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NSS response:

**UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD  
ALTERNATIVE REPORT TO THE 97TH PRE-SESSION WORKING  
GROUP  
STATE PARTY: MEXICO**

November 2023

**Prepared by the (UK) National Secular Society (NGO)**

The National Secular Society works towards equal human rights for all regardless of religion or belief. Based in the United Kingdom, we also work internationally and have been in special consultative status with the United Nations Economic and Social Council since 2016.

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**Nomenclature:** "CSA" is used to describe Child Sex Abuse, or more accurately sexual harassment, assault, or rape. We used the abbreviation "CCSA" for clerical-related CSA,

We recognise that some survivors of CSA prefer that term to victims.

References to the "Church" are to the "Catholic Church".

Underlining or yellow highlighting has been added for emphasis, not present in original.

**Recommendations are shown in bold at the end before the Appendix.**

There is no table of contents as the entire submission relates to the Cluster on violence against children: abuse and neglect, including physical and psychological recovery and social reintegration (Articles 19 and 39), together with sexual exploitation and sexual abuse (Article 34).

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## Recent developments

In the documents in the Appendix, the Catholic Church in Mexico itself has acknowledged significant occurrences of CCSA, covering up the abuse, moving priests known to have abused to other parishes (enabling the abuse to continue).

We have emboldened key passages in the Appendix.

For example:

“According to Mexican church data, 271 members of the clergy were accused of abusing children in the past decade. Of these allegations, 103 have been dismissed from the clerical state, 45 have not been suspended and 123 are still being investigated.”

Concerning though these figures are, they are likely to represent only a small fraction of the actual number of clergy who have abused. The Australian Royal Commission concluded that 7% of clerics had abused.<sup>1</sup>

There are around 22,000 diocesan priests and men in religious orders<sup>2</sup> and 7% of this would be around 1,500, over five times the number admitted.

There seems no reason to suppose a rate of abuse in Mexico any less than Australia. “For every victim we know of, there are probably 50 or 100 more,” insists Sada Salinas, for whom reparations can never come without recognition of the grave situation within multiple religious institutions in Mexico, a deeply believing country.<sup>3</sup>

Archbishop Coppola is quoted in the Appendix, “I seriously think that there were people who covered up with bad intentions,” he told the Spanish news agency Efe.’

‘In addition, there was a false conception of the good name of the Church: it was considered better not to talk about these matters instead of facing them and punishing them accordingly.’

‘Due to this ignorance, the “cure” was often to move the priest from one parish to another, without realizing that this meant that the problem was spread and not addressed.’

Reported in the third article in the Appendix: “In Mexico, as in many other countries, one of the biggest obstacles to survivors of child sexual abuse accessing justice is the statutes of limitations applied to such crimes.”

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<sup>1</sup> <https://www.rmit.edu.au/content/dam/rmit/documents/news/church-abuse/child-sex-abuse-and-the-catholic-church.pdf> pages 176 to 178.

Primary source <https://www.childabuseroyalcommission.gov.au/sites/default/files/REPT.0013.001.0001.pdf>

<sup>2</sup> <https://www.catholic-hierarchy.org/country/scl.html>

<sup>3</sup> The Catholic Church and the sexual abuse cases that were hushed up in Latin America, CE Noticias Financieras English, February 12, 2022

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## Cover-Up (and other contributory problems) by State and Church

The Committee will be aware that cover-ups:

- 1) Allow offenders to continue abusing
- 2) Allow offenders to avoid or delay facing criminal sanctions for their behaviour, and in so doing:
  - a) deprive victims of some potentially recuperative solace from knowing that their abuser has suffered for their actions, and
  - b) eliminate or reduce the deterrent effect on other potential abusers
- 3) Serve to frustrate, if not eliminate, the possibility of compensation for victims, and
- 4) Allow victims to be further victimised, e.g. being portrayed as liars, further damaging them.

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## Failure of the Church to report and the need for mandatory reporting

It seems likely from the above that few of the victims reported their abuse at all, and most of them that did reported to church rather than civil authorities.

This leads us to reflect on the need to create systems independent of the church for the reporting of such incidents, which can guarantee the impartiality and autonomy necessary for justice and reparation.

A further justification for the introduction of laws on the mandatory reporting of child sexual abuse is that such limited reporting as there has been without such laws, is almost always as a result of enormous sacrifices being made by often already-traumatised abuse victims (far more sacrifices than we have a right to expect). And the publicising of CCSA is especially important in countries where the state may be tempted not to challenge the Church, but it is in such countries that any news outlet contemplating publicising CCSA may decide not to do so because of the huge risks. It is likely that many more cases should have been reported and publicised but weren't because of pressure on victims and on news outlets.

It is well documented in the film *Spotlight* that, even in the US, the Church and prominent Catholics threatened to break the editor of the Boston Globe, if not the entire paper, if it exposed the Archdiocese of Boston, Massachusetts.

We can only speculate how many more CCSA cases there have been but will never be known (and perpetrators escaping justice and left free to reoffend) because of the lack of such determined victims or of media prepared to take huge risks. Mandatory reporting should reduce the dependence on victim bravery, bravery we have no right to have to rely on.

Recommendations 5 and 6 form a response to the above.

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## Structural concerns

The lack of financial accountability for CCSA of religious orders has been a major problem in Ireland and in the United States, where dioceses have sought tactically to file for Chapter 11 (bankruptcy) protection to the funds available for compensation to victims of CCSA.

A recurrent contributory factor to CCSA continuing unchecked throughout the Catholic world is that the allegiance of principals of monasteries and convents is solely to the monks and nuns, and not to the heads of their orders. They are therefore unable to enforce hierarchical managerial or financial control, even if willing to do so. They cannot direct, for example, that compensation be paid. Similarly, Archbishops cannot require dioceses in their archbishopric to contribute to compensation that other dioceses are unable to pay.

Recommendation 1 c) seeks to establish more detail in respect of Mexico about such structural issues and any resultant problems relative to CCSA, including compensation to victims.

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## Recommendations

The first recommendation echoes one made in 2022 by Adalberto Méndez López, Founding Member and Legal Coordinator of Ending Clergy Abuse (ECA) Global Justice Project:

“The time is ripe for a clergy abuse inquiry in Latin America. There are growing hopes that, like many in Europe, Latin American nations will soon launch independent inquiries into historical cases of clerical sexual abuse.”

The article in which this call is made is the third one in the Appendix.

We fear that calls for an inquiry will be resisted by the Government. As shown in the third article in the Appendix: “However, Martínez and Micher’s proposal for an independent inquiry was blocked by the government, whose close ties with Mexico’s Catholic Church mean it continues to protect religious officials even when they are accused of heinous crimes against children. But there is still reason to hope that the tide is beginning to turn in the region, and especially in Mexico.”

- 1) The Committee urges the State Party to institute a formal state-led independent inquiry into CSA in the Roman Catholic Church in Mexico (including its religious orders).**  
**An example is the Royal Commission in Australia. One has just been announced for Spain. “Spanish parliamentarians are tasking the country’s ombudsman with the first official investigation into the depth of sexual abuse committed by members of Spain’s Roman Catholic church”.<sup>4</sup>**
  - a) Such an inquiry should have the legal power to summon witnesses (all of whose verbal and written evidence should be given under oath) and to require the production of documents and prevent their destruction. The powers should include legal measures to prevent Church funds or other assets being placed beyond the reach of victims.**
  - b) The Inquiry’s terms of reference should include investigating the causes of abuse and its suppression and how these should be overcome. This should include cases of CSA from at least the last thirty years. (France’s Commission, independent but not state-appointed, chose to examine abuse since 1950.)**
  - c) Particular attention should be paid to any:**
    - i) prolongation of CSA,**
    - ii) suppression of the discovery of CSA and**
    - iii) failure to pay adequate compensation contributed to by:**
      - (1) organisational and financial arrangements and structures of the Church**
      - (2) lack of accountability for misfeasance of personnel and**
      - (3) lack of accountability for organisations such as dioceses, monasteries and convents and the religious orders and archdioceses of which they are part, both nationally and internationally.**
  - d) Particular attention should also be paid to contributory failures of the state, including in the framing of the laws including prescription periods/statutes of limitation (for both criminal and civil cases, [noted above]) and the operation of police, prosecutorial and judicial functions.**
  - e) Attempts should be made to persuade as many victims as possible to disclose their abuse, to investigate CSA rigorously and prosecute where appropriate.**
  - f) A mechanism should be established to compensate victims fairly for the often life-ruining effects of CSA and for loss of past and future income.**  
**This should be administered by a neutral body without adversarial legal involvement with victims or their representatives by the Church and with the state ensuring that Church pay the full costs, including legal costs, even if this requires the Church to liquidate assets.**

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<sup>4</sup> <https://abcnews.go.com/International/wireStory/spain-ombudsman-tasked-probing-church-sex-abuse-record-83365430> (Associated Press)

Such payments must specifically exclude any obligation of non-disclosure or not to take further civil or criminal action. Moneys received under the compensation scheme would be deductible from any further damages awarded from further civil or criminal action.

- 2) There should be no statute of limitations for CSA in either criminal or civil law, although this should not prejudice the requirement for trials to be fair. (The Australian Royal Commission found it took victims 33 years on average to disclose.) As an interim measure during the Inquiry, temporary lifting of such limitations should be encouraged. (These were introduced by New York State.<sup>5</sup>)
- 3) Civil law should – for avoidance of doubt – specifically provide for the vicarious liability<sup>6</sup> of all institutions, including religious institutions, for CSA, i.e. for CSA committed by those connected with the Church.
- 4) Victims should, preferably by law, be relieved of any obligations whether explicit or implicit to remain silent about CSA or to not to take criminal or civil actions even if they have received sums in respect of CSA subject to non-disclosure agreements. Any such sums and compensation under a neutral scheme as proposed above should be deducted from any further damages awarded.
- 5) Any existing exemptions, whether *de facto* or *de jure*, for clerics from reporting of abuse must be repealed immediately.
- 6) A new mandatory reporting (MR) of criminal offence should be introduced whereby those in a position of personal trust toward children or vulnerable adults, who while in their care have reasonable grounds for knowing or suspecting the commission of physical or sexual abuse or abuse, are required to report it to the appropriate civil authorities. An MR law should also criminalise the destruction of records or evidence of CSA and failing to disclose them, while affording protection to those who report suspected CSA in good faith. A model MR law, not tailored to any particular country, has been proposed by Professor Ben Mathews of Queensland University of Technology<sup>7</sup>.
- 7) All institutions, including religious institutions, should be required by law to place prominent safeguarding statements in every location advising those concerned about CSA to contact a help line totally independent of the institution at any level.
- 8) Consideration should be given to widen the scope of an inquiry into other denominations and religions, probably after completion of the Catholic Church inquiry.

Conscious of the Committee's pressing time constraints, a suggested first draft of wording for Concluding Observations on the above is tentatively offered:

***The Committee is deeply concerned to receive evidence, from the Church itself, admitting significant extent and seriousness of child sexual abuse within the Catholic Church in Mexico going back more than twenty years, and that the impact of this abuse has been devastating for victims/survivors both for the enjoyment of their personal, family and working lives and for their financial prospects. It seems likely that the real extent of abuse is much higher than that admitted by the Church.***

***Even if the level of abuse is as stated, the adverse effects of this abuse has been greatly exacerbated by a culture of cover-up and moving abusive clerics to other parishes which has allowed abuse to continue, preventing criminals from facing justice and victims from receiving much-needed compensation.***

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<sup>5</sup> <https://eu.democratandchronicle.com/story/news/2021/08/13/child-victims-act-new-york-deadline-passes-thousands-lawsuits-filed/5553602001/>

<sup>6</sup> <https://www.brownejacobson.com/training-and-resources/resources/legal-updates/2016/04/vicarious-liability-of-faith-organisations-where-will-it-end>

<sup>7</sup> [file:///C:/Users/other/Downloads/professor-ben-mathews-a-model-law-mandatory-reporting-child-sexual-abuse-england-wales%20\(2\).pdf](file:///C:/Users/other/Downloads/professor-ben-mathews-a-model-law-mandatory-reporting-child-sexual-abuse-england-wales%20(2).pdf)

***A cause for considerable concern is the failure of the State Party to adequately protect children from sexual abuse and bring the perpetrators to justice over this extended period. Given the scale, seriousness and longevity of such abuse, the Committee would appreciate being informed how it was not evident to those whose role it was to find it.***

***Accordingly, the Committee makes the following concluding observations in this area:***

[As per the recommendations above.]

## **APPENDIX**

(Irrelevant passages are omitted from the following articles.)

<https://cruxnow.com/church-in-the-americas/2021/05/popes-man-in-mexico-says-clergy-bishops-covered-up-child-abuse>

Pope's man in Mexico says clergy, bishops covered up child abuse

By Inés San Martín

May 20, 2021

Crux

### ***Pope's man in Mexico says clergy, bishops covered up child abuse***

In this file photo, Archbishop Franco Coppola, the apostolic nuncio to Mexico, gives a rosary to a child during a visit to Aguillilla April 23, 2021. Drug cartels have battled each other and blocked highways in the besieged town, leaving residents unable to travel freely and causing shortages of everything from food to fuel. (Credit: Alan Ortega/Reuters via CNS.)

**ROME – Members of the Mexican clergy, including bishops, “covered up” child sexual abuse for years, according to Pope Francis’s envoy in the world’s second most populous Catholic country, who called those crimes “psychological murder.”**

**“It’s a terrible tragedy of which perhaps we were once not aware,” said Italian Archbishop Franco Coppola. “Every time I meet with victims, I realize how true what Pope Francis said is: (abuse) is a psychological murder.”**

After having spoken with several victims of abuse, Coppola said child sexual abuse “is worse than murder” because it leaves lifelong consequences such as “difficulty in relating to other people.”

“I think there wasn’t as much awareness of what was happening to these people. **Thanks to those who have revealed what was done to them, we’ve become aware of this** and adopted the pope’s stance of zero tolerance,” he said.

**More than 271 priests in Mexico have been accused of sexual abuse, including the late Father Marcial Maciel, founder of the Legionaries of Christ, who died in disgrace, having been found guilty by the Vatican of leading a double life, abusing dozens of minors, including his own children.**

**“I seriously think that there were people who covered up with bad intentions,” Coppola told the Spanish news agency Efe. “I want to think that there were also people who covered up without realizing how serious it was.”**

**The prelate told Efe that he’d began facing the “situation of abuse” when he first arrived in Mexico at the end of 2016, and that he had not had the “opportunity to encounter any such case” in the other countries where he was stationed. Before Mexico, he had been in Burundi, Central African Republic and Chad.**

Mexico has the world’s second largest Catholic population, after Brazil.

**According to Mexican church data, 271 members of the clergy were accused of abusing children in the past decade. Of these allegations, 103 have been dismissed from the clerical state, 45 have not been suspended and 123 are still being investigated.**

**Several observers have pointed out in recent years that the situation of the Catholic Church in Mexico when it comes to abuse is similar, if not even worse, than that of Chile, which back in 2018 saw all its bishops present their resignations to the pope after accusations of widespread cover up and even abuse by several prelates.**

After sending Maltese Archbishop Charles Scicluna and Spaniard Monsignor Jordi Bertomeu to investigate the allegations, the pope summoned the Chilean bishops to Rome, and promptly accepted the resignation of 30 percent of the episcopacy. However, activists continue to clamor for transparency, as no reason was given when the resignations of several bishops under the mandatory retirement age of 75 were accepted.

In March 2020, Francis dispatched the same investigative team to Mexico. However, the start of the COVID-19 pandemic prevented them from going, and the “postponed” visit has yet to materialize.

Sources in Mexico told Crux that, despite coronavirus being the official reason given for delaying the investigation, some Mexican bishops had voiced opposition to the Scicluna and Bertomeu mission. Scicluna was the top prosecutor in the Vatican’s Congregation for the Doctrine of the Faith and led the investigation against Maciel.

**Observers from both Mexico and the Vatican have told Crux they estimate some fifty percent of bishops in the country have mishandled abuse allegations, and some continue to do so today.**

**Among those who acknowledge cover-up on the part of Mexican bishops is Archbishop Rogelio Cabrera Lopez, president of the bishops’ conference, who in late 2019 told a conference organized by CEPROME, the center for child protection of Mexico’s Pontifical University, that “we bishops need to acknowledge the mistakes of the past: We weren’t conscious of the seriousness of the issue, and the solutions we gave weren’t the right ones.”**

He also said that every bishop who has served for more than ten years needs to come forward and acknowledge they made mistakes when handling abuse allegations.

Coppola told Efe that the delegation will arrive in Mexico “when the problem” of the pandemic is over, insisting that “the effort” of the Mexican Bishops Conference “has not stopped.”

**“A great part of the dioceses already have commissions for the protection of minors and the Bishops Conference has been in charge of training them,” said the nuncio.**

<https://cruxnow.com/interviews/2019/06/popes-envoy-in-mexico-says-media-has-helped-church-on-abuse>  
**Pope’s envoy in Mexico says media has helped Church on abuse**

By Inés San Martín

Jun 19, 2019

ROME – According to Italian Archbishop Franco Coppola, the pope’s ambassador in Mexico, the local Catholic Church still has a long way to go when it comes to addressing clerical sexual abuse, even if much has been done in recent years.

“The attention given to us by the media is very positive, as it forces us to cleanse our Church and our hearts,” he told Crux on Saturday. “We need to cleanse the Church of sexual abuse, as well as abuses of power and conscience, of thinking that it’s OK to take advantage of one’s position to commit a crime that has nothing to do with the faith, the Gospel or the Church.”

“It’s a necessary, even if painful purification,” Coppola said.

The archbishop was in Rome last week taking part in a June 13-15 summit of nuncios called by Pope Francis. He was appointed as papal representative to Mexico less than three years ago, taking over the job from Archbishop Christophe Pierre, currently the nuncio to the United States.

After the meeting was over, Coppola sat down with Crux for over 45 minutes at the Santa Marta residence, the hotel within Vatican grounds where Pope Francis lives, to discuss the situation of clerical sexual abuse in Mexico, the Rome



meeting and also the relationship of the Mexican Church with the Church in the United States and the ongoing migrant crisis from south to north.

"The mission we have, as priests, and as unworthy as we are to have it, is to represent the heart of the Lord who loves us," he said. "It is a terrible betrayal that, representing the heart of Him who gave his life for his sheep, instead of giving their lives, some priests steal the life of others."

What follows are excerpts of Coppola's interview with Crux.

Crux: How do you see the situation of the Church in Mexico when it comes to fighting clerical sexual abuse?

Coppola: Much has been done, but there's a lot of work still to be done. I can't say I'm an expert of the situation in other countries, but I do believe that the situation in Mexico is not too different than it is in most of the world.

**When we first began facing this criminal phenomenon some 40 years ago, the reaction was one of believing that it was a sin, a fragility for which one could ask forgiveness and then be transferred to a new parish. I think that we were unaware of the deep psychological wounds abuse leaves, and also the deep psychological problem that the abuser has. Due to this ignorance, the "cure" was often to move the priest from one parish to another, without realizing that this meant that the problem was spread and not addressed.**

**In addition, there was a false conception of the good name of the Church: it was considered better not to talk about these matters instead of facing them and punishing them accordingly.** Thanks to God, [due to] the work of journalists and the progress of science, we now have clarity about what these crimes are. It is true, there are people within and without the Church who realize that reality has changed and face it accordingly, and there are others who still resist.

I have to say that one of the advantages that the nuncio has in Mexico is that this is a country that can have many problems –and we have them– but from the point of view of the Catholic faith, there is a devotion to the pope difficult to find in other countries. This means that some might not even realize how reality has changed, but they see the pope's message and the laws he's promulgated, and they are starting to acknowledge that this is a problem that must be faced head-on.

I have been in Mexico for less than three years. I cannot give general judgments, but the impression that we have in our Latin cultures – as an Italian I feel like a close relative – is that these are chauvinistic cultures, where the role of women is not developed as it should be. It is also a culture where, if there is no education, it is violent. The less education there is, the more violence there is.

Surely all of the Latin countries, including Italy or Mexico, have much to do still when it comes to education, because it is the one thing that allows children or a young person to understand that they have the right to be respected.

Regarding the problem of clerical sexual abuse in particular, speaking as a nuncio and as a priest, I think that a lot of progress is being made within the Church thanks to the help from the rest of society, that has pushed us to become better and continues to do so, even if for those who've been abused nothing will, understandably, be enough.

According to UNICEF, 95 percent of abuses take place within a family environment. This means that everyone has to grow in the protection of minors, first and foremost the Catholic Church. If we're going to be a witness on this issue, there's much still to be done.

In this regard, the attention given to us by the media is very positive, as it forces us to cleanse our Church and our hearts. **We need to clean the Church from sexual abuse, as well as abuses of power and conscience, of thinking that it's OK to take advantage of one's position to commit a crime that has nothing to do with the faith, the Gospel or the Church.**

It's a necessary, even if painful purification.

Are things getting done in Mexico when it comes to fighting clerical sexual abuse?

**I think that at the bishop's level, they are realizing that this is something that has to be addressed, and you can see concrete steps being taken in Mexico.**

I cannot say that everything is going correctly, but there is progress. Above all, among those responsible, the new leadership of the Mexican bishops' conference is aware of the importance of working on this issue. **A commission for the protection of minors has also been created to advise the dioceses on how to deal with cases they have, be it from the canonical point of view or the criminal point of view. Many bishops have turned to this commission for help and are catching up.**

**Today I can say that most of the crimes denounced before ecclesiastical authorities have been taken to civil authorities, with the exception of those cases in which the victims themselves or their legal guardians expressly asked, and before a notary, not to. This occurs when the victims are still minors and the parents do not want to re-victimize them with the process. But, anyway, there is a legal obligation on this point.**

**Mexican law is particular on this issue: in many crimes, civil authorities can only investigate if the victim or the legal guardian makes the allegation. Someone with knowledge of a crime or even witnesses cannot make the report, only inform the authorities.**

**It is true that in the past we did not have this attitude of automatically going to civil authorities, even when a canonical investigation took place. In the case of Mexico, some 150 men were removed from the priesthood, and another 200 cases are being processed.**

I have to say, however, that I couldn't believe my eyes when I read that in Mexico, 97 percent of crimes go unpunished. Basically, you have to have bad luck to get caught. This leads to a great distrust in the justice system, but even so, we insist that the allegation to civil authorities must be made.

In February, Pope Francis summoned the presidents of the bishops' conferences to the Vatican to talk about the protection of minors. Did you have the opportunity to talk about the subject, particularly about the role of Vatican diplomacy this week?

Yes, especially because the last motu proprio by the pope, *Vos estis lux mundi* ["You are the light of the world"], pays close attention to the matter, calling the nuncios to act. The idea was established in the previous motu proprio, "As a loving Mother."

"As a loving Mother" gave the lines, laws and principles, but from the technical, legislative point of view, there was a lack of procedure, what to do and how to do it. **The first problem is what to do when a bishop does not do his duty. The pope established that the competence belongs to the archbishop, and everything has to go through the nunciature, to determine if indeed the archbishop did what he had to do.**

Is there a will to deal with the issue?

There is something that the Holy Father asked us to do, and that all bishops have to do: listen to the victims. If you do not talk to the victims, you cannot understand the drama they've been put through. And if one, thanks be to God, has not lived it, one cannot imagine the impact. I have had the opportunity to listen to some victims, and it is very, very hard. What they experienced is horrible.

If you imagine things from the outside, it's like watching a film. But if you talk to the victims, who talk about the impact that the abuses they suffered have had on their hearts, one cannot remain insensitive. In front of a wounded heart, who speaks to you, sometimes with a lot of anger because they are still hurt, one cannot but be moved.

And on this point, we have a lot of progress to make still. Many times, out of a sense of justice or trying to keep a distance, the bishop who has had to act as a judge too, didn't meet with survivors. But the bishops have to listen to both the victims and the accused to be able to give an adequate judgement.

A judge, in a trial, listens to both parties ...

Precisely. Here there is still much to be done, but this is something the new *motu proprio* by Pope Francis asks for. I do think that when the issue is addressed at the next meeting of the Mexican bishops' conference in November, talking to victims and survivors will be recommended.

We have important work ahead of us to try to recover a trust of so many boys and girls whom we've betrayed, and also to train priests differently so that this does not happen again. Not only because the structures are transparent and they cannot hide their crimes, but so that they have hearts that are not allowed to abuse others, so that their hearts are what the heart of a priest or a bishop are called to be.

The mission we have, as priests, and as unworthy as we are to have it, is to represent the heart of the Lord who loves us.

It is a terrible betrayal that, representing the heart of Him who gave his life for his sheep, instead of giving their lives, some priests steal the life of others.

You mentioned the "neighbors of the North." How is the situation of dialogue between the Church in Mexico and that in the United States today, given the political and migration situations?

I have been amazed to see the "complicity in good" that exists between the two churches. There are regular meetings between the bishops on both sides of the borders. I participated last year in a meeting in Piedras Negras. It seems that the border dioceses are prepared for migrants, with Hispanic bishops. There is a great understanding, welcome. At the church level, there is no problem.

#### **The time is ripe for a clergy abuse inquiry in Latin America<sup>8</sup>**

<https://www.aljazeera.com/opinions/2022/3/29/the-time-is-ripe-for-a-clergy-abuse-inquiry-in-latin-america#:~:text=The%20time%20is%20ripe%20for%20the%20first%20clergy%20abuse%20inquiry.limitations%20applied%20to%20such%20crimes.>

There are growing hopes that, like many in Europe, Latin American nations will soon launch independent inquiries into historical cases of clerical sexual abuse.

Adalberto Méndez López

Founding Member and Legal Coordinator of Ending Clergy Abuse (ECA) Global Justice Project

Published On 29 Mar 2022

Chile sex abuse

Over the past few years, several countries in Europe have launched new inquiries into the sexual abuse of children by Catholic priests.

Most recently, following the release of new data by the El País newspaper, Spain's parliament approved the creation of an investigative commission led by the country's ombudsperson, marking an unprecedented move in a Catholic-majority country that had remained largely silent on the issue for years. In France, a national inquiry found last year that an estimated 330,000 children have been sexually abused in Catholic institutions since 1950. Germany held multiple inquiries on the subject in recent years, while Poland, Portugal and the United Kingdom have investigations

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<sup>8</sup> <https://www.aljazeera.com/opinions/2022/3/29/the-time-is-ripe-for-a-clergy-abuse-inquiry-in-latin-america#:~:text=The%20time%20is%20ripe%20for%20the%20first%20clergy%20abuse%20inquiry.limitations%20applied%20to%20such%20crimes.>

continuing. In Italy, too, abuse survivors are asking their government to launch a national inquiry, echoing a call made by the UN Committee on the Rights of the Child in 2019.

While this current wave of inquiries in Europe follows in the footsteps of those previously held in countries like Canada, Ireland, Belgium and Australia, there are regions in the world where the political will to expose the truth and deliver justice to survivors remains largely stagnant or non-existent. This is particularly the case in Latin America, home to the world's largest Catholic population, where no government has yet announced a national inquiry into the issue.

This is despite several estimates pointing to the scale of clergy abuse in Latin America being similar to that in Europe, and the region's impressive history of conducting effective truth commissions in response to large-scale human rights abuses. But there are growing hopes that Latin American nations, too, will soon launch their own inquiries into historical cases of clerical sexual abuse, and deliver justice to those who have been longing to be heard for years if not decades.

When will Latin America follow suit?

What we are currently seeing in Europe is a domino effect, with one country's inquiry into clergy abuse prompting another to respond by launching a similar investigation. And this effect is not something new. One of the first abuse inquiries took place in Canada in 1989, followed by similar and even bigger investigations in countries ranging from Ireland to Australia.

So now that more and more countries in Europe appear committed to addressing historical clergy abuse, holding the church to account, and preventing future abuse through new independent inquiries, there is reason to expect similar investigations to pop up in other regions.

There are already some promising signs in Latin America, as independent inquiries into the issue have already been proposed in three countries.

In 2018, a parliamentary commission investigating sexual abuse cases in the education system in Ecuador urged the president to establish a truth commission to look into sexual abuse of minors in schools, including those run by the Catholic Church. Earlier this year, Chile's Survivors' Network renewed its longstanding call for a truth commission to be established to investigate human rights abuses in all institutional settings, including the church, in the country. And in 2020, two Mexican senators, Germán Martínez and Malú Micher, bravely introduced a petition in parliament to create an independent commission to investigate clergy abuse.

I was an adviser to the senators whose move came after the emergence of a high-profile sexual abuse scandal in the Congregation of the Legionaries of Christ, a Mexico-based Roman Catholic clerical order, which admitted in 2019 that 175 children has been sexually abused by its clergy over eight decades, including at least 60 at the hands of its founding director, Marcial Maciel.

**However, Martínez and Micher's proposal for an independent inquiry was blocked by the government, whose close ties with Mexico's Catholic Church mean it continues to protect religious officials even when they are accused of heinous crimes against children. But there is still reason to hope that the tide is beginning to turn in the region, and especially in Mexico.**

In Mexico, as in many other countries, one of the biggest obstacles to survivors of child sexual abuse accessing justice is the statutes of limitations applied to such crimes.

Statutes of limitations set the maximum time after an event within which legal proceedings may be initiated. In cases of child sexual abuse, survivors take an average of 24 years or more to come to terms with what happened to them and report the abuse they suffered. This means, by the time most survivors are ready to take legal action, the statutes of limitations have already blocked their path to seeking justice.

In Mexico, however, legal authorities are finally having discussions on the issue and considering taking action to right this wrong and allow survivors access to justice whenever they are ready and able. In January this year, Mexico's Supreme Court announced that it will soon discuss whether a statute of limitations should continue to apply to cases of child sexual abuse.

While we hope the Court will abolish the statute of limitations for sexual abuse cases, the fact that it is having this discussion is a positive development on its own, and signals that the issue is finally on the national agenda in Mexico.

As such, the time is ripe to pressure the government to stop protecting the Church from scrutiny, and listen to the growing calls for the establishment of a truth commission in Mexico to investigate historical sexual abuse of children by Catholic priests in the country. But it is crucial to ensure that the inquiry would be independent and effective.

National inquiries not only establish an historical truth, but in doing so, they bear witness to the suffering of survivors, invite them to give their testimony and offer them a safe forum in which to recount their experience and be listened to with respect and sensitivity. Additionally, the recommendations of inquiry commissions can lead to long-sought legal reforms and redress schemes that aim to repair the harm suffered.

But not all inquiries are equal – some inquiries are undoubtedly more effective and legitimate than others. So it would not be enough for Mexico to simply launch an investigation into the issue – it also needs to adopt the right approach.

Spain, for instance, initially proposed launching a “parliamentary inquiry” into clergy abuse, but this suggestion led to criticism on the basis that representatives who would take part in the inquiry might not act independently of the political parties they represent. Then it was suggested the Public Prosecutor's Office could investigate the issue, but this proposal was also not supported by many as it is known that most survivors are reluctant to talk to legal authorities due to trauma, shame and the fear of not being believed. Eventually the proposal for the inquiry to be led by the country's ombudsperson – an independent official appointed to investigate complaints against companies or organisations – was accepted. While it was undoubtedly the best and most suitable of all proposals, research shows that ombudspersons typically lack the resources to conduct investigations of the scale of a national inquiry.

Rejecting all these options, Spanish survivor and fellow founding member of human rights organisation Ending Clergy Abuse (ECA) Global Justice Project Miguel Hurtado, called for a well-funded truth commission composed of independent experts to be tasked with investigating the issue. Australia has adopted a similar approach in the past, and its Royal Commission into Institutional Responses to Child Sexual Abuse, which ran from 2013 to 2017, is widely considered the gold standard of abuse inquiries to this day.

In Mexico and wider Latin America efforts should focus not only on securing an inquiry into clergy abuse, but also ensuring that the eventual investigation is legitimate, meaningful and effective. An inquiry can also be specific to clergy abuse or have a broader scope and look at child sexual abuse across institutions, including the Catholic Church, as has already happened in many countries. And regardless of what body eventually conducts the inquiry – and the right setup and scope can understandably differ from country to country – the most important thing is to ensure the investigation and relevant proceedings are completely independent.

The Catholic Church cannot legitimately investigate itself, despite the insistence to the contrary by many high-ranking clergy. A common response by Catholic Bishops' Conferences to national scandals is to announce the creation of a Church-led commission to receive and investigate complaints of alleged abuse. But such initiatives are riddled with accusations that they lack transparency and are institutionally biased, not to mention the Church's history of covering up abuse and silencing victims to protect its own reputation.

It would be an historic moment – and perhaps an example to the rest of the region – if the Mexican Senate were to approve an independent truth commission into clergy abuse specifically or child sexual abuse across institutions on the back of the Supreme Court's debate on abolishing the statute of limitations for such crimes. This is in no way a

distant dream – many countries in which the Catholic Church is powerful and politically influential, from Spain to Ireland, have already done this. All that is needed is the political will of the current Mexican government.

But even if the Mexican government fails to respond soon, the survivors and their allies will not ease pressure. The issue is now being discussed widely in the media and also being raised routinely in international human rights forums. A case in point was when Ending Clergy Abuse (ECA) secured the first public hearing on clergy abuse at the Inter-American Human Rights Commission in December 2020, where the cases of Mexico, Colombia, Ecuador, Peru and Argentina were presented, and the commissioners expressed their commitment to ensuring it would hold states accountable to their international legal obligations to children's rights.

The new wave of independent inquiries in Europe is a sign that clergy abuse survivors on the continent are one step closer to securing truth, justice and reparations. Change is also coming to Mexico and wider Latin America. And survivors and their allies will not give up on this fight until every nation takes the necessary steps to expose the truth, hold those responsible to account and ensure such suffering and pain is never inflicted on children again.

The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera's editorial stance.