Ecuador: Justice for sexual abuse of children

In recent years, high profile cases have begun to emerge from Ecuador of serious sexual abuse against children commit by Catholic clergy. Ecuador has started law reform in response to the emerging scandal, but the full scale of the abuse and institutional responses to prevent future abuse are just beginning.

The scale of abuse

In 2018, the media referred to alleged “abuse and cover up in the Church over the past two decades”, but did not list any cases.¹ In the same year, the Church expelled two priests in the Archdiocese of Guayaquil for sexual abuse, namely Cesar Cordero for child sexual abuse in the 1960s and 1970s, and Luis Fernando Intriago who is accused of sexually abusing and torturing at least ten teenagers.² Both cases are currently under investigation, and in 2019 at least two more priests have been accused of child sexual abuse in the country.³ The National Assembly’s Aampetra inquiry into child sex abuse in schools found that complaints had been made in more than 40 institutions in the country, including those run by the Church.⁴

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 ready.

In February 2018, Ecuador voted in a referendum to amend the Constitution and Criminal Code to abolish limitation periods for sexual offences committed against children.⁵ There is currently disagreement among members of the Legal Commission of the Ecuadorian Parliament (the National Assembly) as to whether the results of the referendum are binding from the moment they were passed or whether the result must be implemented first.⁶

Recommendation: immediately implement the abolition of limitation periods for sexual offences committed against children.

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

² ‘Un año después del destape del caso más grande de abuso clerical en Ecuador, ¿qué ha pasado?’, 14 May 2019, El Diario. Available at: https://www.eldiario.es/tribunaabierta/despues-destape-grande-clerical-Ecuador_6_899120093.html
⁵ Constitución de la República del Ecuador and Código Orgánico Integral Penal, Registro Oficial, Suplemento, Año I - Nº 180, Quito, 14 February 2018. Available at: http://bivicce.corteconstitucional.gob.ec/local/File/Constitucion_Enmiendas_Interpretaciones/2018-02-14_Referendum_yConsulta_Popular.pdf It is not clear, however, how the new law would work, as there is disagreement regarding the date from which the reforms would apply and whether they would apply retroactively or not. See, for example: ‘La imprescriptibilidad del abuso a niños sigue solo en “buenas intenciones”, La Hora, 3 July 2018. Available at: https://www.lahora.com.ec/noticia/1102168244/la-imprescriptibilidad-del-abuso-a-ninos-sigue-solo-en-buenas-intenciones
of sexual abuse of children to appropriate social authorities or the police.

Under Ecuadorian legislation, anyone, including judicial and administrative authorities, who has knowledge of the violation of the rights of a child must report it before the competent authority within 48 hours.\(^7\)

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

**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. However, one of the key recommendations of Ecuador’s National Assembly’s Aampetra inquiry into child sex abuse in schools, which found that children had been abused in educational institutions run by the Church, was that the country’s president establish a national inquiry into the issue.\(^8\)

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.*

**Support services**

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

**Coalition Against the Sexual Abuse of Children**  
- Coalición contra el abuso sexual a la niñez (COCASEN)

- Association for the Fight of Survivors of Sexual Abuse - Asociación de Lucha de Sobrevivientes de Abusos Sexuales (ALSAS)

- Centre for the Promotion and Defence of Human Rights and Gender - Centro de Promoción y Defensa de Derechos Humanos y Género (CEPRODEG)

- Defence of Boys, Girls and Adolescents - Defensa de las niñas, niños y adolescentes (DEFENSA NNA)

**Women’s organisations**

- "Challenge" Foundation - Fundación Desafío
- Surkuna

**Resource guides**

- UN Women, Shelters - ONU Mujeres, Casas de acogida
- Secretariat of Human Rights, Care Centers and Shelters - Secretaría de Derechos Humanos, Centros de atención y casas de acogida

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).

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\(^7\) Code of Childhood and Adolescence, Law No. 2002-100, Article 17.

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.