



## Submission to the UN Committee on the Rights of the Child for its 98th pre-sessional Working Group ahead of the adoption of recommendations in the periodic review of Argentina

— 1 April 2024 —

1. This thematic submission<sup>1</sup> addresses sexual violence against children in Argentina with a focus on two issues: 1) abolishing the criminal statute of limitations for the offence as a necessary way of improving access to justice for abuse survivors, and 2) the call to establish an independent truth commission to investigate decades of sexual violence against children.

### The scale of child sexual abuse in Argentina and the call for a truth commission

2. The *Out of the Shadows Index*, published in 2023 by Economist Impact, analyses the performance of 60 countries worldwide, including Argentina, in addressing, preventing and responding to sexual violence against children.<sup>2</sup> Of the 60 countries analysed, Argentina was ranked 50th globally, with a score of 41.5 out of 100, making it the lowest-scored country in Latin

<sup>1</sup> This submission is made jointly by ARALMA Asociación Civil ([www.aralma.org](http://www.aralma.org)); Asociación Madres contra el Paco y por la Vida ([www.madrescontraelpaco.org.ar](http://www.madrescontraelpaco.org.ar)); Organización no gubernamental Ely Mendilaharsu; Claudia Balagué, Diputada de la provincia de Santa Fe ([diputadossantafe.gov.ar/web/camara/diputados](http://diputadossantafe.gov.ar/web/camara/diputados)); Instituto de Derecho de Familia y Sucesiones ([www.facebook.com/institutoderechofamiliaschaco?locale=es\\_LA](https://www.facebook.com/institutoderechofamiliaschaco?locale=es_LA)); Asociación Civil contra el Abuso Sexual de Niños, Niñas y Adolescentes - ASI Basta ([www.bastaasi.org](http://www.bastaasi.org)); Red Federal para Infancias y Juventudes ([www.instagram.com/red\\_fij/reels/](https://www.instagram.com/red_fij/reels/)); Colectivo de Mujeres de Negro - Argentina ([www.instagram.com/mdn\\_rosario](https://www.instagram.com/mdn_rosario)); Familias Atravesados por el Femicidio ([atravesadosporelfemicidio.com.ar](http://atravesadosporelfemicidio.com.ar)); Asociación Civil de Derechos Humanos Mujeres Unidas Migrantes y Refugiadas en Argentina ([www.amumra.org.ar](http://www.amumra.org.ar)); Movimiento Popular La Dignidad ([www.facebook.com/ladignidad.ok/](https://www.facebook.com/ladignidad.ok/)); Centro de Protección Familiar ([www.facebook.com/ceprofalafalda](https://www.facebook.com/ceprofalafalda)); CreSer Humano ([www.instagram.com/creserporlainfancia/?next=%2Ftasyiathasyia%2F](https://www.instagram.com/creserporlainfancia/?next=%2Ftasyiathasyia%2F)); Asociación de Abogadas Feministas ([www.instagram.com/abofemargentina](https://www.instagram.com/abofemargentina)); Red de Abogades Querellantes en Delitos Sexuales ([www.instagram.com/reddeabogadesquerellantes](https://www.instagram.com/reddeabogadesquerellantes)); Movimiento Jóvenes Hijxs de Víctimas Femicidio, Transfemicidio y Travestimiento ([www.instagram.com/jovenes.hijxs/?igsh=MWUwc3dscGk4YXI5NA%3D%3D](https://www.instagram.com/jovenes.hijxs/?igsh=MWUwc3dscGk4YXI5NA%3D%3D)); Red de Sobrevivientes de Abusos Eclesiásticos de Argentina ([www.facebook.com/SobrevivientesdeAbusoEclesiasticoArgentina](https://www.facebook.com/SobrevivientesdeAbusoEclesiasticoArgentina)); CRIN - Child Rights International Network ([www.crin.org](http://www.crin.org)).

<sup>2</sup> Global and regional reports available at: <https://outoftheshadows.global/download-reports>

American and the Caribbean.<sup>3</sup> According to a country summary of data for Argentina, the low score is due to several factors, including the country not having a national action plan to address sexual violence against children, the age of sexual consent of 13 years being well below the international standard of 16 years, and the country not having yet abolished the statute of limitations for crimes of sexual violence against children.<sup>4</sup>

3. According to data from the Argentine Ministry of Justice, 14,424 cases of sexual violence against children were registered between 2017 and 2022, representing an increase of 126% in the number of complaints.<sup>5</sup> The same source highlights that children represent 58% of the total victims of sexual abuse in the country, and six out of ten child victims were girls; furthermore, in 85% of cases, the perpetrator was a person known to the victim.

4. The available statistics of child sexual abuse across different settings are widely considered a significant underestimate, with studies from several countries concluding that between 70 to 90 percent of cases go unreported.<sup>6</sup> For example, with regard to reporting rates of clergy abuse, the monitoring organisation BishopAccountability.org asserts that the cases in Argentina that have come to light should be considered to be the tip of the iceberg, and that figures should always be interpreted as a low incidence of reporting, rather than a low incidence of abuse.<sup>7</sup>

5. The same organisation further explains that the factors which have led to significant disclosure in other parts of the world, such as the lifting of statutes of limitations, widespread litigation by survivors, investigations of church offices by prosecutors, and national inquiries by independent investigative commissions, have so far not occurred across Latin American countries.<sup>8</sup>

6. In response to the general lack of data on sexual violence in all settings and the evident gaps in legislation and public policies in Argentina, the civil society organisation ARALMA presented a draft bill in 2022 to establish an independent truth commission. After nine months, the draft bill lost parliamentary status because no legislator had presented it for debate. Therefore, ARALMA presented the bill again in 2023 (File No: 4259-D-2023),<sup>9</sup> which obtained political support from two legislators. In the same year, a member of parliament of the Province of Santa Fe also presented another draft bill to create a truth commission in her province (File No.: 52001),<sup>10</sup> which has been

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<sup>3</sup> Global ranking available at: <https://outoftheshadows.global/>

<sup>4</sup> 'Índice Fuera de las sombras: Argentina', available at:

[https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/6405e8808b8b161418a5a753/1678108800343/OOSI\\_+Argentina+Briefing\\_ES.docx.pdf](https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/6405e8808b8b161418a5a753/1678108800343/OOSI_+Argentina+Briefing_ES.docx.pdf)

<sup>5</sup> 'Abuso sexual contra las infancias: en cuatro años las denuncias crecieron el 126%', Clarín, 14/04/2023. Available at: [https://www.clarin.com/sociedad/abuso-sexual-infancias-anos-denuncias-crecieron-126-0\\_8EERu9A5Cd.html](https://www.clarin.com/sociedad/abuso-sexual-infancias-anos-denuncias-crecieron-126-0_8EERu9A5Cd.html)

<sup>6</sup> See, for example, Children & Young People Now, 'Nearly 90 per cent of child sexual abuse goes unreported', 24 November 2015. Available at: <https://bit.ly/3uLR6e6> [shortened URL]; and El Tiempo, 'El 70 por ciento de los casos de maltrato infantil no se denuncia', 24 April 2019. Available at: <https://bit.ly/3qNSWcV> [shortened URL].

<sup>7</sup> BishopAccountability.org, «Sacerdotes, hermanos, hermanas y diáconos que han sido denunciados públicamente en Chile». Disponible en: <https://www.bishop-accountability.org/Argentina/Database.htm>

<sup>8</sup> Ibidem.

<sup>9</sup> 'Proyecto de Ley: Comisión Investigadora Independiente de la Verdad y la Reparación sobre Delitos de Violencia Sexual Padecidos en la Infancia y/o Adolescencia'. Available at:

<https://www4.hcdn.gob.ar/dependencias/dsecretaria/Periodo2023/PDF2023/TP2023/4259-D-2023.pdf>

<sup>10</sup> 'Comisión provincial Investigadora Independiente de la Verdad y Reparación sobre Delitos de Violencia Sexual Padecidos en la Infancia y Adolescencia', Cámara de Diputadas y Diputados de la Provincia de Santa Fe, July 2023. Available at: <http://186.153.176.242:8095/index.php?go=d&id=51889>

presented to the provincial Chamber of Deputies.<sup>11</sup> Both legislators, Gabriela Brouwer de Koning and Claudia Balagué, had learned about the use of national inquiries - or truth commissions, as they are better known in Latin America - around the world to address systemic child sexual abuse thanks to the first regional conference on the subject held in April 2023, organised by ARALMA and CRIN.<sup>12</sup>

7. The call for a truth commission in Argentina to address sexual violence against children is part of an emerging wave of countries in Latin America in which survivors are increasingly demanding truth, justice and reparations. The others are so far Chile,<sup>13</sup> Ecuador<sup>14</sup> and Mexico.<sup>15</sup> In June 2022, the Committee on the Rights of the Child already urged the State of Chile to “Establish an independent, impartial, adequately funded truth commission to examine all cases of abuse of children in institutional settings”.<sup>16</sup> Although the majority of truth commissions carried out to date have focused their investigations on institutional settings (state care, schools, churches, sports centers, social clubs, etc.), there have also been commissions that have included intra-family settings, which present the highest rates of sexual violence, within its remit, as has been done by Germany's Independent Commission of Inquiry into Child Sexual Abuse.<sup>17</sup>

8. Truth commissions play a crucial role in establishing facts around child abuse scandals, especially when there is a systemic lack of data, there are multiple versions of events or allegations have been covered up, dismissed or minimised by both the accused institutions and government. Many States around the world have responded to the systemic abuse of children by conducting large-scale, independent inquiries led by teams of independent experts to investigate the scale of abuse and identify institutional failures.<sup>18</sup> National inquiries - or truth commissions, as they are better known in Latin America - are quasi-judicial bodies that create an official historical account of events; draw on the testimony of victims; set out steps in the form of recommendations for government and institutions to improve child protection law, policy and practice; and in some cases can also lead to the creation of redress schemes that may include an official apology, the

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<sup>11</sup> ‘Jornada de Divulgación sobre el Proyecto de la Comisión Investigadora Indep. de La Verdad’, Cámara de Diputadas y Diputados de Santa Fe, 15 August 2023. Available at:

[https://www.youtube.com/watch?v=pUVjUuQwgeo&ab\\_channel=C%C3%A1maraDeDiputadasyDiputadosdeSantaFe](https://www.youtube.com/watch?v=pUVjUuQwgeo&ab_channel=C%C3%A1maraDeDiputadasyDiputadosdeSantaFe)

<sup>12</sup> ‘Explorando las posibilidades de establecer una comisión de la verdad en respuesta a la violencia sexual infantil generalizada en Latinoamérica’, ARALMA, 14 April 2023. Available at:

<https://aralma.org/evento-explorando-las-posibilidades-de-establecer-una-comision-de-la-verdad-en-respuesta-a-la-violencia-sexual-infantil-generalizada-en-latinoamerica/>

<sup>13</sup> ‘ONU urge a Chile crear comisión para examinar casos institucionales de abuso contra menores’, Biobío Chile, 9 June 2022. Available at:

<https://www.biobiochile.cl/noticias/nacional/chile/2022/06/09/onu-urge-a-chile-crear-comision-para-examinar-casos-institucionales-de-abuso-contra-menores.shtml>

<sup>14</sup> ‘Mesa legislativa Aampetra recomienda crear una Comisión de la Verdad para investigar delitos sexuales contra niños’, El Comercio, 12 October 2018. Available at:

<https://www.elcomercio.com/tendencias/sociedad/aampetra-recomienda-crear-comision.html>

<sup>15</sup> ‘Exigen al presidente de México crear una Comisión de la Verdad contra la pederastia clerical’, Religión Digital, 21 Febrero 2023. Available at:

[https://www.religiondigital.org/america/Exigen-presidente-Mexico-Comision-Verdad\\_0\\_2535346460.html](https://www.religiondigital.org/america/Exigen-presidente-Mexico-Comision-Verdad_0_2535346460.html)

<sup>16</sup> ‘Observaciones finales sobre los informes periódicos sexto y séptimo combinados de Chile’, CRC/C/CHL/CO/6-7, Comité de los Derechos del Niño, 22 de junio de 2022, pág. 7, párr. 20.a. Available at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCHL%2FCO%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCHL%2FCO%2F6-7&Lang=en)

<sup>17</sup> Available at: <https://www.aufarbeitungskommission.de/english/>

<sup>18</sup> See, for example, ‘The Age of Inquiry: A global mapping of institutional abuse inquiries’, Melbourne: La Trobe University, 2020. Disponible en: <https://www.lib.latrobe.edu.au/research/ageofinquiry/index.html>

construction of monuments to commemorate historical trauma and suffering, financial reparations, the provision of support services such as counselling and hotlines for more abuse victims to come forward.<sup>19</sup> An inquiry's recommendations also seek to prevent the problem from recurring, including by advising on law reform to make reporting of abuse mandatory, pre-employment screening, staff training, mechanisms for children to report abuse, public awareness campaigns, prevention education for school children, oversight agencies and ratification of relevant human rights treaties and conventions.<sup>20</sup>

#### 9. Recommendations:

- *The State Party should establish an independent and impartial truth commission to examine the sexual abuse of children in all settings in Argentina. It should be adequately funded, endowed with the necessary legal powers to summon public and private actors and entities and to access all necessary information even if deemed confidential, and the commissioners assigned should be independent of all the institutions to be investigated to avoid any conflict of interest and ensure impartiality.*
- *The State Party should ensure that effective child safeguarding policies and practices are in place in all settings in which children live, study, play and worship, and that a government oversight agency monitor adherence and implementation.*

### **The call to abolish criminal statutes of limitations for sexual violence against children**

10. The different types of sexual violence against children has both short- and long-term consequences for their mental health, such as post-traumatic stress, which manifests itself in the form of anxiety, depression, eating disorders, problems with interpersonal relations and sleep disorders, as well self-harming, which in some cases can lead to suicide.<sup>21</sup> Child sexual abuse is a crime where the harm is ongoing because the damage endures, and is not confined to the time of the event, but is ever-present in survivors' lives for as long as they live. The victim is required to shoulder the consequences, enduring chronic psychological suffering that is extremely difficult, if not impossible, to overcome.<sup>22</sup>

11. Clinical and legal research with survivors to date shows that it can take many years for a victim of sexual abuse to recognise and come to terms with the fact that they have been a victim of a crime of this nature. Australia's Royal Commission into Institutional Responses to Child Sexual Abuse found that it takes an average of 24 years for a victim of child sexual abuse to come

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<sup>19</sup> CRIN, 'Comisiones de investigación independientes del abuso infantil', in *La tercera oleada: Justicia para los sobrevivientes de abuso sexual infantil en la Iglesia católica de América Latina*, November 2019, pp. 45-68. Available at:

<https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/5dd53b1ce71f5a106132a4bb/1574255393397/La+Tercera+Oleada+Informe+Final+.pdf>

<sup>20</sup> *Ibid.*, pp. 57-60.

<sup>21</sup> UNICEF (2017) *Abuso sexual contra niños, niñas y adolescentes Una guía para tomar acciones y proteger sus derechos*. Available at:

<https://www.unicef.org/ecuador/informes/abuso-sexual-contra-ni%C3%B1os-ni%C3%B1as-y-adolescentes>

<sup>22</sup> Almada S. (2022) *Derecho al tiempo. Agresión sexual contra niños, niñas y adolescentes. Te lo cuento cómo, cuándo puedo*. Editorial Raíces. Argentina

forward.<sup>23</sup> Meanwhile the organisation Child USA found that the average age at which victims manage to reveal the sexual violence that they suffered in childhood is 52 years.<sup>24</sup> However, the vast majority of victims never report their abuser. However, according to the National Victimization Survey in Argentina, 87% of sexual crimes are not reported.<sup>25</sup> The reasons for this include trauma, shame, social stigma, fear of threats and retaliation, fear that they will not be believed, or because they do not recognise themselves as victims of sexual violence. All of this is further aggravated when there is social, family or institutional pressures that discourage a victim from reporting the abuse.

12. Due to these reasons, such crimes are rarely reported immediately, which can have consequences in procedural terms. It is not uncommon that, when a victim is finally ready to report their abuser, that they find themselves with an obstacle: the statute of limitations. In most cases in Argentina, judges acquit the aggressors or dismiss cases on the grounds that the statute of limitations has expired, sometimes even without going to trial.<sup>26</sup> But it is unacceptable that a crime of the nature of child sexual abuse can be dismissed when there was no real possibility of even hearing the case.<sup>27</sup> That is why it is necessary to guarantee the possibility of investigation and prosecution when a victim is ready to report their abuser. Countries must recognise sexual abuse in childhood as a serious public health problem, which requires treating the crime differently in terms of time frames and the type of assistance offered to survivors.

13. Despite this, in Argentina the crime of sexual violence against children continues to be bound by limitation periods. In 2011, Law No. 26,705 was approved in Argentina, which modified Art. 67 of the Penal Code, establishing that the statute of limitations - a minimum of 2 years and a maximum of 12 or 15 years, depending on the crime - will begin to run from midnight when the victim reaches the age of majority (18 years). Before 2011, the criminal action expired like any other common crime, that is, the statute of limitations began to run from midnight on the day the crime was committed. The statute of limitations was modified again in 2015 through the enactment of a new law No. 27,206,<sup>28</sup> which modified Art. 67 of the Penal Code once again so that the limitation period begins to run from the moment that 1) the victim files a complaint at any time after turning 18 years of age; 2) the victim ratifies the complaint made by their parents or legal representatives when they were still a minor; or, 3) in the event of the victim's death as a result of the abuse, midnight of the day on which they would have turned 18 years old. However, the maximum statute of limitations for sexual crimes against children continues to be 15 years. This means that, after filing a complaint, if a survivor decides not to act or take a break from proceedings for any reason, the statute of limitations would continue to run and would have an

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<sup>23</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, FINAL REPORT: Vol. 4 - Identifying and disclosing child sexual abuse, 2017. Available at: [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_volume\\_4\\_identifying\\_and\\_disclosing\\_child\\_sexual\\_abuse.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_4_identifying_and_disclosing_child_sexual_abuse.pdf)

<sup>24</sup> Child USA, 'Statutes of Limitation Factsheet', 2020. Available at: <https://childusa.org/wp-content/uploads/2020/03/SOLFactSheet2019.pdf>

<sup>25</sup> Instituto Nacional de Estadística y Censos (INDEC), Encuesta Nacional de Victimización 2017, p. 43. Available at: [https://www.indec.gov.ar/uploads/informesdeprensa/env\\_2017\\_02\\_18.pdf](https://www.indec.gov.ar/uploads/informesdeprensa/env_2017_02_18.pdf)

<sup>26</sup> Piqué M. L. (15 April 2021). El dolor no prescribe. La deuda de la Argentina con las víctimas de abuso sexual en la infancia. Available at: <https://agendaestadoderecho.com/>

<sup>27</sup> Almada S. (2022) Derecho al tiempo. Agresión sexual contra niños, niñas y adolescentes. Te lo cuento cómo, cuándo puedo. Editorial Raíces. Argentina.

<sup>28</sup> Ley N° 27.206 que modifica el Código Penal para prescripción de delitos sexuales y trata. Available at: <https://www.mpd.gov.ar/index.php/marco-normativo-t/365-normativa-nacional/leyes/3276-ley-n-26-705-que-modifica-el-art-63-del-codigo-penal-sobre-prescripcion-de-delitos-sexuales>

expiration date.

14. There is no doubt that both Law No. 26,705 at the time, and No. 27,206, represent a positive development in improving access to justice for victims of childhood sexual violence. However, the statute of limitations for many non-recent cases continues to expire since the legal reforms are not retroactive. In Argentina the only achievement with these laws was to *extend* the statute of limitations for *new* cases. Many survivors have remained without access to justice, since they are not covered by this extension of the statute of limitations, given that the reforms only apply from the date of their entry into force, meaning that the abuse cases that occurred before their adoption will continue to expire. This means that the vast majority of today's adults who were abused as children still have less time within which to report their abuser than more recent victims, that is if the statute of limitations in their cases has not already expired.

15. Due to these reasons, the civil society organisation ARALMA submitted on 21 June 2022 to the Chamber of Deputies of the Argentine Nation the draft bill 'Right to Time' (File No.: 0051-P-2022), which proposes abolishing a statute of limitations for all crimes of sexual violence against children.<sup>29</sup> In the List of Issues Prior to Reporting, when the State party was asked by the Committee on the Rights of the Child about the status of this bill, the State responded: "Regarding the Right to Time law, the bill has parliamentary status under file 0508-D-2022 and it is currently in the Criminal Legislation Commission for its review prior to being debated by the legislative chamber."<sup>30</sup> However, the project actually lost parliamentary status because it took too long to debate it.

16. As a consequence, ARALMA resubmitted the draft law in 2023 (Expediente Nº: 3004-D-2023).<sup>31</sup> This time it was presented in the Chamber of Deputies of the Argentina Nation by lawmaker Gabriela Brouwer de Koning with the support of 14 other members of parliament.

17. This draft law, in addition to demanding the elimination of the statute of limitations for the crime, also demands that this lifting of the limitation period be applied retroactively. The rationale for retroactivity is framed according to the Universal Declaration of Human Rights; of the International Convention on the Rights of the Child Law 23,849; the National Constitution, Art. 75 inc. 22; Law 26,061 on the Protection of the Rights of Girls, Boys and Adolescents; the Rules of Brasilia; Law 27,372 on the rights and guarantees of victims of crimes; and Law 27,455, which considers child sexual abuse as a crime of public action.

18. The fact that in Argentina the crime of sexual violence against children continues to be bound by limitation periods makes the country stand out as an exception in Latin America where an increasing number of countries has abolished them, including El Salvador, Ecuador, Peru, Chile, Colombia and Mexico.<sup>32</sup>

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<sup>29</sup> Available at: <https://aralma.org/wp-content/uploads/2022/07/DERECHO-AL-TIEMPO-PROYECTO-DE-LEY-.pdf>

<sup>30</sup> Séptimo informe periódico que la Argentina debía presentar en 2024 en virtud del artículo 44 de la Convención, 7 de diciembre de 2023, CRC/C/ARG/7, pág. 20, párr. 124. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FARG%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FARG%2F7&Lang=en)

<sup>31</sup> 'Establecer la Imprescriptibilidad de los Delitos de Violencia Contra la Integridad Sexual contra Niñas, Niños y Adolescentes. Modificación del Código Penal de la Nación', July 2023, Diputados Argentina. Available at: <https://www.diputados.gov.ar/diputados/rburyaile/proyecto.html?exp=3004-D-2023>

<sup>32</sup> Véase, por ejemplo, 'Informe del grupo de trabajo global sobre los plazos de prescripción en Latinoamérica', 2024, Brave Movement, CHILD Global, y Derecho al Tiempo. Available at:

19. Although the repeal of the statute of limitations would be very positive, the law reforms carried out so far in Latin America present an important deficiency: that the removal of limitation periods is not retroactive. This characteristic of national reforms may be the result of an excessively cautious reading of international human rights regulations and the parallels contained in national constitutions. One of the standard features of international human rights law is that no one should be convicted of an act or omission that was not a crime under the applicable law at the time it was committed.<sup>33</sup> Likewise, this principle derives from the principle of legality contemplated in the Argentine National Constitution in its Art. 18. However, it is unclear if the retroactive removal of limitation periods in fact violates this norm. International human rights courts have interpreted statutes of limitations as procedural, rather than substantive, features of the judicial system, so they can be applied retroactively without violating the right against retroactive criminalisation.<sup>34</sup> In short, this distinction is a recognition that retroactively applying the removal of statutes of limitations does not penalise an act that was legal at the time it was committed nor does it carry a more severe penalty; it simply extends the time available to the court to consider cases.

20. When a court in Argentina dismisses a criminal action filed by a child sexual abuse victim on the basis that the limitation period has expired, there arises the option of a so-called “truth trial”.<sup>35</sup> These procedures enable evidence and testimonies to be gathered so that a court can determine the truth of a case and accordingly assign accountability. However, this type of trial has no penal consequences and therefore does not result in a criminal sentence for the abuser. The victim is moreover not offered reparations. As a result, the crimes remain unpunished. There are even judges in the country who deny the possibility of a truth trial, arguing that this type of procedure is not regulated under Argentina’s law.<sup>36</sup>

21. Given this situation, in some isolated cases the justice system has begun to recognise the importance of abolishing limitation periods. In the precedent-setting judgement, the High Court of Criminal Justice of the province of Entre Rios ruled in 2015 that, the statute of limitations did not apply in a case concerning the sexual abuse of seven boys, committed between 1984 to 1993 by the priest Justo José Illarraz, due to the seriousness of the case.<sup>37</sup> In 2018, the priest was eventually sentenced to 25 years in prison,<sup>38</sup> a judgement that was upheld that same year by Argentina’s Supreme Court of Justice, as it dismissed an appeal filed by Illarraz’s defence team which continued

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[www.bravemovement.org/wp-content/uploads/2024/03/LATAM\\_SOL\\_final\\_version\\_spanish\\_translation\\_Mar-11-2024.pdf](http://www.bravemovement.org/wp-content/uploads/2024/03/LATAM_SOL_final_version_spanish_translation_Mar-11-2024.pdf)

<sup>33</sup> Convención Americana sobre Derechos Humanos, artículo 9; Pacto Internacional de Derechos Civiles y Políticos, artículo 15(1); Convenio Europeo de Derechos Humanos, artículo 7; Carta de los Derechos Fundamentales de la Unión Europea, artículo 49.

<sup>34</sup> See *Coëme y otros v. Bélgica* [2000] aps. n. 32492/96, 32547/96, 32548/96, 33209/96, 33210/96, paras. 149-151; *Previti v. Italia* [2013] aps. n. 1845/08, paras. 80-85.

<sup>35</sup> *Todo Noticias*, ‘Los delitos prescriben, el dolor no: dos “juicios por la verdad” avanzan en casos de abuso sexual contra niñas,’ 20 September 2022. Available at: <https://tn.com.ar/sociedad/2022/09/20/los-delitos-prescriben-el-dolor-no-dos-juicios-por-la-verdad-avanzan-en-casos-de-abuso-sexual-contra-ninas/>

<sup>36</sup> ‘No habrá juicio de la verdad por el abuso de Andacollo ocurrido hace 30 años’, *Diario Rigo Negro*, 13 April 2022. Available at: <https://www.rionegro.com.ar/justicia/sociedad/no-habra-juicio-de-la-verdad-por-el-abuso-de-andacollo-ocurrido-hace-30-anos-2245762/>

<sup>37</sup> *Página 12*, ‘Los abusos no prescriben’, 24 April 2015. Available at: [www.pagina12.com.ar/diario/sociedad/3-271533-2015-04-28.html](http://www.pagina12.com.ar/diario/sociedad/3-271533-2015-04-28.html)

<sup>38</sup> *La Nación*, ‘Condenan al cura Justo José Illarraz por abusar de siete seminaristas’, 22 May 2018. Available at: [www.lanacion.com.ar/sociedad/condenan-al-cura-justo-jose-illarraz-por-abusar-de-siete-seminaristas-nid2136673/](http://www.lanacion.com.ar/sociedad/condenan-al-cura-justo-jose-illarraz-por-abusar-de-siete-seminaristas-nid2136673/)

to claim that the statute of limitations in the case had expired.<sup>39</sup>

22. Recommendations:

- *The State party should improve access to justice for survivors of childhood sexual violence by removing systemic barriers, namely by abolishing the criminal statute of limitations, and that it be applied retroactively.*
- *The State party should provide holistic reparations to survivors of childhood sexual abuse which meet their needs in areas of physical health, mental health and psychological support, education, and their financial, living and employment situation.*

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<sup>39</sup> Centro de Información Judicial, 'La Corte Suprema convalidó el juzgamiento penal del cura Illarraz', 7 June 2018. Available at: [www.cij.gov.ar/nota-30557-La-Corte-Suprema-convalid--el-juzgamiento-penal-del-cura-illarraz.html](http://www.cij.gov.ar/nota-30557-La-Corte-Suprema-convalid--el-juzgamiento-penal-del-cura-illarraz.html)