

THE GLOBAL SOL REFORM TASK FORCE REPORT ON  
**CRIMINAL STATUTES OF  
LIMITATION IN LATIN AMERICA**

2024

CHILD GLOBAL



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## I. INTRODUCTION

There is a global reckoning for the criminals who commit child sex abuse and the institutions that let it happen. Not long ago, it was taboo to speak about it at all, leaving children to suffer in silence as perpetrators destroyed their lives and too many institutions looked the other way. Children were sexually abused and assaulted by trusted individuals, including parents, priests, teachers, and even peers. The legal system reinforced the silence by foreclosing justice before the victim was ready to come forward through short criminal statutes of limitation (“SOLs”). The SOL Reform movement was born in response to these basic violations of human rights.

Survivors and advocates in Latin America are at the forefront of this global battle to empower victims and protect children by extending and/or eliminating the criminal statutes of limitations for child sex crimes. When the criminal SOLs are eliminated, the victims identify more abusers, obtain justice, and educate the public about this scourge.

Chile, El Salvador, and Mexico are leading the way in this region. All three have eliminated the criminal SOLs so that when a victim is ready to come forward, they can file charges. Because child sex abuse victims typically need decades to come forward, and perpetrators can abuse well into their elder years, whenever a victim files against a perpetrator promotes the public good. Brazil and the Dominican Republic are the worst, which means abusers have more latitude to operate with impunity.

The SOL Reform movement is about leveling the playing field so that victims have the tools they need to put criminals in jail and inform the public about the dangers that lurk. When victims have the power of justice, everyone benefits.

### A. INTRODUCTION TO THE GLOBAL TASK FORCE

CHILD Global, the Brave Movement, and partners around the world have launched a global campaign to expose the sexual crimes that too often go unpunished and to persuade national governments to change their laws to align with best practices. The Global Statute of Limitation Reform Task Force (“Global Task Force”) is at the forefront of this campaign. The purpose of the Global Task Force is to research and compile a comprehensive list of laws relating to sex crimes against children and to conduct a thorough review of each crime and the applicable statute of limitation (SOL). The Task Force ensures that local, national, and regional expertise on SOL reform is included for each of the regions it reports on. The research will be available to the public via the SOL International Tracker project. The SOL International Tracker project is part of the Task Force’s larger effort to advocate for the repeal of SOLs to hold perpetrators accountable for these heinous crimes. The Global Task Force seeks to eliminate the SOLs for CSA by highlighting through our research the best policies for criminal and civil SOLs.

### B. OVERVIEW OF CRIMINAL STATUTES OF LIMITATION REFORM

There is a global movement underway to create pathways to justice for victims of child sexual abuse (CSA).<sup>1</sup> A critical step in this process is reforming criminal statutes of limitations (SOLs)<sup>2</sup> to give governments and individuals the time they need to bring their claims to court and hold perpetrators and culpable institutions accountable.<sup>3</sup> Historically, SOLs for CSA crimes have been unfairly short. Short SOLs benefit perpetrators of abuse by silencing victims and keeping the truth hidden from the public. While SOLs have been justified as promoting judicial efficiency, the suffering of those sexually abused as children can last a lifetime and the risks to other children can continue for decades. For victims who cannot prosecute their abusers due to the expiration of the criminal SOL, the loss of their right to a remedy is experienced as double punishment.

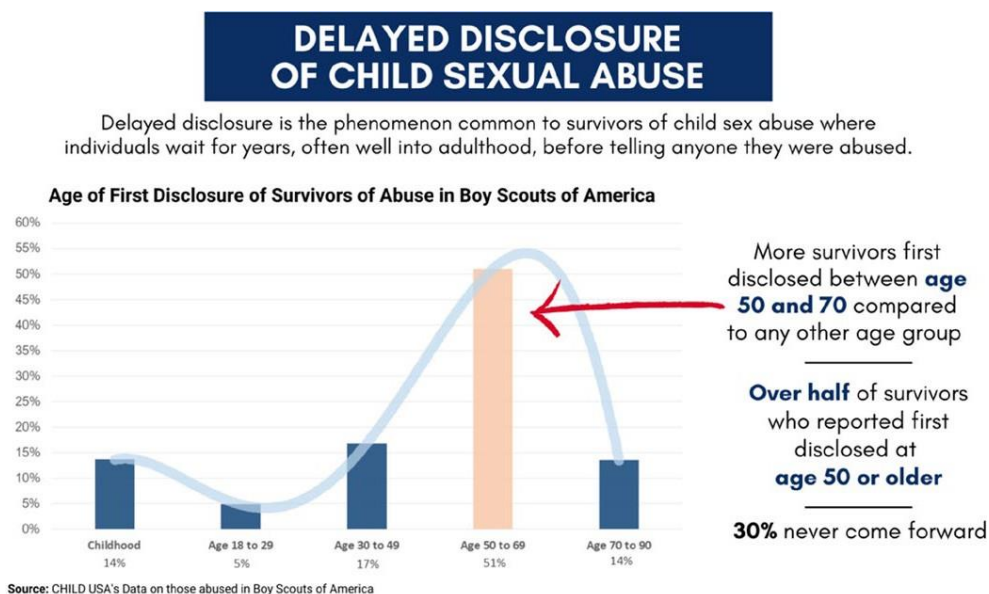
In Latin America, the movement for SOL reform was spurred by a series of high-profile CSA cases where access to justice was blocked by expired criminal SOLs. In 2015, Jesus Delgado, one of El Salvador’s most well-known priests was suspended from his post due to credible allegations of CSA by a victim who was unable to come forward until she was in her early forties.<sup>4</sup> Delgado admitted to abusing the victim from ages nine to seventeen, but he was never criminally prosecuted because the criminal SOL had expired. In December 2015, after public indignation, El Salvador became one of the first countries in the region to abolish criminal SOLs for CSA.<sup>5</sup>

Similarly, in Chile Father Fernando Karadima was publicly accused of CSA by three Chilean victims.<sup>6</sup> Following media uproar, the Catholic Church launched an investigation pursuant to canon law—a system of ecclesiastical laws and principles drafted and enforced by hierarchical authorities of the Catholic Church to regulate the internal organization and government and to order and direct the activities of Catholics toward the mission of the Church.<sup>7</sup> The investigation concluded with a finding of guilt, however, the criminal case was unsuccessful due to the expiration of the criminal SOL. This case is particularly significant because although the allegations were first reported to the church in 2004, high ranking church officials stalled the canonical investigation until the case garnered media attention. Following this miscarriage of justice, James Hamilton, a survivor of Karadima, and Vinka Jackson, psychotherapist, and CSA survivor, successfully launched a decade-long lobbying campaign to persuade the Chilean Congress to abolish SOLs for CSA which was informed by CHILD USA’s long-term research on SOLs. In 2019, they passed the ground-breaking “Derecho al Tiempo” law, which abolished the criminal SOL for most child sex crimes in Chile.<sup>8</sup>

The reforms spurred by these high-profile cases put El Salvador and Chile at the regional forefront of the movement as one of only a few countries in this report to have abolished all criminal SOLs for CSA. The SOL reform movement has continued to grow throughout Latin America with several countries introducing legislation to extend or abolish criminal SOLs to give victims time to access justice in recognition of the trauma that can impact disclosure timing. Most recently, the Bolivian government introduced a bill in Congress that would abolish criminal SOLs for most child sex abuse offenses in the wake of its own high-profile clergy sex, and in the wake of the landmark ruling by the Inter-American Court of Human Rights in the case Brisa de Angulo Losada vs. Bolivia. Unfortunately, the bill was rejected by Congress.

### 1. THE SCIENCE BEHIND STATUTES OF LIMITATION REFORM FOR CHILD SEX ABUSE

The trauma of CSA can affect whether and at what time a victim chooses to disclose their abuse. In the legal field, this phenomenon is referred to as delayed disclosure because, on average, victims do not disclose their abuse for decades, often well into adulthood such as in the El Salvador case.<sup>9</sup> The trauma associated with CSA is complex and individualized, and it has immediate and lasting impacts on the victim. CSA can take a significant toll on a person’s health, increasing the risk of depression, anxiety, substance abuse, post-traumatic stress disorder, and suicidal ideation, as well as high blood pressure and chronic illness.<sup>10</sup> These impacts are costly to the individual who seeks medical care and has diminished work capacity, and they are costly to society.<sup>11</sup> Many victims are plagued by shame, confusion, fear, or do not understand that they have experienced abuse, especially in cases where the predator exerts control over the victim. As a result, it can take decades for a CSA victim both to understand that they were abused and to report the abuse to someone who can help them access justice. In fact, one study found that 44.9% of male CSA victims and 25.4% of female CSA victims delayed disclosure by more than twenty years.<sup>12</sup> Another study examining disclosure by victims of the Boy Scouts of America found that over 50% disclosed for the first time after age 50.<sup>13</sup>



The scientific literature has identified many barriers to self-reporting. In a Catholic or religious environment family pressure remains a deterrent to victims reporting their abusers. Victims are reluctant to report clergy that are respected in their family and community out of fear that they will not be believed. This pressure also extends to schools and other organizations that are imbued with community trust and hold the social capital to silence their victims.<sup>14</sup> This pressure compounds as victims build their lives in the same communities in which they were abused. As they develop careers and start families, they are reluctant to disrupt their adult lives by reporting past abuse. Given the current SOLs in many Latin American countries, these victims would be barred from holding their perpetrators criminally or civilly accountable. As a result, perpetrators are free to abuse children in perpetuity.

## 2. THE PUBLIC INTERESTS SERVED BY CRIMINAL STATUTES OF LIMITATION REFORM

Reforming the criminal SOLs to account for delayed disclosure would have widespread benefits throughout the community.

### HOW CRIMINAL STATUTES OF LIMITATION REFORM HELPS EVERYONE

- 1 IDENTIFIES HIDDEN CHILD PREDATORS AND THE INSTITUTIONS THAT ENDANGER CHILDREN**  
 to the public, shielding other children from future abuse.
- 2 PUNISHES BAD ACTORS**  
 to protect other children from an abuser.
- 3 PREVENTS FURTHER ABUSE**  
 by educating the public about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.

The recidivism risk of serial child sex abusers does not significantly decrease merely by the passage of time.<sup>15</sup> Therefore, scientific evidence supports the assertion that even child sexual abuse crimes committed long ago indicate a continuing risk of current reoffending by the offender. Child molesters routinely commit premeditated and planned crimes. They use a process of emotional and psychological manipulation with their victims-grooming-to reduce their resistance and gain the trust of their parents or guardians. They tend to abuse minors in the child’s circle of trust with whom they have previously established an emotional bond. By using a modus operandi that does not require violence or intimidation, they do not need to have high physical strength or sexual potency.<sup>16</sup> Thus, their risk may increase as they age, since they have more practical experience and a more sophisticated modus operandi, their social status in the community is higher, and there is a greater asymmetry of power with their victims.

The power of elder abusers was shown in Argentina where a notorious priest abuser continued to offend well into his seventies. In 2014, a group of deaf and mute Italian survivors from the Provolo Institute in Verona failed by the criminal justice system tried to warn their local church, the Vatican, and Pope Francis about the dangers of these predators who had sexually abused them decades ago and yet were still operating freely in the world and in close contact with children.<sup>17</sup> Survivors had no other option but to turn to the Church as the limitations period for the crimes committed against them had already expired. They mailed the Pope a list of 14 credibly accused priests who had committed systematic abuse and were still alive. They delivered that same letter by hand to him in 2015, an incident which was documented by a Vatican photographer. Mentioned in the list were the names of four priests who had been sent to Argentina, including Father Nicola Corradi, a notorious abuser who had been transferred by the Church to the Provolo Institute of La Plata in 1970, where he stayed until 1994 before moving to the Provolo Institute of Mendoza where he became the director of the school.<sup>18</sup> A canonical investigation was launched in Verona, Italy but it was a whitewash. One priest was ordered to lead a life of prayer and penance away from minors and three others were given admonitions. Regarding Corradi, no action was taken by Pope Francis or the Vatican to launch a canonical investigation, warn Argentinian civil authorities about the allegations, or to suspend him from his teaching responsibilities. In 2016, the Argentinian police broke onto school premises and detained 14 people accused of cooperating or participating in very serious sex crimes, including multiple instances of aggravated rape, against children at the school. Nicola Corradi, who was 80 at the time, was the ringleader. The worst cases of abuse happened between 2004 and 2009, when Corradi was in his seventies.<sup>19</sup>

Corradi was not convicted of a crime until 2019. His case is a powerful reminder that the risk of recidivism of serial child abusers does not significantly diminish over time. Therefore, expanding/abolishing criminal SOLs is not just about prosecuting crimes of the past but also preventing crimes in the future. If, due to restrictive SOLs, the criminal justice system can't prosecute historical cases, child abusers are not convicted, they don't enter the sex offender's registry<sup>2</sup> and therefore can easily access professional or voluntary positions in close contact with children.

### 3. THE IMPACT OF VATICAN CONCORDAT AGREEMENTS ON STATUTES OF LIMITATION REFORM

CHILD Global also researched the impact that Concordat agreements with the Vatican may have on criminal procedure in these cases. A Concordat is an agreement between a pope and a sovereign or government for the regulation of ecclesiastical matters. Depending on the provisions of these agreements, the scope of these provisions may have an impact on whether a cleric can be prosecuted for crimes committed against children in the course of his or her religious service, and thus “represent a fundamental threat to both democracy and human rights.”<sup>20</sup> It may also act as a barrier for survivors, journalists, lawyers, prosecutors and commissions of inquiry when they try to access the Church's internal canonical files, where child sex offences committed by clergy have been meticulously documented over decades. Currently Argentina, Brazil, Colombia, Dominican Republic, Ecuador, Peru and Venezuela have Concordats but only Brazil and the Dominican Republic have Concordats with direct effect, meaning they are still enforced.<sup>21</sup>

It's important to bear in mind that in many countries (i.e., Argentina, Chile, Bolivia) there is a strong campaign by local human rights activists to set up “Truth Commissions” to investigate the systematic sexual abuse committed in multiple religious and other institutions modelled on successful initiatives in other countries such as the Australian Royal Commission into Institutional Responses to Child Sex Abuse. In some countries, local bishops have successfully lobbied their governments, like in Spain, to persuade them that their Concordat shielded church officials from having to share internal secret church records against their will with such commissions of inquiry.

From a policy perspective, it would be good practice for national governments to abolish their Concordats with the Vatican. At the very least, they should reform them to enshrine the principle that no provision of the Concordat will affect the prosecution of clergy sex offences or the sharing of information with public officials in their judicial or extrajudicial investigation of these crimes.

<sup>2</sup> Argentina, Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, and Peru operate sex offender registries.

#### 4. RESEARCH PROTOCOLS AND RANKING OF STATUTES OF LIMITATION IN LATIN AMERICA

CHILD Global and the Brave Movement developed a standard to assess best practices for researching CSA SOLs and has ranked the countries in Latin America accordingly. An objective benchmark based on scientific data related to delayed disclosure was used to assess the efficacy of the criminal SOLs and access to judicial remedies for victims of CSA. The benchmark ranges from countries that have completely eliminated the SOLs for CSA crimes and have received an “A” grade, to countries that have SOLs for all CSA crimes and a Concordat in effect which have received an “F.” In this report, Grade “A” is given for full elimination for all crimes (Best practice). Grade “B” is given for elimination for most crimes but a concordat in place (Good practice). Grade “C” is given for countries that have an SOL in place for all crimes but no Concordat (Mediocre practice). Grade “D” is given for countries that have an SOL in place for all crimes and a Concordat present (Poor practice). Grade “F” is given for countries that have an SOL in place for all crimes, and a Concordat that may limit the ability to prosecute (Very poor practice).

To that end, in 2022 the Global Task Force compiled a review of laws and regulations on SOLs and other barriers to accountability for CSA crimes in a majority of jurisdictions in Latin America. The Vance Center, an international organization that provides pro bono legal representation to human rights bodies, has been assisting the Task Force with verifying the information in the report and is working with local counsel in these countries to verify or correct our review. Thanks to the Vance Center, we have been able to be confident regarding our conclusions.

This Report includes 19 countries all located in Central and South America: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay, and Venezuela. The research and reports of the Task Force are currently focused on abolishing criminal SOLs.

Consistent with this initiative, the Global Task Force also seeks to foster transnational cooperation to provide a global, coordinated, and strategic response to the urgent problem of child sexual abuse and the criminal SOLs that enable perpetrators to escape conviction.

For each of the sexual crimes committed against minors, the Global Task Force identified the provisions of the criminal code<sup>3</sup> or code of criminal procedure that allow for tolling of the SOL. Indeed, some national criminal systems will toll the running of a limitations period until the victim reaches the age of majority which varies from country to country but is typically between 18 and 23 years old. For example, in Paraguay the SOL does not begin to run until the victim reaches the age of 18. By comparison, in Argentina the SOL is tolled until the first time a victim files a complaint as an adult or ratifies a complaint filed on their behalf as a minor by his or her legal guardians.<sup>22</sup> Apart from the countries which have abolished criminal SOLs, and thus where tolling is no longer relevant, Cuba and the Dominican Republic are the only two countries in this report which have not established that the limitations period for CSA offences is tolled at least until the victim reaches the age of majority. This means that the limitation period in these countries starts running from the date of the offense, severely limiting the ability of victims to access the criminal justice system.

In addition to the various tolling statutes, there is also significant variation in the length of the criminal SOLs across countries. Three countries—Chile, Mexico, and El Salvador—have achieved the best practice standard and abolished the SOLs for all CSA crimes. This is in sharp contrast to Bolivia where the SOL for rape is age 30. After their 30th birthday, a victim in Bolivia will find themselves unable to access the criminal justice system and their perpetrator convicted.<sup>23</sup>

Without significant reform, the perpetrators of these heinous crimes will continue to benefit from the short criminal SOLs as their crimes will go unpunished. The Task Force and its global partners continue to push for the abolition of SOLs which for too long have allowed perpetrators to operate with impunity. It is imperative that lawmakers in these countries take action and finally abolish all criminal and civil SOLs for all CSA crimes.

<sup>3</sup> In most countries in Latin America, the limitation period for criminal offences is regulated by their Criminal Codes. In a minority of countries, like the Dominican Republic, it is established through their Codes of Criminal Procedure. In this report we clarify where the limitations period for child sex abuse offences can be found—either in the Criminal Code or Code of Criminal Procedure—for each country.



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## II. CRIMINAL STATUTES OF LIMITATION FOR CHILD SEX ABUSE BY COUNTRY AS OF DECEMBER 2022

Latin American countries have enacted a patchwork of complicated criminal SOLs, tolling mechanisms, and theories of liability relating to prosecuting CSA crimes. As discussed above, some countries' criminal SOLs are governed by a Vatican Concordat. This section presents an in-depth review of the criminal SOLs for CSA crimes for the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela. For the most recent updates for these countries, check out the 2023 SOL Tracker at <https://childusa.org/international-law/>.

### ARGENTINA

GRADE:



#### CURRENT CRIMINAL SOLs

RAPE	12 years from when the victim presses charges as an adult
STATUTORY RAPE OF A CHILD UNDER 13 YEARS OLD	12 years from when the victim presses charges as an adult
NON-PENETRATIVE SEXUAL ABUSE	6 years from when the victim presses charges as an adult
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	12 years from when the victim presses charges as an adult
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	6 years from when the victim presses charges as an adult
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	3 years from when the victim presses charges as an adult
CHILD CORRUPTION	10 years from when the victim presses charges as an adult
SEXUAL HARASSMENT	N/A
CHILD TRAFFICKING	12 years from when the victim presses charges as an adult
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	No
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	Yes
CONCORDAT	Yes

**SUMMARY:** The SOLs for rape, statutory rape, commercial sexual exploitation of children, and child trafficking are twelve years from when the victim presses charges as an adult. The SOL for child corruption is ten years from when the victim presses charges as an adult. The SOLs for sexual abuse and production of child sex abuse material are six years from when the victim presses charges as an adult. The SOL for exhibition of pornography to a child is 3 years from when the victim presses charges as an adult.<sup>24</sup>

**TOLLING:** The SOL is tolled until the victim presses charges as an adult for all CSA crimes.<sup>25</sup> Otherwise there is no tolling.

**CONCORDAT:** There is a Concordat present, but it has no direct involvement in judicial proceedings against sexual crimes involving minors.<sup>26</sup>

# BOLIVIA

GRADE:



CURRENT	CRIMINAL	SOLs
RAPE	Age 30	
STATUTORY RAPE OF A CHILD UNDER 14 YEARS OLD	Age 30	
NON-PENETRATIVE SEXUAL ABUSE	Age 30	
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	Age 30	
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	Age 30	
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	N/A	
CHILD CORRUPTION	Age 30	
SEXUAL HARASSMENT	Age 30	
CHILD TRAFFICKING	Age 30	
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	Yes, SOLs are tolled until victim reaches age 22	
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No	
CONCORDAT	No	

**SUMMARY:** The SOLs for rape, statutory rape, sexual abuse, commercial sexual exploitation of children, production of child sex abuse material, child corruption, sexual harassment and child trafficking are age thirty.<sup>27</sup>

**TOLLING:** If the victim is under eighteen years of age then the SOL is tolled until they reach age twenty-two.

**CONCORDAT:** There is no Concordat present.

# BRAZIL

GRADE:



## CURRENT CRIMINAL SOLs

RAPE	Age 34
STATUTORY RAPE OF A CHILD UNDER 14 YEARS OLD	Age 38
NON-PENETRATIVE SEXUAL ABUSE	Age 30
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	Age 34
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	Age 30
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	N/A
CORRUPTION OF MINORS	Age 30
SEXUAL INTERCOURSE/ LEWD ACT IN FRONT OF A CHILD	Age 26
SEXUAL HARASSMENT	Age 22
CHILD TRAFFICKING	Age 34
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	Yes
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No
CONCORDAT	Yes, with direct effect

**SUMMARY:** The SOL for statutory rape is age 38. The SOLs for rape, commercial sexual exploitation of a child, and child trafficking are age 34. The SOLs for sexual abuse, production of child sex abuse material, and corruption of minors are age 30. The SOL for sexual intercourse/lewd act in front of a child is age twenty-six. The SOL for sexual harassment is age twenty-two.<sup>28</sup>

**TOLLING:** The SOL is tolled until the victim reaches the age of majority.

**CONCORDAT:** There is a Concordat present with direct effect. The Concordat makes it impossible to sue the Church for the damage they cause, since this Concordat states that clergy are not employees of the Church.<sup>29</sup> (Art. 16.1)

# CHILE

GRADE:



## CURRENT CRIMINAL SOLs

RAPE	No SOL
STATUTORY RAPE OF A CHILD UNDER 14 YEARS OLD	No SOL
NON-PENETRATIVE SEXUAL ABUSE	No SOL
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	No SOL
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	No SOL
CHILD CORRUPTION	No SOL
CHILD TRAFFICKING	No SOL
MISC. CRIMES	No SOL
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	N/A
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	N/A
CONCORDAT	No

**SUMMARY:** There are no SOLs for rape, statutory rape, sexual abuse, child corruption, commercial sexual exploitation of children (CSEC), production of child sex abuse material (CSAM), child trafficking, or miscellaneous crimes.<sup>30</sup>

**TOLLING:** There are no tolling theories that apply.

**CONCORDAT:** There is no Concordat present.

# COLOMBIA

GRADE:

**B**

## CURRENT CRIMINAL SOLs

RAPE	No SOL
STATUTORY RAPE OF A CHILD UNDER 14 YEARS OLD	No SOL
NON-PENETRATIVE SEXUAL ABUSE	No SOL
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	No SOL
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	No SOL
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	N/A
CHILD CORRUPTION	N/A
SEXUAL HARASSMENT	No SOL
CHILD TRAFFICKING	20 years from the commission of the crime
MISC. CRIMES	No SOL
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	No
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No
CONCORDAT	Yes

**SUMMARY:** There are no SOLs for rape, statutory rape, sexual abuse, commercial sexual exploitation of children, production of child sex abuse material, or sexual harassment. There is a twenty-year limitation period from the commission of the crime for child trafficking.<sup>31</sup>

**TOLLING:** There are no tolling theories that apply

**CONCORDAT:** There is a concordat present with direct effect on the criminal SOLs. In the event of criminal suits against clergy and other religious persons, in the first instance jurisdiction shall fall to Senior Judges or whoever stands in for them, without recourse to a jury, and in second instance to the High Courts. Judgements will not be publicized.<sup>32</sup>

# COSTA RICA

GRADE:



CURRENT	CRIMINAL	SOLs
RAPE	Age 43	
STATUTORY RAPE	Age 43	
NON-PENETRATIVE SEXUAL ABUSE	Age 43	
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	Age 43	
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	Age 43	
CHILD CORRUPTION	Age 43	
CHILD TRAFFICKING	Age 43	
POSSESSION OF CSEM	4 years from the commission of the crime	
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	Yes	
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No	
CONCORDAT	No	

**SUMMARY:** The SOLs for rape, statutory rape, sexual abuse, child corruption, commercial sexual exploitation of children, production of child sex abuse material, and child trafficking are age forty-three. The SOL for possession of child sexual exploitation materials is four years from the commission of the crime.<sup>33</sup>

**TOLLING:** The limitation period is tolled until the victim reaches the age of majority.

**CONCORDAT:** There is no Concordat present.

# CUBA

GRADE:



## CURRENT CRIMINAL SOLs

<b>RAPE</b>	15 years (25 if aggravated) from the commission of the crime
<b>STATUTORY RAPE OF A CHILD UNDER 12 YEARS</b>	25 years from the commission of the crime
<b>NON-PENETRATIVE SEXUAL ABUSE</b>	5 years (10 if aggravated) from the commission of the crime
<b>COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)</b>	25 years from the commission of the crime
<b>PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)</b>	25 years from the commission of the crime
<b>DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD</b>	10 years from the commission of the crime
<b>CHILD CORRUPTION</b>	10 years from the commission of the crime.
<b>SEXUAL HARASSMENT</b>	5 years from the commission of the crime
<b>CHILD TRAFFICKING</b>	25 years from the commission of the crime
<b>TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY</b>	No
<b>TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT</b>	No
<b>CONCORDAT</b>	No

**SUMMARY:** The SOLs for rape, statutory rape, commercial sexual exploitation of children, production of child sex abuse material, and child trafficking are twenty-five years from the commission of the crime. The SOLs for child corruption and exhibition of pornography to a child are ten years from the commission of the crime. The SOL for sexual harassment is five years from the commission of the crime. The SOL for sexual abuse is five years, ten if aggravated, from the commission of the crime.<sup>34</sup>

**TOLLING:** There are no tolling theories that apply.

**CONCORDAT:** There is no Concordat present.



# ECUADOR

GRADE:

**B**

## CURRENT CRIMINAL SOLs

RAPE	No SOL
STATUTORY RAPE OF A CHILD UNDER 14 YEARS OLD	No SOL
NON-PENETRATIVE SEXUAL ABUSE	No SOL
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	19 years from the commission of the crime
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	16 years from the commission of the crime
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	No SOL
CHILD CORRUPTION	No SOL
SEXUAL HARASSMENT	No SOL
CHILD TRAFFICKING	19 years from the commission of the crime
MISC. CRIMES	No SOL
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	No
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No
CONCORDAT	Yes

**SUMMARY:** There are no SOLs for rape, statutory rape, sexual abuse, exhibition of pornography to a child, child corruption, sexual harassment, online grooming, or using electronic methods to offer child exploitation. The SOLs for child trafficking and commercial sexual exploitation of children are nineteen years from the commission of the crime. The SOL for production of child sex abuse material is sixteen years from the commission of the crime.<sup>35</sup>

**TOLLING:** There are no tolling theories that apply

**CONCORDAT:** There is a concordat present with direct effect. All ecclesiastical cases are to be brought before the ecclesiastical tribunals. The same rule shall be observed in civil cases concerning ecclesiastics and in others regarding crimes included in the Penal Code of the Republic.<sup>36</sup>

# EL SALVADOR

GRADE:



## CURRENT CRIMINAL SOLs

RAPE	No SOL
STATUTORY RAPE OF A CHILD UNDER 15 YEARS OLD	No SOL
NON-PENETRATIVE SEXUAL ABUSE	No SOL
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	No SOL
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	No SOL
CHILD CORRUPTION	No SOL
CHILD TRAFFICKING	No SOL
MISC. CRIMES	No SOL
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	N/A
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	N/A
CONCORDAT	No

**SUMMARY:** There is no SOL for rape, statutory rape, sexual abuse, commercial exploitation/child trafficking, sexual exhibition, sexual exploitation, or miscellaneous crimes.<sup>37</sup>

**TOLLING:** There are no tolling theories that apply.

**CONCORDAT:** There is no Concordat present.

# GUATEMALA

GRADE:



## CURRENT CRIMINAL SOLs

RAPE	Age 42
STATUTORY RAPE OF A CHILD UNDER 14 YEARS	Age 42
NON-PENETRATIVE SEXUAL ABUSE	Age 34
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	Age 31
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	Age 31
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	Age 24
SEXUAL EXHIBITIONISM IN FRONT OF A CHILD	Age 24
CORRUPTION OF MINORS	N/A
VIOLATION OF SEXUAL PRIVACY	Age 22
SEXUAL HARASSMENT	N/A
CHILD TRAFFICKING	Age 38
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	Yes
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No
CONCORDAT	No

**SUMMARY:** The SOLs for rape and statutory rape are age forty-two. The SOL for sexual abuse is age thirty-four. The SOLs for commercial sexual exploitation of a child and production of child sex abuse material are age thirty-one. The SOL for child trafficking is age thirty-eight. The SOLs for exhibition of pornography to a child and sexual exhibitionism in front of a child are age twenty-four. The SOL for violation of sexual privacy is age twenty-two.<sup>38</sup>

**TOLLING:** The limitation period is tolled until the victim reaches the age of majority.

**CONCORDAT:** There is no Concordat present.

# HONDURAS

GRADE:



## CURRENT CRIMINAL SOLs

RAPE	Age 33
STATUTORY RAPE OF A CHILD UNDER 14 YEARS	Age 38
NON-PENETRATIVE SEXUAL ABUSE	Age 28
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	Age 28
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	Age 28
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	Age 23
SEXUAL EXHIBITIONISM IN FRONT OF A CHILD	Age 23
SEXUAL HARASSMENT	Age 23
CHILD TRAFFICKING	No SOL
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	Yes
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No
CONCORDAT	No

**SUMMARY:** The SOL for rape is age thirty-three. The SOL for statutory rape is age thirty-eight. There is no SOL for child trafficking. The SOLs for sexual abuse, commercial sexual exploitation of children, and production of child sex abuse material are age twenty-eight. The SOLs for exhibition of pornography to a child and sexual harassment are age twenty-three.<sup>39</sup>

**TOLLING:** The SOL is tolled until the victim reaches the age of majority.

**CONCORDAT:** There is no Concordat present.

# MEXICO

GRADE:



CURRENT CRIMINAL SOLs	
RAPE OF CHILD UNDER 18YO	No SOL
NON-PENETRATIVE SEXUAL ABUSE CHILD UNDER 18YO	No SOL
COMMERCIAL SEXUAL EXPLOITATION OF A CHILD (CSEC)	No SOL
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	No SOL
CHILD CORRUPTION	No SOL
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO CHILDREN	No SOL
SEXUAL HARASSMENT	Age 19
CHILD TRAFFICKING	Age 28
ECONOMICALLY BENEFITTING FROM CSEC OR CSAM OF A CHILD	Age 40
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	Yes
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No
CONCORDAT	No

**SUMMARY:** There are no SOLs for rape and sexual abuse of child under 18 years old, for commercial sexual exploitation of a child (CSEC), for production of child sex abuse material (CSAM), for child corruption and for distributing pornography to a child. The SOL for child trafficking is age 28. The SOL for economically benefitting from CSEC or CSAM of a child trafficking victim is age 40. The SOL for sexual harassment is age 19.<sup>40</sup>

**TOLLING:** The SOL is tolled until the victim reaches the age of majority for the crimes that still have SOL.

**CONCORDAT:** There is no Concordat present.

**CLARIFICATION:** Mexico is a federal state. There are federal crimes regulated by the Mexican Congress and state crimes regulated by each of the 32 federal entities (31 states and the capital Mexico D.F). This report only describes the criminal SOLs for federal crimes. Even though some Mexican states like Oaxaca have abolished criminal SOLs most of them still have them. Therefore, there's wide agreement in the Mexican human rights community that the next step is to abolish criminal SOLs in all federal entities.

# NICARAGUA

GRADE:



## CURRENT CRIMINAL SOLs

RAPE	Age 33
STATUTORY RAPE OF A CHILD UNDER 14 YEARS	Age 38
NON-PENETRATIVE SEXUAL ABUSE	Age 28
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	Age 38
LIVING OFF EARNINGS OF COMMERCIAL CHILD SEX EXPLOITATION	Age 28
RODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	Age 28
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	N/A
SEXUAL HARASSMENT	Age 23
CHILD TRAFFICKING	Age 38
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	Yes
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No
CONCORDAT	No

**SUMMARY:** The SOL for rape is age thirty-three. The SOLs for statutory rape and child trafficking are age thirty-eight. The SOLs for sexual abuse, commercial sexual exploitation of children, living off the earnings of commercial child sex exploitation, and production of child sex abuse material are age twenty-eight. The SOL for sexual harassment is age twenty-three.<sup>41</sup>

**TOLLING:** The limitation period for child sex abuse offences is tolled until the victim reaches the age of majority.

**CONCORDAT:** There is no Concordat present.

# PANAMA

GRADE:



## CURRENT CRIMINAL SOLs

RAPE	Age 30
STATUTORY RAPE OF A CHILD UNDER 14 YEARS	Age 36
NON-PENETRATIVE SEXUAL ABUSE	Age 21
CHILD CORRUPTION	Age 28
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	Age 30
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	Age 33
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	Age 26
CHILD TRAFFICKING	15 years from the commission of the crime.
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	Yes
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No
CONCORDAT	No

**SUMMARY:** The SOLs for rape and commercial sexual exploitation of children are age thirty. The SOL for statutory rape is age thirty-six. The SOL for sexual abuse is age twenty-one. The SOL for exhibition of pornography to a child is age twenty-six. The SOL for child corruption is age twenty-eight. The SOL for sexual harassment is age twenty-two.<sup>42</sup> The SOL for child trafficking is fifteen years from the commission of the crime.

**TOLLING:** The SOL is tolled until the victim reaches the age of majority for most CSA offences except child trafficking.

**CONCORDAT:** There is no Concordat present.

# PARAGUAY

GRADE:



## CURRENT CRIMINAL SOLs

RAPE	Age 33
STATUTORY RAPE OF A CHILD UNDER 14 YEARS	12 years since victim presses charges as an adult
NON-PENETRATIVE SEXUAL ABUSE	Age 28
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	Age 24
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	Age 23
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	N/A
CHILD CORRUPTION	N/A
SEXUAL EXHIBITIONISM IN FRONT OF A CHILD	Age 21
SEXUAL HARASSMENT	Age 21
CHILD TRAFFICKING	Age 26
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	Yes
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	Yes. For the offence of statutory rape and sexual abuse of a child under 14 years.
CONCORDAT	No

**SUMMARY:** The SOL for rape is age thirty-three. The SOL for sexual abuse is age twenty-eight. The SOL for child trafficking is age twenty-six. The SOL for commercial sexual exploitation of children is age twenty-four. The SOL for production of child sex abuse material is age twenty-three. The SOL for sexual harassment is age twenty- one.<sup>43</sup>

**TOLLING:** For the offences of statutory rape and sexual abuse of a child under fourteen years, the SOL is tolled until the victim presses charges as an adult. For other child sex offences, the SOL is tolled until the victim reaches the age of majority.

**CONCORDAT:** There is no Concordat present.



# PERU

GRADE:

**B**

## CURRENT CRIMINAL SOLs

RAPE	No SOL
STATUTORY RAPE OF A CHILD UNDER 14 YEARS OLD	No SOL
NON-PENETRATIVE SEXUAL ABUSE	No SOL
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	No SOL
ECONOMIC BENEFIT FROM THE SEXUAL EXPLOITATION OF CHILDREN AND ADOLESCENTS	15 years from the commission of the crime.
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	No SOL
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	N/A
CHILD CORRUPTION	No SOL
SEXUAL HARASSMENT	No SOL
CHILD TRAFFICKING	No SOL
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	N/A
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	N/A
CONCORDAT	Yes

**SUMMARY:** There is no SOL for rape, statutory rape, sexual abuse, commercial sexual exploitation of children, production of child sex abuse material, child corruption, sexual harassment or child trafficking. The SOLs for receiving the economic benefit from the sexual exploitation of children and adolescents are fifteen years from the commission of the crime.<sup>44</sup>

**TOLLING:** There are no tolling theories that apply

**CONCORDAT:** There is a Concordat present. There is no direct consequence on the Peruvian criminal procedure.<sup>45</sup>

# DOMINICAN REPUBLIC

GRADE:



## CURRENT CRIMINAL SOLs

<b>RAPE</b>	10 years from the commission of the crime
<b>STATUTORY RAPE</b>	N/A
<b>NON-PENETRATIVE SEXUAL ABUSE</b>	5 years from the commission of the crime
<b>COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)</b>	10 years from the commission of the crime
<b>PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)</b>	4 years from the commission of the crime
<b>SEXUAL EXHIBITIONISM IN FRONT OF A CHILD</b>	3 years from the commission of the crime
<b>CHILD CORRUPTION</b>	N/A
<b>SEXUAL HARASSMENT</b>	3 years from the commission of the crime
<b>CHILD TRAFFICKING</b>	10 years from the commission of the crime
<b>TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY</b>	No
<b>TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT</b>	No
<b>CONCORDAT</b>	Yes, with direct effect

**SUMMARY:** The SOLs for rape, commercial sexual exploitation of children, and child trafficking are ten years from the commission of the crime. The SOL for sexual abuse is five years from the commission of the crime. The SOL for production of child sex abuse material is four years from the commission of the crime. The SOLs for sexual exhibitionism and sexual harassment are three years from the commission of the crime.<sup>45</sup>

**TOLLING:** There are no tolling theories that apply.

**CONCORDAT:** There is a Concordat present with direct effect. Clergy members are entitled to separate criminal proceedings and facilities for investigation and detainment.

# URUGUAY

GRADE:



## CURRENT CRIMINAL SOLs

<b>RAPE</b>	15 years from when the victim presses charges as an adult
<b>STATUTORY RAPE OF A CHILD UNDER 15 YEARS</b>	15 years from when the victim presses charges as an adult
<b>NON-PENETRATIVE SEXUAL ABUSE</b>	15 years from when the victim presses charges as an adult
<b>COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)</b>	15 years from when the victim presses charges as an adult
<b>PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)</b>	10 years from when the victim presses charges as an adult
<b>DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD</b>	N/A
<b>CHILD CORRUPTION</b>	10 years from when the victim presses charges as an adult
<b>SEXUAL HARASSMENT</b>	N/A
<b>CHILD TRAFFICKING</b>	15 years from when the victim presses charges as an adult
<b>TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY</b>	No
<b>TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT</b>	Yes
<b>CONCORDAT</b>	No

**SUMMARY:** The SOLs for rape, statutory rape, sexual abuse, commercial sexual exploitation of children, and child trafficking are fifteen years from when the victim presses charges as an adult. The SOLs for production of child sex abuse material and child corruption are ten years from when the victim presses charges as an adult.<sup>46</sup>

**TOLLING:** The SOL is tolled until the victim presses charges as an adult with the exception of domestic violence, forced prostitution, servile/forced marriage, sexual slavery, and online grooming.

**CONCORDAT:** There is no Concordat present.

# VENEZUELA

GRADE:



## CURRENT CRIMINAL SOLs

RAPE	Age 33
STATUTORY RAPE OF A CHILD UNDER 14 YEARS	Age 33
NON-PENETRATIVE SEXUAL ABUSE	Age 25
COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)	28 years
PRODUCTION OF CHILD SEX ABUSE MATERIAL (CSAM)	15 years from the commission of the crime
DISTRIBUTION OF PORNOGRAPHIC MATERIAL TO A CHILD	N/A
CHILD CORRUPTION	N/A
SEXUAL EXHIBITIONISM	1 year from the commission of the crime
SEXUAL HARASSMENT	7 years from the commission of the crime
CHILD TRAFFICKING	15 years from the commission of the crime.
TOLLED UNTIL VICTIM REACHES AGE OF MAJORITY	Yes. Only for certain crimes.
TOLLED TILL WHEN VICTIM PRESSES CHARGES AS AN ADULT	No
CONCORDAT	Yes

**SUMMARY:** The SOLs for rape and statutory rape are age thirty-three. The SOL for sexual abuse is age twenty-five. The SOL for commercial sexual exploitation of children is age twenty-eight. The SOLs for production of child sex abuse material and child trafficking are fifteen years from the commission of crime. The SOL for sexual harassment is seven years from the commission of the crime. The SOL for sexual exhibitionism is one year from the commission of the crime.<sup>47</sup>

**TOLLING:** A tolling rule for CSA offences has not been established by statute. According to ruling 14-0130, issued on 15th March 2017 by the Constitutional Chamber of the Supreme Court of Justice, the Court established the legally binding tolling rule (point 5th and 6th of its decision). The rule states that the criminal SOL is tolled until the victim reaches the age of majority or, in the event of the victim's death, the SOL begins to run from the date of death for the following crimes: sexual violence, recurring offence (sanctioned in article 43 of the Organic Law on the Right of Women to a Life Free of Violence (OLRWLFV)); carnal intercourse with victim who is especially vulnerable (art 58 - OLRWLFV); forced prostitution (art 60 OLRWLFV); sexual slavery (art 61 OLRWLFV); human trafficking of girls and adolescents (art 72 OLRWLFV); sexual exploitation, recurring offence, of boys and adolescent males (art 258 Organic law for the protection of boys, girls and adolescents – OLPBGA); and sexual abuse of boys and adolescent males, recurring offence, when the victim of these crimes is a minor child or adolescent (art 259, art 260 OLPBGA).

**CONCORDAT:** A Concordat is present, but there is no direct impact of this Concordat on the criminal prosecution of religious persons.<sup>48</sup>

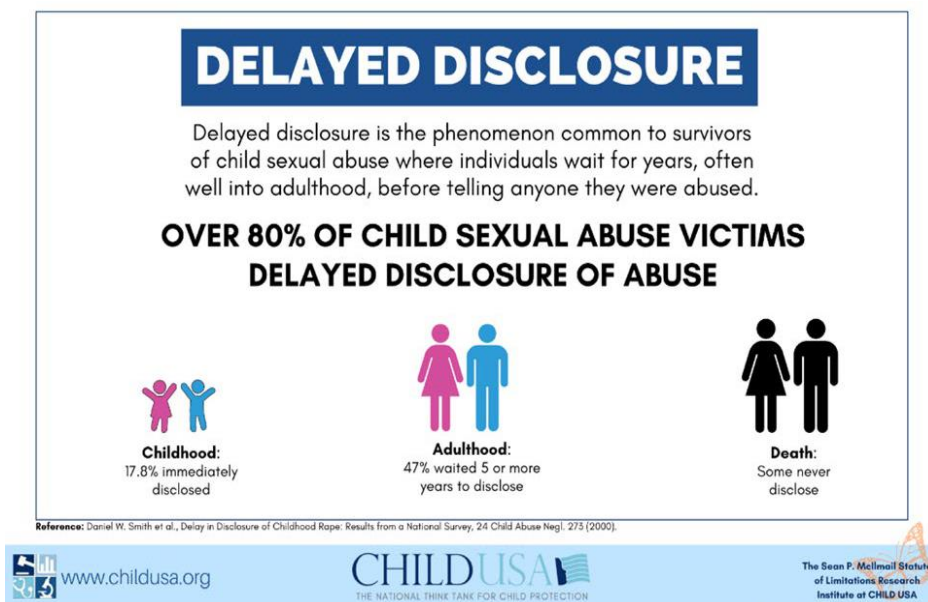
**CLARIFICATION:** In October 2021, Venezuelan lawmakers approved the law for the prevention and eradication of the sexual abuse committed against boys, girls and adolescents. Article 4.12 established as a guiding principle that all types of sexual abuse crimes committed against boys, girls, and adolescents would not be subject to a criminal SOL, but the Law did not modify Article 108 of the Venezuelan Criminal Code which contains the limitations period for most criminal offences. Other countries that have abolished their criminal SOLs for CSA crimes (i.e., Chile, El Salvador, Peru, Colombia, Ecuador) have done so by amendment to their respective criminal codes thereby providing stronger legal protections to victims. Thus, there are concerns that Venezuela's new rule may not be legally binding. It will be important to monitor how the new law is implemented by the courts to assess whether these concerns are warranted. Until then, using a conservative approach, Venezuela is still rated as having criminal SOLs.

**CLARIFICATION:** The regulation of child sex abuse offences in Venezuela is particularly confusing. Not only are these crimes listed under the special law portion of the Venezuelan Criminal Code, but also in another special law provision aimed at combatting violence against women and children, and organized crime. When these new special laws were passed, there was no formal derogation of similar CSA offences included in the Ven. Crim. Code. The result is that certain criminal conduct is penalized under two different sets of laws, thereby creating the appearance of a conflict of laws. Most of the sexual crimes included in the Ven. Crim. Code (Art. 374 to 384. Chapter I and II, Title VIII, Book II) have a special regulation under which the limitations period starts to run from the date of the commission of the crime (art 379 and 386 Ven. Crim. Code). By contrast, the CSA offenses are governed by the generic regulation of limitation periods (Art. 108 and 109 Ven. Crim. Code) which is significantly longer. Moreover, according to Venezuelan Constitutional Court jurisprudence, the limitations period is tolled until the victim reaches the age of majority for many of the crimes included among the new special criminal laws. The information provided in this report is based on the regulation of the limitations period established by the recent special laws passed to address violence against women and children as well as the Constitutional Court jurisprudence. This is consistent with an important principle by which civil law countries operate: when there's an apparent conflict of laws, new laws take precedence over old ones and special laws take precedence over generic ones.

### III. RANKINGS OF LATIN AMERICAN COUNTRIES BASED ON THEIR CRIMINAL STATUTES OF LIMITATION FOR CHILD SEX ABUSE CRIMES

This section looks at the state of the law in 2022 and ranks all 19 countries according to how far they have advanced toward the goal of abolition of criminal SOLs for CSA crimes and repealing Concordats that are currently enforced and have a direct effect on prosecution.

Criminal SOLs put a time limit on how long after the crime victims can press charges and the government can prosecute child sex crimes. Penalties include incarceration, fines, and restitution, as well as placement on a country's sex offender registry. Unfortunately, criminal prosecution of perpetrators is uncommon because victims rarely report their abuse to authorities. It is also a crime that occurs in secret—there are no witnesses and there is seldom any physical evidence. For the few victims who do wish to pursue criminal charges, many find that they are shut out of court by an expired SOL. Courts will apply the SOL that was in effect at the time the offense occurred. For countries in the region where the SOL runs from the date of the commission of the sexual offense, this means that a child who was raped at age seven might only have until their seventeenth birthday to come forward and press charges (assuming that the offense had a ten year limitations period). That expectation is wholly unreasonable especially in light of the social science research which shows that **80% of CSA victims delay disclosure by years, often decades**. Eliminating the criminal SOL enables victims to come forward when they are ready.



In countries that only recently eliminated or extended their criminal SOLs, there are still countless victims who do not have access to justice. Victims for whom the SOL expired before such an extension or elimination will never be able to prosecute their abusers because most countries forbid retroactively reviving a criminal SOL.<sup>4</sup>

The criminal rankings for each country are based on the age limit for victims to prosecute child sex abuse offences and whether the country has eliminated the SOL for some or all child sex abuse offences. The countries whose criminal SOLs rank the highest are those that have eliminated the SOL for all CSA criminal offences and do not have a Concordat—Chile, Mexico, and El Salvador. There are only 2 countries that have not yet eliminated the direct effect of Concordats and have severely short criminal SOLs. They are the worst countries for criminal SOLs—Brazil and the Dominican Republic. The graphic below illustrates the rankings of each country's criminal SOL for child sexual abuse crimes.

<sup>4</sup> In most countries in this region, it is unconstitutional to retroactively change a criminal law if it will have an unfavorable effect on the defendant, though it is often legal to do so if the change operates favorably on the defendant. For example, it is legal to retroactively reduce the custodial sentence for a crime such that a convicted person spends less time in prison, but it's unconstitutional to increase the penalty such that they spend more time incarcerated. There is a sophisticated legal debate whether this constitutional norm applies to limitations periods, which are generally considered "procedural laws" and not "substantive laws". Human rights activists argue that these behaviors were criminal at the time they were done, and so retroactive abolition of criminal SOLs is only changing procedure, namely the arbitrary time limit that the country establishes to prosecute a crime. Currently, no country in the region has retroactively abolished criminal SOLs although there is a strong movement by activists and legal scholars in the region encouraging governments to explore the feasibility of this legal reform, as it would allow the prosecution of historical child sex abuse cases.

LATIN AMERICA: CRIMINAL SOL RANKING:  
AS OF 11/1/22



LATIN AMERICA CRIMINAL STATUTES OF LIMITATION  
REPORT CARD



II. RANKINGS OF LATIN AMERICAN COUNTRIES BASED ON THEIR  
CRIMINAL STATUTES OF LIMITATION FOR CHILD SEX ABUSE CRIMES



LATIN AMERICA CRIMINAL STATUTES OF LIMITATION:  
GRADES A-B

COUNTRY	RAPE	STATUTORY RAPE	SEXUAL ABUSE	COMMERCIAL SEXUAL EXPLOITATION OF A CHILD	CHILD TRAFFICKING	CSAM	MISC. CRIMES	TOLLED UNTIL PRESS CHARGES AS AN ADULT	CONCORDAT
<b>CHILE</b>	No SOL	No SOL	No SOL	No SOL	No SOL	No SOL	No SOL	N/A	No
<b>EL SALVADOR</b>	No SOL	No SOL	No SOL	No SOL	No SOL	No SOL	No SOL	N/A	No
<b>MEXICO</b>	No SOL	No SOL	No SOL	No SOL	No SOL	No SOL	No SOL	N/A	No
<b>PERU</b>	No SOL	No SOL	No SOL	No SOL	No SOL	No SOL	15 years (Benefit from the sexual exploitation of children and adolescents)	N/A	Yes
<b>ECUADOR</b>	No SOL	No SOL	No SOL	19 years from crime	19 years from crime	16 years from crime	No SOL (e.g. online grooming, using electronic methods to offer child sexual exploitation, rape, sexual abuse...)	No	Yes
<b>COLOMBIA</b>	No SOL	No SOL	No SOL	No SOL	20 years from the commission of the crime	No SOL	No SOL	N/A	Yes



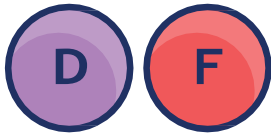
II. RANKINGS OF LATIN AMERICAN COUNTRIES BASED ON THEIR  
CRIMINAL STATUTES OF LIMITATION FOR CHILD SEX ABUSE CRIMES



**LATIN AMERICA CRIMINAL STATUTES OF LIMITATION:  
GRADE C**

COUNTRY	RAPE	STATUTORY RAPE	SEXUAL ABUSE	COMMERCIAL SEXUAL EXPLOITATION OF A CHILD	CHILD TRAFFICKING	SEXUAL EXPLOITATION/ CSAM	MISC. CRIMES	TOLLED UNTIL PRESS CHARGES AS AN ADULT	CONCORDAT
<b>BOLIVIA</b>	Age 30	Age 30	Age 30	Age 30	Age 30	Age 30	Age 30	No	No
<b>COSTA RICA</b>	Age 43	Age 43	Age 43	Age 43	Age 43	Age 43	Possession CSEM: 4 years	No	No
<b>CUBA</b>	15 years from crime	25 years from crime	5 years (10 years if aggravated) from crime	25 years from crime	25 years from crime	25 years from crime	N/A	No	No
<b>GUATEMALA</b>	Age 42	Age 42	Age 34	Age 31	Age 38	Age 31	Violation of sexual privacy: Age 22	No	No
<b>HONDURAS</b>	Age 33	Age 38	Age 28	Age 28	No SOL	Age 28	Age 26	No	No
<b>NICARAGUA</b>	Age 33	Age 38	Age 28	Age 38	Age 38	Age 28	Living earnings of commercial child sex exploitation: Age 28	No	No
<b>PANAMA</b>	Age 30	Age 36	Age 21	Age 30	15 years from crime	Age 33	Child corruption: Age 28; Sexual Harrassment: Age 22	No	No
<b>PARAGUAY</b>	Age 33	12 years from the victim pressing charges as an adult	Age 28	Age 24	Age 26	Age 23	Sexual Harrassment: Age 21	Yes	No
<b>URUGUAY</b>	15 years from the victim pressing charges as an adult	15 years from the victim pressing charges as an adult	15 years from the victim pressing charges as an adult	15 years from the victim pressing charges as an adult	15 years from the victim pressing charges as an adult	10 years from the victim pressing charges as an adult		Yes	No

II. RANKINGS OF LATIN AMERICAN COUNTRIES BASED ON THEIR  
CRIMINAL STATUTES OF LIMITATION FOR CHILD SEX ABUSE CRIMES



LATIN AMERICA CRIMINAL STATUTES OF LIMITATION: GRADES D-F

COUNTRY	RAPE	STATUTORY RAPE	SEXUAL ABUSE	COMMERCIAL SEXUAL EXPLOITATION OF A CHILD	CHILD TRAFFICKING	CSAM	MISC. CRIMES	TOLLED UNTIL PRESS CHARGES AS AN ADULT	CONCORDAT
VENEZUELA	Age 33	Age 33	Age 25	Age 28	15 years from the crime	15 years from the crime		No	Yes
ARGENTINA	12 years from the victim pressing charges as an adult	12 years from the victim pressing charges as an adult	6 years from the victim pressing charges as an adult	12 years from the victim pressing charges as an adult	12 years from the victim pressing charges as an adult	6 years from the victim pressing charges as an adult	Child corruption: 10 years from the victim pressing charges as an adult	Yes	Yes
BRAZIL	Age 34	Age 38	Age 30	Age 34	Age 34	Age 30	Sexual intercourse/ lewd act in front of a child: Age 26; Sexual harrassment: Age 22	No	Yes, with direct effect*
DOMINICAN REPUBLIC	10 years	N/A	5 years from crime	10 years from crime	10 years from crime	4 years from crime	Sexual harrassment: 3 years	No	Yes, with direct effect*

\* Agreements negotiated by the Holy See with the States that limit the ability of civil authorities to question, compel the production of documents, or prosecute people associated with the Catholic Church

## IV. CONCLUSION

SOL reform for CSA has been very active across the Latin American regions in the last twenty years. The movement has taken off thanks to the countless CSA victims who have come forward publicly with their stories of abuse and the ways in which criminal SOLs and church intervention have blocked their access to justice. Due to the combined forces of victim disclosures, lobbying efforts, and public pressure, several countries have already abolished CSA SOLs, and the movement is only growing stronger. If this trend continues, Latin America will be among some of the first global regions to completely abolish criminal SOLs for CSA offences.

## APPENDIX A: TIMELINE AND SUMMARY OF WIDELY PUBLICIZED CSA CASES IN THE REGION

**1987, MEXICO AND U.S.** Father Nicolas Aguilera abused over 120 children throughout his decade's long tenure with the church, enabled by Catholic officials and the criminal justice systems in the U.S. and Mexico. In 1987, Father Aguilar was attacked by a group of his victims from the dioceses of Puebla. The bishop at the time, Norberto Ribera, who later became the cardinal of Mexico D.F., reassigned Aguilera to a parish in Los Angeles where he went on to abuse at least another 26 children. Before he could be apprehended by criminal authorities, Los Angeles Cardinal, Roger Mahony, warned Aguilera of his impending arrest and Aguilera fled back to Mexico D.F. to work under the supervision of Cardinal Norberto Ribera. He continued his crime spree, moving to one of the poorest regions in Puebla where he abused over 60 vulnerable children. He was reported by human rights organizations to the criminal local courts, which, despite overwhelming evidence, only sentenced Aguilera to one year in prison. Two years after his release he was convicted again of CSA crimes and sentenced to two years in prison. Aguilera appealed and criminal courts delayed the proceedings for years until the charges were ultimately dropped. Despite his crimes, Aguilera never spent a single day in prison. Yet the Archdioceses of Los Angeles did have to pay significant compensation to his North American victims after the state of California passed a civil SOL revival window in 2003. Both Cardinal Rivera and Mahony were deposed as part of the civil lawsuits against them for their role in covering up abuse. In 2012, the Mexican Federal Congress amended its criminal code establishing that in CSA offences the criminal SOL is tolled until the victim reaches the age of majority.<sup>49</sup>

**2002, ARGENTINA.** Julio Grassi was a well-known, award-winning priest who started a foundation for children in need which assisted thousands of children throughout Argentina. In October 2002, a news station aired a journalistic investigation alleging that Grassi had sexually abused a teenager. Shortly thereafter, other victims came forward. He was tried criminally in 2008 and in 2009 was convicted and sentenced to 15 years in prison. Pope Francis, who was the archbishop of Buenos Aires at the time, became involved in the case even though he did not have a direct supervisory role over Grassi. He presided over the Argentinian Conference of Catholic Bishops and commissioned a law professor to write a four-volume alternative investigation of the facts, undermining the victims and alleging that Grassi had been the victim of a miscarriage of justice.<sup>50</sup>

**2004, BRAZIL.** After Joanna Maranhao took fifth place for Brazil in the 400 meters swimming competition at the 2004 Olympics, she became a national treasure. She was the first woman in more than five decades who had made it into any Olympic finals for Brazil. Four years later her performance significantly declined. After a journalist questioned her poor performance, she revealed that she was dealing with the effects of childhood sexual trauma. Maranhao had been abused by a former coach when she was just nine years old. She developed psychological scars which led to difficulties developing intimate relationships with men and a suicide attempt. By the time she went public with her story, the SOL had already expired. At that time, the SOL began to run from the date of the offense. Her former coach then sued the athlete and her mother for libel, slander, and defamation. With the goal of protecting children in the future she started a high-profile lobbying campaign to amend Brazil's archaic, predator friendly CSA criminal SOL. Her efforts were successful and in 2012 Brazil's lawmakers passed the "Joanna Maranhao Law" which suspended the criminal statute of limitations in CSA offences until the victim reaches the age of majority.<sup>51</sup>

**2006, COLOMBIA.** Efrain Rozo was well known for winning a gold medal in the Centro American Games as young man before leaving competitive sports and becoming a catholic priest. He was accused of sexually abusing a 13-year-old boy in the sixties while running a catholic seminary for young people in Bogota. He was the victim's spiritual confessor. After completing an internal investigation, Catholic Church officials relocated him to a parish in Los Angeles. While there he abused his own nephew, Ernesto Rozo. After the state of California passed its civil revival window both victims filed a lawsuit against Rozo and the Catholic institutions who covered up his crimes. During a videotaped deposition, Rozo confessed to his crimes. The news of his confession shocked Colombian society. In 2007, Colombian lawmakers amended the criminal code to establish that in CSA offences the running of the limitations period is tolled until the victim reaches the age of majority. There was a maximum 20-year limitation term so no CSA offence could be prosecuted after the victim turned 38 years old.<sup>52</sup>

**2012, ECUADOR.** In Ecuador, a series of cases documenting educational abuse led to systematic change. In 2012, a mother reported that her daughter had been sexually abused by her primary teacher, Jose Luis Negrete Arias, at the Pedro Traversari primary school in Quito. Police investigations uncovered a pattern of widespread abuse. The perpetrator was given a 16-year custodial offence for abusing 41 of his students. In 2015, four teachers were accused of committing acts of CSA and torture against dozens of their students at the public-school Aguirre Abad in Guayaquil. They eventually received long custodial sentences which ranged from 17 to 29 years. In 2017, a teacher at the Mushuk Pakari school in Quito was detained for allegedly abusing 84 children between 12 and 14 years of age. In 2020, Human Rights Watch published a report documenting the scale of sexual violence in Ecuadorian schools. It reported that since 2014, thousands of CSA offences had been committed against children and adolescents. Teachers, school staff, janitors, and school bus drivers had all committed sexual violence against children of all ages, including children with disabilities in private and public schools. The report highlighted the serious obstacles these young victims and their families faced when seeking justice including being blocked by expired criminal SOLs. It was not uncommon for school authorities to not follow child protection protocols or obstruct criminal investigations. According to UNICEF only 15% of child sex abuse offences were reported in the country. As a result of the grassroots activism of victims and their families, in February 2018 Ecuador was the first country in the world to approve a referendum to amend the Ecuadorian Constitution abolishing the criminal SOL for CSA offences. The amendment passed with more than 70% of the vote.<sup>53</sup>

**2012, ARGENTINA.** Sebastian Cuattromo attended a religious school in Buenos Aires in the 1980's where he was sexually abused by a Catholic priest. In 2012, his abuser received a 12-year custodial sentence. Shortly thereafter, Cuattromo launched a successful grassroots campaign to amend Argentina's criminal SOLs. In 2015 the "ley de respeto a los tiempos de las víctimas" was approved which tolls the criminal limitations period until the CSA victim is able to press charges in adulthood, but the amendment fell short of total abolition.<sup>54</sup>

**2015, EL SALVADOR.** In 2015, the Archdioceses of El Salvador announced that the priest Jesus Delgado had been suspended due to credible allegations of child sex abuse. Delgado was defrocked in 2016. He admitted to abusing the victim from the age of nine until she was seventeen years old. The victim was only able to report the case when she was in her early forties. He was the first catholic priest to be suspended of his functions and laicized in El Salvador. Although he admitted to the offences, he was not criminally prosecuted due to the statute of limitations. After public indignation, El Salvador became one of the first countries in the region to abolish criminal statute of limitations for child sex abuse offences in December 2015.<sup>55</sup>

**2016, ARGENTINA.** In 2016 police detained Father Nicola Corradi who managed the Provolo deaf and mute institute of Mendoza. He was the ringleader of a group of priests and employees who systematically sexually assaulted dozens of deaf and mute children under their care. He was convicted to forty-two years in prison in 2019. He was originally from Italy and had committed similar offences in the Provolo deaf and mute institute of Verona but was transferred by his religious superiors to Argentina. A pedophile ring at that institution systematically committed sexual offenses against deaf and mute children in the sixties, seventies and eighties. When Italian survivors went public with their stories the criminal SOL had run out so perpetrators could not be prosecuted. Survivors sent Pope Francis a list of credibly accused priests who had worked at the institution. They warned him that Corradi was in Argentina, in regular and direct contact with vulnerable children, but the Pope ignored their warnings. This new high-profile case brought the issue of criminal SOL again in the spotlight. As of December 2022, there is a proposal in Argentinian Congress to abolish criminal SOL in CSA offences.<sup>56</sup>

**2016, PERU.** Peruvian investigative journalists Pedro Salinas and Paola Ugaz published the book Half Monks Half Soldiers in 2016 uncovering decades of sexual, physical and psychological abuse at the orthodox catholic organization Sodalitium Christianae Vitae. The organization was a society of apostolic life founded in Peru in 1971 and formally recognized by the Vatican in 1997. As a result of their investigation, in 2018 Peru reformed its penal code to abolish criminal SOLs in most CSA and child trafficking offences.<sup>57</sup>

**2018, COSTA RICA.** Father Mauricio Vazquez, a high-profile spokesperson on family issues for the Catholic church, was investigated by Costa Rican law enforcement in 2018 after being accused of committing CSA offences. He initially fled to Mexico but was detained and extradited for trial. Although Vazquez was accused of abusing four children, he was only convicted of the crimes committed against his youngest victim and in 2022 was sentenced to 20 years for the aggravated rape of an 11-year-old. Archbishop Jose Rafael Quiros, who knew of his crimes since 2002 but did not report them to authorities, was sued civilly by the four adult survivors. In August 2022, a lower civil court ordered Quirós and the Costa Rican Conference of Bishops to pay for moral damages to the plaintiffs. Although they appealed the ruling, they reached an extrajudicial agreement in 2023. The victims of Father Vazquez also successfully lobbied Costa Rican lawmakers to pass “Ley de Derecho al Tiempo” in May 2019 which extended criminal SOLs for CSA from 10 to 25 years after reaching the age of majority. This gives CSA survivors until they are 42 years old to press criminal charges.<sup>58</sup>

**2019, CHILE.** In 2010, three Chilean survivors, Juan Carlos Cruz, James Hamilton, and Jose Andres Murillo, publicly accused Father Fernando Karadima of sexually abusing them when they were teenagers. Karadima was a well-known priest who ran the “el Bosque” parish which served Santiago de Chile’s wealthiest and most influential families. The victims were able to launch a successful civil action. In 2019, a Chilean appeals court ordered the Archdioceses of Santiago to pay 100 million pesos (146,000 dollars) to each victim for moral damages. Survivors, James Hamilton and psychotherapist and incest survivor Vinka Jackson successfully launched a decade long lobbying campaign to persuade the Chilean Congress to pass its ground-breaking “Derecho al Tiempo” law, which abolished criminal SOLs for most CSA crimes. Vinka Jackson later founded the Derecho al Tiempo Foundation which fights for CSA victims’ rights and is currently working on civil reparations.<sup>59</sup>

**2019, MEXICO.** In 2019, Ana Lucia Salazar accused a Legion of Christ priest, Fernando Martinez, of sexually abusing her while attending a religious school in the 1990s and she was nine years old. Salazar accused school officials of knowing about and failing to report to authorities’ multiple instances of abuse perpetrated by Father Martinez against female students and instead transferring him to another Mexican state. Salazar joined forces with Mexican senator and former presidential candidate Josefina Vázquez and in 2021 the Mexican Federal Senate approved a proposal that abolished the criminal SOL for CSA crimes. The law was approved in October 2023 after ratification by the Federal Chamber of Deputies of Mexico.<sup>60</sup>

**2019, COLOMBIA.** The journalist Pablo Barrientos published his investigative book “Dejad Que Los Niños Vengan a Mí” (“let children come close to me”) in which he documented widespread child sex abuse by Colombian catholic priests as well as the cover up by church officials and complicity by civil authorities. Three of the accused priests sued him in civil court to try to prevent the publication of the book. In 2022, Barrientos made a request under the right of petition law to the Archdioceses of Medellin asking them to turn over the secret canonical files wherein the church documented cases of CSA by predator clerics. When church officials refused the request, the Constitutional Court ordered the Archdioceses of Medellin to turn over the files. Barrientos educated the public and lawmakers about the facts of clergy sex abuse through his investigative journalism. As a result, in 2021, Colombian lawmakers passed the Colombian “ley de derecho al tiempo” which completely abolished criminal SOLs for CSA offences.<sup>61</sup>

**2023, BOLIVIA.** In April 2019, the daily El País published the personal diaries of a pedophile priest, Jesuit Alfonso Pedrajas, in which he confessed to abusing at least 85 children and adolescents throughout the seventies and eighties while working at Juan XIII, a prestigious Bolivian boarding school in the city of Cochabamba run by the local Jesuit order. In his diaries Pedrajas also recounts how he disclosed his crimes to his superiors several times over the years and how they assisted him in covering them up. Pedrajas’ nephew decided to publish the diaries after he had reported the case to the Jesuits and Spanish prosecutors who took no action to expose the crimes, reach out to victims, or punish Pedrajas’ enablers. Pedrajas died of cancer in 2009. The revelations caused a firestorm in Bolivian society. In response to the public outrage, the Bolivian government introduced Law 372, which, among other measures, completely abolished the criminal statute of limitations for child sex abuse offences and also created a “Truth Commission”.<sup>62</sup>

## APPENDIX B: GLOSSARY

### THE FOLLOWING TERMS APPEAR IN THIS REPORT.

1. **AGE OF MAJORITY:** The threshold of legal adulthood as recognized by law which varies from country to country but is typically between 18 and 23 years of age.
2. **CANNON LAW:** The system of laws and ecclesiastical legal principles made and enforced by the hierarchical authorities of the Catholic Church to regulate its internal organization and government and to order and direct the activities of Catholics toward the mission of the Church.
3. **CHILD SEXUAL ASSAULT (CSA):** Any sexual activity with a minor (like fondling, intercourse, exposing oneself, masturbating, obscene calls, messages, or digital contact, vaginal, anal, or oral sex, sex trafficking, producing, or possessing CSA material (CSAM), or any other harmful sexual conduct).
4. **CIVIL LAWSUIT:** A survivor of CSA may file a claim against an abuser, other individual, entity or the government to recover money damages or seek other remedies for abuse-related injuries.
5. **CONCORDAT:** An agreement between the Holy See and a sovereign state that defines the relationship between the Catholic Church and the state in matters that concern both. This is relevant to CSA SOLs because the agreement may prevent prosecution of alleged perpetrators by limiting the ability of civil authorities to question, compel the production of documentation or prosecute individuals associated with the Catholic Church.
6. **CONCORDAT WITH PRESENT EFFECT:** A Concordat that is enforced in the country. Currently, Brazil and the Dominican Republic are the only countries in the region to enforce the agreement. Colombia, Ecuador, Peru, and Venezuela have the agreements, but they are not enforced.
7. **CRIMINAL PROSECUTION:** The government may prosecute by filing criminal charges against a person or entity for their crimes relating to CSA. Punishment for criminals could involve jail time, fines, or restorative justice.
8. **DELAYED DISCLOSURE:** A common phenomenon among survivors of CSA whereby individuals wait to disclose their abuse often well into adulthood.
9. **INJURIES CAUSED BY CSA:** Injuries can include physical and mental health issues like STDs, depression, anxiety, PTSD, addiction, and difficulty participating in relationships, work, or community.
10. **STATUTE OF LIMITATIONS:** The SOL for CSA crimes is identified as either an age cap or a time limit. Like a civil age cap, a criminal age cap gives victims of CSA until a certain age to work with prosecutors to bring criminal charges. The SOL time limit is typically defined as giving victims a certain number of years after the crime occurs to initiate a prosecution.
11. **TOLLING THEORIES:** In some countries, the SOL “clock” does not start to run until a crime victim reaches the legal age of majority. This means that in a country with a time limit SOL of six years from the abuse, a victim may only have until they are 24 years-old to report their abuse and work with prosecutors to bring charges. In some countries in the region the SOL is also suspended until the victim presses charges as an adult or ratifies the report made by his or her legal guardians when he was a minor.
12. **RAPE:** Unlawful sexual intercourse or any other sexual penetration of the vagina, anus, or mouth of another person, with or without force, by a sex organ, other body part, or foreign object, without the consent of the person subjected to such penetration. Historically rape has been legally defined by the use of violence, threats or intimidation and it has tended to include a restricted range of behaviors (i.e., only the vaginal penetration of the vagina by a penis). Even though many jurisdictions still use this restrictive legal definition of rape, there is wide agreement amongst the human rights community that this policy choice is harmful, as the legal definition of the crime should be based only on the lack of consent and should criminalize a wide range of sexual behaviors that involve penetration.

- 13. STATUTORY RAPE:** In many jurisdictions, non-forced sexual relations between an adult and an individual who legally is not old enough to consent to the behavior. Therefore, in this criminal offence, unlike rape, it is not necessary to prove lack of consent, only that there has been sexual intercourse between the adult and the child below the age of consent. The laws about statutory rape are complex and diverse. Most address the age at which a minor can agree to sex (consent), the acceptable age difference for sexual relations between a minor and adult, and to what extent the adult is in position of authority (i.e., teacher, coach) over the child. Although these laws first arose over concerns of girls having sexual intercourse with men, the laws in many jurisdictions are now gender neutral. In many countries, a 14-year-old can legally give consent for sex with adults.
- 14. COMMERCIAL SEXUAL EXPLOITATION OF A CHILD (CSEC):** Refers to a range of crimes and activities involving the sexual abuse or exploitation by an adult with respect of a child or adolescent – female or male – under 18 years old which is accompanied by a payment in money or in kind (i.e., food, shelter, drugs) to the child or adolescent or to one or more third parties. Historically, this crime has been referred to as child prostitution. While this term is still widely used by the public and the media, the human rights community agrees that this label is harmful, as it falsely implies that a child can consent to the activity.
- 15. CHILD SEX ABUSE MATERIAL (CSAM):** Refers to any visual representation through publication, exhibition, cinematography, electronic means, or any other means whatsoever of a child, a person made to appear as a child, or realistic material representing a child, who is engaged in real or simulated explicit sexual activity, or any representation of the sexual parts of a child for primarily sexual purposes. Historically, this crime has been referred to as child prostitution. While this term is still widely used by the public and the media, the human rights community agrees that this label is harmful, as it falsely implies that a child can consent to the activity.
- 16. CHILD TRAFFICKING:** It is a form of human trafficking and is defined by the United Nations as “the recruitment, transportation, transfer, harboring, and/or receipt of a child for the purpose of exploitation”. Exploitation of a child may include: forced labor, slavery, or practices similar to slavery, servitude, the removal of organs, commercial sexual exploitation, the production of child sex abuse material, or illegal adoption.



## APPENDIX C: CRIMINAL SOLS IN LATIN AMERICA BY CATEGORY

### I) COUNTRIES WITH NO SOLS FOR MOST CHILD SEX OFFENCES:

**CHILE:** In 2007, Law 20207 established that the limitations period for CSA offences would be tolled until the victim reaches the age of majority. In 2019, Law 21.160 completely abolished the criminal statute of limitation for all sex crimes against children. Currently, article 94b of the Chilean Criminal Code establishes that there is no limitations period for crimes sanctioned in article 141, final paragraph, and 142, final paragraph, both in relation to the crime of rape (child abduction with the intent of committing a sex crime); articles 150 B and 150 E, both in relation to articles 361, 362 and 365 bis (torture/ inhumane and degrading treatment committed by a public servant which includes the commission of a sex crime); articles 361, 362, 363, 365 bis; 366, 366 bis, 366 quarter (crimes against the sexual freedom and integrity of children and adolescents); 366 quinquies (production of child sex abuse material), 367, 367 ter (commercial sexual exploitation of children); article 411 quarter in relation to sexual exploitation (child trafficking with the intent of committing sexual exploitation) and article 433 number 1, in relation to rape (aggravated robbery in conjunction with rape), when at the time of the perpetration of the act the victim was a minor.

**EL SALVADOR:** In November 2014, El Salvador approved Decree no 824, a special law against human trafficking. Article 62 of the new law established that there is no criminal statute of limitations for human trafficking crimes included in its chapter XI, that are committed against both adults and children. In December 2015, El Salvador approved Decree no. 217-2015. Article 2 modified the last paragraph of article 32 of the criminal code eliminating the statute of limitations for initiating a criminal action in crimes against sexual freedom (art 158 to 174.b. Title IV. Book II) committed against a child or an incapacitated person.

**COLOMBIA:** In 2007, Colombia approved Law 1154. It established that in crimes against freedom, integrity, and sexual formation (Title IV. Book II Colombian Criminal Code) or the crime of incest (article 237), committed against minors, the limitation period to initiate the criminal action would run out twenty years after the victim reached the age of majority. In 2021, Colombia approved Law 2081. It amended the third paragraph of article 83 of the Colombian Criminal Code establishing that in the case of crimes against freedom, integrity, and sexual formation (art 205 to 219. Title IV, Book II), incest (art 237), or aggravated homicide (article 103) of the Colombian Criminal Code, committed against boys, girls, and adolescents, there would be no criminal statute of limitations. Law 2081/2021 was declared constitutional by the Colombian Constitutional Court in its ruling C-422/21. There is a twenty-year statute of limitations that begins to run from the date of the commission of the crime for child trafficking (art 83 and 188C Col. Crim. Code).

**ECUADOR:** In 2018, Ecuador amended art 16.4 of its criminal code following the introduction of art 46.4 in its Constitution which was approved in a referendum. It established that in crimes against sexual and reproductive integrity (art 164 to 174. Chapter II, Section IV, Title IV) of children and adolescents there is no criminal statute of limitations. The crimes of commercial sexual exploitation of children (art 100 Ec. Crim. Code); production, distribution, and possession of child sex abuse material (art 103 Ec. Crim. Code), and child trafficking (art 99 Ec. Crim. Code) continue to have limitation periods. For these crimes, the limitation period is not tolled until the victim reaches the age of majority and starts to run from the date the crime is committed. The limitations period is equal to the maximum sentence of deprivation of liberty established in the criminal type (art 417 Ec. Crim. Code).

**MEXICO:** Mexican lawmakers amended the criminal federal code twice, once in 2010 and again in 2012, introducing article 107.bis, to establish that for most CSA offences (Crimes against the free development of personality. art 200 to 209. ter. Title VIII. Book II. Mec. Fed. Crim. Cod.; crimes against freedom and normal psychosexual development. art 259bis to 276.bis. Title XV. Book II. Mec. Fed. Crim. Cod; crimes included in the special criminal law to prevent and punish human trafficking) the statute of limitations is tolled until the victim reaches the age of majority. On October 18, 2023, a new law, “*Decree to reform and add various provisions to the Federal Criminal Code in matters of the elimination of the criminal limitation periods for the exercise of the criminal action and sanction in sexual crimes committed against children under eighteen years of age,*” went into effect. The Decree amended article 107 bis and article 205 bis of the Mexican Federal Criminal Code, establishing the abolition of criminal SOLs for the crimes punishable under articles 200, 2001 (corruption of minors), 2023 (production of child sex abuse material), 203, 203 bis (sexual tourism with minors), 204 (child commercial sexual exploitation), 209 bis (pederasty), 261, 262, and 266 (sexual abuse and rape of children). For other violent crimes against children, the SOL is suspended until the victim reaches the age of majority. According to art 105 Mex. Fed. Crim. Cod., the statute of limitation for the criminal action shall expire in a period equal to the arithmetic mean of the custodial range (the maximum penalty added to the minimum penalty and divided by two) established by law for the crime in question, but in no case shall be less than three years.

**PERU:** In 2018, Peru passed Law 30838: “Law that amends the criminal code and the criminal procedure code to strengthen the prevention and punishment of crimes against sexual liberty and indemnity.” Art 2 of Law N° 30838 modified Art 88-A Peruvian Penal Code. It abolished the statute of limitations both for the penalty and to initiate criminal proceedings in the crimes described in art 153, 153-A, 153-B y 153-C and in chapters IX, X and XI of Title IV of Book II of the Peruvian Penal Code. These articles cover sexual crimes (articles 170 to 183. Chapter IX and XI of Title IV. Book II), human trafficking (153, 153-A, 153-B y 153-C) as well as commercial sexual exploitation (Chapter X of Title IV). The abolition of the criminal statutes of limitation for these crimes will benefit both children and adult victims.

## II) COUNTRIES WITH SOLS FOR MOST CHILD SEX OFFENCES:

### 1) COUNTRIES IN WHICH THE LIMITATIONS PERIOD IS TOLLED UNTIL THE VICTIM PRESSES CHARGES AS AN ADULT:

**ARGENTINA:** In 2011, Argentina passed Piazza’s law which suspends the statute of limitation in child sex abuse offences until the victim reaches the age of majority. In 2015, Argentina approved Law 27.206 which amended article 67 of the Argentinian Federal Code criminal code and established that for the crimes set forth in articles 119, 120, 125, 125 bis, 128, 129—in fine—, 130—second and third paragraphs— (child sex abuse offences), and 145 bis and 145 ter (child trafficking offences) of the Penal Code, the statute of limitations is suspended while the victim is a minor of age and until, having reached the age of majority, they formulate the complaint themselves or ratify the one formulated by their legal representatives during their minority. According to art 62 Arg. Fed. Crim. Code, the maximum limitations period is fifteen years for crimes punishable by life in prison. For other crimes punishable by a custodial sentence, the limitations period is equal to the maximum duration of the custodial sentence indicated for the crime but there is a maximum limitations period of twelve years and a minimum limitations period of two years.

**URUGUAY:** In 2019, Law 19580 was passed. Article 78 of this law modified art 119 of the Uruguayan criminal code. For sexual crimes against children, the statute of limitation is tolled (suspended) until the victim reached the age of majority and is able to press criminal charges or ratify the criminal charges that were presented by his or her legal representatives when they were a minor. It includes crimes punishable under articles 272 (rape), 272 bis (sexual abuse), 272 ter (aggravated sexual abuse), 273 (sexual assault), 273 bis and 274 (corruption of minors) and crimes punished in Law 17815 (Law against the production, commerce, diffusion of pornographic material using children). According to art. 117 Uru. Crim. Cod. the maximum limitation period for child sex offences is fifteen years and the minimum limitations period is ten years.

**PARAGUAY:** In 2008, Paraguay passed Law 3440. It modified art 103 Paraguay Penal Code, introducing its numeral 2 and establishing that the criminal statute of limitation for most sex crimes against children (those covered from art 128 to 140 Par. Crim. Cod.) is tolled until the victim reaches age of majority. According to article 102 Par. Crim. Cod., the maximum limitations period for a criminal offence is fifteen years. Therefore, a victim cannot press charges after he/she turns 33 years old. In 2020, Paraguay passed Law 6535. It modified art 103 Paraguay Penal Code, introducing numeral 3 and established that the limitations period for statutory rape and sexual abuse of a child under 14 years old is tolled until the victim presses charges as an adult.

### 2) COUNTRIES IN WHICH THE LIMITATION PERIOD IS TOLLED UNTIL THE VICTIM REACHES THE AGE OF MAJORITY:

**COSTA RICA:** In 2007, Costa Rica approved Law 8590/2007 to strengthen the fight against child sexual exploitation. It amended art 31 of Costa Rica’s Criminal Procedure Code amending paragraph a), establishing that in sex crimes against children the limitations period is tolled until the victim reached the age of majority. In 2019, Costa Rica approved Law 9685/2019. It only had one article that amended article 31 of Costa Rica’s Criminal Procedure code adding paragraph c). The limitation period for sexual crimes (Book II. Title III. articles 156 to 175 septies Costa Rican Criminal Code) committed against children expires 25 years after the victim has reached the age of majority. The prior limitations period was only ten years from the age of majority. Therefore, under the new law no child sex abuse offence can be prosecuted after the victim has turned 43 years old.

**PANAMA:** In 2008, Panama approved Law 63/2008, its new Criminal Procedure Code. Art 119 of the new Pan. Crim. Proc. Cod. establishing that in crimes against freedom and sexual integrity, pursuant to Title III (articles 174 to 192) of Book II of the Criminal Code, the limitations period will begin to run from the date on which the victim reaches the age of majority. This reform did not include the crime of child trafficking, which is included in Title V, Chapter II (article 207 and 208), Book II of the Criminal Code. Therefore, in child trafficking offences, the limitations period begins to run from the date the offence is committed. According to art 116 Pan. Crim. Proc. Cod., the limitation period is equal to the maximum prison sentence corresponding to the alleged crime. In CSA offences the maximum limitations period is twenty years. Thus, no victim can press charges after he/ she has turned 38 years old.

**NICARAGUA:** In 2007, Nicaragua approved Law 641, a new Criminal Code that derogated the previous version, Law 297, which was approved in April 1974. The new criminal code introduced a new article 132. III which established that the statute of limitation for crimes against the freedom and sexual integrity of a child or adolescent (Articles 167 to 182. Chapter II. Title II. Book II) is tolled until the victim reaches the age of majority. The maximum limitations period for child sex abuse offences is twenty years. Thus, no victim can press charges after he/she has turned 38 years old.

**HONDURAS:** In 2018, Honduras approved Decree no 130/2017, the new Criminal Code, which derogated Decree no 144/1983, the previous criminal code. It significantly modified the criminal statute of limitations for violent crimes against children. Article 116 of the new criminal code established, for the first time, that there would be no criminal statute of limitation for the crimes of human trafficking and sexual exploitation of minors under eighteen years of age. Article 110 of the new criminal code established, for the first time, that the criminal statute of limitation is tolled until the victim reaches the age of majority for crimes against the sexual freedom or indemnity (art 249 to 269. Title IX. Book II), when the victim is a minor under eighteen years of age. The maximum limitation period for child sex abuse offences is twenty years. Thus, no victim can press charges after he/she has turned 38 years old.

**BOLIVIA:** In May 2019, Bolivia approved Law 1173. *Law of criminal procedural abbreviation and strengthening in the comprehensive fight against the violence suffered by girls, boys, adolescents, and women.* Article 2 of this law modified article 30 of the Bolivian Criminal Procedural Code and established that when a victim of a crime against sexual freedom (art 308 to 325. Title XI. Book II) is a child under 18 years old, the limitations period is suspended until the victim turns 22 years old. According to article 29 of the Bolivian Criminal Procedural Code, the maximum limitations period for a criminal offence is 8 years. Thus, no victim can press charges after he/ she has turned 30 years old.

**BRAZIL:** In 2012, the Brazilian Congress approved Law 12650/2012. This law had only one article that modified Art 111 of the Brazilian Penal Code. For sex crimes against children included in the Criminal Code (art 213 to 234. Title VI. Book II) or special legislation (criminal Law 11.829 which criminalizes child sex abuse material offences) the criminal statute of limitations was suspended (tolled) until the victim turned 18 years old, unless criminal action had already started at an earlier date. In 2022, the Brazilian Congress approved Law 14344/2022. Article 31 of this law modified art 111 of the Brazilian Penal Code which also established that the limitations period is tolled until the victim turned 18 years old for violent crimes against children and adolescents. According to art 109 Braz. Crim. Cod., the maximum possible limitations period is twenty years. Thus, no victim can press charges after he/ she has turned 38 years old.

**GUATEMALA:** In 2009, Guatemala approved Decree no 9-2009. *Law against sexual violence, exploitation and human trafficking.* Article 21 of the new law added paragraph 5 to article 107 of the Guatemalan Criminal Code. For sexual crimes (both against children and adults) established in chapter I and II of Title III (articles 173 to 187) of the Criminal Code, the limitations period is double the time of the maximum criminal penalty for that crime. For other CSA offences, the criminal statute of limitation is the maximum criminal penalty increased by one third. Article 22 of the new law added paragraph 6 to article 108. For crimes (not only sexual crimes) committed against children, the criminal statute of limitation starts running from the date the victim reaches the age of majority. The maximum limitations period is 20 years. Thus, no victim can press charges after they have reached age 38.

**VENEZUELA:** By ruling 14-0130 issued on 15th March 2017 by the Constitutional Chamber of the Supreme Court of Justice, the Court established the legally binding rule (point 5th and 6th of its decision) that in the crimes of: sexual violence, recurring offence, sanctioned in article 43 of the Organic Law on the Right of Women to a Life Free of Violence (OLRWLFV); carnal intercourse with victim who is especially vulnerable (art 58 - OLRWLFV); forced prostitution (art 60 OLRWLFV); sexual slavery (art 61 OLRWLFV); human trafficking or girls and adolescents (art 72 OLRWLFV), sexual exploitation, recurring offence, of boys and adolescent males (art 258 Organic law for the protection of boys, girls and adolescents – OLPBGA); sexual abuse of boys and adolescent males, recurring offence (art 259, art 260 OLPBGA), when the victim of these crimes is a minor child or adolescent, the criminal statute of limitation is suspended until the victim reaches the age of majority. In the event of a death of the minor victim, the criminal statute of limitation will begin to run from the date of death.

In 2021, the Law for the prevention and eradication of the sexual abuse committed against boys, girls, and adolescents was approved by the Venezuelan state. Article 4.12 established, as a guiding principle of the new law, that all types of sexual abuse crimes committed against boys, girls, and adolescents would not have a criminal statute of limitations, though the Law did not modify article 108 of the Venezuelan Criminal Code, which codifies the criminal statute of limitations for all offenses making it unclear if it is legally binding.

The legal landscape in Venezuela is particularly confusing as similar child sex abuse offences are criminalized under different provisions (Criminal Code, Organic Law on the Right of women to a Life free of violence, the Organic Law for the protection of boys, girls and adolescents, Organic Law against organized crime) which have established different criminal statute of limitations regulations. When the new special laws were passed, there was no formal derogation of similar CSA offences included in the Ven. Crim. Cod. Thus, similar behaviors are penalized under multiple provisions and laws, creating the appearance of a conflict of laws. Most of the sexual crimes included in Ven. Crim. Cod (Art. 374 to 384. Chapter I and II, Title VIII, Book II) have a special regulation of their limitation period which runs from the date of the offense (art 379 and 386 Ven. Crim. Cod). Yet the CSA offences included in the special criminal laws are governed by the generic regulation of limitations periods established by art 108 and 109 Ven. Crim. Cod. which are significantly longer. Moreover, according to the jurisprudence of the Venezuelan Constitutional court for many of the crimes included in the special criminal laws the running of the limitations period is suspended until the victim reaches the age of majority. The information provided in this report is based on the regulation of the limitations period established by the recent special criminal laws passed by the Government to fight violence against women and children as well as the Constitutional Court jurisprudence. This decision reflects an important principle of civil law countries: when there's an apparent conflict of laws, new laws take precedence over old ones and special laws take precedence over generic ones.

### 3) COUNTRIES WITH NO TOLLING THEORIES. THE LIMITATION PERIOD STARTS RUNNING FROM THE DATE OF COMMISSION OF THE OFFENSE.

**DOMINICAN REPUBLIC:** The Dominican Republic is one of two countries in this report that has not modified its criminal law to expand the criminal statute of limitations for sex crimes against children since 2002. There is also no tolling rule, so the limitations period begins to run from the date the crime is committed. It is not suspended until the victim reaches the age of majority as in most countries in the region. Article 45 of its Code of Criminal Procedure establishes that the minimum limitations period for CSA offences is three years, and the maximum limitations period is ten years.

**CUBA:** Cuba is one of two countries in this report that has not modified its criminal law to expand the criminal statute of limitations for sex crimes against children since 2002. There is no tolling rule, so the limitations period begins to run from the date the crime is committed. It is not suspended until the victim reaches the age of majority as in most countries in the region. According to article 64 of the Cuban Criminal Code, the maximum limitations period for a child sex abuse offence is twenty-five years from the date of the commission of the crime.

## APPENDIX D: ENDNOTES

1. CHILD USA defines “child sexual abuse” (CSA) as any sexual activity with a minor (like fondling, intercourse, exposing oneself, masturbating, obscene calls, messages, or digital contact, vaginal, anal, or oral sex, sex trafficking, producing, or possessing CSA material (CSAM), or any other harmful sexual conduct).
2. A statute of limitations is a law that sets the amount of time after a person is abused that: (1) the person can file a civil lawsuit for their injury, or (2) the government can criminally prosecute an abuser and others for their crimes.
3. A statute of limitations is a law that sets the amount of time after a person is abused that: (1) the person can file a civil lawsuit for their injury, or (2) the government can criminally prosecute an abuser and others for their crimes.
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"Legislador del MAS asegura que la ley 372 de imprescriptibilidad será tratada tras el receso legislativo"

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