

Statement in the matter of Watchtower Bible & Tract Society of Australia
Joint Statement of Terrence John O'Brien and Rodney Peter Spinks

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Joint Statement

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Date 24 February 2017

1. This joint statement is given in response to a letter dated 3 February 2017 from the Royal Commission.

2. In that letter the Royal Commission sets out the ten elements that the Royal Commission has identified as being necessary in creating a child safe institution. The letter requested:

... a written statement that sets out how [Jehovah's Witnesses have] addressed, or propose[s] to address, each of the elements of a child safe institution

and further requested, among other matters, that the statement:

....address each element with reference to policies, procedures, guidelines or other documents of the Jehovah's Witnesses organisation and/or Watchtower Australia which supports the response to each of the elements.

3. This joint statement:

- a. sets out introductory comments that are intended to set the scene as to the application to Jehovah's Witnesses of the elements of a child safe institution, as identified by the Royal Commission;

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- b. addresses issues raised in the Royal Commission's Report on Case Study No. 29; and
 - c. considers each of the ten elements and, as requested, refers to the policies and procedures of Jehovah's Witnesses as they apply to those elements.
 4. As a director of the Watchtower Bible and Tract Society of Australia and a member of the Branch Committee in Australia, Terrence O'Brien, is authorised to make this statement on behalf of Jehovah's Witnesses and the Watchtower Bible and Tract Society of Australia. As a senior Service Desk minister, Rodney Spinks is similarly authorised.
 5. We are grateful to the Royal Commission for the opportunity to address Jehovah's Witnesses' and the Watchtower Bible and Tract Society of Australia's response to the matters raised in the 3 February 2017 letter and in the Royal Commission's Report published on 28 November 2016.
 6. As part of our response, we also refer to our letter dated 3 January 2017 to the Royal Commission (WAT.0024.001.0016) – which addressed 8 questions set out in the Royal Commission's letter dated 4 November 2016 – and to the attachments to our letter, being:
 - a. *Child Protection Guidelines for Branch Office Service Desks* (WAT.0024.001.006);
 - b. letter dated 1 August 2016 to congregation elders worldwide (WAT.0024.001.00010); and
 - c. Jehovah's Witnesses and the Watchtower Bible and Tract Society of Australia Data in response to question 8 of the Royal Commission's letter dated 4 November 2016 letter (WAT.0024.001.0014).
 7. The policies and procedures referred to in 6(a) and (b) above were reviewed, refined and clarified in response to matters raised in the Royal Commission's hearing of Case Study No. 29. Further, since the hearing Jehovah's Witnesses have also produced, published and distributed the material set out in paragraph 2.1 of our 3 January 2016 letter.

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8. This constant review, refinement and clarification of policies and procedures is in harmony with the approach taken by Jehovah's Witnesses over the past 50 years in its published materials warning parents and children about the dangers of child sexual abuse, how to prevent it from occurring and how to protect children and keep them safe.¹
9. We believe this statement is true and correct to the best of our knowledge and belief.

A. Setting the Scene: Application to Jehovah's Witnesses of the elements of a child safe institution, as identified by the Royal Commission

10. The oral and written evidence before the Royal Commission and the submissions to the Royal Commission on behalf of Jehovah's Witnesses in Case Study No. 29, highlighted a number of important differences between the religion of Jehovah's Witnesses and other religions and faith-based institutions that have been the subject of the Royal Commission's Case Studies.
11. For instance, whereas the general description of the "organisational structure" of Jehovah's Witnesses in Section 1 of Case Study No. 29 Report is accurate it is, in our view, important to remember that Jehovah's Witnesses model themselves on the first century Christian community, share common religious beliefs and voluntarily adhere to Scriptural precepts.
12. The Royal Commission's description of our structure does not take into account that, unlike most faith-based institutions, Jehovah's Witnesses do not have a separate clergy who are trained in colleges, seminaries or other similar institutions. Elders, who care for the congregations, and ministerial servants are all members within those congregations and all maintain employment in the secular world (other than those who volunteer on a full-time basis at the Branch office).² The overwhelming majority of elders and ministerial servants are married.

¹ Exhibit 29-0024 First Statement of T J O'Brien STAT.0592.001.0001 at [55]-[62].

² Exhibit 29-0024 First Statement of T J O'Brien STAT.0592.001.0001 at [9].

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13. Unlike most other faith-based institutions and organisations, Jehovah's Witnesses do not separate children from their parents. As we have previously emphasised,³ Jehovah's Witnesses do not sponsor or operate crèches, schools, orphanages, Sunday Schools, hospitals, sports clubs, day-care centres, youth groups or any other activities which separate children from their parents. We do not have any positions that provide access to children without their parents. In other words, Jehovah's Witnesses do not maintain or operate the very "institutional settings" that present opportunities for predatory sexual behaviour.
14. In the Commission's Report of Case Study No 2, the Commission accepted the evidence of Professor Smallbone in relation to child safe organisations. Professor Smallbone referred to the settings of 'institutions' that presented the greatest risk of child abuse. His evidence as recorded by the Commission was that⁴:
- ...the institutions presenting the greatest risk are those in which children spend significant periods of time with unrelated adolescent or adult males. These would include:
- child care
 - schools
 - sport and recreation
 - pastoral care
- These settings are similar in some key ways to domestic settings where most sexual abuse happens.
15. It is apparent that none of the identified risk settings is present in the religion of Jehovah's Witnesses. There can be no safer 'institution' than one that does not present opportunities for predatory behaviour.
16. However, we understand the Royal Commission's reasoning in Case Study No. 29 Report⁵ to be that, regardless of the setting or circumstances of the abuse, once an elder or the Branch office becomes aware of an allegation of child sexual abuse, the response to that allegation becomes an institutional response and, consequently, lies within the Terms of Reference of the Royal Commission.

³ Submissions on behalf of Watchtower Bible and Tract Society of Australia & Ors, Case Study No. 29 (SUBM.1029.001.0083) at [9.278]; Exhibit 29-0024, First statement of T J O'Brien, STAT.0592.001.0001 at [67].

⁴ Report of Case Study No 2 YMCA NSW's Response to the Conduct of Jonathon Lord page 110.

⁵ Final Report of Case Study No 29, page 76.

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17. While we acknowledge that the Royal Commission has concluded that the lack of the identified institutional settings is not relevant to the Royal Commission's consideration 'of the way that Jehovah's Witnesses respond to allegations of child sexual abuse', the fact that we do not operate or sponsor programs or activities that separate children from their parents or have the "institutional settings" identified above, necessarily informs our response to the ten elements as set out below.
18. That there will be different approaches to the applicability of the ten elements is reflected in the research commissioned by the Royal Commission from the Social Policy Research Centre and Parenting Research Centre in its report *"Key Elements of Child Safe Organisations – Research Study, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016"*. More than half of the panel of experts surveyed in Round 2 of the survey agreed that there should be a degree of flexibility for organisations to "tailor the elements according to one or more of their characteristics", the "most important deciding factor" being "the degree of risk and level of responsibility for children".⁶ Concerns were also raised as to the "applicability of the elements to organisations that have little or no direct contact with children".⁷ The same concerns apply to a faith-based community such as Jehovah's Witnesses, which does not sponsor or operate any programs or activities that separate children from their parents and does not have any positions that provide access to children without their parents.
19. These concerns are also stated by Professor Smallbone, who notes:⁸

Because of the wide variations in the circumstances and outcomes for victims, in the risks and deeds of offenders and in the capacity of families, organisations and communities to properly protect children in their care, a 'one size fits all' approach would be inefficient and in many case ineffective. At a policy level, it is necessary to develop generic decision-making rules and guidelines. At a practice level, complex and difficult judgements often need to be made on a case-by case basis.

⁶ Key Elements of Child Safe Organisations – Research Study, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, page 3-4.

⁷ *ibid* page 12.

⁸ Preventing Child Sexual Abuse – Evidence, policy and practice, Smallbone, Marshall and Wortley, 2011, page 209.

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20. Further, it appears to us that implicit in the Royal Commission's reasoning is an important point and acknowledgment, namely, as regards Jehovah's Witnesses, child sexual abuse does not occur in the identified "institutional settings". Rather, as borne out by the statistics that were provided to the Royal Commission⁹ – and consistent with the findings applicable to the wider community¹⁰ – instances of child sexual abuse occur mainly within a family setting. This conclusion is also reflected in the 9 historical cases of child sexual abuse and 8 other cases of child sexual abuse of which elders and the Service Desk have become aware since the conclusion of the hearing of Case Study No. 29 in August 2015.¹¹ While none involved an elder and only one a ministerial servant, all involved abuse in a family setting and all but two cases were reported to the secular authorities. In the two cases that were not reported, both were historical cases and the adult survivors chose not to report.
21. Nevertheless, accepting that the focus of the Royal Commission is on Jehovah's Witnesses' response to child sexual abuse and the safety of children, we wish to emphasise at the outset that Jehovah's Witnesses teach and believe that child sexual abuse is an abhorrent sin and a crime and that the victims of abuse should be provided spiritual, emotional, and practical support and protection.
22. Consequently, following the hearing of Case Study No. 29 and as set out in our response dated 3 January 2017¹² and referred to in greater detail below, Jehovah's Witnesses have reviewed, clarified, refined and consolidated their policies and practices. This was done to meet, as far as we are able to do so consistent with our Bible-based beliefs, the concerns of the Royal Commission and to ensure as far as possible the safety of our members' children and children in the wider community.

⁹ Exhibit 29-0021 Analysis Summary – Comments and Verification, WAT.0018.001.0006_R at [Table 4].

¹⁰ See, for example comments of Professor Smallbone, Report of Case Study No 2 YMCA NSW's Response to the Conduct of Jonathon Lord p110.

¹¹ See data in response to question 8 of the Royal Commission's letter dated 4 November 2016 WAT.0024.001.0014.

¹² Watchtower Australia response to Royal Commission letter dated 4 November 2016 WAT.0024.001.0016 at [4]-[12].

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B. Issues Raised in Case Study 29 Report

The "two-witness rule"

23. In its Final Report into Case Study No. 29, the Commission did not accept that the Scriptural rule of evidence in establishing sin, as applied by Jehovah's Witnesses, was appropriate and suitable for application in cases of child sexual abuse.
24. However, in our 3 January 2017 letter in response to the question as to the application of our Scriptural rule of evidence to allegations of child sexual abuse, we made clear that it is applied by Jehovah's Witnesses in their internal ecclesiastical proceedings to establish serious sin. It is not in competition with or in conflict with the criminal justice system, nor does it pretend to address forensic rules of evidence.
25. We restate and rely on the reasons outlined in our previous submissions¹³ as to why such a general conclusion should not have been made.
26. Jehovah's Witnesses understand very clearly that "[c]hild sexual abuse invariably occurs in private".¹⁴ However, in the absence of a confession or more than one witness to a single incident, the Scriptural rule of evidence to establish sin allows for the admissibility of another witness to a separate incident of the same kind of wrongdoing.¹⁵
27. The interpretation and application of this Scriptural rule of evidence by Jehovah's Witnesses is now reflected in the yet to be enacted *Evidence (Tendency and Coincidence) Model Provisions*.¹⁶ In this regard, it is noteworthy to refer to the comments made by the CEO of the Royal Commission, Philip Reed, when releasing for consultation the model bill to amend evidence laws.¹⁷

¹³ Submissions on behalf of Watchtower Bible and Tract Society of Australia & Ors, Case Study No. 29 SUBM.1029.001.0067, [9.205]–[9.218]; Watchtower Australia response to Royal Commission letter dated 4 November 2016 WAT.0024.001.0016 at [7.2]–[7.4].

¹⁴ Final Report into Case Study No.29, page 65.

¹⁵ Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0041, 0043; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0072–0073, at [37]; Exhibit 29-0003, WAT.0001.004.0068 at [11].

¹⁶ Royal Commission's Public Consultation Draft of the Evidence (Tendency and Coincidence) Model Provisions.

¹⁷ Royal Commission Into Institutional Responses to Child Sexual Abuse, Media Release - Model bill to amend evidence laws released for consultation, 25 November 2016.

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28. We also note that that our Scriptural rule of evidence does not impact on whether or not child sexual abuse is reported to authorities. That is subjected to a number of overlapping factors including the applicable law and, where there are no mandatory reporting requirements, to the wishes of the victim, the judgement of the parent/guardian. In circumstances where the elders and/or Branch office determine that a child is in danger, the elders will report the matter to law enforcement authorities even if there is insufficient Scriptural evidence to establish serious sin.

The absence of women from the decision-making processes of the internal disciplinary procedures

29. The Commission also suggests in the Final Report to Case Study No. 29 that "the requirement that only elders (that is, men) can participate in making decisions in the investigation process on whether or not someone has committed child sexual abuse is a fundamental flaw in that process".¹⁸ This contention appears to be predicated on a presumption that a "[f]ailure to accommodate a survivor's preference can further traumatise that survivor".¹⁹
30. However, Jehovah's Witnesses do not require a victim of abuse to be directly involved in this spiritual investigation or the judicial committee process of the perpetrator. If victims choose to be involved, they have a choice as to whom they "divulge the detail of their abuse".²⁰ Women can be fully involved in receiving and submitting evidence of child sexual abuse, and supporting the survivor.²¹ The evidence presented to the congregation elders is the basis for the formation of a judicial committee, which is the body Scripturally responsible for the spiritual investigation and judicial committee proceedings to address allegations of serious sin committed by the perpetrator.

¹⁸ Final Report into Case Study No. 29, page 67.

¹⁹ *ibid.*

²⁰ *Ibid.*

²¹ Submissions on behalf of Watchtower Bible and Tract Society of Australia & Ors, Case Study No. 29 SUBM.1029.001.0024 at [6.1], and SUBM.1029.001.0073 at [9.228]-[9.232]; Watchtower Australia response to Royal Commission letter dated 4 November 2016 (WAT.0024.001.0016), page 15, para 7.5 – 7.6.

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C. The identified elements

31. A number of the elements identified by the Royal Commission have been addressed in our 3 January 2017 letter (WAT.0024.001.0016). Accordingly, our response below should be considered as being additional to that response.

1. Child safety is embedded in institutional leadership, governance and culture

32. Local elders and those serving at the Branch office are all committed to child safety. Consistent with Scriptural precepts which stress the protection of children, they champion the protection of children and promote and promulgate through various means and media a child safe culture. Underlying this commitment to child safety, and as has been stated on many occasions in the literature published by the religion, the written submissions and statements of witnesses, Jehovah's Witnesses abhor child sexual abuse and view it both as a crime and serious sin.²²
33. Jehovah's Witnesses do not operate or sponsor any activities or programs that separate children from their parents. Moreover, they do not have any positions that provide access to children without their parents.
34. Jehovah's Witnesses believe that the prevention of child abuse must begin with a focus on child safety within the family. Jehovah's Witnesses consider that the best way to prevent and to foster a child safe culture is by educating parents on how they can best teach their children about and protect them from child sexual abuse. Since Jehovah's Witnesses do not separate children from their parents, this focus on educating parents and children is the best and most effective means of protecting children. We are committed to ensuring that our published information relevant to promoting a child safe environment is disseminated and shared throughout our community.

²² Exhibit 29-0019, First statement of R P Spinks, STAT.0591.001.0001_R at [13]; Exhibit 29-0024, First statement of T J O'Brien, STAT.0592.001.0001_R at [47]; Exhibit 29-0003, WAT.0001.004.0309 (The Watchtower, January 1, 1997 p. 29); Exhibit 29-003, Awake! January 22, 1985, 'Child Molesting: You Can Protect your Child'. Box on page 8 entitled 'If the Worst Should Happen', WAT.0001.004.0210.

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35. Jehovah's Witnesses educate parents and their children, promulgate child safety, and foster a child safe culture in the following ways:
- a. through the publication of policies and procedures that set out not only the policies and procedures relating to dealing with allegations of child sexual abuse,²³ but also the protection of children and the promotion of a child safe culture.
 - b. through our internet television station JW Broadcasting. This is a powerful platform that reaches Jehovah's Witnesses and the public worldwide in over 90 languages.
 - c. through meetings at Kingdom Halls, where families meet together twice weekly to consider how Scriptural principles apply in everyday life. These discussions are based upon the Bible using recently published material. Periodically, articles and videos relating to the dangers of child sexual abuse are scheduled to assist parents to understand their responsibility to protect their children, and how they may educate their children in an age-appropriate way to understand what is inappropriate sexual behaviour. To facilitate the inclusion of online educational materials in congregation meetings, Jehovah's Witnesses have recently completed a program of installing video equipment in the auditorium of every Kingdom Hall throughout Australia.
36. Set out in the table below, by way of example, is a sample of the publications and programmes that have been produced by Jehovah's Witnesses since the 1980s that provide assistance to parents and children in this area and which promote and promulgate child safety.

²³ Watchtower Australia response to Royal Commission letter dated 4 November 2016 WAT.0024.001.0016 at [4]-[7].

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TABLE 1

Teaching Your Child About Sex	Article in <i>Awake!</i> magazine 2016 No. 5 (October) , which stated in part: "Pre-schoolers can be taught the proper names of the sex organs, as well as how to protect themselves from sexual predators".
What Should I Know About Sexual Assault?	Included in publication entitled <i>Answers to 10 Questions Young People Ask. (January 2016)</i>
Sexual Harassment	Video posted on our official website, jw.org, wherein five young people explain what sexual harassment is and why you should not tolerate it. (December 2015)
Protect Your Children	Video posted on our official website, jw.org, which shows how parents have been helped to protect their children from sexual predators. (December 2015)
Lesson 17: Protect Your Children	Animated video posted on our official website, jw.org, for pre-school aged children in the <i>Become Jehovah's Friend</i> series. (December 2015)
Jehovah Has Done So Much for Me	What Bible truth helped Crystal, a victim of sexual abuse as a child, to build a relationship with God and to find real meaning in life? (December 2015)
We Protect Our Children	Video presentation on Internet television station, " JW Broadcasting ". (July 2015)
What Should I Know About Sexual Assault?—Part 2: Recovery	Read firsthand expressions from abuse victims who have recovered. (January 2015)
What Should I Know About Sexual Assault?—Part 1: Precautions	Three tips can help you to avoid being sexually assaulted. (December 2014)
How Can Parents Teach Their Children About Sex?	The Bible has many beneficial principles that will help you talk to your children about sex and protect them from sexual predators. (September 2013)
What Should I Know About Sexting?	Are you being pressured to sext? What are the consequences of sexting? Is it just harmless flirting? (August 2013)
A Danger That Concerns Every Parent	Many parents know personally about child sexual abuse and its effects. Others hear shocking reports about it and wonder what to do. (October 2007)
How to Protect Your Children	Parents, learn how the typical child abuser operates. Knowing such tactics can make you better prepared to act as the first line of defence. (October 2007)
Make Your Family a Safe Haven	To keep your family safe, every member needs to learn and to value principles that rule out abusive conduct. The best guidance is in God's Word, the Bible. (October 2007)
Common Misconceptions About Child Abuse	Debunk four common misconceptions about child abusers and children who are victimized. (October 1993)

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If Your Child Is Abused	If your child discloses sexual abuse, your reaction will play a major role in the child's recovery. What can you do? (October 1993)
Child Sexual Abuse—Prevention Begins in the Home	The vast majority of sexual abuse occurs in the home. So how can the home be made more resistant to abuse? (October 1993)
Your Child Is in Danger!	Child molestation is neither new nor rare. It is a long-standing problem that is epidemic today. (October 1993)
How Can We Protect Our Children?	Close supervision by loving parents is one of the best safeguards against abuse. Education is another. What teaching tools are available? (October 1993)
Consoling Adult Survivors of Childhood Trauma	Telling abuse survivors simply to forget the past may do more harm than good. More is needed. (October 1993)
The Secret Wounds of Child Abuse	Sexual assault derails both the spiritual and emotional development in children. Child abuse is a betrayal of trust that has insidious effects. (October 1991)
The Innocent Victims of Child Abuse	The effects are long lasting for many adults who were sexually abused as children. (October 1991)
Child Molesting—Every Mother's Nightmare	Sexual abuse of children is on the increase. How widespread is the problem? (October 1985)
Child Molesting—'Who Would Do a Thing Like That?'	Parents may be surprised to learn that most child victims are molested by people they know and trust. (January 1985)
Child Molesting—You Can Protect Your Child	What are some ways that parents can protect their children from sexual molestation? Family communication can help. (January 1985)
Help for the Victims of Incest	Many people feel deep anger, worthlessness, and guilt because of incest committed against them when they were children. True friends can give support. (October 1983)
Incest—The Hidden Crime	Families often try to keep it hidden. Victims would rather not discuss it, yet it is increasingly common. (February 1981)
Jehovah's Witnesses Educate Parents and Children to Protect Against Sexual Predators	Summary of publications posted on their official website, jw.org, related to child sexual abuse entitled

37. Further, as the Royal Commission is aware, the Branch office has meticulously maintained records of each accusation of child sexual abuse for nearly the past 70 years. These records enable Jehovah's Witnesses to ensure that a child abuser is not appointed to a position of spiritual responsibility and to ensure that the elders are alert to his conduct during congregation activities even if he moves to a different congregation.

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38. In addition to fostering a child safe environment through the above means, and as the evidence before the Commission demonstrates, the Branch office of Jehovah's Witnesses has ensured that all elders and ministerial servants obtain *Working With Children Checks* in the relevant jurisdictions.

2. Children participate in decisions affecting them and are taken seriously

39. The extent to which children would participate in decisions affecting them must be seen in the context of a faith-based community that does not sponsor or operate programs or activities that separate children from their parents. We fully endorse the statement in element 3(a), namely that "families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child".²⁴ This encapsulated the Scriptural approach that is fundamental to the beliefs and child safe practices implemented by the religion of Jehovah's Witnesses.
40. Jehovah's Witnesses consider that the best way to enable parents and children to have open and free dialogue in a loving and trusting family environment is to support parents in caring for their "responsibility for the upbringing and development of their child". As pointed out in the Table in element 1 above, this includes providing parents with extensive educational resources as well as continued reinforcement of the fundamental beliefs of our religion at meetings for worship. It is through these means that an environment is fostered within the family unit whereby children's concerns are taken seriously and they feel that they are able to participate in decisions that affect them and are able to raise any issue of concern.
41. Jehovah's Witnesses also encourage children and young people to access the age-appropriate material on our website which deals with the nature and danger of predatory sexual behaviour and which teaches the mechanisms and methods of how they can report such behaviour to their parents or a trusted friend. Examples of this material are highlighted in the Table in element 1 above.

²⁴ Creating Child Safe Institutions, July 2016, Royal Commission into Institutional Responses to Child Sexual Abuse, page 4, Paragraph 3(a).

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42. As regards the critical issue that children are taken seriously in child sexual abuse matters, our policies and procedures mandate that when the elders become aware of an allegation of child sexual abuse, in every instance the matter is investigated by congregation elders. Our elders also endeavour to provide ongoing spiritual comfort to the minor victim and his/her parents with empathy and compassion.²⁵

3. Families and communities are informed and involved

43. As noted above Jehovah's Witnesses fundamentally agree that "families have the primary responsibility for the upbringing and development of their child and [that families should] participate in decisions affecting their child".²⁶ This statement accords with the principle outlined in Article 5 of the *United Nations Convention on the Rights of the Child*:

Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

44. The extent to which families are informed and involved must also be seen in the context of a faith-based community that does not operate or sponsor programs or activities that separate children from their parents.
45. As we observed in our response to element 2, Jehovah's Witnesses encourage the involvement of parents in how they can best "open two-way communication" within the family in relation to issues that are likely to concern a child, including child sexual abuse. The materials made available to families, such as those outlined in the Table of element 1 above, clearly aim to educate parents and children regarding the existence of such abuse, the types of persons who may abuse children, the circumstances in which it might occur, the need to seek both spiritual and professional help, and the mechanisms and means by which the abuse can be reported to the authorities.

²⁵ Protecting Minors from Abuse (WAT.0024.001.0001) at [11]-[13].

²⁶ Creating Child Safe Institutions, July 2016, Royal Commission into Institutional Responses to Child Sexual Abuse, page 4, Paragraph 3(a).

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46. Additionally, some of these materials may be used as part of the regularly scheduled program for congregation meetings at the Kingdom Hall.
47. Upon hearing an allegation of child sexual abuse, congregation elders inform the minor victims and their parents of their absolute right to report the matter to the authorities. Also, elders remind them of the Scriptural process that the elders will follow and they keep the family updated on the progress and the outcome in their spiritual handling of the matter and any internal disciplinary proceedings. Additionally, they continue to spiritually shepherd and comfort the victim and the victim's family.²⁷
48. All members of the congregation are informed of a perpetrator's reproof or disfellowshipping by means of an announcement to the congregation that serves to alert families that the person was subject to disciplinary action. Two congregation elders also inform parents with minor children in the congregation of the need for caution in connection with the perpetrator, as set out in paragraph 18 of the August 1, 2016 letter to All Bodies of Elders regarding "Protecting Minors From Abuse".²⁸ See also paragraph 20 of the Child Protection Guidelines for Branch Service Desks.

4. Equity is promoted and diversity respected

49. The members of congregations are culturally and linguistically diverse – as, indeed, are congregation elders and ministerial servants. The materials and publications produced by Jehovah's Witnesses which educate parents on how to protect their children in connection with child sexual abuse are translated into many languages.
50. For example, a January 14, 2016 posting on JW.org entitled "Test Your Alarm System!" encouraged parents to review previously printed material on child abuse and among other things to "... explain to your children where no one should touch them. Use the proper names ...". Also, the recent article on Teen Depression contained in the *Awake!* magazine mentions that depression can be the result of physical or sexual abuse. The article encourages strategies to assist teens in coping with depression including making a list of

²⁷ See Child Protection Guidelines for Branch Office Service Desks (WAT.0024.001.0006) at [3]; Protecting Minors from Abuse (WAT.0024.001.0001) at [11].

²⁸ Protecting Minors from Abuse (WAT.0024.001.0001) at [18]; see also Exhibit 29-0003, Case Study No 29, Letter to all Bodies of Elders 'Child Abuse' (WAT.0001.004.0066), page 4, para 13;

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people to call when you feel down as part of an 'Emotional First Aid Kit'. This issue of *Awake!* is currently available online on jw.org and has been translated into 112 languages with a distribution of over 60 million printed copies. Other publications promoting the application of Scriptural principles in family life are available in over 800 languages either online or in print, including some in Aboriginal and Torres Strait Islander languages, Auslan (Australian Sign Language) and Braille.

51. The articles, images, videos, experiences and settings are designed to appeal to audiences from diversified backgrounds. Thus, families from diverse backgrounds, languages, and cultures are able to readily access this information. Examples of this material are highlighted in the Table in element 1 above.
52. Moreover, our 1 August 2016 letter has already been translated into a number of languages and provided to all elders in non-English speaking congregations throughout Australia.

5. People working with children are suitable and supported

53. Even though the religion of Jehovah's Witnesses does not have employees, staff or volunteers who are in a position of access to children without their parents, we take the following precautions:
 - a. anyone with branch imposed restrictions due to having abused a child does not qualify for any spiritual responsibilities, even seemingly minor privileges, for decades if ever;
 - b. the branch office of Jehovah's Witnesses keeps detailed records to ensure that a child abuser is not appointed to a position of spiritual responsibility or receives even seemingly minor privileges, and to ensure that congregation elders are alert to his conduct during congregation activities;
 - c. where it is established that an elder or ministerial servant has abused a child, he is immediately deleted and does not continue to function in this capacity;²⁹ and

²⁹ Exhibit 29-0003, WAT.0001.004.0306 (The Watchtower January 1, 1997, pp. 26-29 "Let Us Abhor What is Wicked"); Exhibit 29-0024, First statement of T J O'Brien, STAT.0592.001.0013_R at [62]; 1 Timothy 3:1-7, 10; Titus 1:7.

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- d. in addition to the extensive internal screening process, prior to their appointment, elders and ministerial servants must obtain a Working With Children Check, in the relevant jurisdictions.

6. Processes to respond to complaints of child sexual abuse are child focused

54. Jehovah's Witnesses' response to an allegation of child sexual abuse is child-focused in that the congregation elders make every effort to provide a minor victim and his/her family with spiritual, emotional, and practical support.³⁰
55. We publish materials to help victims cope with the mental and emotional anguish of abuse. Please refer to the examples highlighted in the Table in element 1 above.
56. Jehovah's Witnesses' response to complaints of child sexual abuse are outlined below in our submissions to elements 9 & 10.

7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

57. As stated in our answer to element 1, Jehovah's Witnesses do not sponsor or operate programs or activities that separate children from their parents, nor do they have any "staff" positions that provide access to children without their parents. Accordingly, this element appears to have little application to Jehovah's Witnesses.
58. Congregation elders, including elders in the Legal Department and on the Service Desk at the Branch office, receive scheduled ongoing training. Elders also receive assistance from circuit overseers during their regular visits to congregations, concerning the policies and procedures of Jehovah's Witnesses related to child sexual abuse, which includes how to respond to allegations of abuse and what to do to help protect children.³²

³⁰ See, for example, Protecting Minors from Abuse (WAT.0024.001.0001) at [11].

³² Transcript of R P Spinks, T15701:15-T15703:30 (Day 152); Exhibit 29-0024 Case Study No 29, Statement of T J O'Brien, (STAT.0592.001.0015_R) at [73]; Exhibit 29-0020 Case Study No. 29, Circuit Overseer Meets with Elders

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59. For example, in his statement at the hearing of Case Study No. 29, Terry O'Brien provided an illustration to the Royal Commission of the continuing education and training which elders undertake at Kingdom Ministry Schools, by reference to the 1 October 2012 letter to all Bodies of Elders (WAT.0001.004.0066-0071) dealing with child sexual abuse. As he noted, Jehovah's Witnesses conducted seminars with over 5,500 elders throughout Australia to ensure that elders were thoroughly familiar with the policies and procedures provided in that letter.³³
60. As has been the case with previous Kingdom Ministry Schools for elders, the next one scheduled to commence later this year will review recent revisions and clarifications of our policies and procedures.

8. Physical and online environments minimise the opportunity for abuse to occur

61. As the religion of Jehovah's Witnesses does not operate or sponsor programs or activities that separate children from their parents, and since we do not have any positions that provide access to children without their parents, we have no physical settings and online environments that provide the opportunity for child abuse.
62. As regards the physical environment, all meetings for worship are attended by families who are encouraged to sit together. The meetings are held in open auditoriums called Kingdom Halls and Assembly Halls. The entire congregation worships together in one auditorium where parents can supervise their own children. As we have previously stated, children are not separated from their parents for any activity.
63. Elders are directed that they should never meet alone with minors in an unsupervised setting.³⁴ This principle applies to both communication in person and online.
64. As regards online environments, Jehovah's Witnesses do not use, sponsor or promote any social networking platform to communicate with their members.

and Ministerial Servants – Program from September 1998 through February 1999, (EXH.029.020.0001); Exhibit 29-0019 Case Study No. 29, Statement of R P Spinks (STAT.0591.001.0009_R) at [58]-[59].

³³ *Ibid.*

³⁴ See, for example, Protecting Minors from Abuse (WAT.0024.001.0001) at [11].

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65. Nevertheless, Jehovah's Witnesses recognise that parents need to set appropriate guidelines and parameters on their children's activities, including the extent to which they use online resources. In light of this reality, Jehovah's Witnesses have published literature and other educational materials designed specifically to assist parents and children to identify the risks of social networks, to promote cyber-safety awareness, and to assist parents with monitoring their children's use of any online material. Examples of these helpful educational materials include the following:

Be Social-Network Smart – Video	Teaching young ones how to avoid the pitfalls of social networking
What Should I Know About Sexting?	Are you being pressured to sext? What are the consequences of sexting? Is it just harmless flirting? (August 2013)
What Should I Know About Texting?	Used wisely, texting can be a great way to stay in touch. Used carelessly, it can ruin your friendships—and your reputation.
How to Teach Teens Internet Safety	You can teach your teenager Internet safety.
Protect Your Children	Video posted on our official website, jw.org, which shows how parents have been helped to protect their children from online sexual predators. (December 2015)

9. Implementation of child safe standards is continuously reviewed and improved

66. Jehovah's Witnesses continuously review the implementation of "child safe standards" and make adjustments to improve these as needed.
67. As previously stated, "child safe standards" as they apply to Jehovah's Witnesses are to be seen in the light of the fact that Jehovah's Witnesses do not have institutional settings where historically, predatory sexual behaviour occurs. We do not operate or sponsor any programs or activities that separate children from their parents and we do not have any positions that provide access to children without their parents. Consequently, we focus on educating parents and children as a primary means of ensuring that the "child safe standards" embedded in the Bible are fostered and cherished.
68. For Jehovah's Witnesses, many of our child safe standards are ultimately derived from the Bible and it is those standards, as they relate to keeping children safe from abuse, that are

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promoted and promulgated to our faith-based community by the means set out in our answer to element 1 above.

69. We also recognise, however, it is of fundamental importance to ensure our policies and procedures in response to allegations of child sexual abuse are continually reviewed and improved as needed for the protection of children.
70. For instance, as a result of the hearing of Case Study No. 29 and the Report of Case Study No. 29, we recognised that the observation made by the Royal Commission that our policies and procedures relating to child sexual abuse needed to be clarified and consolidated had validity. We therefore reviewed our policies and procedures to clarify and consolidate them as set out below.
71. As the Royal Commission is aware from our 3 January 2017 letter, the review resulted in:
- a. a consolidated child sexual abuse policies and procedures *Child Protection Guidelines for Branch Office Service Desks*; and
 - b. the August 1, 2016 letter to All Bodies of Elders regarding "*Protecting Minors From Abuse*".
72. As set out on page 4 of our 3 January 2017 letter, we summarised the aspects of our policies and procedures which were clarified and consolidated. The letter clearly points out:
- a. Victims of child abuse are never required to confront their abuser.
 - b. Minor victims are generally not interviewed by the elders, except that older minors might be interviewed before the hearing if their parents consent to, and are present during, the interview.
 - c. Congregation elders should provide on-going shepherding to comfort both the victim and his/her family and be empathetic and compassionate with them.
 - d. In exhorting congregation elders to lovingly and kindly serve as spiritual shepherds to victims of child sexual abuse, Jehovah's Witnesses confirmed their long-standing policy that a victim will not be shunned.

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- e. Victims may be accompanied by a confidant of either gender to provide them with moral support during the investigation by the elders or, if the victim wishes to be present, at a subsequent judicial hearing concerning an allegation of child abuse.
 - f. Congregation elders will inform parents if there is a known child abuser in the congregation.
 - g. Victims and their parents are informed that they have the absolute right to report an allegation of child sexual abuse to law enforcement authorities and, if they choose to do so, the elders will support their decision.
 - h. If the elders and/or Branch office determine that a child is in danger, the elders will report to law enforcement authorities, even if such reporting is not mandated by law.
 - i. For the protection of children, when known child abusers move, the Branch office provides direction to elders in the new congregation to inform the parents and to be alert with regard to the individual's conduct during congregation activities.³⁵
 - j. Congregation elders need to remain alert with regard to the conduct and activity of the accused during congregation activities, even where there is insufficient evidence to form a congregation judicial committee. In some cases, there may be restrictions imposed on the accused, even if there is only one witness.³⁶
73. Additionally, Jehovah's Witnesses continually review all relevant legislation and case authorities in Australia that impact on child sexual abuse and related areas. This is to ensure that any change in the law that is applicable to the way such matters are to be handled, is understood and that the standards that are applied by law are immediately implemented.

10. Policies and procedures document how the institution is child safe

74. This element and the explanatory sub-paragraphs focus on the policies and procedures that address "all child safe organisation elements", not all of which, for the reasons previously explained in this statement, apply to Jehovah's Witnesses.

³⁵ Child Protection Guidelines for Branch Office Service Desks, (WAT.0024.001.0006) at [27].

³⁶ Child Protection Guidelines for Branch Office Service Desks, (WAT.0024.001.0006) at [9].

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75. Despite not all elements applying, Jehovah's Witnesses actively promote and promulgate the safety of children in all their dealings as set out in detail in answer to element 1 of this statement and in our letter dated 3 January 2016.³⁷
76. In analysing Jehovah's Witnesses' policies and procedures that document that our faith-based community is child safe, these facts must be considered:
- we do not operate or sponsor any programs or activities that separate children from their parents;
 - we do not have any positions that provide access to children without their parents
77. Accordingly, our documented procedures and policies focus on our response to allegations of child sexual abuse, in accordance with our Scriptural beliefs and as required by law. Consequently, we are intent on ensuring that they reflect our child safe environment and culture and our compliance with relevant laws.
78. In harmony with the concerns of the Royal Commission raised at the hearing of Case Study 29, a letter dated August 1, 2016, "*Protecting Minors From Abuse*" (WAT.0024.001.0001), was sent to congregation elders worldwide. This letter revised, clarified, and consolidated our policies and procedures to assist elders to properly respond to allegations of child abuse. In addition, a revised, clarified, and consolidated policies and procedures document, *Child Protection Guidelines for Branch Office Service Desks* (WAT.0024.001.0006), was sent to branch offices of Jehovah's Witnesses worldwide. These two documents contain Jehovah's Witnesses' policies and procedures related to child abuse and together they document how our organisation is child safe.
79. Our revised *Child Protection Guidelines for Branch Office Service Desks* and the 1 August 2016 letter to all bodies of elders document the following important aspects relating child safety:
- a. Elders must deal empathetically and compassionately with victims of child sexual abuse.

³⁷ Watchtower Australia response to Royal Commission letter dated 4 November 2016 (WAT.0024.001.0016).

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- b. Mandatory reporting laws must be complied with: the direction is that two elders must "*immediately* call the Legal Department for legal advice when the elders learn of an accusation of child abuse."³⁸
- c. Victims and their parents are informed that they have the absolute right to report an allegation of child sexual abuse to law enforcement authorities and, if they choose to do so, the elders will support their decision.
- d. The Branch office of Jehovah's Witnesses keeps detailed records to ensure that a child abuser is not appointed to a position of spiritual responsibility or receives even seemingly minor privileges, and to ensure that congregation elders are alert to his conduct during congregation activities even if he moves to another congregation.³⁹
- e. If an elder or ministerial servant is found guilty of child sexual abuse, he is immediately deleted and does not continue to function in this capacity.⁴⁰
- f. When child abuse is established, the wrongdoer is disfellowshipped if he is not repentant. That means that he is no longer part of the congregation.
- g. If the wrongdoer is repentant, the elders announce to the congregation that he was reproved and the Branch office imposes restrictions, which serves as a protection for the congregation.⁴¹
- h. Even in circumstances where there is insufficient evidence to disfellowship or reprove the accused, the Branch office may impose restrictions on the accused⁴² and communicates these restrictions in writing to the congregation elders.⁴³
- i. When the Branch office imposes restrictions, the elders ensure that the restrictions are understood and followed by the accused.⁴⁴

³⁸ Protecting Minors From Abuse (WAT.0024.001.0001) at [6].

³⁹ Submissions on behalf of Watchtower Bible and Tract Society of Australia & Ors, Case Study No. 29 (SUBM.1029.001.0001) at [3.24].

⁴⁰ Exhibit 29-0003, WAT.0001.004.0306 (The Watchtower January 1, 1997, pp. 26-29 "Let Us Abhor What is Wicked"); Exhibit 29-0024, First statement of T J O'Brien, STAT.0592.001.0013_R at [62]; 1 Timothy 3:1-7, 10; Titus 1:7

⁴¹ Protecting Minors From Abuse (WAT.0024.001.0001) at [14].

⁴² Child Protection Guidelines for Branch Office Service Desks (WAT.0024.001.0006) at [9].

⁴³ Child Protection Guidelines for Branch Office Service Desks (WAT.0024.001.0006) at [12].

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- j. If a congregation member has committed child sexual abuse, congregation elders inform parents with minor children and provide "appropriate cautions" to them.⁴⁵

80. For the protection of children, if a former child abuser moves to a new congregation, the Branch office provides direction to elders in the new congregation to inform the parents and to be alert with regard to the individual's conduct during congregation activities.⁴⁶

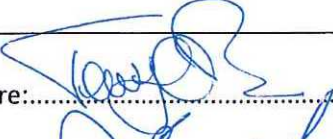

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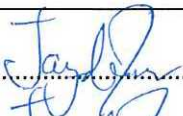
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⁴⁴ Child Protection Guidelines for Branch Office Service Desks (WAT.0024.001.0006) at [23]–[24]

⁴⁵ Child Protection Guidelines for Branch Office Service Desks (WAT.0024.001.0006) at [20].

⁴⁶ Child Protection Guidelines for Branch Office Service Desks (WAT.0024.001.0006) at [27].

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