



New South Wales Jewish Board of Deputies

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CHILD ABUSE STATEMENT - 12 JULY 2004

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BASIC PRINCIPLES

The NSW Jewish Board of Deputies (NSWJBD) endorses (as stated by the NSW Rabbis' Taskforce 1993) that children have the right to be protected from all forms of violence within their home and outside it, and that child abuse is an evil that cannot be tolerated in any society. Like every other group, the Jewish community has a responsibility to protect victims and to be active in the prevention of child abuse.

Jewish Principles

Halachah (Jewish law) prohibits physical abuse and excessive physical punishment.¹

This covers mistreatment of any person regardless of age. It includes abuse in the form of overly harsh criticism, name calling and intimidating and degrading speech². Abuse in the form of sexual relations between parents and children, and between teachers and students is prohibited. Judaism bans any form of illicit fondling or inappropriate behaviour for the purpose of gratifying sexual desire.³

It is a duty to protect the physical, emotional and material well being of others. Those who stand by to watch in the face of abuse are considered as sharing in the guilt. Jewish law recognises that children are more vulnerable than adults.

¹ Hilchot Talmud Torah 2:2. Yoreh De'ah 240:10. Kitzur Shulchan Aruch 165:7

² 'Ye shall not wrong one another', Leviticus 25:17 See Me'irat Einayim to Hoshen Mishpat 420, no 49.

³ Shabbat 13a, Hilchot Issurei Bi'ah 21:1; Sefer HaMitzvot, Prohibition no. 353 and Megilat Esth; Sefer Mitzvot Gadol, Prohibition no.126; Sefer Hahinuch, No 188; Even HaEzer 20:1

International Law

Article 19 of the *United Nations Convention on The Rights of the Child* states that participating States shall:

"take all measures to protect the child (defined as under 18) from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of the child's parent or guardian."

Article 25(2) of the Universal Declaration of Human Rights provides:

"Motherhood and Childhood are entitled to special care and assistance. All children ... shall enjoy the same social protection."

POLICY PRINCIPLES

Child Abuse is a serious problem in all communities.

The Jewish community, like all other communities, is affected by this problem, which occurs at all socio-economic levels and within all levels of religious observance.

Deleted:

Child Abuse is severe maltreatment of a child.

The term *Child Abuse* is used to describes severe maltreatment which places the child at risk in the family or the community.⁴

Child Abuse refers to physical, emotional, and sexual abuse, and includes neglect. It is a situation in which the child is not adequately cared for, either physically or emotionally or both. Abuse includes neglect (i.e. failing to meet a child's basic needs), and the application of physical force, even as punishment, which results in physical harm to the child. Emotional abuse can be manifested in both overt and subtle behaviours.

All forms of Child Abuse are against Australian law.

NSW Criminal legislation provides that child sexual assault, and physical abuse and neglect are criminal offences. (See *NSW Crimes ACT 1900, Sections 43, 44 and 66* and *NSW Children and Young Person (Care and Protection) Act 1998, Sections 227 and 228.*)

The law will act to ensure the safety of a young person. All reports of Child Abuse must be investigated. If the investigation indicates serious harm or the risk of serious harm, the child may be removed from the home while the court decides what living arrangement is in the best interests of the child.

Child Abuse harms children and adults.

It is recognised that the effects of Child Abuse continue into adulthood.

Child Abuse can result in distress and negative behaviour in the child and may adversely affect the individual's functioning later as an adult member of the community, as a partner and parent, and can also lead to mental and physical illness. The cycle of abuse may continue beyond the family where it occurs.

⁴ NSW Health Department Circular No 2003/16 issued 12 March 2003, and Docsonline.dcs.gov.au/brochures/SPOT_IT.HTM

Prevention is enhanced through education.

Education of the community can be achieved through many modes: at schools, through the synagogues and via the press. The NSWJBD will encourage the continued education of the community by all available means.

Preventive and supportive services are essential.

Preventive and supportive services are essential in combating this serious problem. These are available to the Jewish community through JewishCare as well as through agencies in the general community.

The NSWJBD recognises the need to expand services for at risk children and families. These include more support for single parents, families at risk of breakdown, and families in which domestic violence is occurring. The NSWJBD will strongly encourage the development of expanded services and appropriate financial support throughout the Jewish and general community.