

TESTIGOS CRISTIANOS DE JEHOVÁ

Apartado postal 132 - 28850 TORREJÓN DE ARDOZ (Madrid)

DOMICILIO SOCIAL: Ctra. Torrejón a Ajalvir (M-108), km. 5 - 28864 AJALVIR (Madrid) • Teléfono: (+34) 918 879 700 • Fax: (+34) 918 879 702

October 1, 2012

TO ALL BODIES OF ELDERS

Re: Child abuse

Table of Contents

Legal concerns regarding accusations of child abuse	Pars. 3-7
Congregational concerns regarding accusations of child <i>sexual</i> abuse	Pars. 8-20
Helping victims of child sexual abuse	Par. 21
Restrictions and privileges	Pars. 22-24

Dear Brothers:

1. This letter updates the letters to all bodies of elders regarding child abuse dated November 10, 1995; March 14, 1997; October 5, 1998; June 5, 2006; and September 13, 2010. Those letters should be removed from the congregation permanent file of policy letters and be destroyed. *No one should keep originals or copies of any of those letters.*

2. Additionally, much fine direction has been included in the *Shepherding* textbook. Thus, elders should first consult the *Shepherding* textbook and review the Scriptural principles involved. They should thereafter study the additional points outlined in this letter. As you review this letter, please note that paragraphs 3-7 set forth **legal** concerns regarding accusations of child abuse. Paragraphs 8-20 set forth **congregational** concerns. This letter should be carefully consulted anytime a matter involving child abuse arises.

LEGAL CONCERNS REGARDING ACCUSATIONS OF CHILD ABUSE

3. **What is child abuse from a legal standpoint?** Under Spanish law, child sexual abuse (or sexual aggression, if violence or intimidation are involved) generally includes sexual intercourse with a minor (a person less than 18 years of age); oral or anal sex with a minor; fondling the genitals, breasts, or buttocks of a minor. However, if the minor is 13 years of age or above, and consents to such sexual acts, the law in Spain does not view the matter as an offence. No consent exists, however, if the minor is unconscious or mentally disabled. Likewise, the law stipulates that no consent exists if a minor who is 13 years old or above but under 16, is deceived into committing such sexual acts. While other acts, such as voyeurism of a minor, indecent exposure to a minor, soliciting a minor for sexual conduct, or any kind of involvement with child pornography, do not constitute child sexual abuse in Spain, such acts are offences against the sexual integrity of a minor. Depending on the circumstances of the case, it may also include “sexting” with a minor. “Sexting” describes the sending of nude photos, seminude photos, or sexually explicit text messages electronically, such as by phone.

4. In accord with current Spanish legislation, elders who handle an accusation of child abuse may have to report the matter to the authorities. Thus, when elders learn of an accusation of child abuse, two elders from their congregation should *immediately* call the Legal Department for instructions. If the individuals involved are in different congregations, each body of elders should arrange for two of their elders to call the Legal Department. A call should be made even when both persons involved in sexual misconduct are minors. The elders should *not* ask an alleged victim, the accused person, or relatives of the victim or accused to call the Legal Department. The elders should call the Legal Department even in the following situations:

- The alleged abuse occurred many years ago.
- The alleged abuse is based on the testimony of only one witness.
- The alleged abuse is believed to be a repressed memory.
- The alleged abuse involved perpetrators or victims who are deceased.
- The alleged abuse is believed to have already been reported to the authorities by someone.
- The alleged perpetrator or victim is no longer a member of the congregation.
- The alleged abuse occurred before the alleged perpetrator or victim was baptized.
- The alleged victim is now an adult.
- The alleged abuse occurred in the past, and you are not certain whether the elders involved at the time called the Legal Department for direction.

5. The Legal Department will provide you with legal advice based on the facts and the applicable law. If the individual who is accused of the child abuse is associated with a congregation, please provide the Legal Department with his date of birth and, if applicable, his date of baptism. After a report has been made to the Legal Department, depending on the need, the elders may be directed to contact the Service Department for assistance with questions regarding the theocratic or judicial aspects of the case or regarding how to protect children.

6. Two elders should also call the Legal Department regarding any prison inmate who has been accused of child abuse in the past and who is now associating with a congregation, such as by attending congregation meetings held in the prison. This would apply whether he is baptized or not. In some cases, elders may not be authorized to inquire of the offense that an inmate may have committed. But if the elders learn that the alleged offense has to do with child abuse, they should call the Legal Department immediately.

7. If the elders become aware of minors associated with a congregation “**sexting**” with other minors or of adults “sexting” with minors, the Legal Department should be called *immediately*. The Legal Department does not need to be called when elders receive reports of adults (that is, cases in which all parties involved are at least 18 years old) “sexting” one another.

CONGREGATIONAL CONCERNS REGARDING ACCUSATIONS OF CHILD SEXUAL ABUSE

8. **What is child molestation from a congregational standpoint?** *Webster’s Ninth New Collegiate Dictionary* defines “pedophilia” as “sexual perversion in which children are the preferred sexual object.” (See “Questions From Readers” in *The Watchtower* of February 1, 1997, page 29.) Deuteronomy 23:17, 18 condemns such practices as “detestable.” (See the footnotes to verses 17 and 18 in the *Reference Bible*. Also, see the footnote on page 10 of the October 8, 1993, issue of *Awake!*) In harmony with these references, we are herein discussing sexual perversion in which children are the object of sexual abuse, including fondling, by an adult. We are not discussing a situation wherein a minor who is a willing participant and who is approaching adulthood has sexual relations with an adult who is a few years older than the minor nor, generally speaking, are we discussing situations in which only minors are involved. Rather, we are referring to situations in which it is established that an adult brother or sister has been guilty of sexually abusing a young child or has been sexually involved with a minor who is approaching adulthood and who was not a willing participant.

9. As spiritual shepherds, elders should continue to make every effort to protect all in the congregation, especially children, from the unwholesome practices of the world. (Isa. 32:1, 2) One of these is child sexual abuse. We abhor the sexual abuse of children and will not protect any perpetrator of such repugnant acts from the consequences of his gross sin. (Rom. 12:9) Elders should take seriously their responsibility in this matter so that the congregations will be safeguarded from any valid accusation of neglect in protecting children from sexual abuse.

10. Regardless of whether the law requires the elders to report an accusation to the authorities, steps need to be taken to protect children. Elders should help the parents of the children involved to understand that they have the primary responsibility for protecting their children. Obviously, such parents will be keenly interested in taking precautions in this regard. Our publications contain helpful information on how parents can protect their children.—*w10* 11/1 p. 13; *w08* 10/1 p. 21; *g* 10/07 pp. 3-11; *lr* pp. 170-171; *g03* 2/8 p. 9; *g99* 4/8 pp. 9, 11; *g97* 4/8 p. 14; *w96* 12/1 pp. 13-14; *fy* pp. 61-62; *g93* 10/8 pp. 5-13.

11. In addition, the elders should investigate *every* allegation of child sexual abuse. When elders learn of an accusation, in addition to this letter, they should carefully review the direction outlined in the *Shepherding* textbook, chapter 12, paragraphs 18-21. However, in evaluating the evidence for internal congregational purposes, they must bear in mind the Bible's clear direction: "No single witness should rise up against a man respecting any error or any sin . . . At the mouth of two witnesses or at the mouth of three witnesses the matter should stand good." (Deut. 19:15) This requirement to consider testimony of two or three witnesses was confirmed by Jesus. (Matt. 18:16) Thus, although they investigate every allegation, the elders are not authorized by the Scriptures to take congregational action unless there is a confession or there are two credible witnesses. However, even though the elders are not authorized to take congregation action when there is only one witness, the elders should remain vigilant with regard to the conduct and activity of the accused. (See paragraph 12 of this letter.) If two persons are witnesses to separate incidents of the same kind of wrongdoing, their testimony can be deemed sufficient to take judicial action. (1 Tim. 5:19, 24, 25) If the person is not repentant over the gross sin, disfellowshipping action would be warranted. If the decision is to reprove, the reproof should be announced. (*ks10* chap. 7 par. 20, second bullet) This will serve as a protection for the congregation. Information concerning an individual accused of child molestation, proved or otherwise, should be placed in the congregation confidential file and marked "Do Not Destroy" and kept indefinitely. **Because of the delicate nature of handling a judicial case where an adult sexually abuses a child, please contact your circuit overseer.** He will designate an experienced elder from your circuit to serve as chairman of the judicial committee.

12. Loving elders should take steps to protect children, especially when a judicial committee determines that the one who has sexually abused a child is repentant and will be allowed to remain a member of the Christian congregation. The same concern would be shown when one who has sexually abused a child is disfellowshipped, later cleans up his life, and is reinstated. The elders should be especially mindful of the activity of any who are known to have sexually abused a child in the past. They should also ensure that newly-appointed elders are made aware of this caution. It would be appropriate for elders to talk kindly but very frankly to individuals who have manifested a weakness in this regard, strongly cautioning them to refrain from displaying affection for children, to avoid hugging or holding children on their lap, never to be alone with a child (other than their own), not to allow children to spend the night in their home, not to work alone in field service (hence, they should always be accompanied by another adult), and not to cultivate friendships with children. This not only serves to protect children but

will help to prevent those who have sexually abused a child from putting themselves in the way of temptation, being subjected to an unfounded accusation, or doing things that may cause concern to others in the congregation. (1 Cor. 10:12, 32) If the individual does not follow this direction from the elders, the elders should *immediately* call the Service Department for assistance.

13. **If the individual does not follow the above direction from the elders, or if the elders believe he may be a “predator,” the elders should immediately call the Service Department for assistance.** A “predator” is one who clearly lacks self-control and by his actions provides reason to believe he will continue to prey on children. Not every individual who has sexually abused a child in the past is considered a “predator.” **The branch office, not the local body of elders, determines whether an individual who has sexually abused children in the past will be considered a “predator.”** If the branch office determines that an individual will be considered a “predator,” parents with minor children will need to be warned of the danger that exists so that they can protect their children. In such a case, and **only after receiving direction and instructions from the Service Department**, two elders should be assigned to meet with the parents of minor children in order to provide a warning. At the same time that parents are warned about an individual, it would be appropriate for the elders to inform the individual that parents in the congregation will be discreetly informed.

14. What step should be taken when you learn of an adult who has been viewing **child pornography**? As stated in paragraph 4 of this letter, two elders should call the Legal Department. After receiving legal direction, the elders will be directed to contact the Service Department for theocratic direction.

15. **Who is considered a known child molester?** The January 1, 1997, *Watchtower* article “Let Us Abhor What Is Wicked” mentions on page 29 that a man “known to have been a child molester” does not qualify for privileges in the congregation. The expression “known to have been a child molester” has reference to how such a man is considered in the community and in the Christian congregation. In the eyes of the congregation, an adult “known” to be a former child molester is not “free from accusation” or “irreprehensible,” nor does he have “a fine testimony from people on the outside.” (1 Tim. 3:1-7, 10; 5:22; Titus 1:7) In view of his past, those in the community would not respect him and congregation members might be stumbled over his appointment. **Keep in mind that the branch office, not the local body of elders, determines whether one who has sexually abused a child is considered a known child molester.**

16. **When a known child molester moves to another congregation**, the elders should follow the procedure set forth in the *Shepherding* textbook, chapter 12, paragraph 20. If a known child molester is in prison and is transferred to another facility or is released, it is important to inform the appropriate congregation of his situation in writing, if it is possible to do so. This direction also applies when one considered a “predator,” as outlined in paragraph 13 of this letter, moves to another congregation.

17. From time to time, **local authorities may inform you** that a sex offender is living in your area. The notice usually provides the address of the individual and may state the nature of his criminal activity. In such a case, the elders should list that address on the appropriate territory card as a “Do Not Call.” Thereafter, two elders can periodically make calls on that address. Following this direction will assist you in protecting the flock.

18. **Sexual misconduct involving only minors:** What steps should elders take when minors (persons less than 18 years of age) engage in sexual misconduct with one another? As stated in paragraph 4 of this letter, two elders should call the Legal Department even when both persons are minors. Minors who have sexual contact with one another are generally not considered as child molesters by the congregation. However, regardless of the ages of those involved, such misconduct is serious. Elders should be alert to render assistance and to protect children. The body of elders should also arrange for the minor(s) to receive assistance in the presence of their believing parent(s), in harmony with the principles and guidelines found in the Scriptures and in our publications.

19. When baptized minors become involved in “**sexting**,” the elders must use good judgment in determining whether the wrongdoing has escalated to a point warranting judicial action. Helpful information can be found in “Questions From Readers” in the July 15, 2006, issue of *The Watchtower*. Please review this material carefully before concluding that a baptized minor is guilty of gross uncleanness or “brazen conduct, loose conduct.” (*ks10* chap. 5 par. 9) However, if the baptized minor has been previously counseled and persists in the wrong course, in most cases, judicial action is taken. Each case must be evaluated on its own merit. If elders have questions regarding a specific case they should contact the Service Department. Also, keep in mind that Christian parents should be included in any discussions the elders have with a minor who may be involved in “sexting.”

20. The potential serious consequences associated with “**sexting**” underscore the importance of Christian parents supervising their children’s use of cellular telephones and other means of electronic communication. Excellent suggestions can be found on pages 6-7 of the November 2009 issue of *Awake!* (Matt. 24:45) When a minor has been involved in “sexting,” elders can use such excellent material to offer Scriptural counsel and encouragement to both the parents and the child.—1 Pet. 5:2, 3.

HELPING VICTIMS OF CHILD SEXUAL ABUSE

21. Some Christians may become troubled with memories and feelings associated with past child sexual abuse. When an elder is approached by someone concerned or distraught about such memories, he should “speak consolingly.” (1 Thess. 5:14) Elders should manifest an empathetic, compassionate, patient, and supportive response to those approaching them about such memories. An elder must never be alone with or become the sole confidant of a sister to whom he is not closely related. Helpful suggestions and guidelines can be found in the *Shepherding* textbook, chapter 4, paragraphs 21-28. **The elders should carefully review this material when helping victims of child sexual abuse.**

RESTRICTIONS AND PRIVILEGES

22. It cannot be said in every case that one who has sexually abused a child could never qualify for privileges of service in the congregation. However, the elders will certainly want to be very cautious, especially when dealing with one who had repeatedly engaged in this kind of wrongdoing or who had been disfellowshipped for such an offense. Before privileges can be extended, such a man must meet the Scriptural qualifications of being “self-controlled” and “irreprehensible.” He must “also have a fine testimony” from individuals inside and outside the congregation. (Titus 1:6-8; 1 Tim. 3:2, 7) Elders should keep in mind what is stated in the January 1, 1997, *Watchtower* article “Let Us Abhor What Is Wicked,” page 29, paragraph 2: “Child sexual abuse reveals an unnatural fleshly weakness. Experience has shown that such an adult may well molest

other children. True, not every child molester repeats the sin, but many do. And the congregation cannot read hearts to tell who is and who is not liable to molest children again. (Jeremiah 17:9) Hence, Paul's counsel to Timothy applies with special force in the case of baptized adults who have molested children: 'Never lay your hands hastily upon any man; neither be a sharer in the sins of others.' (1 Timothy 5:22)."

23. Hence, privileges of service should never be extended hastily. Considerable time should always pass before one who has sexually abused a child is recommended, if ever. It would be up to the local body of elders to determine whether such a recommendation should be made to the branch office, taking into account all factors in each individual case. Please note that unless specifically approved by the branch office, one who has sexually abused a child should not be used to conduct any meetings held in the congregation or in a prison, and he does not qualify to work on any Kingdom Hall project other than one involving the congregation where he serves as a publisher.

24. If the elders as a body conclude that one who has sexually abused a child in the distant past may now qualify for privileges, they should assign two elders to call the Service Department.

25. In view of the foregoing, each elder should make the following notation next to chapter 3, paragraph 20; chapter 5, paragraph 10, second bullet; chapter 7, paragraph 20, second bullet; and chapter 12, paragraph 18, of the *Shepherding* textbook: "See letter dated October 1, 2012, to all bodies of elders."

26. It is hoped that the direction provided in this letter will help you brothers in handling matters in the congregation so as to protect children from sexual abuse and, at the same time, balance Bible-based justice and mercy. We also hope this direction will assist you to lovingly help victims of child sexual abuse. May Jehovah's rich blessing continue to be with you in carrying out your many responsibilities as shepherds of the flock. With this letter we send our warm Christian love and best wishes.

Your brothers,

Testigos Cristianos de Jehová

cc: Traveling overseers

PS TO SECRETARY: This letter should be retained in the congregation permanent file of policy letters. You may wish to update the congregation copy of *Index to Letters for Bodies of Elders* (S-22) at this time as well.