



New Apostolic Church
Southern Africa

Sexual Misconduct Policy



NAMIBIA

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1. PREAMBLE

The New Apostolic Church Namibia (hereafter referred to as “The Church”) as an independent institution operating within society and in full realisation that the members of society constitute the general membership of the church. The church membership is not immune to domestic exposure to sexual violence or harassment among its members.

Further that, membership exposure to acts of sexual violence or misconduct, causes trauma; distress and mental health problems. Therefore, the church acknowledge its obligation in preventing and managing sexual violence through sensitisation and implementation of the policy as well as investigating reports of sexual misconduct act among church members to institute appropriate actions.

Although the term sexual misconduct is a legal term often used in most policies describing the acts of sexual misconduct or situations marked by covert unwanted sexual behaviors perpetuated against another and associated with manipulation, deception, power imbalance, coercion, and predatory behaviours. It is also applied as an “umbrella” term for describing any act of a sexual nature.¹ These involve acts of contact such as touching, fondling, stroking; or non-contact such as gestures and sexually explicit pictures. It also involves verbal or non-verbal acts such as sexual comments or jokes, which may be violent or non-violent in nature between church members.

Subsequently, the New Apostolic Church developed a legal framework detailing procedures for handling sexual violence or misconduct within the church. In keeping with its moral and legal duty, it has now elected to adopt a policy document aimed at:

- Creating ethos of care, trust, safety for congregations and the church community in general.

- Developing apposite preventative measures to protect church members against sexual exploitative behaviours.
- Preventing sexual misconduct and to protect members and individuals from inappropriate sexual behaviours.
- Providing spiritual guidance and emotional support to survivors and perpetrators of sexual misconduct.
- Promoting clear reporting and support procedures to individuals during the process, if survivors have reason to believe that sexual misconduct has occurred or may be occurring.
- Establishing mechanisms so that allegations of sexual misconduct may be dealt with promptly, judiciously, and fairly in keeping with the teachings of Christ.
- Providing procedural frameworks in which alleged sexual misconduct cases are handled in a fair, non-judgmental and impartial manner.
- Providing for the establishment of a safeguarding committee to address misconduct cases.
- The policy is a means for the church to gather information, record and assess complaints of sexual misconduct. As well as take disciplinary action against those found guilty of sexual misconduct.

2. DEFINITIONS

2.1. Child - means a person who has not yet attained the age of 18 years²

2.2. Child sexual abuse - means a behaviour or advance by an adult towards a child who is under the legal age; that is likely to harm the child or deprive him/her of a sense of physical and psychological safety. **Unwanted behaviour or Advance of a sexual nature** - includes physical acts of

² Child Care and Protection Act (Act 3 of 2015): Combating of trafficking in persons Act 1 of 2018

solicited/unsolicited touching, verbal, non-verbal, written, or electronic invitations, suggestive and obscene remarks, or jokes by a church member towards a child.

2.3. Child sexual abuse in terms of legislation entails:

2.3.1 Insertion (to even the slightest degree) of the penis of a person into the vagina or anus or mouth of a child and or any another person³ :

2.3.2 Insertion of any other part of the body of person or of any part of the body of an animal or any object into the vagina or anus of a child and or any another person⁴:

2.3.3 Any other form of genital stimulation⁵

- With the use of physical force⁶; threat (verbally or by conduct) of use of force⁷ and or intimidation to a victim: and
- or threat (verbally or by conduct) of use of force to a person other than the victim where it is not reasonable for the victim to disregard the threats⁸:
- Without informed consent (a child of less than 18 years of age can-not consent to any sexual relationship or activity with an adult).
- Even with consent provided the victim is under the age of consenting or as provided for in relevant legislation⁹: or
- Where circumstances exist negating the victim's ability to consent to the sexual act¹⁰

³ Combating of Rape Act, (Act 8 of 2000)

⁴ Section 1(1) (b) Act 8 of 2000

⁵ Section 1(1) (c) Act 8 of 2000

⁶ Section 2 (2)(a) Act 8 of 2000

⁷ Section 2(2) (b) Act 8 of 2000

⁸ Section 2 (2) (c) Act 8 of 2000

⁹ Section 2 (2)(d) Act 8 of 2000

¹⁰ Section 2 (2) (e) Act 8 of 2000

2.3.4 Exposing the child or any person to indecent acts which includes but not limited to the following:

- Pornographic images or videos.
- Indecent touching.
- Remarks or conducts or behaviours of a lascivious nature¹¹

2.4 **Sexual Exploitation** - means but not limited to any act of a sexual nature as defined in subsection 2.3.1-4 above save to say where the word “**child**” appears is to be read as including any other “**person**” where the word person is not inserted:

2.5 **Sexual Misconducts** – means any of the acts defined in section 2, subsection 2.1-4 of this policy.

2.6 **Complainant** - means the following persons:

2.6.1 A survivor towards whom an act of sexual abuse has been committed:

2.6.2 A person who lodges a complaint under this Policy:

2.6.3 Any person who has first-hand knowledge of a sexual misconduct committed by a person:

2.7 **Complaint** - an allegation lodged by a complainant in accordance with this sexual misconduct policy.

2.8 **Consent** - for purposes of this policy - Means agreement or permission for a certain act to take place – this may be in relation to either sexual act taking place or sharing of explicit information relating to the happening of a sexual act as defined in this policy.

¹¹ This carries the weight of sexual harassment:

- 2.9 **Leader** - means a person who has been ordained by an Apostle into a Ministry in accordance with the doctrine of the New Apostolic Church and/or other persons who hold leadership positions of various departmental groups by virtue of appointment or assignment.
- 2.10 **SAFEGUARDING COMMITTEE** - means an organ established in accordance with the provisions of Section 10 of this policy.
- 2.11 **Employee** - means any person employed on a full time; part time or casual basis in accordance with the labour laws of the Republic of Namibia who receives or is entitled to some sort of remuneration for the period of his or her employment within the church
- 2.12 **Investigation** - means the process used to gather and examine information from a complainant or victim and respondent to a complaint under this policy and from other persons who may have information relevant to the complaint.
- 2.13 **Investigating officer** - is a person who is appointed as an investigator in accordance with this policy.
- 2.14 **Leave of Absence** - means the time granted to a minister or coordinator to be absent from duty in the church. The leave of absence is issued when an allegation of misconduct is made against a minister or coordinator.
- 2.15 **Member** - is a person who has received the gift of baptism with water, gift holy sealing or adoption and any person with staying power in The New Apostolic Church.
- 2.16 **Minister** - is a person who has been ordained, assigned, or appointed into a ministry by an Apostle in the New Apostolic Church and has received ministerial authority and mandate through such an act.

2.17 **Sexual abuse** means an act by a church member directed towards another member that is likely to harm and deprive her or him of a sense of physical or psychological safety, that includes:

- all contacts (e.g., touching, fondling, stroking); engaging in such contact or conduct with another person with whom the complainant has emotional ties.
- non-contact (e.g., through gestures, sexually explicit pictures); exposing the complainant to sexual material which humiliates, degrades, or violates the complainant's sexual integrity; or
- verbal or non-verbal (e.g., sexual comments, jokes) violent or non-violent, coerced and seduced sexual activities; and engaging in any sexual conduct that abuses, humiliates, or degrades or otherwise violates the sexual integrity of the complainant.
- love affairs and exploitative acts (e.g., use of gifts) forcing the complainant to engage in any sexual contact.

2.18 **Child abuse** entails the abuse", in relation to a child, means any form of harm or ill-treatment deliberately inflicted on a child, including:

- assaulting a child or inflicting any other form of deliberate injury to a child.
- sexually abusing a child or allowing a child to be sexually abused.
- bullying by another child.
- a labour practice that exploits a child.
- exposing or subjecting a child to behavior that may harm the child psychologically or emotionally, including intimidation or threats.
- depriving a child of his or her rights to the basic conditions of living contemplated in section 6 of the Child Care Protection Act (CCPA); or
- exposing or subjecting a child to a social, cultural, or religious practice which is detrimental to his or her well-being.

2.19 **Sexual Assault** refers to forced sex or rape. It can be done by someone a survivor knows (partner, other family member, friend, or acquaintance) or by a stranger.

2.20 **Sexual Harassment** means unwanted behaviour or advance of a sexual nature, which includes physical acts of unsolicited or unwanted touching, verbal, non-verbal, written, or electronic invitations, suggestive and obscene remarks, or jokes.

2.21 **Sexual Offence:** means any offence of a sexual related nature as defined and set in the criminal legislation (Combating of Rape Act, Act 8 of 2000; Combating of Immoral Practices Act, Act 21 of 1980).

2.22 **Suspension from duty** refers to a temporal removal from duty pending an investigation of alleged sexual misconduct.

2.23 **Survivor** means any person against whom an act of sexual misconduct has allegedly been perpetrated.

2.24 **Volunteer** refers to any person carrying out a responsibility on free will in the church and who is not a minister or employee of the New Apostolic Church.

3. POLICY STATEMENT

- Through the sector policy on the prevention and management of sexual misconduct in the NAC, the church commits itself to providing a safe environment where all members worship, learn, work, and go about their duties and activities free from sexual violence and exploitation through misconduct.
- Sexual violence undermines the dignity and autonomy of those victimised and erodes mutual trust and respect, which are essential to personal wellbeing.
- The church opposes any form of sexual misconduct by ministers, teachers, leaders, employees, volunteers, visitors, and members.
- The policy is therefore, an expression of the church's commitment to preventing sexual violence or misconduct, by responding effectively to formal and informal allegations of sexual misconducts reported.
- Such allegations shall be investigated and dealt with in a manner that ensures that the identities of persons involved in such complaints are kept confidential.
- The church further commits to deal with all matters of sexual misconduct confidentially, except when the law or a court order requires disclosure or where the complainant grants informed consent.
- Treat reported complaints fairly, impartially, and unbiased.
- Establish ethos of care and encourage all individuals, members and employees to treat reported cases of sexual misconduct with extreme confidentiality.
- Assist survivors and perpetrators of sexual misconduct to recover from the encounter and gain confidence within the church support system, where possible.
- To enhance the rights and values, dignity, privacy, respect, fairness and equality for all individuals, members, or employees of the church to worship freely.

4. OBJECTIVES

This policy document is intended to achieve the following objectives:

- Ensure that the church's community is free from acts of sexual misconduct.
- Provide guidelines for handling cases or situations of sexual misconduct within the church.
- Ensure that all individuals, members, employees, or volunteers are treated with respect.
- Informing and educating individuals, members, employees, or volunteers on unacceptable behaviours.
- Protecting the rights and dignity of all individuals, members, employees, and volunteers.
- Ensure impartiality, fairness, and due processes in handling sexual misconduct cases.
- Provide information on the means of redress available for victims of sexual misconduct.
- Prevent the victimisation and protect the complainants and witnesses from any retaliation.
- Create an enabling and barrier-free church community that strives to prevent the occurrence of sexual misconduct.
- Connect survivors' with resources for their health, safety, and social support.

5. SCOPE OF APPLICATION

- a. This policy document shall apply to the prevention, detection, reporting, investigation and abolition of all acts of sexual misconduct as defined in this policy.

- b. It shall form part of the overall management of sexual misconduct and must be considered in conjunction with all relevant Namibian legislations¹².
- c. The policy finds application to the following persons:
 - all members,
 - volunteers,
 - employees,
 - As well as all persons that has dealings with the church.

6. LEGAL FRAMEWORK

6.1 This policy will form the basis upon which all acts of sexual misconduct committed by members and church officials shall be dealt with by the church,

6.2 Its application will be anchored on relevant Namibian legislations which are but not limited to the following:

- Article 19 of the UN Convention on the Rights of the Child. Regarding the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.
- Article 16 of the African Charter on the Rights and Welfare of the Child.
- ILO Convention 138 concerning Minimum Age for Admission to Employment.
- ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- Protocol to the Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- Article 20 (1) (2) and Article 8 (2) (b) of the Constitution of the Republic of Namibia, Act 1 of 1990.

¹² Constitution of the republic of Namibia: Labour Act 11 of 2007: Combating of Rape Act 8 of 2000: Combating of Immoral practices Act 21 of 1980: Prevention of Organized Crime Act: Act 29 of 2004: Combating of trafficking in Persons Act 1 of 2018

- Section 15 (1) (2) of the Regulation in the Basic Education Act 3 of 2020
- Labour Act 11 of 2007.
- Combating of Rape Act 8 of 2000.
- Combating of Domestic Violence Act 4 of 2003.
- Child Care and Protection Act 3 of 2015.
- Combating of Trafficking in Persons Act 1 of 2018.
- Combating of Immoral Practices Act 21 of 1980.
- The Criminal Procedure Act 51 of 1977.
- Any other legislation that deals with any issue arising from an act of sexual nature.

7. CONFIDENTIALITY DOCTRINE

The church acknowledges that:

- 7.1. Sexual misconduct raises issues of bodily integrity, dignity and highly sensitive to the privacy of persons;
- 7.2. Between church leaders and members exists' a relationship of trust;
- 7.3. All sexual misconduct complaints and the information gathered during investigations shall be treated with extreme confidentiality and only be shared with third parties with full consent of the survivors and or the perpetrator.
- 7.4. However; where there is a perceived risk to an individual or another's safety (e.g. the survivor threatens suicide or attacking the perpetrator), confidentiality may not be exercised. Although such disclosure should be discrete and done with caution not to cause harm towards the survivor. The disclosing party should inform the survivor of such disclosure and its purpose.
- 7.5. Where a duty of disclosure exists by virtue of a statutory provision of any legislation, such disclosure shall be made in accordance with the provision of such legislation.

- 7.6. Information sharing will be done with prudence and discretion, balancing the desire for open communication with the importance of maintaining the safety of all parties.
- 7.7. Information can also be passed on to a higher minister without the consent of the person affected subject to the following:
- a. Where non-disclosure may cause extensive damage to the church.
 - b. In fulfilment of tasks carried out by leaders, other alternative measures such as referral to outside professionals should be explored when all avenues for soliciting disclosure of abuse fails.
 - c. The intention exists to carry out a serious, punishable act.
 - d. Imminent danger to an individual becomes known (e.g., intention to commit suicide).
 - e. Offer support and information but do not fix the problem, refer when possible.

8. DUTIES AND RESPONSIBILITIES OF CHURCH LEADERS

The church appreciates and acknowledges that;

- 8.1. Everyone has the responsibility to account for his or her actions engaged in, either by act or omission;
- 8.2. Although the church is not responsible for the inappropriate behaviours of individuals, such misdemeanours can affect and damage the church's reputation;
- 8.3. Therefore, those entrusted with spiritual leadership in the church have a great responsibility when selecting brothers and sisters to occupy church leadership positions.

8.4. The leaders in the church have a duty to guard against making themselves guilty of sexual misconduct during the execution and fulfilment of their spiritual or organisational responsibilities and obligations.

8.5. Leaders have a duty to take preventative measures should circumstances giving rise to a possibility of sexual misconduct in pastoral care arise.

8.6. At the same time, leaders have a duty to ensure the following:

- a. That conducts giving rise to sexual misconduct do not originate from their actions,
- b. That such conduct does not originate from the actions of persons seeking advice from the leaders;
- c. That such conduct does not originate from the action of those being cared by the leader.

8.7. Leaders have a duty to avoid one-on-one activities which most likely will give rise to possible alleged sexual misconduct allegations. The following should be done:

- a. Be accompanied by another person when embarking on activities which presents a potential for a one-on-one situation;
- b. Activities should be preferably conducted in a group setting or family circumstances;
- c. Other alternative means of meeting can be adopted such as virtual meetings, and this is highly encouraged where circumstances allow.

8.8. The church further appreciates that:

- a. By virtue of its doctrine, pastoral care forms one of the church's fundamental pillars of its existence.

- b. The objective of pastoral care is to support members and guests on the path that leads to redemption from sin and death.
- c. Pastoral care constitutes spiritual, emotional, and social support rendered by the church on both religious and non-religious form of support to facilitate personal growth.
- d. This doctrine if violated, a pastoral leader makes himself or herself guilty of sexual misconduct, therefore leaders have a paramount duty to avoid contravening provisions of this policy by act or omission.

8.9. The church leadership responsible for identifying prospective leaders have a duty to:

- a. Carefully select prospective leaders with respect to their suitability for dealing with children, youth, and members in general.
- b. Vet through establishing background checks on potential church leaders.
- c. Inform the proposed prospective church leaders of the church Sexual Misconduct Policy and its zero tolerance for inappropriate sexual behaviors.
- d. Inform spouses of prospective leaders of the content of Sexual Misconduct Policy and consequences of contravention thereof.
- e. Encourage prospective leaders that private church lessons are to be carried out in the presence of persons and not in isolation between the teacher and the student.
- f. Inform the prospective leaders that they have a duty to always exercise ethical conduct during the fulfillment of their church duties.

9. EDUCATION

- 9.1. Being a part of society, the church acknowledges that misconduct cases are likely to take place or at least the occurrence thereof cannot be ruled out. The church, therefore, commits to the following:
- a. To provide awareness and sensitise the church community regarding sexual violence and its context.
 - b. To provide regular training opportunities for its ministers, teachers, and leaders on the standard operating procedures for the church as well as the provision of psychosocial support and psychosexual education.
 - c. To provide regular training for ministers, teachers, and leaders on matters relevant to this policy.
 - d. To provide regular training or sensitisation of ministers, teachers and leaders on case management, identification, and support of survivors.
 - e. To identify suitably qualified members to provide psychosocial support and deploy them to create awareness, provide training to ministers, congregants and other individuals in need of support services.
- 9.2. As part of the church's education obligation, the policy document shall be distributed to all rectors so that existing ministers, new ministers, volunteers, and general membership can have access thereto.

10. ESTABLISHMENT OF THE REGIONAL SAFEGUARDING COMMITTEE¹³

10.1. To give effect to this policy, a Regional Safeguarding Committee shall be established.

10.2. The committee shall consist of the following members:

- a. Apostles responsible for the New Apostolic Church Namibia.
- b. Member/s with knowledge and experience in law.
- c. Member/s with expertise in psychology and/or social work.
- d. Member/s with expertise in the law enforcement and investigations.

10.3. The nomination of these members shall be done by the Apostles responsible for Namibia, but such members shall be appointed by the District Apostle.

10.4. Once appointed by the District Apostle, the committee shall be required to elect the chairperson and Secretary.

10.5. The Chairperson shall be responsible for the chairing the meetings of the committee and the day to day operations of the committee's activities;

10.6. The Secretary shall be responsible all administrative duties of the committee, not limited to drafting reports, taking minutes, and arranging meetings of the committee as directed by the chairperson.

10.7. If the chairperson is unavailable to chair the meeting, he/she shall have the power to designate any member amongst the members of the committee to chair the meeting.

¹³ Section 10 of this policy Document proposal – is what appears in the principal Policy document as chapter or section 15

10.8. The committee meetings shall not be limited to face-to-face meetings but may be held virtually depending on the circumstances.

10.9. For purposes of holding the meetings a simple majority will be sufficient to constitute a quorum for holding such meeting.

10.10. The Regional Safeguarding Committee shall carry out the following duties:

- Identification of Investigating Officer/s responsible for investigating sexual misconduct allegations.
- Sanction investigation of sexual misconduct report filed by a member or a non-member of the church, but involving church members or those that have a connection with the church.
- Notify the District Apostle of the sexual misconduct report filed and being investigated in accordance with this policy.
- Recommend in the notice under 10.11. For the person(s) investigated under this policy to be put on temporary Leave of Absence during investigation.
- Designate a person with knowledge of adjudication to chair the hearing and file a report to the Regional Safeguarding committee.
- Evaluate the outcomes of the hearing and determine what recommendation should be made to the District Apostle for his decision making.
- If no appeal is filed by the person against whom the findings of sexual misconduct is made, the District Apostle shall act on the recommendation forwarded to him by the Regional Safeguarding Committee within 14 days from the date upon which the recommendations were filed.
- The Appeals Committee shall be established as soon as the appeal is noted; however, the composition of this committee shall be constituted six

(6) days after the appeal is filed against the recommendations of the committee.

- The Appeals Committee shall be required to finalize the appeal hearing within 21 days of receipt of the appeal from the Regional Safeguarding Committee.
- The Regional Safeguarding Committee shall receive the findings of the Appeals Committee whenever they finalise findings.
- Adopts the findings of the Appeals Committee and forward same to the District Apostle for action to be taken.
- The District Apostle has 14 days to implement the findings of the appeals committee as adopted by the safeguarding.
- The Regional Safeguarding Committee shall also oversee the activities of Safeguarding Facilitators within various district in
 - i. Dealing with the policy implementation.
 - ii. Identification of members in need of services aligned to the policy.

10.11 The term of office to the regional committee shall be

10.11.1. Three (3) years.

10.11.2. No member shall serve consecutively for period in excesses of two terms.

11. APPOINTMENT CRITERIA FOR THE REGIONAL SAFEGUARDING COMMITTEE MEMBERS

11.1 Consideration shall be given to members of the church who are not convicted or has pending criminal case.

11.2 Professional knowledge and skills in the field of law, law enforcement, or psychology and social work

11.3 Be passionate about serving others and carrying out research in any field.

11.4 The above requirements shall be waived when the church management deems it fit, and it is for the benefit of effective implementation of this policy.

12. APPOINTMENT OF SAFEGUARDING FACILITATORS

12.1. The safeguarding facilitators –the Regional Safeguarding Committee shall in consultation with the rectors nominate persons for appointment as safeguarding facilitators by the Apostle.

12.2. No person with pending criminal shall be nominated to be Safeguarding Facilitator.

12.3. The safeguarding facilitators shall with the Regional Safeguarding Committee with the sexual misconduct policy implementation and Identification of members in need of services aligned to the policy.

12.4. The term of office to the safeguarding facilitators shall be

12.4.1. Three (3) years.

12.4.2. No member shall serve consecutively for period in excesses of two terms.

13. PROCEDURE OF SEXUAL MISCONDUCT REPORTING¹⁴

12.1 In accordance with this policy, sexual misconduct allegations may be reported in one of the follows:

- a. Informal reporting procedure.
- b. Formal reporting procedure.

¹⁴ Sections 13 and 14 of the principal Policy of SA church consolidated and joined together under section 11 of this policy document draft

12.1.1 INFORMAL REPORTING PROCEDURE

This procedure maybe adopted for a survivor of sexual misconduct by reporting the allegations to the Rector of the congregation:

- a. Once a report is made to the Rector, he or she should immediately notify the Apostle about the report.
- b. The Apostle shall within seven (7) days of receipt of the report appoint a Mediator.
- c. The appointed Mediator will be tasked to engage the parties in an attempt to resolve the complaint to the satisfaction of both the survivor and the respondent.
- d. The Mediator can be a minister; a member of the church or any other person with expertise in mediation, dispute resolution, sexual violence, and/or gender-based violence.
- e. The Mediator appointed has the following duties:
 - i. To promote, protect and give effect to the integrity, fairness and efficacy of the mediation procedure.
 - ii. To act independently and impartially.
 - iii. To conduct himself or herself with honesty, integrity; courteously to both parties and observe the doctrine of confidentiality.
 - iv. To act in good faith.
 - v. Attempt to resolve the complaint in a way that is acceptable to both parties.
- f. At the conclusion of the mediation procedure the Mediator shall deliver a report that records:
 - i. All identified issues during the mediation process.
 - ii. Record all resolved issues.
 - iii. Record all unresolved issues during mediation.
 - iv. Any other observation the mediator considers necessary.

- g. The Mediator shall thereafter deliver the report to the SAFEGUARDING COMMITTEE within 14 days of closure of the mediation procedure.
- h. The SAFEGUARDING COMMITTEE shall upon receipt of the mediation report perform the following:
 - i. Consider the finalization of the sexual misconduct and report to the apostle who shall then report to the District Apostle.
 - ii. In the event the mediation does not resolve the issue, then appoint an investigating officer to commence investigation of the allegations and report back to the Safeguarding Committee.
 - iii. Upon receipt of the investigation report the Regional Safeguarding Committee can appoint presiding officer who shall deal with the sexual misconduct issue considering the evidential material and make recommendation for consideration by the panel.
 - iv. Once the committee consider the recommendation and adopt them, they may recommend to the District Apostle to implement the recommendation within 14 days upon receipt of the panels' recommendation.

12.1.2 FORMAL REPORTING PROCEDURE

- a. This procedure may be adopted for or by the survivor or complainant by reporting a complaint of sexual misconduct against a respondent in writing and direct the complaint to the Apostle.
- b. Sexual misconduct cases shall be investigated by one person. The investigator appointed shall only deal with that case and the scope of duty lapses upon finalization of the case.

- c. The Apostle shall within 7 days or as soon thereafter notify the District Apostle who in consultation with the Apostle directs the Safeguarding Committee to identify and designate an investigating officer to investigate the complaint.
- d. The Investigating Officer designated shall be a person with knowledge in the following areas:
 - i. Area of investigations.
 - ii. Area of obtaining evidence.
 - iii. Writing of reports.
 - iv. Person with knowledge of the law.
 - v. Knowledge on working victims of sexual and gender-based violence.
- e. The Investigator shall have the following responsibilities:
 - i. Meet with the complainant.
 - ii. Meet with the survivor.
 - iii. Meet with the respondent.
 - iv. Meet any witnesses or relevant persons.
 - v. Prepare a written report about the evidence obtained for submission to the Regional Safeguarding Committee.
 - vi. The investigation and necessary reports shall be finalised within 30 working days from the date the Investigator was appointed.
 - vii. Make recommendation through that report to the Safeguarding Committee about his/her findings.
 - viii. Once the Safeguarding Committee receives the investigation report from the Investigator, it shall report to the District Apostle within seven (7) working days.

- ix. The doctrine of confidentiality shall always be observed subject to legal requirements provided by any relevant legislation.

- f. Once the report is filed by the investigator and submitted to the Regional Safeguarding Committee – the committee invoke the procedure provided for in section 10.10. Above.
- g. This policy is aligned to provisions of section 132 of the Child Care and Protection Act and any other law that makes mandatory reporting of acts of sexual violence and or abuse against children or survivors of gender-based violence, where failure to report is punishable.
- h. The following persons are mandated to report acts of sexual misconduct or violence:
 - i. New Apostolic Church Ministers;
 - ii. Parents, guardians, family members, teachers;
 - iii. Members of the church;
 - iv. Leaders of various groups within the church;
 - v. Visitors in the church;
 - vi. Any person who is a witness or has information of sexual misconduct committed.
- i. The duty to report outweighs all duties of confidentiality except attorney-client privilege.
- j. Whenever a complaint of sexual misconduct is lodged against a leader in the church and is under investigation, such leader shall be placed on leave of absence pending the finalisation of the outcomes of investigation.

14. ENGAGEMENTS WITH MULTI-DISCIPLINARY SUPPORT ORGANISATION¹⁵

14.1 The church recognises that it does not operate in isolation, therefore this policy advocates for the church to maintain close engagement with various support organisations.

14.2 The church recommends that complainants, survivors, offenders and all members and non-members of the church to make use of these organisations for legal advice, counselling, and psychosocial support in addition to the procedures provided for in this policy.

14.3 Cases of sexual misconduct involving vulnerable victims and/or minors shall also be reported to the district social workers and the Namibian Police at the GBV office.

14.4 The organisations referred to in 13.2 are not limited to following:

- a. OMAS- dealing with social welfare services;
- b. Red Cross;
- c. SOS villages;
- d. LifeLine/ChildLine Namibia;
- e. Regional School Health Task Force;
- f. 106 GBV Helpline Namibia;
- g. MenEngage Namibia.

14.5 The Safeguarding facilitator shall save as contacts person to facilitate the smooth referral process of victims and or offenders of sexual misconduct and any other person who may seek support services from the multidisciplinary support organisations and professionals.

¹⁵ Sections or chapters 16 and 17 of the Principal Policy document merged and consolidated under section 12 of this policy document template proposal

14.6 Safeguarding Facilitators may be seconded as contact persons and first-line responders between the church and the multidisciplinary support organisations.

14.7 The church's duty is to provide pastoral support and care intended to continue universally to both the survivors, offenders, and their respective families.

15. PENALTY FOR MISCONDUCT

15.1 If a minister is found guilty of a sexual misconduct offence, the church reserves the right to revoke his or her ministry:

15.2 If a coordinator is found guilty of a sexual misconduct offence, the church reserves the right to revoke his or her appointment.

15.3 If a member of the church is found guilty of a sexual misconduct offence, the church shall refer the matter to the relevant authority for further action.

15.4 Nothing contained in this provision shall prevent the church from referring any sexual misconduct allegations to the relevant authorities for action at any stage of the investigation.

16. APPEAL PROCEDURE

- a. The respondent who is not satisfied with the decision taken by safeguarding committee may approach the committee to appeal to the District Apostle, who shall appoint an appeals committee.
- b. The respondent shall be given a fair hearing, and the decision taken by the responsible party on the allegation shall abide until the appeal is launched.

- c. During the appeal period, the respondent shall be suspended until the appeal's conclusion to determine if the earlier decision stands or is altered.

17. MONITORING, EVALUATION AND POLICY REVIEW¹⁶

- a. The Apostle shall in consultation with the District Apostle establish Policy Review Committee.
- b. The Policy Review Committee shall work together with the Safeguarding Committee to monitor and evaluate the effective implementation of the policy.
- c. The Policy shall be reviewed after every three (3) years

17. DEVIATION FROM THE PROVISIONS OF THE POLICY

- a. The contents and processes stipulated in terms of this policy shall not be easily deviated from.
- b. Should the need arise for deviation; such shall not be embarked upon without pre-approval of the Safeguarding Committee:
- c. The required pre-approval shall be reduced in writing and communicated as such to the Apostle, who shall communicate to the District Apostle.

18. EFFECTIVE DATE OF THE POLICY

18.1 This policy takes effect from the following dates:

- a. The date it is signed by the District Apostle or
- b. The date it is adopted and approved by the District Apostle, or

¹⁶ Chapters / section 18 and 19 of the Principal policy document consolidated and merged together under section 13 of this Policy document proposal

- c. The date it is launched by the District Apostle or any Apostle Designated by the District Apostle for such exercise.

19. BIBLIOGRAPHY

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Appendix I

NEW APOSTOLIC CHURCH NAMIBIA APOSTLE COUNTRY AREA SEXUAL MISCONDUCT/ HARRASSMENT COMPLAINT FORM

Report date	
Full names of Complainant: (As appears in the ID document)	
Date of Birth:	
Congregation Name and Code:	
Details of Person(s) accompanying the complainant	
Full names and Phone number	Relationship to Complainant
Details of person(s) alleged to have committed the act	
Full Names	Position/Title
Details of the alleged Incident	
Date of Incident:	
Time of Incident:	
Where did incident occur:	
Please give a detailed description of the incident and your response to the incident below.	

(Where possible the complainant is to complete this section in person)

