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Royal Commission into Institutional Responses
to Child Sexual Abuse
GPO Box 5283
Sydney NSW 2001

Submission on Redress Schemes

Due to the enormous amount of time devoted to recent public sessions, this is an interim paper. We will provide a fuller response on this complex issue.

Over the past twenty five years, the Child Migrants Trust (CMT) has worked on behalf of and with former child migrants and their families, particularly in Australia and in several other countries with an involvement in UK child migration schemes.

Many former child migrants have been subjected to a wide variety of criminal acts, human rights abuses and cruel or degrading ill treatment, including emotional, physical and/or sexual abuse. Particularly where their experience of sexual abuse involved either repeated episodes or extremely serious incidents, many former child migrants regard this as the most damaging legacy of their childhood. While all former child migrants experienced prolonged separation from their families, thankfully not all former child migrants experienced sexual abuse. Sexual abuse was not confined to either boys or girls or to specific agencies or locations.

Many former child migrants believe that they should receive adequate redress for their ill treatment but few believe that this has been achieved so far in terms of financial redress. Redress can take many forms. After the national apology in 2009, a more realistic level of services has been offered to former child migrants. While this is a welcome and much appreciated improvement, it has been a fairly recent development.
Child migration policy and practice can be seen as the product of a wide range of organisations – for example, the Australian and UK governments at both national and local levels and an even more varied combination of secular child care agencies, including Barnardos and Fairbridge, and explicitly faith based agencies linked to branches of the Catholic, Methodist or other Churches. There has been quite a wide variety of responses, including resistance, to the need for redress measures among these agencies.

**Apologies**

Many of these organisations have issued formal apologies over the years. The more recent and most well known are the national apologies.

The first was given by the Australian government in November, 2009 followed by the UK government in February 2010. These political apologies stem from the parliamentary inquiries held in both countries several years earlier and the Senate review of the process of implementing earlier recommendations.

Both apologies addressed a wide range of issues which required official acknowledgement – for example, separation from family and country, being deceived about their family background and suffering from abusive institutional regimes whose staff inflicted physical, emotional and/or sexual abuse.

The context and timing of these apologies are both critical factors. For example, the Christian Brothers issued an apology in 1993 to those formerly in its four child care institutions who had suffered physical or sexual abuse.

Many former child migrants suffered the most serious forms of abuse at Clontarf, Castledare, Tardun or Bindoon. The Sunday Times in Perth, West Australia, commented that it was 'an apology reluctantly dragged from the Brothers while they continued to insist that many of the claims were exaggerated.' Indeed, it would be difficult to find any former child migrants who felt that this apology was a significant event for them.

Clearly, it would have been more widely welcomed if it had been freely given after genuine consultation with those concerned. It might have served a useful purpose if given years earlier before legal proceedings were instituted against the Brothers. Nor were the later financial settlements which ranged from two to twenty five thousand dollars regarded as fair or adequate by many of those who received such payments.

Clearly, apologies need to be genuine and seen to be genuine rather than half hearted by those receiving them. There is a hierarchy of forms of apology ranging from mild expressions of regret given in private to full scale, televised national apologies delivered by Prime Ministers. Levels of acknowledgement and expressions of remorse are also significant as well as the degree of substance which will reinforce the symbolic nature of the apology.
Indeed, it is surprising how many apologies have been offered without both full consultation and an opportunity for a response. The UK apology is a rare exception. This is one of the reasons why it is still regarded and remembered as a positive and moving experience by many former child migrants and their families. Its symbolism was given practical expression by the announcement of a Family Restoration Fund to help reunite former child migrants with their families.

Redress and the patchwork quilt of provision
The different forms of redress offered to former child migrants can be compared to a patchwork quilt of provision. Some have been able to apply to faith based agencies which may offer one or two avenues to pursue redress claims. This is true of those whose childhood was spent in Catholic agencies.

However, this in-house form of redress carries significant risks. ‘Towards Healing’ has often been experienced as another ordeal which almost by definition lacks an independent element and seems oblivious of the dangers of secondary abuse. Insult can be added to injury even with good intentions. It seems a highly questionable notion to allow agencies with involvement in past abusive practices to set a tariff for payments behind closed doors while claimants are left to advocate for themselves.

Some who were in care in Tasmania, Queensland or Western Australia have also been able to apply to redress schemes organised at State level. The Western Australian scheme was originally fairly generous compared to other schemes, but its levels of payments were cut when a new government was elected. Clearly, those who came forward and made detailed submissions about their experiences of abuse as children in care were not simply disappointed, but many felt betrayed when the terms and payments were significantly downgraded.

This suggests also that the extent of the abuse was seriously underestimated as well as the resources required to provide adequate payments. However badly treated these former child migrants felt, they were still in a better position than those who had been abused in care in New South Wales or Victoria, for example, which have not offered a state redress scheme.

It does not seem to be a fair principle that financial redress is influenced more by matters of geography and the outlook of local government than by the extent or impact of the abuse. The lack of any national minimum standards in terms of either process or potential outcomes is regarded as a further injustice.

Historical abuse
The 'standards of the day' argument is often used to minimise the impact and distort the context of historic crimes against children. It was never lawful to sexually assault children in state care, nor to cause physical injuries or remove children from education for enforced, unpaid labour.
In discussion with the Trust, former child migrants frequently express the view that a national redress scheme should address issues including:

- Historic criminal physical and sexual assault
- Sustained emotional abuse and bullying leading to loss of self esteem and long term emotional damage
- Medical neglect, including issues of deprivation, such as failure to provide reading glasses or lack of basic dental care
- Deprivation of a basic education
- Stolen wages for children working beyond school leaving age
- Withholding of personal records, leading to loss of family and identity
- Deportation without parental knowledge or consent
- Separation of siblings following arrival in Australia

Clearly, a process of consultation is required to establish the principles and parameters of the many complex areas of redress in relation to historic abuse. Considerations of independence and ethical practice are key areas if further harm and secondary abuse is to be avoided.

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