offense, not excluding dismissal or deposition."[12] The church since the promulgation of CIC/17 has demonstrated commitment to dealing with the sexual abuse of minors by clerics. The legislations have provided for severe punishment of clerics who have gravely offended in this manner. Dismissal from the clerical state is a punishment with permanent effect and cannot be applied to an offence that is not serious. The question begging for answer is why the crime has not only survived but has grown and spread to a mega alarming proportion. Making a legislation is one thing and application is another. This could have been the reason for the pain, shame and troubles the church

[8] Canon 1395 §2.
[9] Thomas j. Green. 1599.
[10] Ibid. 1600.
[11] John Pual II. Sacramentorum Sanctitatis Tutela. Vatican, 2001. Art. 4. §1
[12] Ibid. Art.4. §2

is going through recently. The actions of some church authorities who were in a position to respond to this crime in the past with the seriousness it deserves could have been frustrated at some point. This probable inaction has cost the church fortunes, pains, shame and apologies. The consequences of this seeming failure to punish offenders in the past has renewed the church's legislative polemics in the provisions of VELM and canon 1398.

The Supreme Pontiff, Pope Francis, in a pastoral letter he issued *Motu Proprio; Vos Estis Lux Mundi* (VELM) took the response to sexual abuse by clerics and members of Institutes of Consecrated Life and Societies of Apostolic Life to a higher level. Unlike the previous letter, SST, which dealt with crimes committed in the celebration of the sacraments and crimes against morals, this document exclusively deals with the crimes against morals. The provisions of this Motu Proprio consider a number of offences which constitute crimes against the sixth commandments of the Decalogue.

> These norms apply to reports regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life and concerning: a) delicts against the sixth commandment of the Decalogue consisting of: i. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts; ii. performing sexual acts with a minor or a vulnerable person; iii. 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;[13]

The provision of this article introduces new terminologies such as violence and abuse of authority in addition to others used in the earlier documents in considering the quality of the crime against the sixth commandment of the Decalogue. Other terminologies are vulnerable person and child pornography listed as crime against the sixth commandments. The use of force is qualified by violence or threat, violence is the physical use of force to coerce someone and in this case a minor or vulnerable person to submit to sexual act. Abuse of authority could consist in taking advantage of one's office to commit a crime which in this case is sexual abuse of a minor and/or vulnerable person. This provision criminalizes the inducement of a minor and vulnerable person, by a cleric or a religious, to participate whether in the actual production of pornography or mere simulation. The exhibition, possession or distribution by any means whatever, of the pornography by a cleric or a religious is repudiated by this document.

The document itself made a clarification of some of the terminologies used for the avoidance of doubt.

> For the purposes of these norms, a) "*minor"* means: any person under the age of eighteen, or who is considered by law to be the equivalent of a minor; b) "*vulnerable person*" means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence; c) "*child pornography*" means: any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes.[14]

These definitions clarify not only the terminologies but also provided additional information on the ordinary understanding of the terms. This expanded understanding gives a wider view of the nature of the offence such that nothing is left to chance or obscure in the minds of clerics who are the recipients of this provisions.

THE REVISED CANON 1398

The revision of the penal sanction of CIC/1983 anticipated since the Papacy of John Paul II has come to see the light of day in the present Pope,

[13] Pope Francis. Vos Estis Lux Mundi. Art. 1 §1

[14] Ibid. Art. 1 §2

Francis and promulgated in the *Motu proprio; Pascite gregem Dei*, came into force on December 8, 2021. The expectation that the *latae sententiae* penalties will be expunged in its entirety or reduced to the barest minimum is not noticed in the revision. However there are a number of significant reforms in the revision of which canon 1398 is a novelty. Canon 1398 is a legislative accent to VELM, adopting almost the exact words of article 1 of the document while providing definite sanction for the offences.

> § 1. A cleric is to be punished with deprivation of office and with other just penalties, not excluding, where the case calls for it, dismissal from the clerical state, if he:
>
> 1 ° commits an offence against the sixth commandment of the Decalogue 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;
>
> 2 ° grooms or induces a minor or a person who habitually has an imperfect use of reason or one to whom the law recognises equal protection to expose himself or herself pornographically or to take part in pornographic exhibitions, whether real or simulated;
>
> 3 ° immorally acquires, retains, exhibits or distributes, in whatever manner and by whatever technology, pornographic images of minors or of persons who habitually have an imperfect use of reason.
>
> § 2. A member of an institute of consecrated life or of a society of apostolic life, or any one of the faithful who enjoys a dignity or performs an office or function in the Church, who commits an offence mentioned in § 1 or in can. 1395 § 3 is to be punished according to the provision of can. 1336 §§ 2-4, with the addition of other penalties according to the gravity of the offence.

The provisions of this canon while appear similar to the previous provision, retains originality in many respects. In addition to criminalizing the offence against the sixth commandment committed against a minor, it introduces also those with imperfect use of reason as those protected in the legislation. The canon did not use the term vulnerable person as in VELM but choose rather to define it as those who habitually have imperfect use of reason. This could also be clarified by the provision of canon 1322 which added the clause "even when they appear lucid" cannot be ignored. The age considered to be a minor is below the age of eighteen as fixed by VELM which is not mentioned in the canon under study.

The terms "groom or induce" used here in preference to "force of violence and/or threat" in VELM is a novelty in the provision of 1398 § 1 2º. These terms are more persuasive and a surreptitious way of working on the intelligence, emotion and psyche of the minor and/or person with habitual imperfect use of reason. The danger here is that there is an appearance of cooperation on the part of the victim to the exoneration of the offender. The canon condemns this tactics whether it seeks to commit the sin against the sixth commandment or to produce pornography of a minor and/or a person who habitually has imperfect use of reason. The acquisition, retention, exhibition and distribution of such pornography so produced equally attract the same penalty. Canon 1398 § 3 prescribes equal punishment for members of Christ's faithful other than clerics and members of religious institutes who commits the same offence and the penalty can be progressively increased depending on the gravity of the offence.

THE CDF: STATUS AND FUNCTIONS

The document (SST) defined the function of the CDF stating that,

> The Congregation for the Doctrine of the Faith, according to the norm of art. 52 of the Apostolic Constitution *Pastor Bonus*, judges more grave delicts whether against morals or committed in the celebration of the sacraments, and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law, without prejudice to the competence of the Apostolic

> Penitentiary and with *Agendi ratio in doctrinarum examine* remaining in force.[15]

These offences reserved to the CDF are classified as *graviora delicta* (grave offence). The CDF may authorize the diocese to carry out the investigation and send the findings to CDF who makes decision or could delegate the case to the lower tribunal. On receiving the accusation that an offence has been committed the bishop himself or through his representative will notify the cleric in accordance with the norms of law and as well summon him to defend himself in the trial process as provided in the law. The right of defence is crucial to the validity of the case and as such cannot be over looked. The process is determined by the CDF, Egbuna observes,

> However, the diocesan bishop upon receiving the report of the investigator, and having carefully considered the acts of the investigation, the report of the investigator, and any observation offered by the diocesan review board if any, and his own *votum* having been formulated… on whether or not it seems probable that a crime has been committed, is to refer the matter to the CDF. The *votum* of the diocesan bishop will play a significant role in the CDF's determination of whether or not further canonical action is warranted and, if so what that action might be.[16]

The determination of further canonical action by the CDF in the previous code provision which was discretionary, has in the present revision become mandatory in accordance with canons 1311 §2 and 1341. Such discretionary decision leaves a window for critiques and opportunity for attacks from those who accuse the church of a cover up. An exhaustive investigation and conclusive trial leaves nobody in doubt that justice is done, if in deed an offence was committed as alleged, or declaration of innocence if otherwise. The penalty prescribed for the offence is applied in accordance with the provisions of the, law to restore justice, repair scandal and reform the offender.

PRESCRIPTION

Prescription is an important term in canon law which provides that legal action for delicts is extinguishes within a period of time after which it cannot be challenged in ecclesiastical court. SST provides that offences reserved to the Congregation for the Doctrine of the Faith (CDF) is extinguished after ten yea.[17] What this means is that if the case is not reported within the period of ten years when the offense is committed, the offender may not be tried and punished accordingly. However, prescription according to SST begins when the minor has attained the age of eighteen.[18] What this means is that the ten years for the case to be extinguished by prescription begins to count when the minor has attained the age of eighteen and not necessarily when the offence was committed. It is important to note that prescription is the reason for the urgency in the instruction of the case in the sin against the sixth commandment committed with a minor.

The ten years period of SST for the expiration of prescription was amended in canon 1362 of CIC/83 for an action arising from the delicts mentioned in cann. 1394, 1395, 1397, and 1398, to a prescription of five years.[19] The offences have been expanded in the revised book six which states that, "an action arising from any of the offences mentioned in cann. 1376, 1377, 1378, 1393 § 1, 1394, 1395, 1397, or 1398 § 2, which is extinguished after seven years, or one arising from the offences mentioned in can. 1398 § 1, which is extinguished after twenty years."[20] This new provision points to the church's intention and seriousness to deal with cases of sexual abuse of minors and vulnerable persons in manners that prove to all that she intends to

[15] SST. Art.1, §1

[16] Miriam Perpetua Egbuna. "Penal Sanctions, Administrative/ Judicial Process Vis-A- Vis Religious Institutes." *Sanctions in the Church: Proceeding of the Canon Law Society of Nigeria. Ed.* Peter Ebere Okpleke & Jonas Benson Okoye. Awka: Canon Law Society of Nigeria, 2010. *78.*.

[17] MP. SST. Art. 15. §1.

[18] Ibid. §2.

[19] Can. 1362 2º

[20] Revised book six. Can. 1362 2º

sufficiently be transparent in the delivery of justice. The revised book six does not leave any room for future litigation. It gives ample opportunity for the victim to seek justice within the time frame provide by the norms of law.

The pursuit of justice for criminal offence requires urgent steps for obvious reasons, according to Green; "A concern for the public good requires that criminal actions be pursued expeditiously. The evidence may become stale if too long a time lags between the commission of an alleged delict and its formal prosecution. Furthermore, the legal security of the accused is unduly jeopardized if church authorities do not pursue potential criminal actions with reasonable expeditiousness." [21] Victims of canonical offences and/or promoters of justice must act fast and make their reports within the canonical time frame to ensure that justice is neither delayed nor denied. Such delay or denial are often interpreted as cover up or failure of the church to expeditiously deal with offences, which sometimes resulted in litigations that have harmed the reputation of the church.

The Civil Law

Interestingly the Civil laws criminalize these sexual aberrations. The United Nation Convention on the Right of the Child adopted November 20, 1989 and came into force on September 2, 1990 in article 34 declares that, "States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials." [22] This general provision by the United Nation allows the details to member states to domesticate the law in their various countries.

Nigeria being a member state made provision in her Criminal Code Act which criminalizes pedophilia,

> Any person who, being the owner or occupier of any premises, having, or acting, or assisting in the management or control of any premises, induces or knowingly permits any girl of any age as is in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully carnally known by any man, whether a particular man or not, is guilty of an offence.
>
> If the girl is of or above thirteen and under sixteen years of age, he is guilty of a misdemeanor and is liable to imprisonment for two years with or without caning.
>
> If the girl is under the age of thirteen years, he is guilty of a felony, and is liable to imprisonment for life, with or without caning.[23]

The provisions of this section of the Criminal Code Act outlawed the use of any premises for the purposes of prostitution for girls of the age mentioned therein. Those below the age of sixteen years prescribed by the Criminal Code Act regarded as minors here corresponds to the canonical provision in 1395 of CIC/83. The Nigerian Criminal Code Act went a step further to distinguish between those who have attained the age of thirteen years and those below it by making the same offence either a misdemeanor or a felony respectively. If the crime is committed with a minor within the age of thirteen or above but below sixteen the offence is a misdemeanor while for those below it the crime is a felony. For a misdemeanor the punishment is two years in jail with or without caning, while felony is imprisonment for life with or without caning. This distinction was not made in the canon law but the provision of the M.P. *Sacramentorum Sanctitatis Tutela* made the matter even more serious when it increases the age for a minor to be below the age of eighteen in contrast to the sixteen required by canon 1395. It is clear here from the provisions of both the canon law and the Nigerian Criminal Code Act that the crime of pedophilia is not to be taken lightly by

[21] Green. 1573.

[22] United Nation. Declaration on the Right of the Child. 1990.

[23] Nigeria Criminal Code Act section 219

all whether clerics or lay.

Interestingly the provision of this Act incriminates not only the offender but also the owner of the premises in which the offense is committed or the one who is the care taker of the premises or the tenant who provides the accommodation or knowingly permits that the crime of pedophilia should be committed is guilty, whether the offence is actually committed or not. The fact that the persons mention in this section have the intention of using the premises for this purpose is enough to hold them guilty of the offence and to be punished with the same punishment as the offender. The reason being that without their cooperation as accomplices the crime would not have been possible.

The Nigerian criminal Code in section 221 made provision for the defense of the vulnerable who are referred thereto as "idiots". These are also recognized in the *Vos Estis* as the "vulnerable adults", that is, those who have habitual imperfect use of reason (can.1398) as well as those denied their freedom or in a very serious need. Taking advantage of these groups of people to sexually abuse them attracts the same condemnation. However, in the Nigerian Criminal Code the punishment is not the same as the abuse of a minor. "knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her, is guilty of a misdemeanor and is liable to imprisonment for two years, with or without caning."[24] The Criminal Code went further to provide for indecent treatment of women or girls; "Any person who unlawfully and indecently deals with a girl under the age of sixteen years is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without caning.

If the girl is under the age of thirteen years, he is guilty of a felony and is liable to imprisonment for three years, with or without caning."[25] The Code defined the term "deal with" as any act which if done without the consent of the person constitute harassment.

The sexual abuse of minors and vulnerable adults both in the canonical and civil law provisions are not restricted to sexual act itself alone but also all forms of inducement, and act capable of or suggestive of an intention towards unlawful sexual activity are condemned and are punishable by law. The Criminal Code unlike the canon law provides that the trial can commence two months after the crime has been committed. The canon law provision is for immediate process after the evidence has been collected.

CONCLUSION

Sexual abuse of minors and vulnerable persons is a mindless offence that has attracted attentions of the church and secular societies at all times. Perpetrators of this offence are not only unreasonable but sick and in need of urgent cure. As part of this conclusion it is important to state that such offender should undergo a psychological test and treatment. Punishment alone may not solve the problem permanently, a clinical treatment may have the desired long term solution. The parents of these children or their guardians must be vigilant to observe the behavioural change in their wards if any and find the cause of such changes. If a case of sexual abuse is involved and is detected on time the prolongation could be arrested and the damage reduced. Ecclesiastical authorities must be vigilant as well to fish out clerics who may have such tendencies and adequately deal with the situation before it becomes festered.

The new law does not admit of any cover – up of this crime as the law treats as offender the one who has the knowledge of the offence and fails to report it. The church has suffered so much criticism, blame and financial loss in dealing with this offence such that being complacent presents the authorities as accomplices. There must be a measure in place to check, arrest and hold offenders responsible lest the church will have to pay for the sins of those who should be custodians of morality but turned offender, those in positions of trust who have betrayed their trust. Ignorance as we know does not excuse from the obligations of the law.

[24] Ibid. Section 221. 2.
[25] Ibid. section 222.

BIBLIOGRAPHY

Code of Canon Law 1917

Code of Canon Law 1983

Doyle, Thomas. The 1922 Instruction and The 1962 Instruction "*Crimen Sollicitationis*," Promulgated by The Vatican. http://www.awrsipe.com/doyle/2008/2008-10-03-Commentary-on-1922-and-1962-documents.pdf. 4. n. 14. 25/01/2026.

Egbuna, Miriam Perpetua "Penal Sanctions, Administrative/ Judicial Process Vis-A- Vis Religious Institutes." *Sanctions in the Church: Proceeding of the Canon Law Society of Nigeria. Ed.* Peter Ebere Okpleke & Jonas Benson Okoye. Awka: Canon Law Society of Nigeria, 2010. *78.*.

Green, Thomas J. "Sanctions in the Church." *New Commentary on the Code of Canon Law. Ed.* John Beal, James Coriden, and Thomas Green. Bangalore: Theological Publication, 2007. 1599. Print.

https://en.wikipedia.org/wiki/Catholic_Church_sexual_abuse_cases. 24/01/2026.

John Paul II, MP. *Sacramentorum Sanctitatis Tutela* Vatican City: Libreria Editrice Vaticana, 2001.

Nigeria Criminal Code Act section

Pope Francis. MP. *Vos Estis Lux Mundi.* Vatican City: Libreria Editrice Vaticana, 2019.

United Nation. Declaration on the Right of the Child. 1990.