Association for the Protection of Vaishnava Children, Inc.

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Official Decision on the case of Kirtanananda dasa

This judgment, decided on October 25, 2000, was rendered in accordance with the guidelines for adjudicating cases of alleged child abuse established by the ISKCON Child Protection Task Force Report and ratified by the ISKCON Governing Body Commission. This judgment is the Official Decision of the Association for the Protection of Vaisnava Children (APVC) on the child abuse case of Kirtanananda dasa (Keith Ham).

This decision defines the parameters of the relationship of Kirtanananda dasa with ISKCON. The APVC advises child abuse victims, their parents, and all members of the ISKCON organization to report allegations of child abuse to governmental social service and law enforcement authorities. Also, the APVC advises all members of ISKCON to learn and follow their local laws regarding child abuse and mandated reporting of child abuse.

Kirtanananda dasa is a white-bodied person who was one of the first persons to join the movement in the mid-1960s in New York. He took first, second, and sannyasa initiation from Srila Prabhupada. Kirtanananda dasa has not responded to efforts of the APVC to contact him. The APVC has provided him full opportunity to respond to all allegations against him, but he has not replied.

Below are sections of the ISKCON Child Protection Task Force Report concerning definitions of child abuse.

"I. Child Maltreatment

A. Definition- A broad range of mistreatment of children including neglect, physical, abuse, sexual abuse, and psychological abuse.

1. Child- a child is defined as 0-18 years of age OR whatever the legal definition for a child is in the particular country where the alleged maltreatment occurred.

B. Types of Child Maltreatment

B.3. Sexual Abuse- An act of commission ( perpetration) where a child is coerced, induced, persuaded, enticed, seduced, or entrapped into sexual acts with another person. The coercion can be either physical or verbal. The other person could be either an adult, an adolescent (12-18 years of age ), or even in extreme cases, another child (less than 12 years of age ) The abuser uses his/her position of authority or power (size, age, social position, cognitive differential) to exert control over the victim.

a) Forms of sexual abuse include:

(1) voyeurism ("Peeping Tom" ) (2) exhibitionism ( flashing ) (3) taking pornographic pictures of the child (4) having the child watch while the perpetrator masturbates (5) forced masturbation (6) kissing (7) fondling (8) digital/object penetration of vagina and/or anus (9) oral sex (10) sodomy (11) intercourse

Examples: A 14-year-old boy badgers (verbally coerces) his 13-year-old male friend into anal sodomy by repeatedly calling him a sissy; an ashram teacher fondles a boy's genital while tucking him in; a father engages in any sexual activity with his daughter; an aunt has a 9-year-old nephew suckle her breast

B. 4. Sexual Harassment- Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and/ or other inappropriate oral, written or physical contact of a sexual nature. Such conduct creates an intimidating, hostile, and offensive environment.

Sexual harassment, as defined above, may include, but is not limited to the following:

a) verbal harassment or abuse;

b) pressure for sexual activity;

c) repeated remarks to a person with sexual or demeaning implications;

d) unwelcome or inappropriate touching;

e) suggesting or demanding sexual involvement accompanied by implied or

explicit threats.

Example: a) A male devotee pats a young girl in an inappropriate place,

or frequently puts his arm around the shoulder of a young teenage brahmacarini. b) a brahmacari repeatedly taunts and denigrates an young girl, calling her a "Maya devi', "prostitute", or worse.

Notes:

2. These guidelines do not exempt one from observing local laws. For example, in Sweden corporal punishment of any kind is against the law. Our parents, guardians, and care providers are expected to be aware of and observe local laws."

Cultural norms and/or poverty are to be taken into consideration when considering neglect, corporal punishment, and psychological abuse. Cultural norms refer to different perspectives on child-raising, discipline, education, etc., according to local custom and practice...There will naturally be variances in facilities and outlooks on child care, but at the same time there are basic and universal standards...Cultural norms...are not a loophole but a factor for consideration. They are never an excuse for child abuse...ISKCON is an international organization encompassing many countries and cultures. While recognizing these variations, there are universal and basic standards of decency and morals...

Degrees of offense:

Misdemeanors: ...

Definition:

4. precursors to sexual abuse, i.e., the 'private parts' were not touched but the child's body space was violated with the clear intent of being sexual if the progression had not ceased."

The APVC has received written, first-hand testimony stating that Kirtanananda forcefully caressed the genitals and other parts of the body of a 15 year old boy in 1989 in Malaysia on at least two occasions. In 1991, on at least one occasion, Kirtanananda committed the same acts of sexual abuse against this child, and also, according to the testimony, attempted to perform oral sex on the boy, who was then 17 years old.

The APVC has received first-hand testimony stating that Kirtanananda engaged in voyeurism by making the claimant, when he was a boy, take off his clothes and then watching him take a shower.

Based on the testimonies and documentation described above, this panel has determined that Kirtanananda dasa committed sexual child abuse. Due to these transgressions, it is the determination of this panel that Kirtanananda is not permitted to have any contact with ISKCON or ISKCON-affiliated organizations for five years from the date of this Official Decision. This restriction includes a prohibition from visiting an ISKCON temple or participating in ISKCON functions. After five years from the date of this Official Decision Kirtanananda may reapply to the APVC or the GBC Executive Committee for reinstatement into ISKCON. This application for reinstatement will be considered if Kirtanananda complies with the following stipulations:

1) He must contribute at least $10,000 to an organization dedicated to serving Vaisnava youth, such as Children of Krishna, the APVC, or a gurukula approved by the APVC.

2) He must write apology letters to all the victims described in this letter. In these letters he must fully acknowledge his transgressions of child abuse, and he must take full responsibility for those actions. Also, he must express appropriate remorse, and offer to make amends to the victims. These letters should be sent to the APVC, not directly to the victims.

3) He must undergo a psychological evaluation by a mental health professional pre-approved by the APVC, and he must comply with recommendations for ongoing therapy described in the evaluation report and by the APVC.

4) Kirtanananda dasa must fully comply with all governmental investigations into misconduct on his part.

After Kirtanananda complies with the four conditions above, his application for reinstatement will be considered. If Kirtanananda dasa is readmitted as a member of ISKCON, then his participation in the activities of the organization must be constrained as follows:

6) Kirtanananda dasa cannot reside overnight on ISKCON property or on the property of an organization affiliated with ISKCON.

7) Kirtanananda dasa cannot lead kirtanas or give class at an ISKCON temple or at an ISKCON function, or at any function of an organization affiliated with ISKCON.

8) Kirtanananda dasa cannot perform any service that involves association with children for ISKCON or an ISKCON-affiliated organization (A child is defined as a person under 18 years of age).

9) Kirtanananda dasa must show this document to the temple president or facility manager of any ISKCON temple or project that he visits, and obtain a signed statement that the president or manager has read this decision. Kirtanananda dasa must send the signed copy of the decision to the APVC.

10) Kirtanananda dasa cannot visit ISKCON property or attend an ISKCON function if his child abuse victims or their family members are present, unless, uncoerced and without manipulation, they give their consent.

11) Kirtanananda dasa is not permitted to hold any positions in the ISKCON organization, or in any organization affiliated with ISKCON.

12) Kirtanananda dasa's tapes, videos, books, and any other paraphernalia may not be sold at or publicized through any ISKCON entity or an entity affiliated with ISKCON.

13) If Kirtanananda dasa violates any of the dictates of this Official Decision, then he can have no association with ISKCON temples or projects until his case is reviewed by the APVC. This ban means that he cannot enter ISKCON property or the property of any organization affiliated with ISKCON.

These judgments constitute the minimum restrictions that an ISKCON organization may place on Kirtanananda dasa . Any specific ISKCON organization may choose to invoke more stringent restrictions. Specifically, the APVC suggests that the New Vrndavana community may want to impose stiffer consequences on Kirtanananda, such as a longer or even a lifetime ban, since that is the community where his offenses caused the most damage.

While this Official Decision has delineated various restrictions and conditions, the panel members realize that engagement in devotional service to Sri Krsna is essential for purification. Though it is not the function of this panel to determine or suggest the type of devotional service that Kirtanananda dasa should perform, we want to mention that, within the restrictions described herein, there are countless ways in

which Kirtanananda dasa may serve Srila Prabhupada's mission, and we encourage him to do so. Also, we wish to state that the directives described in this document, such as writing apology letters and contributing towards the betterment of the children of Srila Prabhupada's movement, are also forms of bhakti-yoga.

According to the ISKCON Child Protection Task Force Report, Section 5, in cases where an allegation(s) of child abuse are determined to be valid, the accused may appeal the Official Decision to the GBC Executive Committee and the ISKCON

Minister of Justice within one month of the date of this decision. The Official Decision described in this document is effective immediately, and the perpetrator must abide by its guidelines during the appeal process, should he choose to appeal this decision.

Judges serving on this case were: Bhusaya dasa, Gandharvika dasi, Isvara Puri dasa. The Case Manager for this case was Dhira Govinda dasa. The Director of APVC at the time of this Official Decision was Dhira Govinda dasa.