



Press Release

Child Protection Agency Questions Court Decision

On Friday 2 September at the Auckland District Court, Judge Philippa Cunningham discharged a man without conviction on a charge of performing an indecent act. The man who has name suppression was facing sex abuse charges against his 4 year old daughter – a charge he pleaded guilty to. The judge felt the consequences of a conviction would outweigh the gravity of the offence.

Alan Bell, Director of ECPAT Child ALERT questions the decision. *“What does this say about protecting our children from sexual exploitation? Does this decision provide a deterrent for other would be offenders? Does being intoxicated and the possibility that he “was not fully awake” excuse the abusive behaviour? Is there one law for some and another for others?”*

The offender’s lawyer said in defence that her client should be allowed to keep his record clean. She said a conviction would make it hard for him to work again as a comedian. *“Mr Bell responds that this appears to place more importance on the man being able to continue his life as normal and as if he had not offended than on protecting children and ensuring that justice was being exercised evenly against offenders.”*

Further the judge stated that the man was a talented New Zealander. *“He makes people laugh. Laughter is an incredible medicine and we all need lots of it”*

Mr Bell questions the basis for such a comment. *“If this was a reason for not convicting the guilty offender how does it apply to other offenders who might provide some form of entertainment? Is this an automatic “get out of jail free” card? And what difference does it make what an offender does for a living? Should not anyone who abuses children pay the price for what they have done and by so doing send a strong signal to others that the sexual abuse of children in New Zealand will not be tolerated.”*

ECPAT Child ALERT is a registered charitable trust working to prevent the sexual exploitation of children.

Contact: Alan Bell ; Director
Ph. 09 3765252; 021 826137