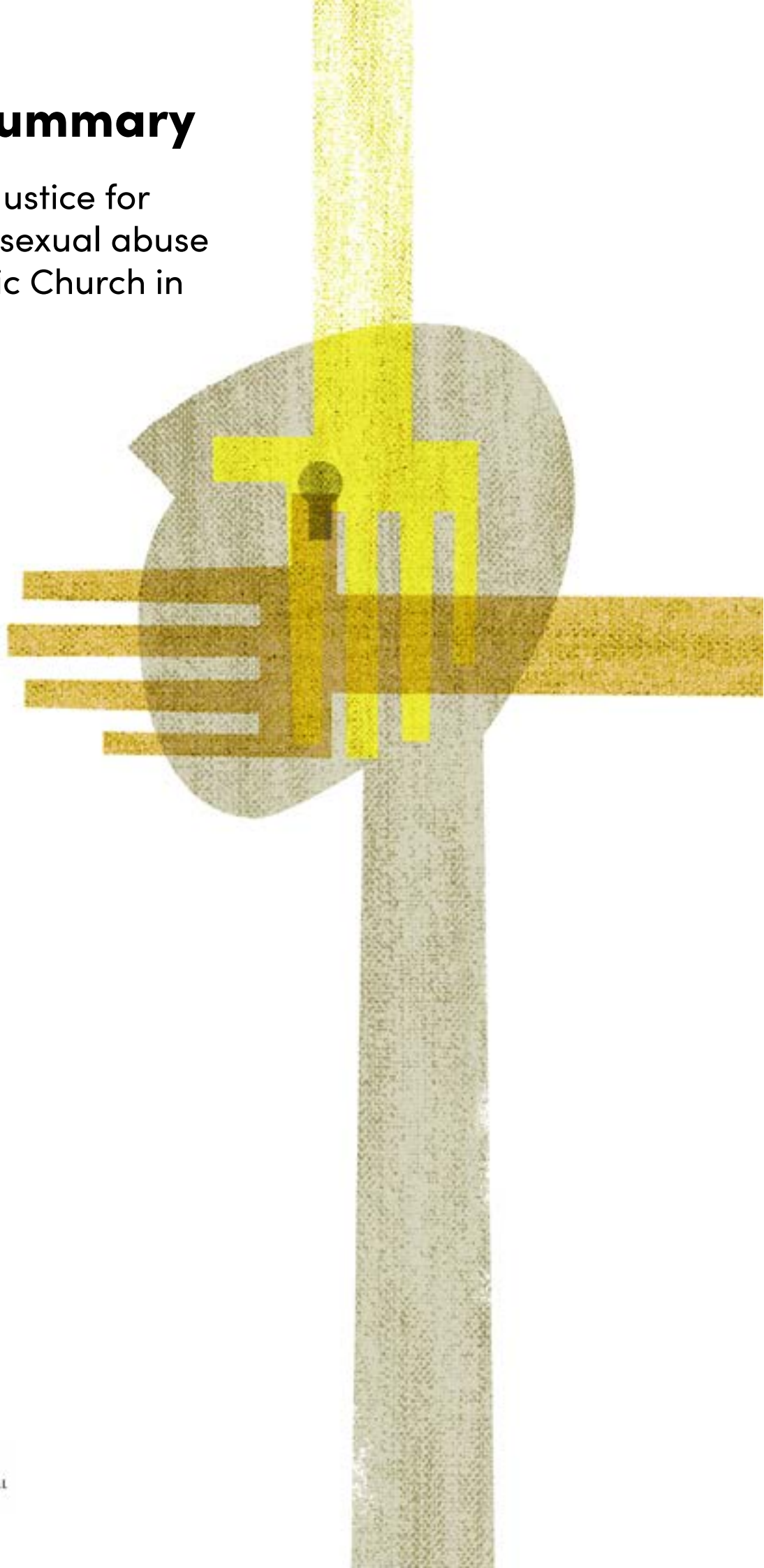


Executive summary

The Third Wave: Justice for survivors of child sexual abuse within the Catholic Church in Latin America



Introduction

Survivors of child sexual abuse in the Catholic Church predict Latin America will become the third region globally to witness mass revelations that expose systemic abuse and how the Church concealed it. The first waves of major disclosures occurred in North America and Ireland followed by the rest of Europe and Oceania. While Latin America - which has the highest Catholic population in the world - still has some of the lowest reporting rates of clergy sexual abuse, Argentina and Chile stand out as exceptions, as an increasing number of survivors continue to come forward and take legal action against their abusers and the Church that shielded them.

Human rights groups say the global Church is still failing to respond to and make amends for its sexual abuse scandal, and survivors are increasingly placing the onus on national governments to respond, as they call for national inquiries and better access to justice.

Scale of sexual abuse in Latin America

Sexual abuse within the Catholic Church is a global problem, but uncovering its true scale is a formidable challenge, largely because of underreporting, as the majority of victims will never report their abuse. Contributing to the challenge are the lack of systematic monitoring or official statistics on the issue and that government data rarely disaggregates the identity of perpetrators to identify whether they were clergy or otherwise affiliated with the Church.

Investigative journalism and independent public inquiries have therefore been instrumental in exposing the problem in multiple countries from Ireland and the Netherlands to Canada and Australia. Because no Latin American country has so far conducted a national inquiry into child sex abuse in Catholic institutions, our research relied on media coverage in each country in the region. We found that:

- Only a **small number of cases of clergy sexual abuse have come to light** in Brazil, Cuba, Ecuador and Honduras, according to those covered in the national media. In these countries, there has been **no investigative journalism** on the issue, as has been carried out in Argentina, Costa Rica and Paraguay.
- Sometimes the **only statistics available are those released by the Catholic Church** (e.g. Brazil, Guatemala, Mexico, Uruguay). But the Church systematically withholds the identity of the accused and does not pass on the cases to civil authorities.

- The majority of clergy abuse **complaints involve abuse that occurred in the past 20 years**. Most of the earliest reports of abuse emerged as recently as 2002, with some countries seeing a sharp rise since 2017 (e.g. Argentina, Bolivia, Chile, Colombia). Total numbers, however, relative to countries outside of Latin America, are still low.
- There have been convictions of abusive priests in every country in Latin America (except Cuba, where there is no data), but these are few and far between. Complaints are **increasingly reaching the national Public Prosecutor's Office** (e.g. Argentina, Bolivia, Chile, Colombia), but only a minority of cases have resulted in convictions.
- The Catholic Church in Latin America has **systematically tried to suppress abuse complaints and scandals** by: 1) transferring abusive priests from one parish or country to another - a practice that continues to this day; 2) offering secret payments to victims and their families in exchange for their silence; 3) blaming victims and their families for the abuse; 4) undermining the credibility of victims; 5) manipulating victims psychologically so that they do not take legal action; and 6) pressuring the media to not report on the issue.
- The growing visibility of the issue has led to the formation of the **first national survivor groups in the region**, the most active being in Argentina, Chile and Mexico. Some of these are part of Ending Clerical Abuse (ECA) - Global Justice Project, the first international organisation focused on justice and accountability for sexual abuse in the Catholic Church and which has members across Latin America.

Legislation and law reform

Around the world, one principal way that countries have responded to child abuse scandals in religious or other institutions is by improving access to justice for survivors by removing barriers that prevent them from taking legal action. CRIN conducted a review of national legislation on child sexual abuse for every Spanish-speaking Latin American country, as well as Brazil.

We found that a number of countries (Nicaragua, El Salvador, Mexico, Ecuador, Peru and Chile) **have abolished limits on the time a person has to report sexual abuse** they suffered in their childhood and bring their complaints before the courts. Such law reform respects the reality that abuse survivors take decades to disclose their abuse. Around the world, abolishing or easing limitation periods has led to waves of lawsuits from survivors, but this has yet to happen in Latin America.

Our research also found that:

- In the rest of the region, the current **maximum limitation period for child sexual abuse varies**: under 10 years (Bolivia), 10-20 years (Argentina, Dominican Republic, Paraguay, Venezuela, Colombia, Panama, Brazil, Uruguay), 20-30 years (Cuba, Costa Rica, Honduras), and more than 30 years (Guatemala). In ten Latin American jurisdictions, **limitation periods do not generally begin to run until** a child reaches 18. In three of these countries, the limitation period does not start running until a person reports the offence.
- National legal systems criminalise most forms of sexual exploitation and abuse of children, but **some countries offer unequal protection to children**. For example in Bolivia and Venezuela, rape victims over the age of 14 and 13, respectively, must prove that force or threats were used, but the same requirement is not asked of younger victims.
- Perpetrators in two countries can **evade prosecution if they go on to marry their victim**, if aged 12-16 years old at the time of the abuse in Venezuela and 14-18 years old in two Mexican states.
- Criminal law in Argentina, Mexico and Peru recognises the **abuse of a position of power as a specific element of the offence** or an exacerbating factor leading to an increased sentence. These countries' laws explicitly identify religious ministers or having a religious relationship with a child as examples where abuse of power may occur.
- Only a minority of countries make it **compulsory to report suspected or confirmed sexual abuse** of children in different settings, namely Brazil, Peru and Argentina, according to our research. (Mandatory reporting is a common recommendation from public inquiries into child sexual abuse and that it should apply to people in religious ministry too.)

Public inquiries into institutional abuse

At least 20 countries worldwide have also responded to child sexual abuse scandals by creating independent commissions of inquiry to establish the facts about the large scale abuse of children. An inquiry's final recommendations also set the groundwork for accountability and reparations for the countless victims by aiming to improve child protection, policy and practice and secure redress for survivors.

In Latin America, Chile's Network of Clergy Sexual Abuse Survivors is the first to call on its national government to set up a "truth and reparations commission". Survivor groups in other majority Catholic countries have done the same, including in Italy, Poland and Spain. In support of this call, CRIN conducted a review of public inquiries on child abuse and explains how they can be used to confront the institutional abuse of children, including in the Catholic Church. Our main findings were:

- Although no Latin American country has so far conducted an independent public inquiry into institutional child abuse as other countries have, such as Ireland, Australia and Germany, the region already has **a history of using public inquiries to address large scale human rights abuses** following periods of conflict or dictatorship.
- **Child abuse inquiry recommendations** typically aim at relieving the impact of past abuse and preventing the problem from happening again, including through: official acknowledgement of events, a redress scheme, the removal of limitation periods for childhood abuse, improved child protection policies, mandatory reporting, sharing of church documents with civil authorities, removal of abusers from religious ministry, screening and training of employees, and prevention education for children.
- Establishing **a public inquiry requires a series of elements** to be present simultaneously. These include: a collective call for an inquiry by survivor groups, the political will of the government, survivors' testimonies, activism by survivors, past failure to investigate abuse, litigation by survivors, media coverage, and heightened public awareness.
- Large-scale compensation programmes that typically follow a public inquiry, known as **redress schemes, are now often an alternative to litigation** because, in determining applications for compensation, they often do not apply statutes of limitations, procedures are victim-friendly, they require lower standards of evidence from survivors and can offer access to counselling and other services.
- Public inquiries are not the only option for pursuing truth, justice and accountability for institutional child abuse, but they are the most effective. Nonetheless, **public inquiries exist alongside a range of mechanisms that are mutually supportive**, including:
 - independent human rights bodies, such as ombudspersons, do not have the capacity to conduct large-scale, years-long inquiries as public inquiries do, but they can assist in publicising a public inquiry's work and collecting victim testimonies;

- cross-party committees can investigate issues of systemic abuse and they can hold similar powers to public inquiries and make recommendations, usually to government departments, but they consist of existing lawmakers selected by their peers and do not always make their full findings publicly available;
- church-run commissions, on the other hand, which receive and investigate complaints of sexual abuse and cover ups committed within the Church, do not complement the above efforts, as they rely on canon law which fails to offer adequate transparency, punishment and compensation. When payouts are offered, they often come with the condition that the victim must agree not to sue the Church.