Pope Francis issues Motu Proprio on criminal law matters in Vatican

(Vatican Radio) Pope Francis has issued a Motu Proprio on criminal law matters and administrative sanctions within Vatican City State and the Holy See. In a statement by the Holy See’s Press Office, it was announced that on this same date, the Pontifical Commission for Vatican City State has adopted the following laws:

Law No. VIII containing Supplementary Norms on Criminal Law Matters;
Law No. IX containing Amendments to the Criminal Code and the Criminal Procedure Code;
Law No. X containing General Provisions on Administrative Sanctions.

The note from the Holy See Press Office goes on to clarify the following points:

The Motu proprio makes the criminal laws adopted by the Pontifical Commission for Vatican City State applicable also within the Holy See.

The criminal laws adopted today are a continuation of the efforts to update Vatican City State’s legal system, building upon the measures adopted since 2010 during the pontificate of Benedict XVI.

These laws, however, have a broader scope, since they incorporate into the Vatican legal system the provisions of numerous international conventions including: the four Geneva Conventions of 1949, on the conduct of war and war crimes; the 1965 Convention on the elimination of all forms of racial discrimination; the 1984 Convention against torture and other cruel, inhuman or degrading treatment or punishment; the 1989 Convention on the rights of the child and its optional protocols of 2000.

Of particular note in this context is the introduction of the crime of torture and a broader definition of the category of crimes against minors (including: the sale of children, child prostitution, the recruitment of children, sexual violence and sexual acts with children, and the production and possession of child pornography).

A section of the legislation introduces a list of crimes against humanity, in particular, the crimes of genocide and apartheid, following broadly the definitions adopted in the 1998 Statute of the International Criminal Court. The section of the Criminal Code regarding offences committed in the exercise of public administration has also been revised in light of the 2003 United Nations Convention against corruption. With regard to penalties, that of life imprisonment has been abolished and it has been replaced with a maximum penalty of 30 to 35 years of imprisonment.

In line with the most recent developments at the international level, the new legislation also introduces a system of penalties for juridical persons who profit from the criminal activities of their constituent bodies or personnel, establishing their direct liability and providing as penalties a set of interdictions and pecuniary sanctions.

In the area of criminal procedure, the general principles of presumption of innocence and due process within a reasonable time have been recognized explicitly, while the power of the judicial authorities to adopt precautionary measures has been increased by bringing up to date the provisions for confiscation and the freezing of assets.
Also of importance is the modernization of the rather dated norms governing international judicial cooperation, with the adoption of measures in line with the standards of the most recent international conventions.

The law on administrative sanctions is of a general nature so as to serve as a common framework that provides for the possibility of sanctions in different areas intended to promote respect for the norms, to render them effective and to protect the public interests.

As a whole, these normative efforts form part of broader process aimed at modernizing further the Vatican legal system with a view to enhancing its consistency and effectiveness.

**The following is an English translation of Pope Francis' Apostolic Letter Motu Proprio on the jurisdiction of Judicial Authorities of Vatican City State in criminal matters (Full Text)**

In our times, the common good is increasingly threatened by transnational organized crime, the improper use of the markets and of the economy, as well as by terrorism.

It is therefore necessary for the international community to adopt adequate legal instruments to prevent and counter criminal activities, by promoting international judicial cooperation on criminal matters.

In ratifying numerous international conventions in these areas, and acting also on behalf of Vatican City State, the Holy See has constantly maintained that such agreements are effective means to prevent criminal activities that threaten human dignity, the common good and peace.

With a view to renewing the Apostolic See's commitment to cooperate to these ends, by means of this Apostolic Letter issued Motu Proprio, I establish that:

1. The competent Judicial Authorities of Vatican City State shall also exercise penal jurisdiction over:
   a) crimes committed against the security, the fundamental interests or the patrimony of the Holy See;
   b) crimes referred to:
      - in Vatican City State Law No. VIII, of 11 July 2013, containing Supplementary Norms on Criminal Law Matters;
      - in Vatican City State Law No. IX, of 11 July 2013, containing Amendments to the Criminal Code and the Criminal Procedure Code;
      when such crimes are committed by the persons referred to in paragraph 3 below, in the exercise of their functions;
   c) any other crime whose prosecution is required by an international agreement ratified by the Holy See, if the perpetrator is physically present in the territory of Vatican City State and has not been extradited.

2. The crimes referred to in paragraph 1 are to be judged pursuant to the criminal law in force in Vatican City State at the time of their commission, without prejudice to the general principles of the legal system on the temporal application of criminal laws.

3. For the purposes of Vatican criminal law, the following persons are deemed "public officials":
   a) members, officials and personnel of the various organs of the Roman Curia and of the Institutions connected to it.
   b) papal legates and diplomatic personnel of the Holy See.
   c) those persons who serve as representatives, managers or directors, as well as persons who even de facto manage or exercise control over the entities directly dependent on the Holy See and listed in the registry of canonical juridical persons kept by the Governorate of Vatican City State;
   d) any other person holding an administrative or judicial mandate in the Holy See, permanent or temporary, paid or unpaid, irrespective of that person's seniority.

4. The jurisdiction referred to in paragraph 1 comprises also the administrative liability of juridical persons arising from crimes, as regulated by Vatican City State laws.

5. When the same matters are prosecuted in other States, the provisions in force in Vatican City State on concurrent jurisdiction shall apply.

6. The content of article 23 of Law No. CXIX of 21 November 1987, which approves the Judicial Order of Vatican City State remains in force.

This I decide and establish, anything to the contrary notwithstanding. I establish that this Apostolic Letter issued Motu Proprio will be promulgated by its publication in L'Osservatore Romano, entering into force on 1 September 2013.
Given in Rome, at the Apostolic Palace, on 11 July 2013, the first of my Pontificate. FRANCIS

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