

**NSW JEWISH BOARD OF DEPUTIES STATEMENT ON CHILD ABUSE
2 MAY 2004**

BASIC PRINCIPLE

The NSW Jewish Board of Deputies (JBD) endorses (as stated by the Rabbis Taskforce 1993) that children have the right to be protected from all forms of violence within their home and that Child Abuse (CA) is an evil that cannot be tolerated in any society. The Jewish community has a responsibility to protect victims and to be active in the prevention of CA.

JEWISH PRINCIPLES

Jewish law prohibits physical abuse and excessive physical punishment.¹

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.² Abuse in the form of overly harsh criticism, name calling and intimidating and degrading speech is also biblically prohibited³. Halakha forbids mistreatment of any person regardless of age.

It is our duty as Jews to protect the physical, emotional and material well being of others and if we stand by to watch abuse we are considered guilty. While a child attracts the same duties and obligations as an adult, Jewish law recognises that children are more vulnerable than adults

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.”

¹ Hilkhhot Talmud Torah 2:2. Yorech De’ah 240:10. Kitzur Shulkhan Arukh 165:7

² Shabbat 13a, Hilkhhot Issurei Bi’ah 21:1; Sefer Ha Mitzvot, Prohibition no. 353 and Megilat Esth; Sefer Mitzvot Gadol, Prohibition no.126; Sefer Hakhinukh, No 188; Even HaEzer 20:1

³ ‘ and ye shall not wrong one another’, Leviticus 25:17 See Me’irat Einayim to Choshen Mishpat 420, no 49.

<p>C.A. is a serious problem in all communities.</p>	<p>The Jewish community, as all other communities, is affected by this problem, which occurs at all socio economic levels and within all levels of religious observance.</p>
<p>Child Abuse (CA) is the term used to describe maltreatment of a child which places the child at risk in the family and the community.⁴</p>	<p>CA refers to physical, emotional, 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 physical punishment which results in physical harm to the child. Emotional abuse can be manifested in both overt or subtle behaviours.</p>
<p>All forms of CA are against Australian law. NSW Criminal legislation provides that child sexual assault, and physical abuse and neglect are criminal offences. (<i>NSW Crimes ACT 1900 Section 43&44 66 and following</i> <i>The NSW Children and Young Person (Care and Protection) Act 1998 Sections 227 & 228</i>).</p>	<p>The law will act to ensure the safety of a young person. Once reported child abuse is investigated and if harm or the risk of harm is indicated the child may be removed from the home while the court decides what living arrangement is in the best interests of the child.</p>
<p>It is recognised that the effects of C.A. are damaging and can be observed both at the time of occurrence can continue into adulthood.</p>	<p>The effects of CA can result in distress and negative behaviour in the child and may adversely impact on the individual adult's functioning both as a member of the community and 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.</p>
<p>Prevention is enhanced through education..</p>	<p>Education of the community can be achieved through many modes: at schools, through the synagogues and via the press. The JBD will encourage the continued education of the community by all available means.</p>
<p>Preventive and supportive services are essential in combating this serious problem. These are available to the Jewish community through JewishCare as well as through organisations in the general community.</p>	<p>The JBD recognises the need to expand services for at risk children and families. This includes more support for single parents, families at risk of breakdown, and families in which domestic violence is occurring. The JBD will strongly encourage the development of expanded services and appropriate financial support</p>

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

	throughout the community.
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