

Mikvah (ritual bath) policies

Tzedek advises that all Jewish organisations in Australia should have written child protection policies in accordance with state legislation and the national principles for child safe organisations.

There are additional cultural considerations that are important in the development of organisational policies.

A Mikvah is a ritual bath that is used in the Jewish religion. There are separate mikvaot for men and women.

There are different times when one uses the mikvah. Jewish law requires that one immerse in a mikvah as part of the process of conversion to Judaism. This applies to males and females, children and adults.

Jewish law also requires women to immerse before getting married and once a month, when observing the laws of niddah (menstrual purity). There are also various other reasons that women, as well as men visit the mikvah.

Many Hasidic men immerse themselves in the mikvah every day. Others immerse every Friday before Shabbat. In some Jewish communities, it is also customary to immerse before Yom Kippur, and for grooms to immerse before their weddings.

Boys are usually welcome during men's hours at community mikvaot, and increasingly in liberal communities, the mikvah is used by both adults and children to mark special occasions or for spiritual support during difficult times.

Inherently, any situation in which adults and children are naked together presents a risk to children's safety, and the mikvah, despite its holy purpose, is no exception.

Policy recommendations

Reducing Risks in the Physical Environment:

- Attendees to register and enter using finger print technology to monitor identity of attendees and frequency of attendance;
- Limiting the use of the mikvah to one person at a time;
- Prohibit nudity outside changing rooms and the mikvah itself;
- Identify situations in which there is potential risk of inappropriate sexual activity by adults and youth such as:
 - times and locations for which the risk is considered especially heightened; and
 - individuals that may be considered at risk of either victimisation or of perpetrating abuse.
 - Personal variables may include: the age, developmental stage and personal history of youth attending the Mikveh (i.e. factors that may increase their vulnerability for example, children who come from difficult family circumstances), and the background of the adults (e.g. have allegations been made against them and/or have they been convicted of child sexual abuse-related offences).
 - Temporal variables may include: very quiet or busy times in the Mikvah.
 - Location variables may include: activity in the Mikvah that can occur in relative isolation and that might render the monitoring of individuals difficult or increase the likelihood of 'losing track' of Mikvah attendees.
- Restricts use of facilities for Mikveh immersion purposes only (e.g. no swimming).
- Designating one Mikvah for the exclusive use of children, or creating special children's hours.
- Restricts access to the Mikvah to children and youth accompanied by their father or a designated supervisor (proof of designation must be obtained).
- Restricts access of alleged or convicted perpetrators to times when children are not present.
- Defines privacy procedures for when children and youth are toileting, showering, and changing clothes.
- Restricts and clearly outlines the hours for Mikveh use; there should be no 'open slather' (i.e. unrestricted hours).
- Ensures safe environments for Mikvahs, with good visibility to multiple individuals. There should be:

- no opportunity for concealment;
- clear lines of sight;
- bright lighting;
- windows in internal doors; and
- a no-closed-door policy.
- Has policies and procedures to monitor which people outside of the Mikveh organisation (such as tradesmen) are allowed into the Mikveh, and under what circumstances.
- Installs external CCTV.
- Considers separate Mikveh facilities or times for children and youth, accompanied by at least two adult monitors who are present at all times and are within sight of youth using the Mikveh (accompanied by a separate Protocol).

Staffing

- All staff and volunteers to undergo screening prior to appointment and training.
- Ensure that every member of the administration and staff/volunteers have the relevant jurisdictional clearance to work with children (e.g. Working With Children Check).
- A volunteer should be on site whenever the mikvah is in use.
- Mandates at least two adult monitors to be present at all times within sight of youth using the Mikveh.
- Consider who is responsible for youth before and after Mikvah activities.
- The roles and responsibilities of the Mikvah administration and its monitors must be clearly defined and differentiated.
- It is essential to clarify when the Mikvah administration is responsible for youth and when specific monitors/caregivers are responsible.

Code of Conduct for attendees

- Defines the types of interpersonal interactions considered to be inappropriate or harmful. These might include:
 - sexual activity of any nature;
 - sexually provocative or degrading comments;
 - risqué jokes;
 - touching the body part of another individual;
 - intimate, romantic or sexual contact;
 - exposing individuals to pornography or involving youth in pornographic activities;
 - grooming;
 - attempts made towards seeking time alone with youth; and/or
 - bullying.
- Defines the boundaries of tolerance for interactions between youth and between adults and youth, so as to be able to identify when someone has crossed the line.
- Defines procedures for admitting youth to and releasing youth from the Mikveh so that their whereabouts are always known. This might involve the documentation/logging of booking in and booking out attendees, as well as documenting who the youth is supervised by whilst using the Mikveh.
- Develop a grievance policy for responding to complaints against staff and attendees.

Implementing the policy

The chain of responsibility for children and youth vis-à-vis use of the Mikvah must be clearly established.

1. The policy must be clearly communicated in writing to all Mikvah users (adults, children and youth) it is recommended that Mikveh members are asked to sign an appropriate document outlining the rules when paying their annual fees.
2. The policy outlined in the protocol must be monitored on a continuous basis. This includes defining who to monitor, and what to monitor.
3. Enforce the protocol by confronting inappropriate or harmful behaviours and by reporting these behaviours if necessary. Reporting procedures must be in place.
4. The development of a policy relating to when the Mikveh organisation starts and stops being responsible for children and youth attending the Mikvah is recommended.
5. Carry out spot checks.

Conclusion

Prevention of sexual abuse of youth in the Mikvah is a communal responsibility necessitating formal guidelines. Guidelines for sexual abuse must be based on zero tolerance of any offenders. Mikvah administrations must take overall responsibility, and the lines of responsibility must be clear. Victims of sexual abuse, as well as their family/social support networks, must be protected. Punishment of sexual abusers must be sought through civil and religious channels. In all circumstances, police should be contacted immediately whenever sexual abuse is alleged to have occurred.