

IICSA CLOSING STATEMENT

DATE: 14 August 2020
FROM: Honza Cervenka, *Associate*, AO Advocates
RE: IICSA Closing Statement on behalf of Kol v'Oz

Good afternoon, Chair and Panel.

As you know, I appear on behalf of Kol v'Oz and its Chief Executive Officer, Mr Manny Waks, a core participant in this Inquiry, alongside my colleagues Dr Ann Olivarius and Ms Shannon Moore. We would first like to thank you, Ms Fiona Scolding QC, the Inquiry's legal team as well as its administrative and technical staff, for continuing to hold hearings in these unprecedented times to a standard of professionalism that will no doubt serve as a benchmark for similar proceedings in the future.

In our opening statement, we asked the panel to look beyond the published policies, DBS checks and appointments of safeguarding officers, and instead examine the *reality* that victims of child sexual abuse face in the religious Jewish community. We consider this to be even more important now that the hearings have concluded.

There was a shared refrain in many of the Jewish organisations' evidence. You heard that the landscape for *talking* about child sexual abuse was changing, that they were aware of the problem in general but felt largely immune to it, and that in any event they were promoting safeguarding to the extent the law required. That one was almost led to believe when listening to Rabbi Baumgarten's evidence that the *status quo* ought not to change, that children are "full of life and full of happiness", and the Rabbis wise and trustworthy. And where proper safeguarding policies are missing, Rabbis inherently, uniformly and organically advise victims of child sexual abuse even though they received little to no such training.

The local authorities and victim support charities painted a vastly different, and in our view, more credible scene. The true influence and control that ultra-Orthodox Jewish organisations and Rabbis have over their congregations is vast. In a world where textbook pages are stuck together to hide references to sexual education or even basic human biology, children neither gain meaningful understanding of what sexual abuse is nor learn the language necessary to articulate and disclose abuse. Putting up posters in schools and Yeshivas is little more than a hollow nod towards safeguarding. This, coupled with the severe lack of dependable data relating to child sexual abuse within religious Jewish communities, frames the unacceptable disconnect between them and secular authorities.

Until Rabbis *actively* engage with safeguarding, child sexual abuse in their communities will flourish. The game of whack-a-mole that Mr Gamble is forced to play when trying to engage with Yeshivas in Hackney must stop. Some of the Jewish organisations that participated in this Inquiry have called it a wake-up call and gave assurances that they would now improve, but without strong recommendations from this Inquiry demanding they take concrete action, within clear timelines, the momentum will dissipate quickly.

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Notwithstanding Rabbi Baumgarten's assertion that "mesirah does not apply where the person being reported is causing harm to others, such as in the case of [child sexual abuse]", you heard from victim advocates that this view is not maintained consistently in Orthodox Jewish Communities. Even the Federation of Synagogues' statement admitted that "the hesitancy to report fellow Jews to the authorities by some in orthodox Jewish communities is slowly evaporating, but we are not yet where we should be." As a result, victims of child sexual abuse and their families continue being shunned and ostracised by their own communities, whilst their abusers operate unrestricted. This cycle must finally be broken.

Kol v'Oz has offered detailed recommendations on how that could be achieved in Mr Waks' witness statement. The ultra-Orthodox leadership cannot be trusted when it comes to addressing the issue of child sexual abuse within their community. External intervention and regulation must be the foundation of this Inquiry's response for meaningful cultural change to occur. Earlier today, Chief Rabbi Mirvis publicly wrote on Facebook about religious communities "unwittingly providing a space in which [children] may come to harm". Mr Waks strongly rejects that language in light of the evidence the Inquiry has heard of intentional, not unwitting, conduct and misconduct by some Jewish institutions and their leaders. Chief Rabbi Mirvis' statement shows just how much more cultural change still needs to happen in the Jewish religious community to improve accountability and safeguarding of children.

We therefore ask the Inquiry to conclude that a new regulatory body be established and run by the government to put strong child protection policies in place and establish robust standards for processing of child sexual abuse complaints. This should come hand-in-hand with a change in the law relating to positions of trust, so that it places faith leaders—of any faith—on the same level as teachers, and makes it a criminal offence for them to have relationships with those between 16 and 18 years of age.

Unless and until these changes are put into place, Jewish children, and children in other faiths, will remain at risk. That is too high a price to pay.

Thank you.

AO Advocates are a specialist team of lawyers based in Berkshire serving adults who have experienced sexual abuse by clergy, teachers, relatives, partners and others in a position of trust. We believe that representing a survivor of sexual abuse is much more than a legal mission; it's a measurement of our humanity. We use our litigation experience and skills to work for justice for those who have been harmed by trusted individuals and institutions.

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