Child sexual abuse in Chile and Poland’s Catholic Church

The Catholic Church in Chile and Poland has historically been revered and both countries continue to have Catholic-majority populations, but in the past couple of years an increasing number of sexual abuse survivors have come forward accusing the clergy of abusing them and the bishops of covering up the violence. Stemming from these revelations, both countries have witnessed consistent news coverage of the issue, some legal reform, changes in attitudes toward the Catholic Church, increased mobilisation of survivors and stronger demands for justice and accountability. For this article, we talked to two organisations leading the fight in Chile and Poland.

What’s known about the issue

Poland’s Catholic Church admitted in March 2019 that 382 members of the clergy had sexually abused 625 children between 1990 and 2018. This was the first time the Church presented data on the scale of the problem in the country, but it did not release further details about the cases. Campaigners point out, however, that the data was submitted in response to a voluntary questionnaire to dioceses, suggesting that the figures might not be complete. Anna Frankowska, pro bono advisor to and board member of the Have No Fear Foundation (Fundacja Nie lękajcie się) - the only organisation in Poland that until recently assisted clergy abuse survivors with counselling and legal assistance¹ - says the church figures are conspicuously small as they represent only 0.8 percent of Poland’s clergy. When compared to another Catholic-majority country, such as Brazil, the Vatican itself noted in 2005 that 10 percent of clergy in Brazil - some 1,700 clerics - were sex offenders.

Providing its own data, the Have No Fear Foundation published in October 2018 a map of known cases of clergy abuse in Poland, which they continue to regularly update based on publicly available information and the testimonies of survivors who approach the Foundation. Up until December 2019, the map detailed cases across the country involving around 500 victims.

The scale of the abuse in Chile has also become more evident in recent years as data collection

¹ The Have No Fear Foundation is in the process of being liquidated and plans are in place to establish a new organisation. Anna Frankowska will lead the new organisation, which will continue the work of the Foundation. During this transition, the Foundation is not operating. Support groups for survivors are still in place, but these meetings “do not meet the needs that survivors have”, so one aim of the new organisation will be to identify suitable psychologists and lawyers to work with survivors.
and its publication have been more systematic. 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. By May 2019 the number of complaints being investigated had more than quadrupled to 166. The cases involved 221 accused, including 10 bishops; and 248 victims, 131 of whom were children at the time of the alleged abuse. The total number of investigated cases to date is higher, with the national register containing details on more than 245 investigations in November 2018.

Like Poland’s Have No Fear Foundation, Chile’s Network of Clergy Sexual Abuse Survivors also created its own map documenting cases nationally which “increase and increase,” according to Eneas Espinoza, member of the Network and himself a survivor of child sexual abuse by Catholic clergy. In April 2019, the network noted a total of 243 complaints against the clergy and employees of the Catholic Church, according to information that was publicly available. This figure rose to 260 by August 2019, and by January 2020 it increased to 310. In addition to data collection, the Network offers advice and support to those who have suffered abuse in the Church and lobbies the government to take concrete action to improve church accountability and survivors’ access to justice.

Asked why it should be survivors who keep track of the cases, Espinoza says no journalist or newspaper in Chile had done this work, as news reports cover the issue on a case-by-case basis or focus on particular church figures. “We value and appreciate the media for drawing attention to these crimes, but we noticed that, without the Survivors Network and the map, the general picture [of the issue] tends to fade, allowing the Catholic Church to go back to its logic that they’re isolated cases, rejecting the deeper issue: that they’re systematic crimes and the institution is responsible for them.”

**Reaching public consciousness**

In Poland it wasn’t until as recently as 2018 that the issue reached a point of controversy of no return. Previously, recognition of the problem had come slowly at first. A book published six years ago by a Dutch journalist detailed the accounts of Polish victims. But it was still a time when the issue was still “a complete taboo”, explains Frankowska. Survivors who spoke with her say they were “ostracised, criticised, kicked out by their family” after they opened up about the abuse they suffered. But newspapers also began reporting on clergy abuse cases, which, despite being lowkey articles at first, Frankowska appreciates they signalled the first signs of change.

From 2018, the entertainment industry took on the issue with force. The 2018 feature film Clergy (Kler) about the dark side of the Church, covering corruption, child abuse, greed and alcoholism, broke box office records, becoming Poland’s top grossing film in history. While it did not focus
exclusively on child sexual abuse, Frankowska says the film reignited the debate around the issue in Poland. Since then, clergy abuse has been one of the most reported issues in national media. Frankowska says not a week goes by that an article isn’t published about new cases of clergy abuse, as journalists regularly cover the stories disclosed by survivors.

Arguably one of the most significant moments in Poland came in May 2019 with the release of the YouTube documentary *Tell No One* (*Tylko nie mów nikomu*) about child sexual abuse in the Polish Catholic Church, which is available online with subtitles in multiple languages. The film contains firsthand accounts of abuse by survivors and details how abusive priests were moved from one parish to another where they continued to have access to children, how victims and their families were blocked by bishops from pursuing their claims, and includes hidden camera footage of victims confronting their abusers. The documentary was financed through a crowdfunding campaign after they struggled to find support for the project. To date, the documentary has been viewed more than 23 million times, including more than 18 million in Poland (the country’s population is 38 million). Frankowska says the decision not to screen the documentary at the cinema and instead do it on YouTube, a free video-sharing website, was an innovative choice.

In the case of Chile, Espinoza says that strong mobilisation by survivors has been key to increasing the visibility of the issue. That survivors now work collectively in an organised way means that the Church’s efforts to silence the issue “stop being so effective in the face of the proof presented by so many survivors.” Before that, it was the Church’s side of the story that prevailed; the argument that abusive clergy were just “bad apples”. The Church used to only publicly address clergy abuse as “isolated cases, human errors and weaknesses; they were always recognised as sins but not as crimes,” says Espinoza, adding that “there was generally no willingness to accept that the Church covered up the crimes like a mafia organisation.”

The first high-profile case of clergy abuse in Chile involved Fernando Karadima in 2010, a priest accused by four men of sexually abusing them as children, a case which implicated four bishops over cover up of the abuse. But Chile’s Network of Clergy Sexual Abuse Survivors believes that the first complaints to emerge in 2018 of the sexual abuse of school children by members of the Marist Brothers congregation, marked a point of no return, because it helped to spark a wave of complaints by survivors of abuse by members of other congregations across the country - the Jesuits, the Salesians, and several vicariates. Espinoza says that subsequent coverage by the international media, in particular, helped to increase the visibility of the Marist case and others, as journalists spotted similarities with cases in Boston, Ireland and Australia. Adding fuel to the fire, Pope Francis enraged Chilean society by accusing survivors in January 2018 of “slander” for saying that Chilean Bishop Juan Barros was complicit in the Karadima case. Francis would later accept Barros’ resignation.

Asked why he thinks it took so long for the issue to reach public consciousness, Espinoza says
the power of the Catholic Church is everywhere in Chile, and it works in the Church’s favour having high-profile contacts in politics, the justice system and the security forces. He says that in order to prevent cases from coming to light, the Church would influence its contacts in politics, pressure journalists to drop investigations and threaten and discredit victims. Notably, Espinoza says the Church in Chile has a strong allegiance with the State, which subsidises the Church’s work with poor and vulnerable groups through its NGOs, as well as Church-run schools, homes for vulnerable children and scout groups. This worries the Survivors Network, as given the Church’s history, “these aren’t safe spaces where you can rest assured that the crimes won’t happen again,” says Espinoza.

State response to the scandal

As the visibility of the issue has increased, the Chilean and Polish governments have been forced to respond. In July 2019, Chile removed the statute of limitations for sexual offences committed against minors. Espinoza sees this reform as “one of the key pieces” in the fight against these crimes, since the Church in many countries has tried to silence victims precisely in order for enough time to pass so that the statutes of limitations would expire and bar survivors from taking legal action against their abusers. However, the reform is not retroactive, meaning that for offences perpetrated before the new law came into force, previous limitation periods would apply, which give victims a maximum of just 10 years from when they turn 18 to take legal action.

In Poland, too, MPs voted in favour removing a statute of limitations on prosecution of the most serious cases of child sexual abuse. It was part of a series of reforms which also raised the jail term for convicted child abusers to a maximum of 30 years and increased the age of consent to 16. The reforms happened within weeks of the launch of Tell No One, which, perhaps strategically, was launched in the run-up to European Parliament elections and months ahead of the Polish general election. Some commentators believe the timing of the film influenced the government’s quick series of reforms.

Frankowska warns, however, that the removal of the statute of limitations is not yet law. The amendment has been sent to the Constitutional Tribunal, the body supervising the compliance of statutory laws with the Polish Constitution, to which, it’s worth noting, the Polish Parliament controversially elected two former lawmakers from the governing conservative Law and Justice (PiS) party, which has close ties to the Catholic Church, in a move that critics say was illegal.

As for the justice system, public prosecutors in both Poland and Chile have voiced their willingness to investigate complaints of clergy abuse even if the statute of limitations has expired. In Chile, the National Prosecutor’s Office said in July 2018 that 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”. More recently in Poland, the Appeals Court upheld a ruling in October 2019 awarding €100,000 in damages to a clergy abuse survivor, despite the fact that the statute of limitations in the case had expired. The presiding judge said: “you have to look at general principles of equity, and claims by survivors cannot be barred by statutes of limitations.”

This ruling is one of two important precedents set by courts in Poland. The other occurred in September 2018, when a court ruled that the Catholic Church was vicariously liable to compensate a woman who was abused as a child by a priest. It was the first time in the country that a Church body was held accountable under civil law for criminal actions by a priest. The survivor was awarded €250,000 in compensation, plus a monthly pension for the rest of her life. Worryingly, however, the Polish Supreme Court granted the Catholic Church leave to appeal against the lower court’s ruling. The survivor’s lawyers are now trying to show that some judges assigned to the case lack independence, including one who is a professor at John Paul II Catholic University of Lublin. Frankowska explained that “The survivor’s lawyer has made filings requesting that the composition of the judicial panel be changed to ensure a fair trial, which were supported by a court opinion of the Helsinki Foundation for Human Rights, and it currently appears that new judges may in fact be assigned.”

More generally, both Frankowska and Espinoza do not think the answer lies exclusively in the courts. “Even though, as a lawyer, I believe we will not make progress until the Church starts paying damages to survivors, I’m very cognisant of the fact that the court system here is very ineffective, and the battle takes many years,” said Frankowska, who admits that not all survivors can handle the stresses of a court case. “When you see what survivors go through in a legal case, how it drags on, you see how many times they have to retell their story, how they’re questioned.” In such cases, Frankowska says the lawyers representing survivors settle for asking the Church to reimburse the cost of therapy that survivors have undergone over the years. Espinoza, too, questions the ability of the court system in Chile to handle so many complaints, as survivors are now seeing that their court cases are riddled with delays lasting years.

Dealing with a history of abuse

After the release of Tell No One, Frankowska says the Have No Fear Foundation received a “tsunami of calls” - some 100 calls a day - from survivors. After setting up a crowdfunding page, the organisation received €50,000 in ten days, which, she points out, “is a lot for Poland”. Realising how many new cases were coming to their attention, the Foundation researched how the crisis was handled in other countries.
Campaigners around the world coincide in that the cases that do come to light in any country are just the tip of the iceberg. Having faced similar scandals, multiple countries have established national inquiries - also sometimes known as truth commissions - to address the history of institutional sexual abuse. These mechanisms produce a truthful historical account of events, and often pave the way for legal reform and reparations. Frankowska notes that, based on the experiences of other countries, the Have No Fear Foundation determined that in Poland what was needed was a national inquiry. Accordingly, the organisation drafted a citizens' bill to enable survivors to file historical claims, as well as to establish an independent truth and compensation commission.

At the same time, however, the ruling Law and Justice (PiS) party presented its own draft law (now passed) which provides for the establishment of a government-led commission to address all cases of child sex abuse in all institutions, whether religious or otherwise. While the focus of the investigation is a positive move towards zero tolerance of child sexual abuse generally, Frankowska believes that the government is trying to shift the focus from clergy abuse by broadening the scope of the inquiry, despite “the Church [being] the only institution that we know of that hides and protects its abusive priests.”

The independence of the government commission is also a concern, given that its members would be appointed by politicians instead of experts. Frankowska says “It’s a huge challenge to have a commission that is independent of the Catholic Church, given the membership of the Polish Parliament, where conservatives hold a majority.”

In Chile, the survivors network says that while no corner of the country now denies that clergy abuse is a problem, the history of clergy abuse remains largely unattended. Chile’s survivors network is therefore also demanding that an independent truth and reparations commission be established. They made their first call for the commission in 2018, and months after meeting with the government to discuss the petition, Espinoza says the survivors network found out in passing that President Sebastián Piñera had rejected the proposal, despite never sending them an official reply or explanation. For the time being, Chile is the only country in Latin America where survivors have collectively called for a truth commission, but it’s part of a trend among other Catholic-majority countries, including Poland, Italy and Spain.

**When the global informs the local**

Undoubtedly, how some countries have dealt with their own clergy abuse scandals can help to inform the steps that survivors in other countries take in their pursuit of truth, justice and accountability. Both organisations in Chile and Poland acknowledged the crucial role that
international survivors’ organisations play, for instance. Both are members of the campaigning group Ending Clergy Abuse (ECA) - Global Justice Network, which focuses on justice and accountability for survivors. For Espinoza, “a network of networks is key,” because the issue of clergy abuse and the Church’s tactics have been applied around the world. “This scourge is global, and so our response must be too.”

Frankowska similarly points out that international organisations such as ECA and SNAP (Survivors Network of those Abused by Priests) have “played a critical role in driving the movement here [in Poland].” She explains that “We seek guidance from survivors in other countries, such as the US, in terms of strategy, next steps… [We] look to countries which are ahead in terms of ensuring that the Church pays out damages and cleans up.”

Public trust in the Church waning

Greater awareness of the clergy abuse scandal in both Chile and Poland has also led to changing attitudes towards the Catholic Church. In one telling case from the Polish city of Gdansk, after three activists toppled a statue of the prelate Henryk Jankowski, who was accused of having sexually abused an 11-year-old girl, and while statue was re-erected by Jankowski’s supporters, city authorities eventually caved in to public pressure and removed the statue for good. In a country where around 87 percent of citizens identify as Catholic - the highest proportion of any European country - this was significant. Days later, Tell No One was released. Its director, Tomasz Sekielski said the film “has been like a shock to Polish society”, while political analyst Marcin Zaborowski determined that it had “started the erosion of the position of the Catholic Church in Poland.”

Following the film’s launch, an opinion poll revealed that 87 percent of the Poles surveyed agreed that the Church’s authority had been diminished, while 67 percent regarded the Church's response to the scandal as inadequate. Notably, Poland also had the largest intergenerational gap in church attendance among 53 countries surveyed by the Pew Research Center. It found that while 55 percent of adults over 40 attended church weekly, only 26 percent of those under 40 did so. The number of newly ordained priests has also steadily dropped in the last 10 to 15 years, says Frankowska, as the Church struggles to keep seminaries open.

But support for the Church is still very evident. Commenting on state-church relations in Poland, Frankowska says the Catholic Church has close ties with the governing Law and Justice (PiS) party and that, in small towns and villages, many priests openly support the party, which commonly advocates against LGBT rights and sex education. Some also argue that, because there was a Polish Pope, John Paul II, who was canonised in 2014, the Church in Poland is now
“untouchable”. Indeed, during an election rally in May 2019, PiS leader Jaroslaw Kaczynski proclaimed that “Anyone who raises their hand against the church, wants to destroy it”.

Espinoza comments that some politicians in Chile also view his network’s advocacy as a fight against faith or religion. But “Our fight is against an abusive and secretive institution,” he says. Nonetheless, he welcomes the fact that Chileans have become more kindly disposed towards those who bring the issue of clergy sexual abuse into the public sphere.

Like in Poland, attitudes towards the Catholic Church in Chile are changing too, but more drastically. Its authority has diminished greatly in recent years, with divorce being legalised in 2004, while Chile’s total ban on abortion - previously one of the most restrictive in the world - was eased in 2017, despite active opposition from the Church. The polls illustrate an even more evident cultural shift away from the Church. While in 1995, 73 percent of Chileans identified as Catholic, by 2017 the figure had dropped to 45 percent, according to the regional survey Latinobarómetro. The following year, only 27 percent of survey respondents said they trusted the Church “a lot” or “somewhat” - a drop from 61 percent in 2010, and the lowest of any Latin American country. And one cause of the disparity is thought to be the emergence of the sexual abuse scandal in Chile’s Catholic Church.

What’s next?

In terms of what changes they would like to see globally, both Espinoza and Frankowska say that accountability of all offenders - both direct perpetrators, as well as those who covered up the abuse, as well as damages for survivors, are crucial. For her part, Frankowska’s work will involve trying to go after high-ranking Church officials for protecting abusers. But she laments that “at this stage we have a sense that, in contrast to Chile, it’s very unlikely that anything will happen to the guilty bishops in Poland.” Primate Wojciech Polak has insisted that there was no need for any bishops to resign, even though the Have No Fear Foundation produced a report naming 24 bishops in the Polish Catholic Church who had covered up the sexual abuse of minors.

For Chile, Espinoza reiterated the need for a truth commission in his country. “Chile requires a history of truth which accounts for the aberrations committed and must provide reparations and justice to those of us who are still alive.” The more immediate challenge is influencing all sectors of society. For example, Espinoza says that while Chile’s main newspapers do cover the clergy abuse scandal, it’s almost impossible to see local papers in towns and small cities report on the issue because of the “influence and weight of the Catholic Church in those communities”, adding that “as you move away from big cities the impunity [for these crimes] increases.”

The situation repeats itself in Poland, where Frankowska says there’s still a huge need to raise
awareness about the issue, particularly in smaller towns and villages where priests are still “highly revered and considered invincible”. She says there are still many places in Poland where families don’t trust their children when they say they were abused, and instead seek advice from the local priest. But “these are powerful, poignant stories, disturbing stories, so we need to get that information out there”.