Chile: Justice for sexual abuse of children

Chile has seen a steady rise in the number of complaints and investigations into the sexual abuse of children within the Catholic Church. Survivors are now collectively demanding that their government set up an independent commission to investigate the truth around historical sexual abuse within the Church and to lead to reform and redress for survivors.1

The scale of abuse

In July 2018, the National Prosecutor’s Office reported that there were 36 open investigations into sexual abuse or its cover-up by the clergy or employees of the Catholic Church, while 22 cases had already resulted in convictions. In March 2019, the number of open investigations had risen to 158, and involved 219 accused and 241 alleged victims, 123 of whom were under the age of 18 at the time of the alleged abuse.2 By May 2019 the national prosecutor, Jorge Abbott, said the number of complaints being investigated had risen to 166.3

The Chilean Network of Clergy Abuse Survivors announced in April 2019 that there have been a total 243 complaints against the clergy and employees of the Catholic Church, according to information that is publicly available. This figure rose to 260 by August 2019.4 Similarly, the national register contains details on 245 investigations involving 262 accused and a total of 388 alleged victims, including 220 who were under 18 at the time of the alleged abuse, and 125 whose age was not established.5

In the past, prosecutors in Chile dropped charges against members of the clergy accused of sex abuse because the statute of limitations had expired, but in July 2018 the National Prosecutor’s Office said it wants to ”rigorously investigate all sex abuse cases committed by priests or people related to the Church” against children and adults “regardless of whether the crimes have [expired] or not, because the victims have a right to be heard by the justice system.”6

Necessary legal reform

Limitation periods

It can take years, even decades, to come to terms with sexual abuse experienced in childhood and for survivors to feel ready to face their abusers and demand justice. It is common for people to disclose abuse for the first time more than 20 years after it took place. Strict limits on how quickly a complaint must be made after an offence is committed - known as limitation periods - can close off the justice system to abuse survivors entirely and prevent them from pursuing legal action when they are able.

In July 2019, Chile abolished limitation periods for an extensive list of sexual offences committed against children. However, the reform only applies to offences committed after the law came into force. For offences committed before this date complaints must be made within 10 years of a person’s 18th birthday.7 This restriction prevents many survivors of childhood sexual abuse from seeking justice.

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1 ‘Red de Sobrevivientes de Abusos Eclesiásticos planteó a La Moneda crear comisión de la verdad’, El Mostrador, 3 August 2018. Available at: https://m.elmostrador.cl/noticias/pais/2018/08/03/red-de-sobrevivientes-de-abusos-eclesiasticos-planteo-a-la-moneda-crear-comision-de-la-verdad/
2 ‘Aumentan a 219 los investigados por casos de abuso sexual en la Iglesia chilena’, 22 March 2019, EFE. Available at: https://www.efe.com/efe/americas/sociedad/aumentan-a-219-los-investigados-por-casos-de-abuso-sexual-en-la-iglesia-chilena/20000013-3932832
3 ‘La Fiscalía chilena anula el acuerdo con la Iglesia para los casos de abusos sexuales’, 7 May 2019, Agencia EFE. Available at: https://www.efe.com/efe/america/sociedad/la-fiscalia-chilena-anula-el-acuerdo-con-iglesia-para-los-casos-de-abusos-sexuales/20000013-3969568
4 ‘Mapa chileno de los delitos de abuso sexual y de conciencia cometidos en entornos eclesiásticos’, Red de Sobrevivientes de Abusos Eclesiásticos en Chile, August 2019. Available at: https://www.redsobrevivientes.org/post/mapa-abusos
6 ‘Chile announces wide probe into Catholic Church sex abuse,’ 23 July 2018, AP News. Available at: https://www.apnews.com/8fb9b4610a6f043d6a3b7078e774fa4d1
7 Ley No. 21.160 que declara imprescriptibles los delitos sexuales cometidos contra menores de edad.
abuse from accessing justice.

Recommendation: abolish remaining limitation periods for sexual offences committed against children, including for offences committed before July 2019.

Mandatory reporting

Mandatory reporting of child sexual exploitation and abuse can be a highly effective way of ensuring that it is identified, further abuse is prevented and appropriate action is taken within the justice system. These measures usually require members of specific professions working with children to report suspicions of sexual abuse of children to appropriate social authorities or the police.

In Chile, members of specific professions, including police, prosecutors, public employees, medical professionals, and directors, inspectors and teachers of educational establishments have an obligation to report suspected child abuse. Failure to meet this obligation is a criminal offence, punishable with imprisonment or a fine.8

Recommendation: extend mandatory reporting to ensure that any professional working with children, including in church-run institutions, is required to report suspected abuse, including when disclosed to a religious leader during confession.

Criminalising sexual violence against children

Chile has generally strong criminal laws covering sexual offences against children. There are, however, gaps.

Chile criminalises making a child under the age of 14 years send images or recordings in which the child performs sexual acts, expressly stating that this offence can be committed through electronic means without the physical presence of the perpetrator.9 The restriction of this offence to younger children, excludes children over the age of 14 from protection.

Recommendation: ensure that laws criminalising the sexual exploitation of children protect all children under the age of 18.

National inquiries

National inquiries have proved an effective way of establishing the facts about large scale sexual abuse of children across the 19 countries that have adopted them to date, paving the way for national reforms to improve child protection, policy and practice and secure redress for survivors.

In Latin America no country has yet conducted a national inquiry into child sexual abuse in residential settings or the Catholic Church, but in 2018 the Chilean Network of Clergy Sexual Abuse Survivors made its first call on the country’s president to set up a commission to investigate sexual abuse within the Catholic Church in Chile.10 The organisation says the commission would establish the truth about historical clergy abuse in the country and set the groundwork for reparations for the countless victims.11

For information on how to establish a public inquiry into institutional abuse, see CRIN, The Third Wave: Justice for survivors of child sexual abuse within the Catholic Church in Latin America.

8 Children’s Law, Law No. 16618, Article 66; Criminal Procedure Code, Article 175.

9 Criminal Code of Chile, Article 366.

10 ‘Red de Sobrevivientes de Abusos Eclesiásticos planteó a La Moneda crear comisión de la verdad’, El Mostrador, 3 August 2018. Available at: https://m.elmostrador.cl/noticias/pais/2016/03/03/red-de-sobrevivientes-de-abusos-eclesiasticos-planteo-a-la-moneda-crear-comision-de-la-verdad/

Support services

The following support services to survivors of child sexual abuse are available in Chile:

**Helplines**
- [Report Safely 600 400 01 01 - Denuncia Seguro](#)
- [Children’s Line 800 200 818 - Fonoinfancia](#)
- Children’s Line, Carabiniers of Chile - Fono Niños (147), Carabineros de Chile

**Survivors’ networks**
- [Chile’s Network of Clergy Sexual Abuse Survivors - Red de Sobrevivientes de Abuso Sexual Eclesiástico de Chile](#)

**Government services**
- [Judicial Assistance Association - Corporación de Asistencia Judicial (CAJ)](#)
- [National Human Rights Institute - Instituto Nacional de Derechos Humanos](#)
- [Victim Support Programme - Programa de Apoyo a Víctimas](#)
- [National Service for Minors - Servicio Nacional de Menores (SENAME)](#)

**Civil society organisations**
- [Instituto Nacional de Derechos Humanos, Registro de organizaciones - National Human Rights Institute, Directory of organisations](#)
- [For Trust - Para la Confianza](#)

For support services across the region, see: [https://home.crin.org/issues/sexual-violence/child-sexual-abuse-catholic-church-latin-america](https://home.crin.org/issues/sexual-violence/child-sexual-abuse-catholic-church-latin-america).

Resources

- CRIN, [The Third Wave : Justice for survivors of child sexual abuse within the Catholic Church in Latin America](#)
- Support services available for survivors of child sexual abuse across Latin America
- [Ending Clerical Abuse - Global Justice Project](#)
- Economist Intelligence Unit, [Out of the Shadows Index](#)

About CRIN

CRIN is a creative think tank that produces new and dynamic perspectives on human rights issues, with a focus on children’s rights. We press for rights - not charity - and campaign for a genuine shift in how governments and societies view and treat children. You can contact us at [info@crin.org](mailto:info@crin.org).