

Auckland
31 August 2012

Dear

For some time I have felt it would be appropriate & necessary for me to write you a few lines on the matter of CSA (child sexual abuse), a topic which is being commented on by a substantial group of our friends in the Gospel. This letter is written only to workers in our NZ gospel fields. Please do not make copies of this letter nor divulge to others what I have written, without first consulting me. For many months, I have believed that it will become necessary for me before too long to give our fellowship friends some guidance on what steps to take regarding any case of CSA; but before doing this, I want to give this matter all the meditation and consultation it merits. Please feel free to let me know your mind on the matter or any point. I would appreciate that.

On August 4, I received a copy of an anonymous letter which has been written by unnamed but concerned persons, and which I believe has been circulated to most of you. The problem of CSA has caused a deep wound in our modern society, both in New Zealand and overseas, and there has been the occasional case of it in our fellowship in NZ. In the period of my 40 years in the gospel work, I have been made aware of some 11-12 cases of identified perpetrators of CSA amongst us (11-12 too many). Two of these cases are pending at the moment. Any CSA is a wicked and heinous sin, and has left long-term effects on some victims, such as nervous & psychological problems and difficulty in establishing & maintaining life-long marital relationships.

Many of our friends have not found it easy to accept that such offending would occur amongst us and a question has been raised in recent times: Why do such sins happen among a godly people? In answering this question, we have to be very careful to make sure we retain what one old servant of God described as "We've every respect for emotions God has created in Humans." There are certain legitimate feelings & emotions that God placed in human beings, to be fulfilled inside the marriage bond. What we are talking about on the matter of CSA are emotions & feelings which have become impure, unchaste, warped & corrupt. We can say that every CSA perpetrator in our fellowship who has given way to wrong impulses has ceased to be controlled by the Holy Spirit and consequently has become subject to evil impulses of human nature. Every person suffers in some way from the frailties of human nature. The only remedy is to repent (turn from sin to God) and be guided by the Holy Spirit at all times. Walter Frank used to say: "The soil has to be disciplined continually, otherwise the old nature takes hold."

I wish to discuss this matter today in a broad sense. Also, it seems that we need to consider the setting out of procedures relating to the handling of future CSA cases which may arise amongst us. In what follows, I am going to use the terms perpetrator and victim to indicate respectively the person who has caused the offence and the person who has suffered from an offence.

Background & related matters

1 Definition of CSA & paedophilia etc

A paedophile is a person who commits a sexual act with or is sexually attracted to a male or female child who has not yet reached puberty.

A hebephile is an adult who is sexually and emotionally attracted to adolescents (younger than 18 years).

All sexual acts with children represent indecent touching at the least - maybe the perpetrator assaults the victim by touching him/her indecently (classified by law as being indecent assault) or induces the victim to indecently touch the perpetrator. Often a serial perpetrator will groom the victim (takes a special, seemingly-kindly, interest in the victim, to promote trust) over a period of some months before committing the offence.

2 Laws or the land

Under the laws of New Zealand, 16 years of age is the minimum age at which a person can consent to a sexual act in which he/she has a part. Any such act performed on a person under that age is automatically deemed to be sexual violation. Various sections of the Crimes Act 1961 and its amendments list crimes & penalties for unlawful acts on children under 16 years of age and also specify non-consensual acts on persons over 16 years of age which are unlawful.

3 Scriptural references

To my knowledge, neither in the OT or in the NT is child sexual abuse specifically mentioned. However, in both Testaments, all sexual acts outside marriage are condemned as either adultery, whoredom or fornication, which would cover CSA, and all these sins were condemned strongly.

Under the Old Testament Law, it was usual that all acts contrary to that Law would be denounced publicly, and punishments could be severe. Leviticus 5v1 placed onerous responsibilities on those who witnessed or were made aware of wrong (A more modern version renders this verse : "If anyone sins because they do not speak up when they hear a public charge to testify regarding something they have seen or learned about, they will be held responsible."). However, from John 8 v1-11, we understand that the Lord Jesus felt uncomfortable with the public condemnation there was under the OT. Other verses of relevance in the New Testament are I Cor 5 v12-13, I Tim 5v20, I Peter 4 v15-18 and Jude v.18-23

4 Mandatory reporting of CSA in NZ & overseas

In some states of Australia and the USA, there exists a legal requirement called Mandatory Reporting, which means that any responsible person (such as a medical doctor or other health professional or a minister of religion etc) is required to let the Police know if they have reason to believe that a child is suffering from sexual abuse. A senior brother worker in the USA recently found himself in an awkward situation through being blamed for not reporting a case of CSA that he had been made aware of.

However, in New Zealand mandatory reporting is not yet a requirement. This matter was considered by our government 10 or more years ago, and they decided not to impose mandatory reporting. A reason given for this decision was that a victim often needs somebody to whom they can go for counselling, and may not seek such help if they know that the person to whom they confide their sorrow is obliged to report it to the authorities.

The current law in NZ is that, under Section 58 of the Evidence Act 2006, the following persons cannot be compelled to give evidence in a Court of Law relating to something which was told them: solicitors & barristers regarding confidences shared with them by their legal clients, ministers of religion relating to things confessed to them by a church member and medical practitioner relating to their patients.

Nevertheless, since March 19 of this year there has been in force in NZ the Crimes Amendment Act (No 3) of 2011 (2011 No 79). This Act makes criminally responsible any person living in a household who knows that a child in that household is at risk of suffering sexual assault or grievous bodily harm and fails to take reasonable steps to protect the victim from that risk.

5 Involvement of the Police and who should lay the complaint

We don't want to encourage our fellowship friends to be telling tales one against another, nor do we want them to become gossipers. In the OT, talebearers & slanderers were condemned in Exodus 23v1 & Leviticus 19v16. One definition of gossip is: "Revealing private information to those who are not part of the problem nor part of the solution." However, CSA is a most serious crime, and to report identified crime to the authorities isn't gossip or slander.

In former days, many of our workers & friends were reluctant to lay complaints to the Police against another member of our fellowship. Verses such as Genesis 9v25, Proverbs 17v9. Micah 7v19 and in 1st Corinthians 6 & I Peter 4v8 may have contributed to this. The consequence of this was that it had the effect of protecting or sheltering the perpetrator. The welfare of the victim and potential victims must be our first consideration. Nowadays, in this modern society in which we live, importance is given to warning potential victims and their carers of dangers and of the care that may be needed when in the company of persons who have criminal weaknesses. The histories of many CSA offenders show that they are very likely to re-offend, if found in a situation of temptation. We cannot be party to covering up. As well, in the NT, there are verses which indicate that wrong which is covered up will one day be brought to light on the Judgment Day or sooner (Luke 8v17 & 12v1-3; Rom 2v5-6 & v.16; Heb 4v13).

All in all, I believe it is very detrimental for our fellowship to cover up serious wrong & crime and thus shelter serious offenders. The laws of the land are there for a purpose and are just & equitable regarding such matters. The Police are well trained in sorting out guilt from wrongful accusation, and it's only right that any offender amongst us should have to account to the law of the land for an alleged act of CSA.

Who has the responsibility of reporting CSA? Either the victim or & close family member or carer of the victim has the primary responsibility to report a case of CSA, not a gospel worker who has been told about it 2nd or 3rd hand. However, we must never discourage victims from reporting CSA and should stand behind them in support when they do take the step of reporting. In recent times in Nth America, the responsible brother- workers have sadly felt it necessary to encourage the victim to report the offence to the authorities, when it was a brother worker who had committed the offence. A case of this type is one of the few types of CSA where I would feel that I myself, to guard the integrity of the ministry, would have a responsibility to go to the Police.

SUGGESTED PROCEDURES TO BE ADOPTED

Interviewing the victim

- 1 When a report of CSA is received, the parents or guardians of the child should be approached for confirmation of the allegation. When the victim is interviewed, it is most important that the parents of the child be present - for the best interests of the child, and so that there be two or three witnesses present when the allegations are heard (refer 2 Cor 13v1 & 1 Tim 5v19-20 & v24).
- 2 It is important that the child be believed - much damage to a child's future stability has been done when they think that adults don't believe what they say. It is unlikely that a small child will imagine things.
- 3 However, it is important that there be clear evidence of the misdemeanour, and the facts have to be established, by hearing it from the child's lips. The parents can help, by asking the child appropriate questions. Care needs to be taken not to put words in the child's mouth.
- 4 Probably about this stage, if the facts are clear, thought will have to be given to the matter of Police involvement. It can be explained to the parents that the laying of a complaint with the Police is a matter for them alone to decide with the child. They'll need to make a prayerful decision. It must be made clear to them that if they do lay a complaint, the Workers will not hold it against them, but will stand behind them.

Interviewing the perpetrator

- 1 At some stage, it will be necessary to interview the perpetrator, who has a right to hear himself the charges against him and to be heard and to put his side of the story. If the parents lay a complaint with the Police, it may be better for the Workers to see the perpetrator after the Police have interviewed him.
- 2 If the parents decide not to lay a complaint with the Police, then the Workers' interview with the perpetrator is delicate & important. The workers in the field will probably need to make the first interview alone with him. If he admits guilt, then no further people need to be involved with him, unless he wishes to make an apology to the parents or to them and the child.

3 If the perpetrator rejects the charges against him, then the Workers will need to have a meeting with him and the child's parents present. It would be very unfair on the child to expect him/her to face up to the perpetrator.

4 A decision will be necessary, based on the evidence of the perpetrator's guilt. If the evidence indicates guilt, then it will be necessary for him to have penalties imposed on his part in fellowship - if he be an elder, then he should permanently lose his eldership and any fellowship meeting in his home. It may be necessary that a guilty person be only allowed to take a silent part in fellowship for a period. I request that the matter be passed before me at this stage, as it's important that there be consistencies in penalties imposed.

5 If the offence has been handled through the Police, then it's probably best that fellowship penalties should not be imposed until prosecution charges have been laid by the Police. If the man is found not guilty in the Courts, then the penalties should cease.

6 As well, it could be wise to tell the perpetrator that it may be necessary to advise parents of children who are potentially at risk on a need-to-know basis only (e.g. families who attend the same fellowship meeting) that he has this weakness. An alternative could be considered of families with children being removed from such a meeting.

7 if the guilty person (may the Lord forbid such an offence) be a NZ gospel worker, then such offender must lose the place in the gospel ministry. Any such offence by a gospel worker is a great betrayal of the trust bestowed upon us as guests in the friends' homes.

General considerations

Eldership & Sunday a.m. meetings - At least since the days of Willie Hughes, it has been the usual practice for the elder brother worker in NZ to be consulted when appointing a new elder or placing a new Sunday a.m. meeting in a home. This has been done so that unsuitable men (such as men with CSA weaknesses) would not be appointed to responsible positions within the fellowship. Many situations have been confided to the elder brothers which, to respect confidentiality, were not communicated to the gospel workers in general.

At the New Zealand Workers' Meeting the year before last, I re-iterated what Nathan McCarthy counselled the brother workers at Masterton in Dec 1996. He advised them to be careful in the presence of children and to not enter a child's bedroom. Children who attempt to enter a Worker's bedroom should be gently ushered outside the room. Small children deserve affection, but Nathan's wise advice was not to take even a small child on a worker's knee or lap, except in the presence of a parent.

Now, in closing, I'll just repeat what I wrote at the commencement of this letter: "Please feel free to let me know your mind on the matter or any point. I would appreciate that."

Please accept best wishes in Christ, from this brother

[signed – Alan Richardson]