El Salvador: Justice for sexual abuse of children

The scale of abuse

Few cases of clergy abuse are publicly known and covered by the media in El Salvador. The case of Jesús Delgado is significant, as public outcry over this case led to legal reforms. Delgado is a Salvadoran priest who admitted to having raped a girl over the course of eight years\(^1\), but who could not be tried for child sexual abuse because the limitation period for prosecuting the offence had expired.\(^2\) In recent years, there have been some convictions, including in 2019, when a priest was sentenced to 16 years in prison for sexually abusing an 11-year-old boy\(^3\).

In 2019, the country’s Catholic Church created a commission to investigate cases of sexual abuse by priests, but these church-run bodies have been criticised for their lack of transparency and independence.\(^4\)

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 December 2015, El Salvador abolished\(^5\) the limitation periods for the offences committed against the sexual liberty of minors.\(^6\) However, this reform is not retroactive. For offences committed before December 2015, the previous limitation period of 10 years still applies.\(^7\) This restriction prevents many survivors of child sexual abuse from accessing justice.

Recommendation: abolish the remaining limitation periods for sexual offences committed against children, including for offences committed before December 2015.

Mandatory reporting

Under Salvadoran law, there is a general obligation for parents or guardians, civil servants, employees, public institutions, private organisations and society in general to comply with and enforce the protection against child sexual abuse and exploitation.\(^8\)

Public and private educational establishments also have the obligation to report any form of threat or violation of a child’s physical, psychological or sexual integrity, whether it occurs inside or outside the

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\(^6\) Criminal Code, Title IV: Crimes against Sexual Liberty, Arts. 158 to 173.


\(^8\) Law for the Integral Protection of Childhood and Adolescence (Decree No 839), Articles 7 and 55. Available at: https://www.asamblea.gob.sv/sites/default/files/documents/decretos/3F9B9266-DEFD-401E-92A0-5FD3786E100.pdf
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.

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 El Salvador:

State bodies

- Salvadoran Institute for Women’s Development - Instituto Salvadoreño para el Desarrollo de la Mujer (ISDEMU)
- Salvadoran Institute for the Comprehensive Development of Children and Adolescents - Instituto Salvadoreño para el Desarrollo Integral de la Niñez y Adolescencia (ISNA)

Women’s organisations

- Santa Tecla Women’s Association - Asociación de Mujeres Tecleñas
- Association for the Self-Determination and Development of Salvadoran Women - Asociación para la Autodeterminación y Desarrollo de las Mujeres Salvadoreñas (AMS)
- Organisation of Salvadoran Women for Peace - Organización de Mujeres Salvadoreñas por la Paz (ORMUSA)
- Salvadoran Women’s Movement - Movimiento Salvadoreño de Mujeres (MSM)

Civil society organisations

- Central American Foundation for Educational Innovations - Fundación Innovaciones Educativas Centroamericana (FIECA) (violence prevention through a cultural and educational process)
- The Human Rights Institute of the Central American University José Simeón Cañas - Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas
- Plan International El Salvador
- Save the Children El Salvador (Protection Boards, Local Law Committees)

For further information about support services across the region, see: https://home.crin.org/issues/sexual-violence/child-sexual-abuse-catholic-church-latin-america.

9 Ibid, Article 88
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.