

SUBMISSION TO: THE FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

RE: INQUIRY INTO THE HANDLING OF CHILD ABUSE BY RELIGIOUS AND OTHER ORGANIZATIONS.

Introduction:

I am writing in my capacity as Senior Counsellor at the Western Region Centre Against Sexual Assault (WESTCASA). WestCASA is a Counselling and Advocacy service based in Footscray, Victoria and provides services for people over the age of twelve years who have been sexually assaulted and live, work, or study in the western region of Melbourne. WestCASA provides services to three outreach locations including the Dame Phyllis Frost Centre (Prison for Women). WestCASA is committed to facilitate the recovery of victim/survivors and work towards promoting a community that is free of sexual violence.

Purpose:

Clients of WestCASA include victim/survivors of *recent* sexual assault and sexual assault that occurred in childhood. In the 22 years that WestCASA has been responding to the needs of victim/survivors of sexual assault, there have been many cases of sexual abuse perpetrated in the context of religious and other organizations. It appears that within religious and other organizations there are significant inconsistencies in policies, protocols and practices for the provision of safe environments and responses to disclosures of abuse. This paper aims to assist in the clarification of the key issues and contribute to the development of policies, protocols and practices that ultimately protect children and young people.

While particular individuals who have been/are clients at WestCASA may choose to make a personal submission, the purpose of this submission is to represent the many clients who will not have a voice in the formal inquiry process but deserve to have their experience honoured. This submission is informed by the documented and anecdotal accounts of people who have been harmed by individuals in positions of trust and leadership and further harmed by Church and organizational responses. It is the victim/survivors' lived experience that provides the most compelling case for the need for positive change in relation to the handling of Child abuse by religious and other organizations.

Context:

It is important to acknowledge the context in which sexual abuse occurs. This understanding provides a framework in which counselling and support takes place and offers a shared understanding of key issues when examining religious and organizational responses to child abuse.

- Power Disparity:

Cultural, social, economic and class inequities within our society contribute toward the perpetration of sexual assault and emphasize that sexual assault is both a consequence and reinforcer of the power disparity between men, women and children.

In particular it is important to acknowledge the power disparity that exists between a religious leader (Ordained or Lay person) and a member of the congregation or community. Likewise a power disparity exists between a person in a position of authority or care-giving role with a member of the community and a power disparity also exists in the relationship between an adult and child. Child sexual abuse is a crime where an adult or someone bigger than the child takes advantage of the child's trust and respect to involve the child in sexual activity.

- **Nature of Sexual Assault:**

In 85 % of cases of child sexual abuse, the offender is known to the child. (NSW Commission for Children & Young People 2009). It is now well known and demonstrated in the counselling work that sexual abuse of children is a *process*. This process involves targeting a (usually) vulnerable child, gaining the child's trust (and often the trust of the child's parents) through 'grooming' tactics and initiating sexual contact that incrementally progresses toward more invasive sexual abuse. This process is accompanied by tactics by the offender that ensure secrecy and therefore maintain the abusive behaviour.

- **Impact:**

Sexual abuse is harmful to children. It includes emotional, social, psychological, legal, health, spiritual, economic and political consequences. Childhood sexual assault disrupts psychological development and can manifest itself in childhood and later life and may include impairment of normal brain development sexual dysfunction, relationship difficulties, mental health and behavioural issues.

Focus:

Drawing from the accounts of victim/survivors who have shared their experiences, WestCASA wishes to identify significant issues that deserve the attention of the Family and Community Development Committee.

Physical, Sexual and Emotional Safety:

Children have a right to be safe. For the purposes of this Inquiry, in particular, children have a right to be safe in environments such as Church, youth groups, clubs recreational and sports organizations. Sadly, this is not always the case and instead of being a safe

environment it is a context where proximity and access provides opportunity for exploitation.

WestCASA advocates that all child and youth focussed organizations are required to have policies and protocols in place that protect children and young people. Specifically this would mean that Churches and other organizations would be required to:

- **Have documented Professional Standards and Codes of Conduct that ensure accountability in leadership and safe practices within and outside of the organization** ie: boundaries, not relating to child/young person in exclusive context, rules regarding cyber communication.
- **Implement screening processes for the engagement of paid and voluntary leaders.**
- **Provide compulsory training of paid and voluntary leaders in relation to role and responsibilities, power differential, boundaries.**
- **Education for children/young people regarding abuse, safety and their rights.**

Response to Allegations of Abuse:

A child or an adult disclosing his/her experience of sexual assault deserves to be taken seriously and treated with respect and sensitivity. Anecdotally many people describe being disbelieved, blamed or have their experience minimized. The disempowerment that is experienced by victim/survivors is sometimes described as more damaging than the abuse itself.

In particular WestCASA counsellors have witnessed the distress of clients who have participated in the both formal and informal processes conducted by the Catholic Church. A common story is of victim/survivors overcoming fear and shame; daring to believe that the process might offer validation, acknowledgement and even justice. Sadly, the most common experience is one where the person has described feeling that he/she was 'on trial'. This experience has led to a sense of further betrayal, and impeded the recovery process.

WestCASA advocates that victim/survivors are supported when disclosing abuse. Specifically this would require Churches and other organizations to:

- **Be legally mandated to report child sexual assault to the Police if there is a reasonable belief that a child is at risk of harm.**
- **Provide training for leaders, workers and volunteers in receiving and responding to an allegation of abuse.**

- **Have clear, documented procedures that outline the organizational response to an allegation of abuse** ie: non legal action.
- **Provide support to the victim/survivor** ie: referral to counselling.

In the case of historical abuse, an adult may contact the Church or other organization to report incidents that have occurred in the past that relate to a current leader in the organization who potentially poses a risk to the safety of children/young people. In this instance the Church and other organization would be required to:

- **Encourage and provide the person with information regarding reporting the crime to the police.**
- **Have clear procedures for responding to the allegation of abuse and where appropriate conduct organizational Complaint Process.**

Internal Organizational Complaint Process:

In the case of child sexual abuse being reported to the Police after an initial investigation there may be a decision for No Further Investigation. This decision is based on *insufficient* evidence to achieve a conviction based on the 'Beyond Reasonable Doubt' legal standard of proof. However, insufficient evidence for a successful conviction does not mean that the alleged offender is innocent and that children /young people within the organization are safe.

Historically, Churches and other organizations have dealt with matters informally. This has often resulted in secrecy and at worst 'cover-ups' to the detriment of the victim/survivor. It is the responsibility of the organization to have a high threshold of safety for children and young people and respond to a complaint with this in mind.

Specifically this would mean that churches and other organizations would be required to:

- **Have a stated organizational position that is unequivocally against child abuse.**
- **Have clear lines of accountability and communication in relation to allegations of sexual abuse** ie: requirement to report to higher levels of authority or governing bodies.
- **Have documented procedures for a Complaint Process that is based on the 'Balance of Probability' standard of proof.**

- **Develop and implement a non-legal Complaint Process that is transparent, clear, just and is designed to not cause further trauma for anyone alleging sexual abuse.**
- **Ensure and demonstrate that there is not 'conflict of interest' in the conducting of a Complaint Process** ie: Inclusion of panel member/s who is independent.
- **To impose consequences for offenders (on the balance of probabilities) that equate with the seriousness of the behaviour.**
- **Have clear expectations regarding confidentiality and dissemination of information to leadership, parents and other members of the church/organization.**

Conclusion:

This submission by no means addresses all the complicated issues involved in the handling of reports of child abuse. However it is hoped that this document points toward a more comprehensive and sensitive way forward and of most importance, places the victim/survivors at the heart of the emerging complex picture of child abuse.

The WestCASA team of workers sincerely hope that the Inquiry into the Handling of Child Abuse by Religious and Other Organizations may be a meaningful process characterised by openness and a commitment to introduce change that enhances the recovery and restoration for victims of abuse.

Yours Sincerely

Deb Mountjoy

Senior Counsellor.

P.O Box 443 Footscray. 3011

deb@westcasa.org.au



