“Clergy abuse has different faces”: Adalberto Mendez of Ending Clergy Abuse on shifting norms, normalizing conversations, and pursuing litigation strategies to end abuse.

Lissa Harris
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Lissa Harris: Can you please start by introducing yourself and your organization, and talking about the problem you are tackling and how are you going about that?

Adalberto Mendez: My name is Alberto Mendez. I am a human rights lawyer and also a corporate lawyer. I dedicate myself to two different matters in the legal field. My specialization is business and human rights law and ESG [environmental, social, and governance] and international strategic litigation.

In 2018 I became a founding member of Ending Clergy Abuse (ECA), which is the first worldwide organization which, it's promoting to make accounts about the Church for all the sexual abuse and violence abuses committed by clergy around the world. In 2020, I was appointed a member of the global board of directors. Since 2018 till now, I am the legal coordinator of Ending Clergy Abuse.

We're implementing this coordination from our organization, which is the Inter-American Center for the Development of International Law and Human Rights (known by its acronym in Spanish,

CIFODIDH), which is a regional organization located in Mexico, Costa Rica, and Colombia. We've been working in Latin America and Spain since 2017 on different human rights projects.

I finished my time as a member of the board of directors in Ending Clergy Abuse in January of this year, and now I'm in charge of all the global litigation of Ending Clergy Abuse, with the technical assistance from our organization, CIFODIDH, which coordinates the legal actions globally and regionally.

Lissa Harris: What would you say your main audience is? Who are you speaking to mainly and how do you do that?

Adalberto Mendez: That is a complex question because we have too many audiences, but our survivors are the main audience. I have discovered that the press and also academia has been interested in our litigations and in our research, because our work or specifically my work is divided into two scopes: the litigation area, which is what we are doing from ECA, and the research area that we are doing inside of our center.

In our center, CIFODIDH, we have been developing research for a couple of years about institutional abuse, that it's another option when you are talking about clergy abuse. What we have discovered is that when you are talking about the Church, things get complicated. People don't want to talk about it. Even if you are a religious person, you can be seen as this kind of heretic because you are going against religion.

We start thinking in our center, CIFODIDH, that maybe ECA could improve its work if we have a different narrative. So if we start talking about institutional abuse instead of clergy abuse, the narrative becomes more attractive. We had a test of this last year in The Hague. We presented our findings in our ongoing research on institutional abuse in The Hague, and the response was very interesting.

We [expand the] audience when we talk about institutional abuse and clergy abuse as one of these forms of institutional abuse, instead of just reducing the discourse to clergy abuse. If we talk solely about clergy abuse, our audience is our survivors, but specifically survivors of the Church and also some NGOs. I say some NGOs because a lot of NGOs are funded by religious organizations ,so there are NGOs that don't want to talk about this because they can lose funding.

My organization, CIFODIDH, lost funding when we started with this topic, and now we are trying to determine how to bring more funding because we think it's a fair cause. We need to be here.

We are a multidisciplinary group of professionals, but when you are talking about this topic, not all the people want to fund you. So that's something that we discovered on this track.

The second audience is the press, which has been interested in this work. I have been giving interviews to different media around the world, like global media like Al Jazeera, and also to local press in Switzerland, Spain, in France, in Mexico, in Bolivia, in different parts of the United States. I receive interview requests all the time because there are not many lawyers trying to push this kind of litigation.

The third audience is a smaller audience because people may not understand what we are doing and maybe that's something we need to consider. It's academia and legal professionals, but they are probably the smaller ones. Academia because we're challenging an international figure, which is the special status under international law that the Holy See has in the United Nations and in international law.

Nobody has challenged this. We're trying to challenge this in many different ways. We had a good step in 2020 when we experienced success in the Inter-American Commission on Human Rights with the first thematic hearing related to how the States in the region were covering up clergy sexual abuse in the Americas. That was one of our most important precedents. After that, a lot of people from universities and also the legal field have been interested about how we design this thematic hearing.

Now that we are pushing for a huge litigation, we're determining whether the best venue might be in the International Criminal Court or maybe through the United Nations, where we have been pushing since 2018. Scholars, academics, and legal professionals have been asking about how we are dealing with that.

Lissa Harris: As a reporter, it doesn't surprise me that you have intense press interest because there are very few trustworthy avenues for information on this.

Adalberto Mendez: The press has become our first ally, because when we start talking with reporters that are truly interested in this issue, they give us a lot of support. So that's something that we appreciate as an organization.

Lissa Harris: **Just to clarify, when you say the church, because you referred to the church a few times, you mean the Catholic Church specifically, right?**

Adalberto Mendez: Yes.

Lissa Harris: You work on other clergy issues as well, or other religious institution issues as well?

Adalberto Mendez: When we founded ECA in 2018, that was one of the main points of discussion. If we are going to talk about clerical abuse, a huge thing, is it at any kind of religious organization, or do we need to focus on just one? I thought we needed to be broader. We need to talk about all the abuses committed by religious organizations.

But ECA decided to focus on the Catholic Church for one reason, because there are too many cases just in the Catholic Church. If we start talking about abuse in all the religious organizations, we will never finish. If we don't focus on just the Catholic Church, it would be impossible to talk about Buddhism, or Islam, or other religious organizations.

That is why in our organization, CIFODIDH, we started talking about institutional abuse, because this is a broader topic or point of view about this phenomenon. We discovered that this phenomenon of abuse not only happens in religious organizations, it happens in companies, in football clubs, in schools, in a lot of organizations, even in NGOs. What we are studying in our research is how the abuse in these power structures is being configured. Clergy abuse is one, but you have other issues.

For example, every time people ask me how I define institutional abuse, I always explain it with one example: NXIVM. [NXIVM was the name of a now-defunct company started in 1998 by Keith Raniere, a convicted racketeer and sex offender. The company claimed to offer human potential development seminars, but in reality served as a front organization for criminal activity.] NXIVM is the perfect case of institutional abuse because they used corporate structure with a scheme of religious ideology. Raniere was a kind of religious leader, but he was acting as a CEO. That's the perfect example of how institutional abuse should be understood to have effective actions against them.

Lissa Harris: What do you think makes your approach unique and distinct from other people working in the same space? What makes you different?

Adalberto Mendez: Our first difference is that we are working on something that nobody wants to do. In my family, for example, they know that I was fighting against the Church. One of my aunts stopped talking to me for three months. It was like, "No, why are you doing this to the Church?" So it is easy to fight against the state, but it's not easy to fight against the Church.

Now, every time I give a conference or a speech about this, I start saying let's take God out of this discussion, because we're talking about people committing crimes. That's something I need to say all the time, because it's not easy.

Even the biggest NGOs around the world don't want to talk about this. I have had disappointing experiences with huge NGOs. The famous ones that when you talked about the Church, they said, "Oh yeah, well this is a very big problem, but it's not in our pipeline, sorry." And I said, "Well, the thing is that it's not in your pipeline because you receive funding from organizations or foundations that are from the church."

That's a big difference. You will never find anyone more independent than us, because our funding is limited, because our cause is really hard. I've even been rejected as a professor. I've been a professional since I was 24, and I'm 37. In one of the huge universities in Mexico, which is run by the Legion of Christ, they told me, "Oh, you are the lawyer who is fighting against the Vatican. You cannot teach here." So if you are working in this field, you really need to be convinced about what you are doing.

In my case, I'm not a victim; I'm not a survivor. I am not even close to the Church. I was invited as a coincidence. They had a hearing in Geneva in the Children Rights Committee in 2018. The leading counsel was appointed as a government officer, a position they didn't have [was someone] who can lead the audience. They invited me just for that position, and they liked my work. After I started to learn the cases and know the evidence, I had to work on them. If you close your eyes to this abuse, you are not human. You cannot walk away. It's something that you need to stay to confront.

At some point, the difference is that even people who do not have a personal experience with clergy abuse or even sexual abuse, which is my case, you get involved because it's something that you need to do. If you are there, you realize these people, the abusers, are lying. Their victims don't have the power that the Church has in all the world. Many times, the victims commit suicide or they start using drugs because they have depression, because nobody believes them or nobody wants to help them, because people are afraid to help them.

That is the difference because you will never find somebody more independent in our world than us. Because we don't have money, we don't have a good reputation, and what we are doing is not socially acceptable, so the people who are religious or support the Church say, "They are the sons of the devil." Even the Pope said some things like that. The people who were fighting against the Church were like people closely related with the devil. These kinds of issues, it's not

like saving dolphins. Saving dolphins is cool. People like to save dolphins, but people don't like to fight against the Church.

Lissa Harris: Is there an example that you have that you like that illustrates the impact or the difference of the work that you do? What did you do that was effective? Do you have a story about that?

Adalberto Mendez: Yes. When we started pushing these cases in 2018, we were doing mobilizations in Rome, and we were doing press conferences in Rome, Switzerland, Mexico, and in different places around the world. At the beginning, the Church started rejecting us, and it's okay because we were pointing at them [and accusing them of institutional abuse]. In a regional issue, you need to open a dialogue with the people who are accusing you of being negligent.

Last year, something interesting happened. Hans Zollner is a German priest appointed by the Pope to run the pontifical commission of children that the Vatican created years ago. He resigned, saying that he was not seeing any advancement or significant impact from the work of the commission. He was stepping aside because he didn't want to be part of that. It was a brave action from somebody inside the Church.

This guy, after five years of our attempts to reach him, called us, and we had a meeting with Hans Zollner in Rome last year. This year, the board went to a second meeting with Hans Zollner, and after six years, he finally listened to one of our proposals.

I put that proposal on the table three years ago, and I said, "If the Church wants to say that they are committed to change, they need to do material actions." They have banks, foundations, NGOs, and schools. They are a huge corporate group.

I said something three years ago, and finally they listened to us. I said, "They need compliance standards. They don't have any kind of compliance standards," because I'm also a corporate lawyer. This year, the board said, "Well, our legal coordinator proposed this three years ago." And the Church says, "Well, that makes sense." When they say that makes sense, it seems that something is happening. Something is happening because people are demanding more compliance standards for the Church.

The second issue is at least now, for years, the Vatican used to be seen as the good person. The Pope always is the first in humanitarian causes. Now I think that our cause and our movement allows people to question that the Pope is not God. That the Pope is just a guy who is running a political organization.

My best example is John Paul II. All the people love him. If you go to St. Peter's Square, you will see he's the only Pope who is in the main room. He's even a saint. But he did the most to cover the huge sexual abuses in the Church. That's something we have been promoting, and it's one of our first impacts. We have been giving information to people that the Church is not a saint organization. It's made of humans. They commit crimes, they commit mistakes, they commit whatever [they]want. That's something that I have seen that makes people start thinking, and because a lot of people comment, "What you are saying makes sense. You are giving an interesting point about it." So, those are my two examples.

Lissa Harris: Sometimes you learn just as much from things that don't work. Is there a good example of something that didn't work that has a good lesson in it?

Adalberto Mendez: Maybe my partners in Ending Clergy Abuse won't agree, but if I could rewind how we've been working, I would start doing more legal actions and research instead of going to the streets and shouting. I understand mobilizations need to be done. But if your mobilizations are not having results, you need to move forward and do things that could be more effective. I have learned mobilization doesn't work with the Church. You can be doing all the mobilizations you want, but the Church doesn't care.

However, when you start taking actions in the economic field, for example, what is happening in the U.S. is that they need to pay for all these kinds of issues, when accusing high officials and they are being questioned by law, by tribunals. I have detected that this is more effective than to go to the streets and shout.

I don't want to say that we don't need to do that, but that is not effective enough. The people, the press may take note, but the Church says, "Go and walk and shout all you want. I will be here for many years." But in the legal field, in the economic field, the changes will have an impact. We should be moving in this direction, instead of just going into the streets.

Lissa Harris: What are the big challenges that you're working to solve? What are the big barriers to effectiveness in your realm?

Adalberto Mendez: Well, funding is our first issue. The second one is to find people with professional backgrounds and not for this issue, because it's not just hiring a lawyer or a human rights activist. We need to find someone with experience in religious issues and in human rights issues, and also with corporate and civil law experience. We also need people who understand the canon law. When I started this, for example, I had never read anything related to canon law.

Now, I read it all the time, because it's how I can fight with individuals or institutions using their same arguments.

There is not a lot of knowledge about how to deal with this, because the Vatican has a special status under international law, and that's something that you don't learn in the law school. I needed to learn that in the field.

That's one of the main issues. You don't have a lot of experienced professionals in this field. You need to develop these kinds of skills in your people. Doing that without funding is the biggest problem, because the capacity building is insufficient without money.

Lissa Harris: Do you see working to shift cultural norms and society's view of these things as part of your work? If so, how do you do that?

Adalberto Mendez: Yes, that's something that we need to continue working on. Part of our findings globally is concordats are one of the main barriers, legally speaking. Concordats are the international instruments that make specific regulations for churches in different countries. The concordat is the tie between the church and the state. When you find countries like Panama or Costa Rica, where the official religion is Catholicism, things get complicated. That's the issue. People always complain about Islam, for example. Take a look in Latin America, where the constitution is the same. They have the same issue.

Spain is also clearly close to the Church, and what just happened with this report on the human rights ombudsperson in Spain, the Church was like, "What happened?" If Spain is the mother culture of Catholicism in Europe, it also deals with this kind of issue. Italy is the most difficult place to work on this topic because the religious factor is significant there, and the religious officials have close relationships with the politicians.

Part of what we're trying to do is change this cultural mindset to at least promote among people that the Vatican is a political institution. It's not the representative of God. That's the main argument. The second one is if the Vatican wants to deal with politics and with the economy and these kinds of issues, they need to be regulated as another state or as another company. They cannot be an exception. They should be treated equally before other states and other organizations. But people don't understand that. So, that's something that we need to change. The Vatican is not an exception. They need to be equal to everyone, with the same standards applied to them. That's the summary of our discussion.

Lissa Harris: Do you think it's like an extra layer of having these kinds of explicit relationships between governments, particularly the Catholic Church, or if it's equally a problem where the church has influence but no kind of official special status?

Adalberto Mendez: This demonstrates how their religion is close to their political power. The United States is the best example. I don't want to be offensive, but every time any U.S. president closes a speech, they say "God bless America."? You shouldn't be doing that. You are the state.

I know that constitutional law in the states says there is separation between church and state, but there is not. I can make a good comparison. For example, if you check the flag of the Dominican Republic, the emblem is an open book. There is a Bible in the flag of the Dominican Republic.

This happens all the time in the Dominican Republic and in the U.S. That's why our work is more than just holding the clergy accountable. We are making a bigger statement. Religion and the state need to be separate in the facts and in the law. In our fight, it's more than that. It's not only for the victims, it's for the rule of law. This separation is the issue.

Lissa Harris: Can you talk about the role of partnerships and coalitions in your work? Who are your partners and how do you maintain those relationships?

Adalberto Mendez: Ending Clergy Abuse works with other organizations. For example, in the states, they work with BishopAccountability.org, which is one of the most prominent organizations in the U.S. In Italy, they work with an Italian organization related to these issues. They work with our center, CIFODIDH, in Latin America for technical issues.

But one area where we have been failing is to organize survivors. There is not enough institutional capacity for survivors. When you are analyzing other social movements, people with disabilities, LGBT, migrants, they are really well-organized, and that's why they are achieving successful battles in different fields. That's something we are missing. Survivors don't have the capacity to unite or at least have a huge organization formally speaking for them.

That's one of our main challenges, to coordinate with other movements. Every movement has their own view because they have their own scars, their own pains. So, they are speaking from that hurt. We need to talk about the fact that we don't have enough organizations to address issues effectively.

The people who have been promoting important issues in sexual abuses or in the clergy sexual abuse field are experiencing independent successes. SNAP (Survivors Network of those Abused by Priests), for example, the organization founded by Barbara Blaine in the U.S., is the best example of what we need to do. They became a strong organization because they have good leadership. Barbara Blaine provided the best leadership in this cause in a long time. Today, I don't see an important leader in this cause. We need to start working on these as global causes and not just as domestic or local issues.

Survivors need to be the face of the movement. It shouldn't be me. I'm just a lawyer. I'm a tool for the movement, but there are people who should be the face. When people ask me, I always say, "I can tell you about legal issues and strategic issues, but if you want a political statement, that is not me. You need to talk with a survivor. They should be the speaking voice on this, and we need to work more on establishing this kind of leadership". We don't have enough leaders in the field in my opinion.

Lissa Harris: What are some other insights that could be taken from your work that other people could learn from in this field?

Adalberto Mendez: Our research of institutional abuse is something that I would like to share when we are done with that. That could be a game changer, because we're going to provide a new narrative, and we want to provide more insights for this movement.

The second one is our litigation strategies. We've been working on deep research about how to litigate internationally against the Church. That is the main value of our work: legal strategy that we have been developing under international human rights law.

The third one is academic research, the knowledge we have been learning from our experiences in Colombia, in Africa, and now in Asia. Because every time people think about clergy abuse, immediately they think about children. But there are other phenomena. There are not only children. However, children are the most important and the biggest phenomenon.

But you have, for example, nuns that have been systematically raped by priests or have been disappeared by the church. Also, you have a lot of violence against journalists, for example, in Peru. [The church] has been aggressive against journalists that have uncovered these kinds of abuses.

Clergy abuse has different faces. You have clergy abuse against nuns, that is a gender issue. You have sexual abuse of children. You have institutional abuse. You also have this kind of fraud

that the Church is doing. For example, in the U.S. religious organizations ask for Chapter 11 status, and they go to bankruptcy court. So when it's convenient for you, you are a corporation, but when not, you're a state. These issues are something we need to address.

If they are asking for Chapter 11, they should have the same rules and have insurance. If the Church is a risky institution, you need to pay more because you're negligent. If you want to be a corporation, every time you apply for insurance, you will need to pay more because you are not trustable at my risk; it's bigger if you are a Church.

That's the issue we need to start discussing. If your church has been negligent, you will not have any tax benefit because you are untrustworthy. In Spanish we say those are the fine points we need to be discussing. Not only the sexual abuse but go after the things that will hurt them: taxes, economy, insurance. At the end of the day, there are organizations and there are corporations. The best way to impact corporations is [with financial penalties].

Lissa Harris: Is there something that you think has the potential to make the biggest impact on the problem in the next five years? What's the biggest next development?

Adalberto Mendez: We need to make the Church accountable in some way. What is our main goal as lawyers? A resolution against the Vatican or a high official of the Vatican. If we get that, we will open the bridge. Because as it stands, all the time we are trying to do something, nothing happens. When we did this in the Inter-American commission, things moved. We need a strategic strike. Somebody to be sentenced to jail in some part of the world, whether it's a high official or a sentence of an international tribunal against the Vatican. That will open the path.

Lissa Harris: Somebody high enough that they can't just disavow them as not being important.

Adalberto Mendez: We have evidence about how it works. In 2014, two UN committees developed two recommendation against the Vatican, which was the Children Rights Committee and the Torture Committee of United Nations, and things moved. The United Nations accused the Vatican of abusing children and committing torture. So that was completely transforming for us.

In 2020, our thematic hearing in the Inter-American commission was the first time that the sexual abuse committed by clergy in the Americas was discussed by the Inter-American Commission on Human Rights. Things started moving again. We need a conviction, someone to be sentenced in an international tribunal. That's the next step.

Lissa Harris: What moves the needle? What would be a game changer?

Adalberto Mendez: That's something we need to work on more. For example, the believers. I don't know how to say it in English, but in Spanish it's “The people who go to the Church, the people who live in Church.” Under canon law, they have rights. One of those rights is to demand accountability.

There are people inside the Church that have been supporting us that say, "We believe in the Church, and because we believe in the Church, we believe in your cause, because we want a safe Church." That's a powerful tool that we are not working enough on achieving.

We should work on a movement inside of the Church requesting its transformation. That would be something helpful to the people who believe in the Church, and I said people who believe in the Church. They need to demand accountability and the transformation of the Church. That's something we need to work on.

Lissa Harris: Thank you.

Lissa Harris is a freelance reporter, science writer (MIT '08), and former local news entrepreneur based in upstate New York. She is currently working as a consultant on capacity-building and local solutions-oriented community projects in the rural Catskills.

***This conversation has been edited and condensed.*