

**Red por los Derechos de la Infancia en México  
Catholics for a Free Choice  
Católicas por el Derecho a Decidir, México**

**Faces of Silence**

“The Catholic Hierarchy and Child Sexual Abuse in  
Mexico”

ALTERNATIVE THEMATIC REPORT

for the

UN Committee on the Rights of the Child

Alternative Thematic Report for the UN Committee on the Rights of the Child  
"Faces of Silence: the Catholic Hierarchy and Child Sexual Abuse in Mexico"

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## **1. Introduction**

Article 19 of the Convention on the Rights of the Child – ratified by the Mexican State in 1990, and therefore, a supreme law of the nation, according to article 133 of the Mexican Constitution – makes it compulsory for states to protect boys and girls against all forms of violence. Furthermore, article 34 of the Convention sets forth measures to protect boys and girls from sexual exploitation, and article 39 highlights the importance of assisting victims in their recovery. In addition, article 3 establishes that the fundamental consideration must be the child's supreme interest.

In Mexico, the legal mechanisms that place responsibility on the perpetrators of child abuse and that guarantee due process to protect the rights of boys and girls are still very weak. The country does not have the appropriate structures in place to register cases of child torture and cruel and degrading treatment, including violence and sexual abuse. What prevails is a culture that treats children's rights as secondary. There has been no investigation and research to analyze and account for the dimension of this problem in Mexico, especially in relation to the different forms of sexual abuse.

Cases of sexual abuse committed by clergymen and religious people constantly appear in the media. However, the three periodic reports the Mexican State has delivered to the UN Committee on the Rights of the Child have not highlighted the situation. Therefore, the Committee has not issued any recommendations.

La Red por los Derechos de la Infancia en México (the Network for Children's Rights in Mexico) and Catholics for a Free Choice, with the collaboration of Católicas por el Derecho a Decidir (Catholics for the Right to Decide), have prepared this report to be delivered to the UN Committee on the Rights of the Child, with the purpose of supplying relevant information vis-à-vis sexual abuse suffered by boys and girls by Catholic clergymen and other religious people in our country. In this sense, it is also a call for the Mexican State to carry out legislative and public policy actions to guarantee respect for the rights of these victims.

## 2. Mexico: A context for child sexual abuse

CRC Recommendations made to the Mexican State:

(CRC/C/15/Add.13, paragraph 17) The Committee recommends the Mexican State to reinforce its judicial mechanisms, to efficiently carry out all the necessary procedures on accusations made against police brutality, harassment and the **abuse of minors**, and for said cases of abuse and violence to be duly investigated to ensure sexual perpetrators are punished.

(CRC/C/15/Add.13, paragraph 18). The Committee recommends that the State Party continues implementing the necessary provisions to increase alternative solutions to the confinement of minors in institutions. The Committee also recommends that the State Party reinforces its surveillance and assessment to guarantee the good development of children living in institutions. The Committee urges the State Party to continue adopting measures to periodically reexamine institutional confinement and the way children are treated, according to article 25 of the Convention.

### 2.1 Overview of child sexual abuse in Mexico

Although Mexico has signed most of the international child abuse and sexual exploitation treaties, it has not incorporated them into integrated legislative and public policy actions, to guarantee the protection of boys and girls from all forms of sexual abuse.

Children in Mexico constitute 39.7% of the total population. By 2003, there were 39.2 million boys and girls in Mexico, constituting 1.8% of the world children,<sup>1</sup> thus placing Mexico's child population as the world's ninth highest.<sup>2</sup>

On the other hand, our country has not compiled systematic data on child sexual abuse and violence, showing the trends, forms and dimensions of this problem, as they relate to the different spheres of a child's development, i.e., participation in religious activities, the home, school, and others.

According to Shecter and colleagues, "sexual abuse should be understood as that activity involving boys, girls and adolescents who have not had the biological or psychological basis of a sexual act and, therefore, cannot grant rational consent to adults."<sup>3</sup>

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<sup>1</sup> 2,183.6 million

<sup>2</sup> Ramírez, N. (2005). *La Infancia cuenta en México (Children count)*. Red por los derechos de la Infancia en México (Network for Children's Rights in Mexico).

<sup>3</sup> Loredo, A. (1994). *Maltrato al menor. México (Ill-treatment against minors-Mexico)*. Interamericana McGraw- Hill

The National Center of Child Abuse and Neglect considers contact and interactions between a child and an adult as sexual abuse when the adult uses the child for sexual arousal (himself, the child or another person). Any type of sexual pleasure an adult exercises with a child, using his position of power or authority, must be considered abuse. However, it must be pointed out that it is not necessary to establish physical contact (penetration or fondling) to establish abuse, it is enough to use the boy or girl as an object of sexual arousal.<sup>4</sup>

In Mexico, sexual abuse is the least documented type of child abuse in medical, social and legal spheres, even though the number of cases is increasing. Statistical information is very scarce and there is no system to identify cases and levels of violence against children.

In 1997, the Victims' Therapy and Support Center of the Mexico City Attorney General's Office reported that of all the victims under 13 years of age cared for, 52% were sexually abused, and of that figure, 31% had been raped, 70% were girls and 30% boys. In addition, from claims filed for child sexual abuse and violence, at the Integrated Family Development System (DIF, by its Spanish acronym), it was reported that from 2000 to June 2005, 7,823 accusations were received, which constitute 4.86% of all claims filed. Other figures reveal that 56% of youth between 15 and 19 years of age are victims of violence, where sexual violence constitutes 7.24%, according to an ENDIREH survey.<sup>5</sup>

It must be noted that according to Sexology Institute data<sup>6</sup> 78.56% of all boys and girls who suffer sexual abuse know their aggressors or are close or familiar to them. Therefore, this closeness makes it unlikely for the victims to file a claim. According to data supplied by the National Autonomous University of Mexico, the country has high child sexual abuse rates, in

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<sup>4</sup> Including incest, rape, sexual harassment (fondling/fingering a child with or without clothes, and encouraging, forcing or permitting a child to inappropriately touch an adult), and sexual abuse without physical contact (verbal seduction, indecent request, exhibition of sexual organs before a boy or girl to obtain sexual gratification, sexual intercourse or masturbation in the presence of a minor, pornography, etc.)."

<sup>5</sup> National Survey on the Dynamic of Household Relations 2003 (ENDIREH, by its Spanish acronym), Instituto Nacional de Estadística, Geografía e Informática (National Statistics, Geography and Systems Institute, INEGI, by its Spanish acronym) Instituto Nacional de las Mujeres, México (National Women's Institute, Mexico), and United Nations Development Fund for Women, UNIFEM.

<sup>6</sup> Espacios de Desarrollo Integral AC. (2001) (Integrated Development Spaces). *Una mirada hacia las condiciones de la Infancia (A look at children's conditions in Mexico)*. Numeraria. Mexico

which 77% of the victims are girls and the average age of all those affected are 5-7 years of age and, in all those cases, the victim knows the aggressor.<sup>7</sup>

## 2.2 Legislative overview vis-à-vis child sexual abuse

In Mexico, despite the fact there is a Federal Law to Protect the Rights of Boys, Girls and Adolescents, and a growing legal framework incorporating ideas inspired by the Convention on the Rights of the Child, there are still enormous deficiencies. But as a matter of even greater concern, a legislative analysis<sup>8</sup> shows that most children's rights laws lack the mechanisms of justice procurement and accountability to make the rights of Mexican children effective, since most do not have the legal enforcement necessary to efficiently protect and defend children. The next table is an estimation of the degree of adequacy among Convention principles, with 10 being the highest and 0 the lowest score:

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<sup>7</sup> Ramírez, N. (2005). *La Infancia Cuenta en México* (Children Count in Mexico). Red por los Derechos de la Infancia (Network for Children's Rights).

<sup>8</sup> Red por los Derechos de la Infancia en México (Network for Children's Rights in Mexico). (2005). *Infancias mexicanas: rostros de la desigualdad*. (Mexican children: faces of inequality. Mexico)

<i>State</i>	<i>Score</i>
<i>Federal Law</i>	<i>4.1</i>
<i>Baja California</i>	<i>0.7</i>
<i>Zacatecas</i>	<i>0.7</i>
<i>Morelos</i>	<i>0.9</i>
<i>Guerrero</i>	<i>1.6</i>
<i>Tamaulipas</i>	<i>1.8</i>
<i>Hidalgo</i>	<i>2.0</i>
<i>Colima</i>	<i>2.1</i>
<i>Campeche</i>	<i>2.2</i>
<i>San Luis Potosí</i>	<i>2.2</i>
<i>Mexico City</i>	<i>2.4</i>
<i>Jalisco</i>	<i>2.4</i>
<i>State of Mexico</i>	<i>2.5</i>
<i>Sonora</i>	<i>2.5</i>
<i>Chiapas</i>	<i>2.9</i>
<i>South Baja California</i>	<i>3.0</i>
<i>Quintana Roo</i>	<i>3.6</i>
<i>Aguascalientes</i>	<i>3.9</i>
<i>Michoacán de Ocampo</i>	<i>4.2</i>
<i>Durango</i>	<i>4.4</i>
<i>Sinaloa</i>	<i>4.9</i>

Source: Red por los Derechos de la Infancia en México (Network for Children's Rights in Mexico) (2005). *Infancias mexicanas, rostros de la desigualdad. Mexican children: faces of inequality. Mexico*

On the other hand, in most Mexican legislation, rape and sexual abuse are adequately characterized and include the child's age and custody or a relationship between the aggressor and the victim<sup>9</sup> as aggravating circumstances. Nonetheless, experience illustrates the difficulty in proving the existence of a rape without any physical traces. For instance, abuses committed against children through sexual erotic actions that do not leave any evidence of ill-treatment (blows, bruises, laceration), tell us that the gamut of sexual abuse against boys and girls is much broader.

It must also be pointed out that federal legislation sets forth that an adult who has sexual intercourse with a person over 12 years of age and under 18, and who obtains consent using threats, is punished with a prison sentence of between three months and four years. At the state level, the age varies:

<sup>9</sup> Griesbach, M. (2005). *Infancias mexicanas: rostros de la desigualdad (Mexican children: faces of inequality)*. Mexico

States	Age
<b>In 9 states:</b> Aguascalientes, Campeche, Chiapas, Guanajuato, Michoacán, Oaxaca, Puebla Quintana Roo and Yucatán	12 years of age
<b>In 2 states:</b> Durango and the State of Mexico	14 years of age
<b>In 6 states:</b> Nayarit, Querétaro, Sinaloa, San Luis Potosí and Veracruz	16 years of age
<b>In 1 state:</b> Tabasco	For boys, it's 17 and for girls, 18 years of age
<b>In 2 states:</b> Guerrero and Jalisco	18 years of age
<b>In 1 state:</b> Tamaulipas	Distinctions are made in virtue of various ages under 18 years of age.

Another relevant fact is that in Mexico's 25 states penal action following sexual abuse or rape does not proceed if the aggressor and the victim get married. This leads to a high risk that the boy or girl will continue to suffer abuse as a part of their marriage cohabitation, resulting in the subordination of the child's interest to others.

At the federal level, sexual abuse is sanctioned with a two-to-five year prison sentence for an adult whose purpose is not to have sexual intercourse with someone under 12 years of age, or that does not have the capacity to understand the meaning of the action or that, for any cause, cannot resist it or is forced to execute it. (Sorry, I don't understand what they are trying to say.) If physical or moral violence is used, the penalty increases.<sup>10</sup> It must also be noted that when the abuser has a public position, employment or professional practice, and uses that position to commit the crime, he/she will be discharged from that employment, or suspended for five years from their profession.

Thus, without any distinction, the responsibility to be held accountable for these offenses is applied to all Mexicans.

In the case under discussion, the Mexican Catholic hierarchy has recognized and publicly admitted there are sexual abuses within the clergy.<sup>11</sup> According to article 13, paragraph C of the Law for the Protection of the Rights of Girls, Boys and Adolescents: "It is the obligation of relatives, neighbors, doctors, teachers, social workers, public servants, or anyone who knows about cases of girls, boys or adolescents suffering the violation of rights set forth in this law, in any of its forms, to immediately inform the competent authorities, for the corresponding investigation to take place." This obliges all members

<sup>10</sup> Salinas, L. (2002). *Derechos, género e infancia (Rights, gender and childhood)*. UNICEF

<sup>11</sup> Rodríguez T. (2002). *Revista Milenio (The Milenio Magazine), La iglesia debe responder por abusos sexuales (The Church must respond to sexual abuses)*. Milenio.

of the Mexican Catholic hierarchy, as well as any other person, to fully inform civil authority about sexual abuses committed against boys and girls in our country.

### **3. Child sexual abuse committed by clergymen and religious people**

The existence of sexual abuse against boys and girls, inside the Catholic church, is an undeniable fact. This confirms the need to expose the systemic violation of human rights and integrity of boys and girls in Mexico by representatives of that institution. According to an investigation on the sexual behavior of the Catholic clergy,<sup>12</sup> 26% of the priests touch boys' and girls' genitals and 7% commit grave sexual abuses against children. The data shows that of the 354 priests interviewed, a sexual preference profile may be inferred from those that have sexual intercourse: 14% prefer boys and 12% prefer girls.

In Mexico, a factor that triggered the attention of the media and bodies interested in protecting children suffering from sexual abuse was—among others—a study done in the United States,<sup>13</sup> that revealed that from 1950 to 2002, more than 4,000 priests have been accused in more than 11,000 cases of sexual abuse against boys and girls. In that same period, more than 5,000 cases of boys and girls sexually abused by the Catholic clergy worldwide were reported in the media. Mexico is one of the 16 countries where reported offenses were committed.

It must also be pointed out that data provided by the Catholic church in 1990, through Archbishop Bartolomé Carrasco Briceño<sup>14</sup> before the Vatican, 75% of all priests under his jurisdiction did not comply with the dogma of celibacy, and they had relations that constitute an abuse of power because of their hierarchical investiture. Another important study in 2002<sup>15</sup> shows that in small rural parishes there is a high incidence of Catholic priests who sexually abuse adolescents and youth, especially domestic or volunteer workers that support parish activities. The study points out that many of these cases take years to be reported to the authorities, and many cases never come to light. The affectionate link established between religious authorities and their church

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<sup>12</sup> Rodríguez, P. (1995). *Resumen de conclusiones estadísticas sobre la conducta sexual del clero católico* (Summary of statistical conclusions on the sexual conduct of the Catholic clergy).

<sup>13</sup> Colegio John Jay de Justicia Penal para la conferencia de los obispos (John Jay Criminal Justice College for the Bishops' Conference), 2004.

<sup>14</sup> Quien estuvo al frente de la diócesis en Oaxaca en 1990 (Who was the head of the Oaxaca diocese in 1990)

<sup>15</sup> Escalante, 2002 and Rodriguez-Tovar, 2002

members is often a determining factor when victims choose not to accuse their offenders.

As previously mentioned, child sexual abuse constitutes an abuse of power, in this case, exercised by religious actors. That is why we have to reiterate that the fact a boy or girl might agree to participate in any sexual act, practice or relationship with an adult, does not exempt the adult from the crime, since although the boy or girl may have given consent, it is still considered a violation. In the case of sexual abuse a penalty must be imposed, for it constitutes a case of aggravated assault.

According to data from the National Network on Violence against Young Men and Women, between 1983 and 1987 more than 200 cases of priests and clergymen accused of sexually abusing people under 18 years of age were brought to the Vatican. In addition, according to the same report, between 1982 and 1992 400 claims were presented before civil authorities against priests accused of sexual abuse against boys and girls.

In Mexico, almost 30% of the 14,000 Catholic priests commit some type of sexual abuse against members of the church.<sup>16</sup> According to the Department of Investigations on Religious Abuses (DIAR, by its Spanish acronym), which received a total of 750 claims between 1993 and 2004, 35% were for sexual abuse, and 30% of those were carried out by Catholic priests. It must be noted that of these cases, 55% were against women, 30% against boys and girls, and 15% against men.<sup>17</sup> These crimes include pedophilia, that is, the sexual abuse of boys and girls, rape, and the use of the secret of confession to satisfy their sexual needs with women over 18 years of age.

In spite of the existence of these claims, it is estimated that they only constitute 10% of the abuses committed by religious leaders.<sup>18</sup> According to a survey conducted by *Católicas por el Derecho a Decidir* (Catholics for the Right to Decide),<sup>19</sup> the perception Mexican Catholics have on sexual abuse is as follows:

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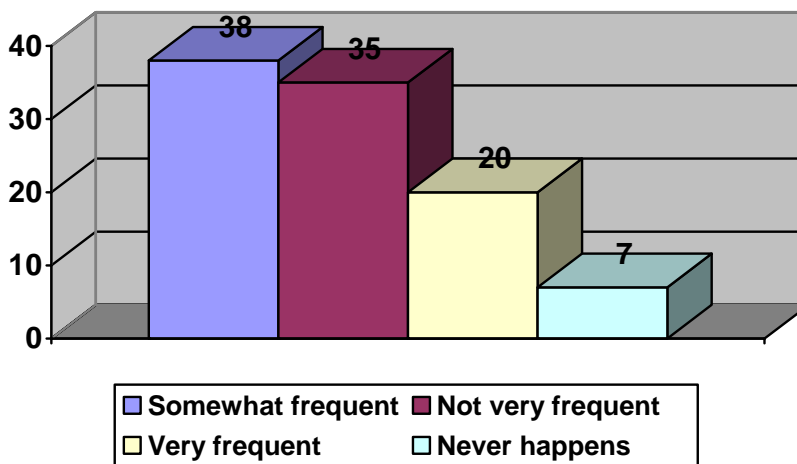
<sup>16</sup> Estimates made by the Department of Investigations on Religious Abuses –DIAR– and the Christian Research Institute of Mexico (ICM).

<sup>17</sup> Data from the Department on Investigations on Religious Abuse-DIAR.

<sup>18</sup> Estimates from the Department on Investigations on Religious Abuse-DIAR.

<sup>19</sup> *Católicas por el Derecho a Decidir*. (2003) (Catholics for the Right to Decide). *Encuesta de Opinión Católica en México (Catholic Opinion Survey in Mexico)*.

**Public perception about the incidence of sexual abuse against boys and girls by priests in Mexico (%)**



Source: Católicas por el Derecho a Decidir (Catholics for the Right to Decide) (2003): Catholic Opinion Survey in Mexico.

It must be noted that 93% of the Catholic population is aware and informed about this type of abuse against boys and girls. The information published in various media outlets has made it inot a public interest issue. Data from the same survey show that 73% of respondents believe that priests committing these crimes should be judged by the Catholic church (6%) and criminal justice (74%), but this is not being done.

However, in spite of all the evidence of these crimes, it is still difficult to implement justice procurement mechanisms to exercise the right to file a claim, hold the perpetrators accountable and repair the damage against the victims. Therefore, this situation increases the possibility of the authorities hiding the crime, instead of denouncing it.

#### **4. The role of the Catholic hierarchy in the protection of children's rights in Mexico**

In the case of a priest committing an abuse against a person under 18 years of age and a claim being filed before the Vatican, canon law<sup>20</sup> sets forth basic

<sup>20</sup> Canon Law Code. Proclaimed through the Authority of John Paul II, in Rome, January 25, 1983

principles relating to the protection of children's rights. For instance, the right to defend oneself in a competent forum, and the possibility to carry out a detailed process to investigate and punish sexual abuse against boys and girls by clergymen, which is also defined as a criminal act.<sup>21</sup> Nevertheless, it also has its limitations, as those established by Canon 1550: "1. Children under fourteen years of age and the mentally weak are not admitted as witnesses, but they may, however, be heard if, by decree, the judge manifests it is convenient. 2. They are not admitted if they are considered incapable."

Sanctions against a priest who commits sexual abuse go from an admonition to suspension to dismissal from the clerical state. However, canon law does not address expulsion or the obligation to file a claim before civil authorities.

The fact that a boy or girl would want to file a claim, that is, the possibility that boy or girl would be heard as the victim, is left to the judge's discretion. According to the Committee on the Rights of the Child,<sup>22</sup> this process would be violating the victim's right to access claim mechanisms and procedures, since according to articles 12 and 19, the boy or girl should have the option of filing claims for any type of ill treatment and abuses, in all spheres of their lives, including those perpetrated by religious institutions. On the other hand, the Committee also indicates that victims of sexual abuse may file claims independently of their parents or tutors.

In Mexico, article 1 of the the Law of Religious Associations and Public Cults<sup>23</sup> sets forth that: "In no case do religious convictions exempt the enforcement of the country's laws. No one can argue religious motives to evade responsibilities and obligations set forth by the law". This corroborates the responsibility of prosecuting anyone who commits crimes, including child sexual abuse offenses.

In terms of the implementation of said law, it does not have a regulation that includes guidelines to punish sexual abuse cases and other crimes committed against boys, girls and adolescents.

The Mexican Catholic hierarchy does not have any requirement to disclose offenses committed within it. Democracy has allowed the country to move forward in other spheres, such as electoral policy, political party corruption,

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<sup>21</sup> Canon 1395, paragraph 2

<sup>22</sup> Newwel, P. (2001). Training Manual on the Application of the Convention on the Rights of the Child- UNICEF.

<sup>23</sup> Published in the July 15, 1992 Official Gazette.

human rights and the military, but civil society has not generated a mechanism to exert pressure and access relevant information, that allows us to demand justice vis-à-vis the violation of children's human rights in any religious system.

It must be noted that the Holy See,<sup>24</sup> through its ratification of the Convention on the Rights of the Child on April 20, 1990, is obliged to take upon itself the responsibility of protecting children's rights and presenting relevant information before the UN Committee on the Rights of the Child on issues under its jurisdiction. This means it has to be accountable for said crimes.

In its 1994 report, the Holy See reports and recognizes there is a network of institutions that support children and that may intervene in cases of clergy abuse against boys and girls. The Committee has voiced its concern about reservations expressed by the Holy See on the Convention on the Rights of the Child, particularly those related to the full acknowledgement of the child as a subject of rights.<sup>25</sup>

Something worth highlighting is that the Holy See has not yet presented its second periodic report related to the 1995-1999<sup>26</sup> period. This represents a serious delay in providing information, and in undertaking urgent actions to guarantee and protect children and their rights. The delay represents negligence by the State Party, especially vis-à-vis the dimension of sexual abuse cases denounced in these last years.

With the aim of accounting for impunity that has invaded religious spaces to harbor those responsible of committing crimes against boys and girls, we highlight the following cases.

## **5. Cases of sexual abuse by Mexican priests: acting with impunity**

### *Legionnaires of Christ*

In 1998, a formal accusation was presented by a group of former Legionnaires claiming that, when they were adolescents, they were sexually abused by the

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<sup>24</sup> The Holy See is the Pope's ecclesiastic jurisdiction. It constitutes the "Central Government" of the Church, participates in international agreements, and is a permanent UN observer.

<sup>25</sup> Concluding Observations/Comments by the Committee on the Rights of the Child: Holy See. 27/11/95. CRC/C/15/Add.46.

<sup>26</sup> The first report should have been delivered in 1992, but was delivered in 1995. The second one should have been delivered in 1997, which means there is an 8-year delay.

founder of the Legionnaires of Christ, Father Marcial Maciel.<sup>27</sup> In February 1999, the so-called acceptance of cause and its official registration were disclosed as *Absolutionis complici* (*A. Jurado et alii - Rev. MMD*). Nonetheless, the Rome Legionnaires of Christ spokesman reported that the Holy See had declared that "there is and there will be no canonical process against Marcial Maciel for sexual abuses against adolescents, because no proof exists." After that the victims revealed the offenses to the media, but justice has still not been served.

Another example is the case of the Catholic priest Juan Aguilar from Puebla, accused in 1997 of sexually abusing 60 boys and girls who were studying catechism. Currently, the priest is subject to a criminal process which includes the crime of corrupting minors. According to DIAR information, this action has taken place despite what was described as decisive intervention by the diocese to hide his offenses.

An investigation of the Aguilar case by *Proceso* magazine<sup>28</sup> found that at the end of the 1980s, Norberto Rivera Carrera,<sup>29</sup> then bishop of the Puebla diocese, allegedly acting with Cardinal Roger Mahony, archbishop of Los Angeles, California, protected the above-mentioned Nicolás Aguilar Rivera in the United States and Mexico.

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<sup>27</sup> Which followed all canon law procedures, granting sufficient proof for the case to be accepted by the Congregation for the Defense of Faith (in charge of judging issues involving sexual crimes and sacrament of penitence).

<sup>28</sup> Vera, R. et Martínez, S. (2005). *Proceso* magazine. "Piedad Encubridora" ("Concealing Piety") Mexico. Published in <http://www.diariocambio.com/10112005/primer/00huesca.html>

<sup>29</sup> Now a cardinal in Mexico.

### *Looking at Children*

In 1992, I was 11 years old and was Father Nicolás Aguilar Rivera's altar boy, at the *Nuestra Señora del Perpetuo Socorro* parish. In 1994 he was transferred to another parish, and asked my then 9-year-old brother and myself to go and continue serving for him. On the second October Sunday, I went to mass and he asked me to go with him to the bathroom in his room. When I went in, he took me by force, pulled my pants down and penetrated me. I don't know how I was able to get away from him, but he told me that if I said anything, he would do the same thing he had done to me to my brothers. I ran out. Since I never went back to that church, he looked for me in school and asked me to go back, but I told him I wouldn't, and that I would tell my family. That same day, when he found out my family already knew what had happened, he started telling people how he had seen the sacristan rape me.

When my parents found out I had been raped, we filed a claim at the 46th Public Prosecutor's Agency, and the 46/DS/385/94-11 investigation was opened. When the news was disclosed, Monsignor Daniel Nolasco Roa, responsible for the vicarship, called me and my family and told us they would help by giving me psychological support, but they never did. Instead, they started humiliating and insulting me and my family, saying it was all a lie. The Public Prosecutor's Office offered me money and tortured me psychologically. They even asked questions such as how much he had penetrated me and his measurements. That's why I stopped speaking.

Since I stopped going to the Public Prosecutor's Office, my claim did not succeed. I ended up dropping the whole thing. However, when the *Proceso* magazine published a story on how Cardinal Norberto Rivera was protecting this priest, I reacted to demand justice and prevent other children from being his victims.

*Joaquín Aguilar Méndez's Testimony*

*November 18, 2005*

The Mexican State has been negligent in its responsibility to protect and repair the damage against victims of sexual abuse. And, what's even worse, is that in spite of all the evidence presented in claims, media information and urgent communiqués signed by human rights organizations, those in charge of punishing the perpetrators of sexual abuse, have not enforced the Convention

on the Rights of the Child, the Mexican Federal Legislation and other national and international legal instruments to protect our children's integrity.

It must also be noted that various factors contribute to the fact that, in Mexico, sexually abused boys and girls are at higher risk when the perpetrator is a priest or a religious person. This is one more expression of the fundamentalist positions aimed at harmonizing, moralizing and controlling differences, specifically on the part of the most conservative groups in the Catholic church. These groups work to steer public policies against the basic rights of children, denying access to sexual and reproductive health services and access to relevant information. They also seek to gain the right to decide on issues that relate to their own interests, including accusations against religious entities and individuals. In Mexico, the Catholic church has played various roles, but one of the most important ones is the imposition of cultural mores exerting strict controls on sexuality, generally demonizing and denying it, especially as it relates to highly discriminated and vulnerable groups, such as children, women, lesbians and gay men. The Mexican Catholic church only recognizes the traditional family (mother, father and children), in its legislative and public policy demands, and has denied the existence of the diversity of families. In Mexico 71% of all boys and girls under 17 years of age live in nuclear households, 27% in expanded households and 2% live in another type of household.<sup>30</sup>

After Brazil, Mexico is the country with the highest concentration of Catholics in the American continent. According to INEGI, Catholicism still predominates in the Mexican population. In the year 2000, the ratio of Catholics in the country, among the population of 5 years of age and older, was 87.6% in men and 88.4% in women, followed by Protestant and Evangelical religions. Census information shows that Catholic affiliation increases with age: in the group between 5 and 9 years of age, it is 85.5%, and from 10 to 14 years of age, it is 87.57%, and finally among adolescents between 15 and 19, 87.85% are Catholics.<sup>31</sup>

On the other hand, and according to the 2000 National Youth Survey results, 60% of all respondents said they trust priests, and one-fifth has participated in some type of religious organization.

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<sup>30</sup> Ramírez, N. (2005). *La Infancia Cuenta en México*. Red por los Derechos de la Infancia en México (Children Count. Network for Children's Rights in Mexico).

<sup>31</sup> Red por los Derechos de la Infancia en México (Network for Children's Rights in Mexico) 2005. *Infancias Mexicanas: rostros de la desigualdad, Informe Alternativo al Comité de los Derechos del Niño de la ONU*. Mexico (Mexican Children: Faces of Inequality, Alternative Report of the UN Committee on the Rights of the Child. Mexico)

**Degree of youth trust in various Mexico public figures - 2000**

Public Figures	Yes, I trust	I trust a little	I do not trust	Total
Politicians	7	40	54	100
Judges	16	46	38	100
Teachers	67	27	5	100
Doctors	72	23	5	100
Policemen	12	39	49	100
Businessmen	17	46	37	100
Military	30	39	32	100
Union or labor leaders	12	36	51	100
Priests	60	24	16	100
Secret police	12	31	56	100
Human rights defenders	48	37	15	100
Citizen organization members	29	44	27	100

Source: SEP-IMJ, 2000 National Youth Survey. Preliminary Results, Mexico.

This situation undoubtedly has many positive elements, for it reflects the existence of ancestral traditions that are a fundamental part of the cultural identity of a country like Mexico. It must also be pointed out that the Catholic hierarchy's influence on the formation of this identity is not only comprised of various elements, but it has a growing influence on the social and political sphere, as well as a very strong economic power. This influence has not always been seen in a positive light and that is reflected in the opinion of Catholics in Mexico on those issues. Some say the Catholic church should play its role as a spiritual guide and stop intervening in politics or issues which are only under the competence of society, as for instance, abortion or contraception: 85% consider that a priest should not remain in the priesthood if it is proven he has committed child abuse; 64% think the church should defend human rights; 80% believe the Catholic church should not have any influence on government policies; and 82% percent think the Mexican government should maintain the secular state and protect itself from the influence of the Catholic church.<sup>32</sup>

This information shows that the Catholic hierarchy has significant influence on the Mexican state, even though its role should be focused on guaranteeing the defense and protection of its members' human rights and avoiding violations of

<sup>32</sup> Católicas por el Derecho a Decidir (Catholics for the Right to Decide). (2003). Opinion Survey. Mexico

their integrity, at all levels. Mexican children have been a highly discriminated against and neglected group, specifically when it comes to protecting and respecting their rights. If we consider that a high percentage of this population participates in some type of religious activity, it must be guaranteed that these spaces are free of all types of risk against the interests of boys and girls. It is the obligation of those who are responsible to watch over them, as established by Mexican laws and other international treaties, and to inform and denounce sexual abuse and other types of offenses, without any distinction, and demand perpetrators be criminally punished. For all these reasons, we demand the Mexican Catholic hierarchy to stop concealing violations of children's human rights, and report and denounce child sexual abuse cases in our country.

## **6. Conclusions**

### **Findings**

- Cases of sexual abuse by clergymen are proven and quantifiable. Boys, girls, and adolescents are the most vulnerable social groups.
- Information on sexual abuse by priests is not available to those responsible for guaranteeing due process of defense and protection for human rights, particularly of children.
- The concealment of information by the Catholic hierarchy has hindered victims in filing claims.
- The law should be enforced in all cases of child sexual abuse perpetrators, including clergymen and other religious actors.

### **Recommendations**

- Prepare a detailed report to document sexual abuse cases against boys, girls and adolescents by clergymen, and actions undertaken by the Mexican State in favor of victims to repair damage.
- Call on the Religious Affairs Sub-Ministry of the Department of the Interior to act according to the law to protect children's rights, including when children are raped within religious institutions.
- Classify all forms of sexual abuse and violence against children, including in religious institutions, as well as the illegal utilization of information technology.
- Promote legal measures that punish appropriately the different religious actors involved in all types of sexual abuse against boys and girls.

- Require the Catholic hierarchy to adhere to children's human rights instruments, and collaborate with the authorities responsible to supply information, investigate and punish religious perpetrators of abuse.
- Abolish the new clauses that allow for secrecy of these crimes within the Catholic church, and to punish those responsible, according to the law.
- Require that the Vatican reveal child sexual abuse committed by priests and other religious people, be held accountable and participate in reparations for victims of these crimes.

## 7. Bibliography

- Allen, L. J. y P. Schaeffer (2001). "Reports of Abuse: Aids Exacerbate Exploitation of Nuns." *National Catholic Reporter*.
- Departamento de Investigaciones sobre Abusos Religiosos DIAR (Religious Abuse Investigation Department-DIAR) (2002). *Los abusos religiosos en México*. Naucalpan, State of Mexico, archive, May.
- Escalante, P. (2002). *Vergüenza, dolor y poder en casos de abuso sexual*. Unpublished essay. Mexico.
- Gatrell, N. K. et al. (1995). *Physician-Patient Sexual Conduct: Prevalence and Problems*, in J.C. Gonsiorek, (Ed). *Breach of Trust: Sexual Exploitation by Health Care Professionals and Clergymen*. Sage Publications, Thousand Oaks, CA.
- Rodríguez, P. (1995). *La Vida Sexual del Clero*. Ediciones B, Barcelona.
- Rodríguez-Tovar, J. C. (2002). *Curas abusadores: común, en la provincia de México*. Milenio. No. 241. May 6.
- Catholics for a Free Choice (2002). *The Holy See and the Convention on the Rights of the Child*. Washington, D.C.
- Estadística Aplicada de Católicas por el Derecho a Decidir (2003). Mexico
- Red Nacional contra la violencia hacia las mujeres y hombres jóvenes (2002). *Rostros de la Impunidad*. Mexico.
- Gómez, E. (2005). *La explotación sexual comercial de niñas, niños y adolescentes: una aproximación sociológica*. Mexico.
- Red por los Derechos de la Infancia en México (2005). *Infancias mexicanas: rostros de la desigualdad*. Mexico.
- Red por los Derechos de la Infancia en México. (2005). *La infancia cuenta*. Mexico
- Newell, P. (2001). *Manual de aplicación de la Convención de los Derechos del Niño*. UNICEF.
- Vera, R. (2002). *Revista Proceso*, "El manto sagrado cobija a los abusadores," 18-22. Mexico.