
United Nations Convention on the Rights of the Child

State Party: Argentina

Alternative Report to the 98th pre-session

Working Group

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Introduction

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.

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”.

Emboldening 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).

Recent developments

In the documents in the appendices (in which we have emboldened key passages), the Catholic Church in Argentina has itself acknowledged significant occurrences of CCSA, covering up the abuse, moving priests known to have abused to other parishes - thereby enabling the abuse to continue.

For example (the quotes below are shown in greater detail in the appendices), per Associated Press 2017¹ :

“Clerical sex abuse disclosures skyrocket in pope’s Argentina”: “In Argentina, the abuse crisis is just beginning,” said San Francisco Bishop Sergio Buenanueva in Cordoba province, who leads a church council on clerical abuse. [He is a monsignor, an honorary title bestowed by popes.] “I’m sure the Argentine church is going to face increasing numbers of these disclosures.”

“To deal with the expected increased caseload, he said the church is planning to create its first comprehensive database of clerical abuse. Buenanueva also recently returned from the Vatican, where he met with members of Francis’s sex abuse advisory commission to discuss prevention policies for Argentina, including training of clergy to detect potential abusers and victims.”

¹ <https://cruxnow.com/global-church/2017/10/clerical-sex-abuse-disclosures-skyrocket-popes-argentina>

“... victims in [the Pope’s] native Argentina are denouncing abuses in unprecedented numbers. An analysis by The Associated Press shows that the number of clerics publicly identified as alleged sexual abusers has increased dramatically in the last two years.

Extent of abuse

“The Associated Press compiled a list of 66 priests, nuns and brothers who have been accused since 2001 of abusing dozens of people, most of them children. The figures were gathered from testimonies by victims, judicial and church documents, and local media reports corroborated in conjunction with the database of BishopAccountability.org, a U.S.-based organization that keeps track of cases of clerical sexual abuse. The number of new reports remained in the single digits each year from 2000 to 2015. But since the start of last year, victims have named 21 more, most accused of decades-old abuse.”²

The Bishop-Accountability’s website currently shows over 100 “Publicly Accused Priests, Brothers, and Nuns in Argentina”,³ between 1995 and 2019. There have been increasing levels of new cases that have come to light since then, as alluded to above by AP and even bishop Buenanueva. Above he referred to “the church ... planning to create its first comprehensive database of clerical abuse”, but more than five years later, he has not produced it or even quoted any numbers of those accused of clerical abuse of minors.

ElDiario asked the same bishop in 2022⁴ : “Does the number of 128 members of the Church accused of sexual abuse seem an accurate number? He responded: “*I do not think it is exaggerated, surely it is not less. It corresponds to the percentage that has occurred in other countries.*” We do not consider that it “corresponds” at all; the numbers discussed are a submultiple of any credible figure.

The Australian Royal Commission – widely regarded as the ‘gold standard’ of abuse inquiries – concluded that 7% of clerics had abused.⁵ There are around 9,000 priests and male religious figures in Argentina.⁶ 7% of this equates to 630, around five times the number the bishop claimed to correspond to the percentage that has occurred in other countries. It seems implausible that the percentage of abusing priests in Argentina is less than that in Australia, far less being a fifth of it. It seems much more likely that the number of current priests and religious who have abused is 630 or more. But when seeking to assess abuse over an extended period it is necessary to multiply the 7% by the turnover of priests over that period.

Other key considerations of “extent” are the likely number of victims and instances of sexual clerical abuse of minors. The most reliable academic study was carried out by CIASE (an in-house study commissioned by the Catholic Church for France).⁷ It concluded there had been 330,000 clerical abuse victims there since 1950. There is no reason to assume that the level of abuse is proportionately any less in Argentina (an overwhelmingly Catholic country) than France, so, taking into account Argentina’s lower population⁸, this would suggest the number of clerical abuse victims over that period would be around 230,000, and the number of abuses a multiple of that. (The Australian Commission found that 85.4% of victims reported multiple abuses.⁹)

² <https://apnews.com/general-news-c62e2d5e692d4d33887a928a7d69839b>

³ <https://www.bishop-accountability.org/Argentina/Database.htm>

⁴ https://www.eldiario.es/sociedad/denuncias-e-impunidad-20-anos-despues-caso-destapo-horror-abusos-iglesia-papa-francisco_1_9646464.html

⁵ <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>

⁶ <https://www.catholic-hierarchy.org/country/scl.html>

⁷ <https://apnews.com/article/europe-france-child-abuse-sexual-abuse-by-clergy-religion-ab5da1ff10f905b1c338a6f3427a1c66>

⁸ <https://www.worldometers.info/world-population/population-by-country/>

⁹ https://www.childabuseroyalcommission.gov.au/sites/default/files/final_information_update.pdf

A further key factor is the average number of abuse victims per abuser. The worst example we have encountered was in France and related to faux Scout master and priest Bernard Preynat, who a lawyer credibly claimed in court had abused (generally raping and masturbating) 3,000–4,000 scouts between 1971 and 1991¹⁰. (Despite reporting of abuse being mandatory in France since 2000, neither the most senior Catholic cleric in France nor his predecessor disclosed the knowledge they had of Preynat's abuse of scouts.)¹¹

State Party failing to acknowledge abuse in its reports to the Committee

Given the extent of clerical abuse of minors in Argentina detailed in this report and the publicity the abuse has received, including in court proceedings, it seems inexplicable that the State party is not aware of it. Yet, concerning, the State Party has not referred to clerical abuse of minors in its reports to the Committee. A particularly egregious example of such an omission concerns the List of issues of 8 March 2023, CRC/C/ARG/QPR/7, Section F: Children with disabilities (art. 23):

"37. Please provide data, disaggregated as described in paragraph 30 above, on children with disabilities who: ...
(g) Have reported violence and abuse, including sexual violence, the number of investigations and prosecutions carried out and the sentences imposed on the perpetrators."

The State party's response dated February 9, 2024, CRC/C/ARG/7, refers in para 254 only to "Of the 432 children and adolescents admitted to the AR sponsorship, only in NINE (9) cases were indicated at the time of admission that they were children or adolescents with disabilities."

No reference is made to the following, shown in greater detail in Appendices 2 and 3, concerning the wholesale rape and abuse of deaf children over many years resulting in prison sentences totaling over a century:

(from <https://www.lanacion.com.ar/sociedad/verguenza-mundial-indignacion-de-las-victimas-de-abusos-en-el-provolo-por-el-fallo-absolutorio-de-nid18102023/> in Spanish)

"This [October 2023] was the third trial of the Próvolo case [the Próvolo institute being for deaf children], as the first was an abbreviated trial in which the altar boy Jorge Bordón, a former administrative employee of the school, confessed to the crimes, receiving a 10-year prison sentence on 25 September 2018. On the other hand, the second formal trial - known as the "first mega-trial", which ended on 25 November 2019 - saw historic convictions for priests Nicola Corradi, who died last year at the age of 85 and was sentenced to 42 years in prison, and Horacio Corbacho, 62, was sentenced to 45 years in prison, while gardener Armando Gómez, 52, was sentenced to 18 years in prison.

"The institute, located in the city of Luján de Cuyo, was at the centre of one of the major scandals of ecclesiastical abuse in Argentina in 2016 when one of its teachers denounced the 'aberrant acts' that occurred there.

"Besides Corbacho and Corradi - who was kept in house arrest at a nursing home and died in 2021 - received an 18-year sentence with a gardener named Armando Gómez. **Another employee, Jorge Bordón, was sentenced to 10 years.**

"Nine women were charged with collaborating in the abuses, including two nuns, but ended up being acquitted.

"Corbacho was implicated in several acts of abuse, including against an 8-year-old victim from Misiones province. The child reported at least eight occurrences, during which the extreme pain caused him to faint.

¹⁰ <https://fr.euronews.com/2020/01/16/bernard-preynat-pretre-adule-et-pervers-sexuel>

¹¹ <https://www.theguardian.com/world/2020/mar/16/defrocked-french-priest-jailed-for-abusing-scouts-over-20-year-period>

“Last week’s court decision was joyfully received by anti-abuse activists, but they say the judiciary and especially the Church still have a long way to go to adequately deal with the problem.

“The women involved in the Próvolo scandal should have been held responsible too, because they allowed the abuse to happen. But justice considered that only the direct perpetrators were guilty,” Sergio Salinas, one of the lawyers representing the 12 victims, told Crux, adding that is a “childish and outdated understanding of legislation.”

“Salinas argued that the Church in Argentina acted with a double standard in the Próvolo case. From an economic point of view, it agreed to compensate all the victims, which only happened, however, in 2023.

“But from the penal perspective, the Church not only failed to collaborate but also acted to cover-up the scandal,” he said.

“According to Salinas, some of the victims affirmed that they were abused at Próvolo, but not by any of the people charged with the crimes in the lawsuit.

“The Church has never presented the evidence requested by us of who the perpetrators were. We sought help from the United Nations, the Apostolic Nunciature, and even the Vatican, but it didn’t work,” he declared.

Salinas said that the Vatican press office sent him an email in 2020 saying that Church authorities were willing to meet with the lawyers in a secret encounter out of the Vatican. He and the other lawyers rejected the idea.

Julieta Añazco, a member of the organization Iglesia sin Abusos (Church without Abuse), considered the court’s ruling “a signal that the Judiciary is aware of the seriousness of Church abuse cases and that they must be properly investigated and punished.” But more changes are needed, she added.

“The Church has advanced its attitude to abuse over the past years and now pursues a more transparent policy, she said.

“But we also think that a few Church sectors still try to cover-up cases by transferring clergy members who were denounced. They don’t use their real names, so it’s complicated for us to locate them,” Añazco said.

“She argued that the Church had to adapt to social changes over the past few years and understood “the victims are not afraid to denounce the abusers anymore.”

“But it’s important that accused priests are not only judged by the Church. Many cases don’t arrive at a civil court, but the Constitution is above canon law,” she said.

“In some recent scandals, both the Judiciary and the Church failed to offer the expected solutions, analysts say.

“That’s the case with Vicente Suárez Wollert, formerly a seminarian of the Fraternidad de Belén (Fraternity of Bethlehem, also known as Capuchinos Recoletos). In 2019, he accused Father José Miguel Padilla, an Army chaplain, of abuse between 2015–2016. He was 20 years old at the time.

“From the beginning, the Church denied having information on the events. Several bishops knew what happened and I asked for collaboration, but they didn’t help me or were evasive,” he told Crux.

In 2023, the Judiciary gave Padilla the benefit of the doubt and he was acquitted. Suárez Wollert appealed and now waits for a new decision.

“The canonical suit began with a testimony I provided some time ago, but I don’t know how it’s advancing,” he said.

“In Suárez Wollert’s opinion, the Church ‘makes an effort to demonstrate that it acted accordingly, but reality shows otherwise.’

“I think we’re very far from a real and sincere change,” he said.”

Given the State's failure to disclose this vital issue, it is legitimate to question the reason(s), because it seems difficult to conceive that this is an accidental omission. Perhaps the State Party is not seeking to shield the Church, although other motives are difficult to imagine.

Furthermore, given the wholesale and long-standing abuse of which no one involved with the Próvolo institute could be unaware, it is deeply concerning and seemingly inexplicable that reportedly:¹² "The Mendoza court acquitted nuns Kumiko Kosaka and Asunción Martínez, former directors Graciela Pascual and Gladys Pinacca, and cook Noemí Paz; two priests and a gardener had been convicted for the abuse of deaf students."

"all the defendants were acquitted of the crimes of primary and secondary participation in the crime of omission. Thus, not only Kosaka - who had also been charged with simple and aggravated abuse - was cleared, but the ruling [to acquit] also [extended to] the religious Asunción Martínez, the former directors Graciela Pascual and Gladys Pinacca, and the cook Noemí Paz. Meanwhile, the former directors Valeska Quintana, Laura Gateán and Cristina Leguiza, as well as the psychologist Cecilia Raffo, had already been removed from the trial due to the withdrawal of the accusation."

The headline of the same report reads "World shame': victims of abuse at Próvolo outraged by ruling that acquitted nuns and former employees". It continues "The pain of relatives and victims of abuse at the Próvolo, in the esplanade of the Polo Judicial de Mendoza, after the acquittal of five accused women."

This raises disturbing questions about the court's rationale in completely acquitting everyone named above. Was it that:

- there is no law that criminalises facilitating rape or other sexual abuse of minors on such a scale?
- there is no law that criminalises lower level complicity in rape or other abuse on such a scale?
- there is no law that criminalises sexual assault?

(As noted above "Sergio Salinas, one of the lawyers representing the 12 victims, told Crux, adding that [the court's interpretation of the law] is a 'childish and outdated understanding of legislation'.")

It is difficult to conclude otherwise that there was no appetite to convict those mentioned above. This raises the question as to whether the motive was linked to the religious nature of the institution and/or the religious status of some of those named.

Detail of admissions by Bishop Buenanueva, who leads a church council on clerical abuse

In the following, bishops and priests are mentioned, but the points made apply equally to male and female religious figures (those in orders) and the heads of the orders. Where appropriate, additional quotes are provided from the Próvolo article.

The following serious concerns can be deduced from the bishop's reported comments, shown in full in Appendix 1.

1. Despite being charged two years earlier in Rome by the Pope to compile a list of abusive clerics, Bishop Buenanueva has failed to do so.

"Although he believes it is necessary, he admits that the Argentinean Church does not have a register of abusers among its members." (Elaborated further in #6)

¹² <https://www.lanacion.com.ar/sociedad/verguenza-mundial-indignacion-de-las-victimas-de-abusos-en-el-provolo-por-el-fallo-absolutorio-de-nid18102023/>

2. The scale of the abuse is very significant and serious.

"It is one of the most serious crises in the Church in recent times."

3. The Church actively and institutionally concealed the abuse.

"there is a sick system within the Church that covered up or did not allow abuses to come to light and ended up favouring the perpetrator." (The bishop uses the present tense.)

4. Clericalism (all-powerful priests, often acting as if above the law, protecting perpetrators and denying victims justice and access to fair compensation.)

"privileging the power dimension of the priesthood."

5. Secrecy and denial.

"foolishly privileged the good name of the institution, believing that we were safeguarding it by hiding it", but at the same time allowing perpetrators to evade justice and continue to abuse.

6. Buenanueva is evasive about his inability to compile, even after two years, a register of abusing priests

"The Episcopate is taking its first steps and we have raised this issue among the Argentinean bishops. And we have to take a delicate step, because it means clarifying a difficult situation for everyone. ... But there is resistance in the realisation that it is a change of mentality that is not easy to make".

7. This reads like a euphemism for his fellow bishops refusing to release names. The admissions enumerated in this section add credence to our contention that the level of abuse is much greater than the numbers so far disclosed in this submission (the highest number is 128), which he claims not to be an exaggeration.

8. Institutional resistance to reporting abusers, the first step to eliminating abuse.

"But there is resistance in the realisation that it is a change of mentality that is not easy to make."
Perpetrators of abuse will fiercely resist being reported to secular authority. (Further explained in 8 below.)
Breaking the cycle of abuse may be impossible without concerted secular justice involvement, and the introduction of mandatory reporting.

9. Realistically, bishops/heads of religious orders will be loath to denounce perpetrators of abuse in their diocese/order, who may be their friends and which denunciation will reflect badly on the bishop and the diocese/order.

"It is very difficult for a bishop to punish a priest, that has also been a cause" [of failure to punish].

10. Failure to even acknowledge that such abuse is a breach of civil and criminal justice, far less recognising the obligation to report it as such.

"It is very difficult for a bishop to recognise that it is a crime at the level of secular justice. The Church in the way it deals internally with this problem at some point clearly has to subordinate itself to the secular justice system."

There is nothing "difficult" about such a recognition: it is the first duty of every citizen, to follow the law. A more accurate explanation is that the clericalism of bishops often includes feeling entitled to act as if the Church is above civil and criminal law that applies to everyone else – and by extension that perpetrators

should be allowed to continue to perpetrate with impunity and abuse even more victims without any “interference” from secular justice. “At some point” kicks the problem into the long grass.

11. The whole system of canonical justice (and its token punishments, the most “extreme” of which is defrocking – rather than excommunication¹³) favours the perpetrators of abuse while depriving the victims of fair treatment. Such fair treatment needs to include victims receiving fair compensation and seeing perpetrators being severely punished. Such shortfalls of canonical law demonstrate why it is imperative that suspected perpetrators are subjected to secular criminal and civil justice.

“The standards of transparency of the canonical process must be brought into line with the standards of transparency of the exercise of secular justice.”

The reform of canonical law and its administration is a matter for the Vatican/Holy See and beyond the scope of the Committee. Regrettably, despite the devastating revelations of CSA on a huge scale in predominantly Catholic countries on every continent during the current pontificate, Francis has done little in practice to reform canon law to make it more than a token mechanism either to control CSA or to deliver justice to victims.

12. When priests’ abuse is exposed, they are frequently moved out of the area. To the extent that this move is to another diocese, it is unlikely that the recipient bishop is informed of the abuse, otherwise he would probably refuse the transfer.

“When a priest was accused of abuse, in many cases, what the bishop did was to send him to another bishop. The practice has been the norm, not only here but everywhere.”

And from the Prévolo article:

“But we also think that a few Church sectors still try to cover-up cases by transferring clergy members who were denounced. They don’t use their real names, so it’s complicated for us to locate them,” Añazco said.

Bishop Buenanueva does not acknowledge the likely refusal of the transfer suggested above, but also fails to disclose a related associated practice which results in devastating consequences. This is that such priests are transferred (generally within the same diocese) without those in the receiving location being informed of the priest’s abuse. As a direct result, no precautions (such as ensuring no contact with minors) are taken, and, entirely predictably, this enables the abuse to continue.

13. The Church failing to cooperate with civil criminal justice (from the Prévolo article):

“From the beginning, the Church denied having information on the events. Several bishops knew what happened and I asked for collaboration, but they didn’t help me or were evasive’ ...

The above failures are ones which we have shown in numerous reports we have submitted to the Committee, and are commonplace in countries where the Catholic Church has a significant presence. We consider them to be symptoms of institutional dysfunction. We also acknowledge however that many of these failures can be found in other religions/denominations.

¹³ https://en.wikipedia.org/wiki/List_of_people_excommunicated_by_the_Catholic_Church#21st_century

Church dysfunction and the Vatican/Holy See

While we acknowledge that the Holy See is beyond the scope of the Committee's consideration of the State party, we note in passing that this institutional dysfunction extends to the Vatican/Holy See itself. If not its source, the Vatican/Holy See is complicit in the practices raised above by failing, except sometimes in the most indefensible cases that have received publicity, to take retaliatory action against abuse perpetrators and those who protect them.

Supporting evidence for the above comes in the article above on the Prólogo institute trial, in particular to the following passage:

"Salinas said that the Vatican press office sent him an email in 2020 saying that Church authorities were willing to meet with the lawyers in a secret encounter out of the Vatican. He and the other lawyers rejected the idea. ..." "The Church has never presented the evidence requested by us of who the perpetrators were. We sought help from the United Nations, the Apostolic Nunciature, and even the Vatican, but it didn't work," he declared."

This dysfunction seems to extend to the highest level of the Holy See. [In 2022] "A court in Argentina has sentenced a Roman Catholic bishop [called Zanchetta] to four and a half years in prison for sexual abuse of two former seminarians in a major blow to Pope Francis, who had initially defended the bishop." According to <http://www.bishopaccountability.org> in the appendices, the Pope had "a very close relationship with Zanchetta" and moved him to a newly/specially-created job "a job in one of the most sensitive Vatican offices". This was despite multiple accusations against Zanchetta, the first of which had been made several years earlier.¹⁴

On December 28 2018, the Salta newspaper El Tribuno reported Zanchetta's alleged sexual abuse of seminarians.¹⁵ The Vatican announced in 2019 that Zanchetta would step down while allegations were investigated¹⁶; a spokesperson said that allegations had first come to their attention in the autumn of 2018¹⁷. This was contradicted by an El Tribuno¹⁸ report, which alleged that Orán priests had informed papal nuncio Emil Tscherrig in 2015 of the bishop's alleged sexual abuse of seminarians. In a 2019 AP report¹⁹, former Orán vicar general said Pope had met with Zanchetta in both 2015 and 2017 to discuss allegations. The Vatican again denied that there had been prior accusations of sexual abuse.²⁰

Cover-up by State and Church

The Committee will be aware that cover-up and other contributory problems alluded to above:

- 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

¹⁴ <https://www.theguardian.com/world/2022/mar/04/argentine-catholic-bishop-gustavo-zanchetta-sentenced-sexual-abuse-pope-francis>

¹⁵ <https://www.tribuno.com/salta/nota/2018-12-25-0-0-0-0-la-salida-de-zanchetta-se-debio-a-denuncias-de-abusos>

¹⁶ <https://apnews.com/general-news-cbb9f61777c4be9843ce0f1dc56c42a>

¹⁷ <https://zenit.org/articles/alessandro-gisotti-issues-statement-clarifying-case-of-argentine-bishop/>

¹⁸ <https://www.tribuno.com/salta/nota/2019-1-6-0-0-0-caso-zanchetta-el-clero-de-oran-desmiente-al-vaticano>

¹⁹ <https://apnews.com/article/pope-francis-ap-top-news-international-news-argentina-sexual-abuse-5a2904f21a664229a006f3b9ead429b7>

²⁰ <https://apnews.com/general-news-c246834c7d27456bbdbelb064e971991>

- 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.

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

It seems likely from the low numbers of allegedly abusive priests referred to above that few of the victims reported their abuse at all, and most of them that did, reported it to the Church rather than civil authorities. Indeed, the Church in Argentina encourages reporting to the Church without mentioning civil justice. This is prompted by the Vatican and the Pope himself, pointedly and cynically in the Church's self-interest failing to advise victims to also report the abuse to secular justice.²¹

It is clear from Bishop Buenanueva's admissions above that accusations of abuse reported to the Church are likely to be ignored, and that even were they to become the subject to canonical examination, this would be unlikely to lead to sanctions that will prevent reoffending and even less likely to result in secular justice being engaged. Secular justice is most likely to lead to reoffending being prevented through the criminal conviction of priests, something the Church is actively seeking to prevent.

This leads us to reflect on the need to create systems independent of the church, such as laws on the mandatory reporting of child sexual abuse (MR), for the reporting of such incidents, which can guarantee the impartiality and autonomy necessary for justice and reparation.

Without the introduction of MR reporting to secular justice is likely to be very limited.

In countries where news outlets and even the state may be tempted not to challenge a powerful Church, news outlets contemplating publicising CSA may decide not to do so because of the huge legal and reputational risks. We suspect that Argentina may be such a country.

If this seems far-fetched, it is well documented in the film *Spotlight* that this happened even in the US. The Church and prominent Catholics threatened to destroy the career of the editor of the *Boston Globe*, if not the entire paper, if it exposed wholesale abuse rife in the Archdiocese of Boston, Mass.

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

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 reproduced in the appendices.

²¹ <https://cruxnow.com/church-in-the-americas/2020/07/argentine-archbishops-under-attack-for-establishing-abuse-reporting-offices>

Given the complete silence on clerical abuse of minors from the State party, we fear that calls for an inquiry will be resisted by the Government.

- 1) **The Committee urges the State Party to institute a formal state-led independent Inquiry into CSA in the Roman Catholic Church in Argentina (including its religious orders).**
We suggest as an exemplar the Royal Commission in Australia²². A similar inquiry 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".²³)
- 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 circumvent any attempts to place funds or other assets of the Church beyond the reach of victims.**
- b) **The inquiry's terms of reference should include investigating the causes of abuse and the suppression of abuse and how these should be overcome. This should include cases of CSA from the time Argentina ratified the Convention in 1990.** (France's Commission, which claimed to be independent despite being established and funded by the Church, chose to examine abuse since 1950.)
- c) **Particular attention should be paid to any:**
 - i) **Actions or inactions leading to the prolongation of CSA,**
 - ii) **Actions or inactions leading to the suppression of the discovery of CSA and**
 - iii) **Failure to pay adequate compensation and the causes thereof, such as:**
 - (1) **organisational and financial arrangements and structures of the Church, for example, any lack of accountability of organisations such as dioceses, monasteries and convents and the religious orders and archdioceses of which they are part, both nationally and internationally**
 - (2) **lack of financial accountability for misfeasance of personnel**
- d) **Particular attention should also be paid to contributory failures of the state, including in the framing of the laws, including the concerns logged above concerning the acquittals in the Prévolo cases, prescription periods/statutes of limitation (for both criminal and civil cases) and the operation of police, prosecutorial and judicial functions [about which concerns are noted above].**
- 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.**
- 2) **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**

²² <https://www.childabuseroyalcommission.gov.au/>

²³ <https://abcnews.go.com/International/wireStory/spain-ombudsman-tasked-probing-church-sex-abuse-record-83365430> (Associated Press)

faith. A model MR law, not tailored to any particular country, has been proposed by Professor Ben Mathews of Queensland University of Technology²⁴.

- 3) **Any statute of limitations for CSA in either criminal or civil law should be lifted, 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.) We recommend “Look back windows” where for a limited period statute of limitations–barred claims for CSA compensation can be made. (These were introduced by New York State.²⁵) A two year window seems reasonable to give victims sufficient time to decide to apply and assemble the evidence which will relate to events many years previously.
- 4) **Civil law should, for avoidance of doubt, specifically provide for the vicarious liability²⁶ of all institutions, including religious institutions, for CSA, i.e. for CSA committed by those connected with the Church.** (Churches have gone to extreme lengths to seek to evade this.²⁷)
- 5) **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 against institutions where they were abused even if they have received sums in respect of CSA subject to non-disclosure or no further action agreements. Any such sums and compensation should be deductible from any further damages awarded.**
- 6) **Any existing exemptions, whether *de facto* or *de jure*, for clerics from reporting of abuse must be repealed immediately. This includes abuse revealed in the confessional.** In line with the recommendations of the Australian Royal Commission, all Australian states specifically proscribe any exemption from mandatory reporting laws for abuse disclosed in the confessional.
- 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) **Sex education in schools should mandatorily require pupils to be informed about abuse, including sexual abuse, by adults and advised what measures to take if this occurs. Institutions catering for children should also be required to display notices about abuse and advise those affected to contact specific agencies that are unconnected with the institution.**
- 9) **Consideration should be given to widen the scope of an inquiry to 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 the significant extent and seriousness of Child Sexual Abuse within the Catholic Church in Argentina 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,

²⁴ [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)

²⁵ <https://eu.democratandchronicle.com/story/news/2021/08/13/child-victims-act-new-york-deadline-passes-thousands-lawsuits-filed/5553602001/>

²⁶ <https://www.brownejacobson.com/training-and-resources/resources/legal-updates/2016/04/vicarious-liability-of-faith-organisations-where-will-it-end>

²⁷ <https://www.theguardian.com/world/2023/oct/20/high-court-to-rule-on-catholic-churchs-liability-for-abuse-committed-by-paedophile-priests#:~:text=5%20months%20old-.High%20court%20to%20rule%20on%20Catholic%20church's,abuse%20committed%20by%20paedophile%20priests&text=The%20Catholic%20church%20has%20won,paedophile%20priests%20within%20its%20ranks.>

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 serving justice and victims from receiving much-needed compensation.

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.

The Committee is also concerned about the State Party's apparent disinclination to disclose concerns in these areas to the Committee as an obligation under the Convention.

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

[As per the recommendations above.]

APPENDICES

(Irrelevant passages are omitted from the following articles.)

Appendix 1

THE NATION

<https://www.lanacion.com.ar/sociedad/monsenor-buenanueva-iglesia-abuso-nid2250032/>

Society

2 June 2019

12:35

Fernando Massa

Nicolás Cassese

[Numbers in parentheses refer back to the section above headed "Other admissions by Bishop Buenanueva who leads a church council on clerical abuse"]

Monsignor Buenanueva: **"There was a sick system in the Church that covered up abuses"**.

"It is one of the most serious that the Church has in recent times," says Monsignor Sergio Buenanueva about the problem of sexual abuse committed by religious men and women that plagues the Catholic Church.

Buenanueva is 55 years old, bishop of San Francisco, Córdoba, and coordinator of the Episcopal Conference's Pastoral Council for the Protection of Minors and Vulnerable Adults. His task is to try to control the crisis.

"Today, the big work is preventive," says **Buenanueva. (1) Although he believes it is necessary, he admits that the Argentinean Church does not have a register of abusers among its members.**

Monsignor Sergio Buenanueva, coordinator of the Pastoral Council for the protection of minors and vulnerable adults.

Diego Lima - LA NACION

"I don't know if there are more, surely there are no less", he concedes when asked about the 63 consistent complaints against religious accused of abuse in the last 20 years that the investigation of LA NACION revealed.

-How serious is the situation of abuse within the Church?

In my opinion, this is a very serious crisis. (2) It is one of the most serious crises in the Church in recent times. Because when we talk about the crisis of abuse we are talking about two things: the abuses, which is the most terrible thing; and the other dimension of the crisis is what has come to light very clearly in recent times, which is a (3) sick system within the Church that covered up or did not allow abuses to come to light and ended up favouring the perpetrator. This is the most serious point for me: how was it possible for us to lose sight of the fact that the good to defend was not the good image of the Church, but the good of a person that Christ has placed at the centre of our mission?

-And how was that possible?

-There is a concatenation of causes. I believe that one is the ecclesiastical structure, the way of exercising the ministry, (4) privileging the power dimension of the priesthood. Then there is an ecclesiastical system that has (5) foolishly privileged the good name of the institution, believing that we were safeguarding it by hiding it, making it difficult to resolve these cases.

-How many cases have you registered in the country during the time you have been working in the Council?

-We have not been able to keep a register. One of our goals is to have a clearer picture of how many cases there are in Argentina, as bishops in other countries have done. This is a task to be carried out in our country, a very important task because it will give us a more accurate picture as long as we have real figures.

-What is preventing such a count?

-The Episcopate is taking its first steps and we have raised this issue among the Argentinean bishops. (6) And we have to take a delicate step, because it means clarifying a difficult situation for everyone.

-How do you do the task of prevention without a diagnosis? It is like making economic policy without a credible Indec?

-Very understandable. With abuse prevention we are not starting from scratch. We have been indexing those who already have experience, as well as reaching out to organisations that are working on child sexual abuse. But undoubtedly, as long as we have a clearer picture of the real situation in Catholic ministries in Argentina, prevention will be more effective.

-Are all your colleagues on the same page as you or do they encounter resistance to making such a list or addressing this policy change?

-There is no resistance in the moral sense of anyone objecting. (7) But there is resistance in the realisation that it is a change of mentality that is not easy to make. At the recent summit in Rome, which was a very positively elaborated model, episcopates like the Chilean, American and German ones appeared, which are many steps ahead of us. It is a change of mentality in management, which is the most difficult thing to achieve. I am optimistic because what is really happening within the Church, for example, in the lay sphere, is anger and concern. It is the laity, and in their own way also the priests, who are saying to us: "Look, bishops, change it or change it".

-Is the survival of the Church at stake here?

-Totally. The fall in credibility today is the big issue being worked on at the Vatican summit and those who are advising the Pope most closely are raising it starkly. Obviously we are believers and we believe that Jesus Christ is with us. Even if it is a remnant of his Church it will remain. But this undermines the credibility of the Church very deeply.

-LA NACION's investigation found 63 cases of priests or religious with allegations of sexual abuse. Do you think this is a credible figure?

-Yes, there have been three decisive factors in the Church's response to these crises: the courage of the victims, the investigative work of journalists, and the justice of the state. **It has not been easy to recognise the dimension of the crime of sexual abuse. (8) It is very difficult for a bishop to punish a priest, that has also been a cause, but also (9) to recognise that it is a crime at the level of secular justice. The Church in the way it deals internally with this problem at some point clearly has to subordinate itself to the secular justice system. This is where the legitimate criticisms of the canonical process come from. (10) The standards of transparency of the canonical process must be brought into line with the standards of transparency of the exercise of secular justice. As for the number, I don't know if there are more, but there are certainly not fewer.** That's for sure.

-Apart from the question of abuse, there was a pastoral praxis that had to do with transfers. (11) When a priest was accused of abuse, in many cases, what the bishop did was to send him to another bishop. Do you recognise the existence of this practice? Are you aware that, beyond the abuse, the silence with which this issue was treated also caused a lot of damage?

-The practice has been the norm, not only here but everywhere. This is recognised where the most thorough investigations have been carried out, such as in the United States or Germany. This has been the practice and the Church has already changed course, which does not mean that some people are still doing it. I can't say for sure, but I can say that today the Church has a different outlook and the bishops are facing this problem without transferring it to the priest.

Monsignor Sergio Buenanueva, coordinator of the Pastoral Council for the Protection of Minors and Vulnerable Adults.

Diego Lima - LA NACION

-About the transfers, what was the reason?

-It is dramatic: there was no awareness of the damage that this means to the person. You have to think that many victims have committed suicide, that's terrible. Not being aware of this seriousness has led to saying: "Well, let's change the place, let it have another air, maybe in another context...", and in another context the problem multiplied. It has been very hard, but healthily hard, to hear the victims say to us: "You have done us more harm".

-Why do so many priests or even nuns commit this kind of crime?

-I think a good proportion, I don't say the majority, are people who perhaps should never have been admitted to the priesthood. They were admitted without having done this verification that is now being done.

-Do you think there is a link between the celibacy and sexuality commitments that priests make and this situation? - Yes, there is a link. Celibacy in itself does not cause an adult to become a sexual predator, but it is an important risk factor, especially for people who, because of some situation of personal immaturity, should not embrace celibate life. The experience of sexuality in celibacy has its complexities that the life of a person who normally lives a sexual relationship does not have. The sexual relationship is not only sexuality. When it is well lived, it is affection, it is a bond, it is knowing you are part of someone, sharing life, children... celibates renounce this and this complicates our life and also the experience of our own sexuality. In some cases, this is a risk factor that can lead to behaviour such as abuse. The bishops of Germany have now brought the discussion on celibacy to the fore. These are things that happen and I don't know how it will be resolved, but I think that talking about it clearly is a very good thing.

Appendix 2

<https://www.lanacion.com.ar/sociedad/verguenza-mundial-indignacion-de-las-victimas-de-abusos-en-el-Próvolo-por-el-fallo-absolutorio-de-nid18102023/>

(original Spanish shown below)

"World shame": victims of abuse at Próvolo outraged by ruling that acquitted nuns and former employees

The Mendoza court acquitted nuns Kumiko Kosaka and Asunción Martínez, former directors Graciela Pascual and Gladys Pinacca, and cook Noemí Paz; two priests and a gardener had been convicted for the abuse of deaf students.

19 October 2023, 10:54

Pablo Mannino

The pain of relatives and victims of abuse at the Próvolo, in the esplanade of the Polo Judicial de Mendoza, after the acquittal of five accused women

Marcelo Aguilar

MENDOZA - "Now nobody knew anything", "World shame", "They have no face", "Pure indignation and pain", "Regrettable, all fundamentalism and ideology", "It's a huge disappointment", "Immense sadness", "Justice continues to re-victimise us", "It's all disgusting", "We won't stop until we reach the highest judicial instance".

These are some of the reactions of the victims of the sexual abuse committed at the former Antonio Próvolo Institute in Mendoza after yesterday's surprise verdict in the "second mega-trial", which acquitted the five defendants, mainly for concealment and omission of the complaints. In addition, the court exempted nun Kumiko Kosaka, who was accused of being the author of the abuses, for which she risked 25 years in prison.

In this way, the provincial Justice determined to clear the former directors, employees and nuns of the establishment where the rapes were committed, for which two priests and staff of the institution, known as "La Casita de Dios", were sentenced to severe penalties years ago. The lawyers of the victims confirmed to LA NACION that they will appeal the ruling before the Supreme Court of Mendoza.

In front of the defendants and the judges who led the debate were the victims, who were finally allowed to attend the final instance, especially the reading of the sentence, while the rest of the relatives had to follow the hearing in another room of the judicial building, through a closed circuit television. The court's decision was also broadcast publicly on the Mendoza judiciary's YouTube channel.

Kumiko Kosaka acquitted of Próvolo abuse charges

Thus, the long-awaited moment finally arrived and left the complainants perplexed: all the defendants were acquitted of the crimes of primary and secondary participation in the crime of omission. Thus, not only Kosaka -who had also been charged with simple and aggravated abuse- was cleared, but the ruling also reached the religious Asunción Martínez, the former directors Graciela Pascual and Gladys Pinacca, and the cook Noemí Paz. Meanwhile, the former directors Valeska Quintana, Laura Gateán and Cristina Leguiza, as well as the psychologist Cecilia Raffo, were already out of the trial, due to the withdrawal of the accusation.

For Kosaka, the prosecution had asked for the heaviest punishment: 25 years in prison and 10 years disqualification from holding educational and child custody positions. For most of the rest of the defendants, the requested sentences ranged from 3 to 18 years in prison. In the end, the court expressed itself in the same way as the defence of the defendants, which had requested the acquittal of the five women, considering that they were innocent of the charges against them.

"Nothing was missing; it is clear that they have not had a disability perspective and, therefore, do not know how to evaluate the evidence," Sergio Salinas, the victims' sponsor and member of the human rights organisation Xumek, told LA NACION. "In fact, in the reading of the sentence, they read it as if they were listeners, and the boys and girls get confused among so many articles. This is a disaster, they did not live up to the human rights of people with disabilities," added the lawyer, who confirmed to this newspaper that they will now appeal to the Supreme Court of Justice of Mendoza. "There is testimony, expert testimony that tells the truth, witnesses to the facts of another, seizure of objects," Salinas said of the evidence against Kosaka and the other accused.

"This is very good for the Church, because the cover-ups continue to go unpunished," said the professional, in response to the discomfort of his defendants.

Strong rejection by the victims and their families of the ruling that acquitted nuns and former employees of Próvolo

Marcelo Aguilar

"We have to prove that the accused knew what was going on in the institute. It is not an easy task, and the judges' decision is clear. It is very difficult to prove this type of crime and no judge is going to convict without evidence. In the foundations there will be more explanations of the decision", an important source in the provincial justice system told LA NACION.

"Neither forgetting nor forgiving this lack of justice. This sentence is outrageous; all our solidarity to the survivors", expressed Mario, one of the relatives of the hearing impaired children who denounced the rapes in the school. "This is not justice; as if to believe that there is a God. We will continue to fight until justice is done," said Bibiana, another relative of the victims.

"It is the court of silence, the court of accomplices," said another family member of a complainant, with tears in her eyes, before leaving the Polo Judicial of this city.

"A complex case that we have had to deal with".

"A complex case if ever there was one that we have had to deal with," said Judge Gabriela Urciuolo, president of the court, She said that the grounds for the judgement, which are already in her possession, will be made public once the documents have been notarised in order to prevent the names of the plaintiffs from being disclosed. She was accompanied in the trial by judges Belén Salido and Belén Renna.

"Now nobody knew anything", "World shame", "They have no face", "Pure indignation and pain", "Immense sadness", were some of the expressions of rejection that were heard after the verdict.

"Now nobody knew anything", "World shame", "They have no face", "Pure indignation and pain", "Immense sadness", were some of the expressions of rejection heard after the ruling.

Marcelo Aguilar

In this way, after two and a half years of debate, with almost 400 hearings and a hundred testimonies, the judges did not find these women responsible for covering up, facilitating or having omitted to denounce the abuses committed by priests and staff of the establishment for years.

This was the third trial of the Próvolo case, as the first was an abbreviated trial in which the altar boy Jorge Bordón, a former administrative employee of the school, confessed to the crimes, receiving a 10-year prison sentence on 25 September 2018. On the other hand, the second formal trial - known as the "first mega-trial", which ended on 25 November 2019 - had historic sentences for the priests Nicola Corradi, who died last year at the age of 85 and was sentenced to 42 years in prison for the abuse of hearing impaired children; later died.

Marcelo Aguilar

"It is important to highlight that in this trial the veracity of the facts denounced is not in question, because they were already confirmed in the first and second trial that took place in 2019. The sexual abuses were also confirmed by the Supreme Court of Justice of Mendoza and by the Supreme Court of Justice of the Nation. The court today [yesterday] will only determine whether the defendants knew about the abuses and could have prevented them, but in no way doubts the effective existence of these abuses and the quality of the victims of our clients," was the message communicated by the plaintiff prior to the surprising outcome.

The Próvolo case came to light on 25 November 2016, following raids on the institute located in the Luján de Cuyo district, in which priests and employees of the religious establishment were arrested. The sexual abuse of hearing impaired children, which has been going on for years since the end of the 1990s, also had its correlate in La Plata, where the Argentinean headquarters of the Italian organisation is located. This place was the first home of the now deceased Corradi after his arrival in the country, although the Buenos Aires justice system declared years ago that the statute of limitations had run out on the case. In fact, the priest had accusations accumulated in his native Verona.

Appendix 3

Argentina court upholds priest's sentence for abuse, but activists still wait for change

By Eduardo Campos Lima

Mar 6, 2024

<https://cruxnow.com/church-in-the-americas/2024/03/argentina-court-upholds-priests-sentence-for-abuse-but-activists-still-wait-for-change>

Argentina court upholds priest's sentence for abuse, but activists still wait for change

SÃO PAULO, Brazil – Argentina's Supreme Court upheld a 45-year prison sentence for Father Horácio Corbacho Blank, one of the priests convicted for numerous acts of sex abuse against minors in an institute for deaf children and teenagers in Mendoza province between 2005–2016.

Corbacho Blank had appealed the 2019 sentence, when **another priest who worked at Institute Antonio Próvolo, Italian-born Father Nicola Bruno Corradi, was also found guilty and sentenced to 42 years in prison.**

The institute, located in the city of Luján de Cuyo, was at the center of one of the major scandals of ecclesiastical abuse in Argentina in 2016 when one of its teachers denounced the "aberrant acts" that occurred there.

Besides Corbacho and Corradi – who was kept in house arrest at a nursing home and died in 2021 – **[a gardener named Armando Gómez received an 18-year sentence.] Another employee, Jorge Bordón, was sentenced to 10 years.**

Nine women were charged with collaborating in the abuses, including two nuns, but ended up being acquitted.

Corbacho was implicated in several acts of abuse, including against an 8-year-old victim from Misiones province. The child reported at least eight occurrences, during which the extreme pain caused him to faint.

Last week's court decision was joyfully received by anti-abuse activists, but they say the judiciary and especially the Church still have a long way to go to adequately deal with the problem.

“The women involved in the Próvolo scandal should have been held responsible too, because they allowed the abuse to happen. But justice considered that only the direct perpetrators were guilty,” Sergio Salinas, one of the lawyers representing the 12 victims, told Crux, adding that is a “childish and outdated understanding of legislation.”

Salinas argued that the Church in Argentina acted with a double standard in the Próvolo case. From an economic point of view, it agreed to compensate all the victims, which only happened, however, in 2023.

“But from the penal perspective, the Church not only failed to collaborate but also acted to cover-up the scandal,” he said.

According to Salinas, some of the victims affirmed that they were abused at Próvolo, but not by any of the people charged with the crimes in the lawsuit.

“The Church has never presented the evidence requested by us of who the perpetrators were. We sought help from the United Nations, the Apostolic Nunciature, and even the Vatican, but it didn’t work,” he declared.

Salinas said that the Vatican press office sent him an email in 2020 saying that Church authorities were willing to meet with the lawyers in a secret encounter out of the Vatican. He and the other lawyers rejected the idea.

Julieta Añazco, a member of the organization Iglesia sin Abusos (Church without Abuse), considered the court’s ruling “a signal that the Judiciary is aware of the seriousness of Church abuse cases and that they must be properly investigated and punished.” But more changes are needed, she added.

The Church has advanced its attitude to abuse over the past years and now pursues a more transparent policy, she said.

“But we also think that a few Church sectors still try to cover-up cases by transferring clergy members who were denounced. They don’t use their real names, so it’s complicated for us to locate them,” Añazco said.

She argued that the Church had to adapt to social changes over the past few years and understood “the victims are not afraid to denounce the abusers anymore.”

“But it’s important that accused priests are not only judged by the Church. Many cases don’t arrive at a civil court, but the Constitution is above canon law,” she said.

In some recent scandals, both the Judiciary and the Church failed to offer the expected solutions, analysts say.

That’s the case with Vicente Suárez Wollert, formerly a seminarian of the Fraternidad de Belén (Fraternity of Bethlehem, also known as Capuchinos Recoletos). In 2019, he accused Father José Miguel Padilla, an Army chaplain, of abuse between 2015–2016. He was 20 years old at the time.

“From the beginning, the Church denied having information on the events. Several bishops knew what happened and I asked for collaboration, but they didn’t help me or were evasive,” he told Crux.

In 2023, the Judiciary gave Padilla the benefit of the doubt and he was acquitted. Suárez Wollert appealed and now waits for a new decision.

“The canonical suit began with a testimony I provided some time ago, but I don’t know how it’s advancing,” he said.

In Suárez Wollert’s opinion, the Church “makes an effort to demonstrate that it acted accordingly, but reality shows otherwise.”

“I think we’re very far from a real and sincere change,” he said.

{Original Spanish}

<https://www.lanacion.com.ar/sociedad/vergüenza-mundial-indignacion-de-las-victimas-de-abusos-en-el-próvolo-por-el-fallo-absolutorio-de-nid18102023/>

“Vergüenza mundial”: indignación de las víctimas de abusos en el Próvolo por el fallo que absolvió a monjas y exempleadas

La Justicia de Mendoza liberó de responsabilidad a las religiosas Kumiko Kosaka y Asunción Martínez; a las exdirectivas Graciela Pascual y Gladys Pinacca, y a la cocinera Noemí Paz; dos curas y un jardinero habían sido condenados por los vejámenes a alumnos sordos

19 de octubre de 2023, 10:54

Ir a notas de Pablo Mannino

Pablo Mannino

PARA LA NACION

El dolor de familiares y víctimas de los abusos en el Próvolo, en la explanada del Polo Judicial de Mendoza, tras la absolucón de cinco mujeres acusadas

Marcelo Aguilar

MENDOZA.– “Ahora nadie sabía nada”, “Vergüenza mundial”, “No tienen cara”, “Pura indignación y dolor”, “Lamentable, todo fundamentalismo e ideología”, “Es una decepción gigante”, “Una tristeza inmensa”, “La Justicia nos sigue revictimizando”, “Un asco todo”, “No pararemos hasta llegar a la más alta instancia judicial”.

Estas son algunas de las reacciones de las víctimas de los abusos sexuales cometidos en el ex-Instituto Antonio Próvolo de Mendoza tras conocerse ayer la sorpresiva sentencia en el “segundo megajuicio”, que absolvió a las cinco imputadas por, principalmente, encubrimiento y omisión de las denuncias. Además, el tribunal eximió de pena a la monja Kumiko Kosaka, quien estaba acusada de ser autora de vejámenes, por los que arriesgaba 25 años de prisión.

De esta manera, la Justicia provincial determinó librar de culpas y cargos a las exdirectivas, empleadas y religiosas del establecimiento donde se cometieron las violaciones, por las cuales años atrás fueron sentenciados a severas penas dos sacerdotes y personal de la institución, conocida como “La Casita de Dios”. Los abogados de las víctimas confirmaron a LA NACION que apelarán el fallo ante la Suprema Corte mendocina.

Frente a las imputadas y a las juezas que lideraron el debate estuvieron las víctimas, quienes finalmente fueron autorizadas a presenciar la instancia final, sobre todo la lectura de la sentencia, mientras que el resto de los familiares tuvo que seguir la audiencia en otra sala del edificio judicial, mediante un circuito cerrado de televisión. De igual forma, la decisión del tribunal fue transmitida públicamente por el canal de YouTube del Poder Judicial de Mendoza.

Kumiko Kosaka, absuelta de la acusación por los abusos en el Próvolo

Kumiko Kosaka, absuelta de la acusación por los abusos en el Próvolo

Gentileza Walter Talotti

Así, el esperado momento finalmente llegó y dejó perplejos a los denunciantes: todas las acusadas fueron absueltas por los delitos de participación primaria y secundaria del delito de omisión. Así, no solo Kosaka –quien también había sido imputada por abusos simples y agravados– quedó desligada, sino que el fallo alcanzó a la

también religiosa Asunción Martínez, las exdirectivas Graciela Pascual y Gladys Pinacca, y la cocinera Noemí Paz. En tanto, afuera del proceso, por desistimiento de la acusación, ya habían quedado las exdirectivas Valeska Quintana, Laura Gateán y Cristina Leguiza, así como la psicóloga Cecilia Raffo.

Para Kosaka, la Fiscalía había pedido el mayor castigo: 25 años de cárcel y 10 años de inhabilitación para ejercer cargos educativos y de custodia de menores. Para la mayoría del resto de las imputadas, la solicitud de penas iba de los 3 a los 18 años de cárcel. Finalmente, el tribunal se expresó de igual forma que la defensa de las acusadas, que había requerido la absolución de las cinco mujeres, considerando que eran inocentes de los cargos que se les endilgaban.

“No faltó nada; se nota que no han tenido perspectiva de discapacidad y, por ende, no saben valorar la prueba”, expresó a LA NACION Sergio Salinas, patrocinante de las víctimas y miembro de la organización defensora de derechos humanos Xumek. “De hecho, en la lectura de la sentencia, la leen como si fueran oyentes, y los chicos y las chicas se confunden entre tantos artículos. Esto es un desastre, no estuvieron a la altura de los derechos humanos de las personas con discapacidad”, completó el letrado, quien confirmó a este diario que ahora realizarán la apelación mediante un recurso de casación ante la Suprema Corte de Justicia de Mendoza. “Hay testimonio, pericias que dicen la verdad, testigos de los hechos de otro, secuestro de objetos”, destacó Salinas sobre las pruebas contra Kosaka y las demás imputadas. “Esto le viene muy bien a la Iglesia, porque los encubrimientos siguen impunes”, remató el profesional, frente al malestar de sus defendidos.

Fuerte rechazo de las víctimas y sus familiares al fallo que absolvió a religiosas y exempleadas del Próvolo

Fuerte rechazo de las víctimas y sus familiares al fallo que absolvió a religiosas y exempleadas del Próvolo

Marcelo Aguilar

“Hay que comprobar que estas personas acusadas sabían lo que pasaba en el instituto. No es una tarea fácil, y está a la vista la decisión de las magistradas. Es muy difícil comprobar este tipo de delitos y ningún juez va a condenar sin pruebas. En los fundamentos habrá más explicaciones de la decisión”, aportó a LA NACION una importante fuente de la Justicia provincial.

“Ni olvido ni perdón a esta falta de justicia. Esta sentencia indigna; toda nuestra solidaridad a los sobrevivientes”, expresó Mario, uno de los familiares de los chicos hipoacúsicos que denunciaron las violaciones en el colegio. “Esto no es justicia; como para creer que hay un Dios. Seguiremos luchando hasta que se haga justicia”, expresó Bibiana, otra allegada a los damnificados.

“Es el tribunal del silencio, el tribunal de los cómplices”, se despachó otra familiar de un denunciante, con lágrimas en los ojos, antes de abandonar el Polo Judicial de esta ciudad.

“Causa compleja la que nos tocó”

“Causa compleja si las hay la que nos tocó abordar”, se limitó a decir la jueza Gabriela Urciuolo, presidenta del tribunal, quien anticipó que se darán a conocer públicamente los fundamentos de la sentencia, los cuales ya están en su poder, una vez que se realice la protocolización de los documentos para evitar que se difundan los nombres de los querellantes. La acompañaron en el juicio las magistradas Belén Salido y Belén Renna.

“Ahora nadie sabía nada”, “Vergüenza mundial”, “No tienen cara”, “Pura indignación y dolor”, “Una tristeza inmensa”, fueron algunas expresiones de rechazo que se escucharon tras el fallo

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De esta manera, después de dos años y medio de debate, con casi 400 audiencias y un centenar de testimonios, las juezas no encontraron a estas mujeres responsables de encubrir, facilitar o haber omitido denunciar los vejámenes cometidos por sacerdotes y personal del establecimiento durante años.

Se trató del tercer juicio del Próvolo, ya que el primero fue un proceso abreviado en el que el monaguillo Jorge Bordón, expleado administrativo del colegio, confesó la autoría de los hechos, recibiendo una pena de 10 años de cárcel el 25 de septiembre de 2018. Por otro lado, el segundo debate formal –conocido como “primer megajuicio”, que finalizó el 25 de noviembre de 2019– tuvo históricas condenas para los curas Nicola Corradi, fallecido el año pasado a los 85 años y sentenciado a 42 años de cárcel, y Horacio Corbacho, de 62, que recibió la pena de 45 años de prisión; en tanto, el jardinero Armando Gómez, de 52, fue condenado a 18 años de cárcel.

Kosaka transitó la mayor parte del proceso bajo prisión domiciliaria, aunque en junio del año pasado, al cumplirse el plazo máximo de detención sin tener condena, fue liberada. La religiosa no solo estaba imputada por cometer abusos sexuales simples y agravados, sino como partícipe primaria de vejaciones y corrupción de menores agravada por ser encargada de guarda, entre otras calificaciones. A la “monja mala”, como la apodaron las víctimas de la “Casita de Dios”, se la acusó en siete hechos; entre ellos, haber entregado a una menor a los sacerdotes para que fuera violada, además de colocarles pañales a niñas para disimular los ataques sexuales. Estas situaciones se desprendieron del primer megajuicio, que terminó con las históricas condenas contra los sacerdotes.

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“Es importante destacar que en este juicio no se cuestiona la veracidad de los hechos denunciados, porque estos ya fueron confirmados en el primer y segundo juicio que se desarrollaron en 2019. Los abusos sexuales fueron confirmados también por la Suprema Corte de Justicia de Mendoza y por la Corte Suprema de Justicia de la Nación. El tribunal hoy [por ayer] solo determinará si las imputadas conocían los abusos y pudiendo evitarlos, no hicieron nada, pero de ningún modo se pone en duda la efectiva existencia de esos abusos y la calidad de víctimas de nuestros representados”, fue el mensaje previo al sorpresivo desenlace que comunicó la parte querellante.

El 25 de noviembre de 2016 vio la luz el caso Próvolo, tras allanamientos en el instituto ubicado en la comuna de Luján de Cuyo, en los que fueron detenidos sacerdotes y empleados del establecimiento religioso. Los abusos sexuales contra los chicos hipoacúsicos, ocurridos durante años desde fines de la década del 90, también tuvieron su correlato en La Plata, donde se encuentra la sede argentina de la entidad italiana. Este sitio fue la primera morada del hoy fallecido Corradi tras su arribo al país, aunque la Justicia bonaerense declaró años atrás la prescripción de la causa. De hecho, el sacerdote tenía denuncias acumuladas en su Verona natal.