

## **BRIEFING ON THE NEED FOR AN INCLUSIVE REDRESS AND CIVIL LITIGATION SCHEME FOR SURVIVORS OF CRIMINAL CHILD ABUSE IN INSTITUTIONAL CARE**

### **A Call for People of Influence to Stand with Survivors**

The Alliance for the Forgotten Australians (AFA) is seeking support for its campaign to prevent further trauma for people who have survived child abuse in institutional care settings.

We call on current and former providers of institutional care for children to act with us now to ensure that the Royal Commission into Institutional Responses to Child Sexual Abuse results in a redress and civil litigation scheme which meets the needs of survivors of any form of criminal abuse – physical, emotional, cultural and sexual.

A narrow interpretation of the terms of reference in the Commission's Final Report on Redress and Civil Litigation will adversely affect many Forgotten Australians.

### **Sexual Abuse is Intricately Connected with Physical and Emotional Abuse**

There was often serious physical abuse and significant emotional abuse and chronic neglect of children in state institutions, along with separation of children from siblings, parents and loss of family identity. The impact of this abuse may have been just as traumatic and lifelong as child sexual abuse. To isolate sexual abuse as one form of abuse will create the basis of further trauma and injustice for a significant number of people for whom the Royal Commission into Institutional Responses to Child Sexual Abuse has been a source of hope and their aspirations for justice.

Similarly, it is not useful to isolate the sexual abuse of Aboriginal children. This abuse must be seen in tandem with the cultural abuse that occurred when children were removed on the basis of their Aboriginality, deliberately ensuring disconnection from family, community, culture and land, removing critical protective and resilience features of the Aboriginal child.

### **The Royal Commission Terms of Reference Allow for Consideration of Issues Associated with Child Sexual Abuse**

We understand that the terms of reference for the Royal Commission suggest that it limit its recommendations to the issue of sexual abuse of children in institutional settings. However our reading of these Terms of Reference is that they allow scope to take a broad view of eligibility by allowing for consideration of 'related matters [which] means any unlawful or improper treatment of children that is either generally or in any particular instance, connected or associated with child sexual abuse.'

### **Dividing Survivors of Sexual Abuse from those who Experienced Other Forms of Abuse is Cruel and Re-traumatising**

Any redress scheme needs to be person centred and to have central to its process to not traumatize recipients.

There is overwhelming evidence physical, sexual and emotional abuse are intertwined for those experiencing it. In some instances it is very difficult for individuals to fully understand or articulate sexual abuse as an isolated incident or act. Past redress schemes clearly show that the articulation of the abuse experienced and the impact of this abuse is not a simple exercise. The design of the scheme must be inclusive and responsive to the needs of the recipients.

An inclusive redress scheme will give survivors the choice of what degree of disclosure they are comfortable to provide.

Calls for a Royal Commission over the last 20 years are driven by need for the institutions to be held accountable – Federal and State Governments, faith based communities and non-government organisations. This Royal Commission has built expectations in the hearts and minds of survivors that a pathway to justice will be created.

This Commission has given voice to the survivors of emotional, physical and sexual abuse in institutional care settings. These voices have told stories of abuse that is interwoven and embedded in the heart of the institutional care system. It is very difficult to disentangle these stories and identify just one form of abuse. To not recognise the abuse in institutional care will shatter the hopes and further re-traumatise people. Once again, they will be the burden of not being good enough or worthy enough to meet an imposed threshold. They will bear the burden on not being heard and of being rendered powerless again.

The state and institutions must make reparation for the abuse that occurred under their watch.

A number of States (Queensland, WA, Tasmanian and South Australian) have implemented various versions of a redress scheme. All these schemes have varied in their target group, the scope of redress (including variations in financial compensation and other support provided), the length of time open and the amount of advertising each scheme was able to undertake. These schemes and the financial redress provided needs to be taken into account when individuals apply again for a redress payment form a nationally implemented scheme.

Of interest is the fact that the Victorian Government has just released a consultation paper on redress. This follows the report *Betrayal of Trust* which is the report into criminal abuse (not only sexual abuse) by non-government institutions in Victoria. Of particular importance is the stated intent that “the Victorian Government is considering options for a redress scheme (into all forms of criminal abuse) to consider abuse that occurred in both government and non-government institutions.” This broad inclusive approach to redress highlights the potential deficiencies that may result from a narrowly focussed national scheme proposed by the Royal Commission.

### **We need Your Action Now**

To date we have been unsuccessful in our attempts to argue that the terms of reference allow for the Royal Commission to make recommendations to address the needs of survivors of physical, emotional and cultural abuse and neglect, in addition to those who experienced sexual abuse.

It is urgent that we act on this issue now. The Royal Commission is about to publish its final report on redress and civil litigation; this will be an authoritative statement on a vital issue backed by moral force. Rightly, it will challenge federal and state governments and charitable institutions to endorse and implement its findings. If it can recommend a redress scheme that shares the benefits with those who appear at this stage to miss out, it will be a profound statement of healing and reconciliation with a group of people who look to this Commission to deliver a pathway to justice.

We call on you now to stand with us, to call publicly for the Royal Commission to take an inclusive view of the need to provide justice to all forgotten Australians who suffered criminal abuse while in institutional care.

### **What You Can Do**

- Write to the Royal Commission calling on them to recommend an inclusive Redress and Civil Litigation Scheme, which responds to all forms of criminal child abuse in institutional care
- Talk to your colleagues about this issue and urge them to contact the Royal Commission
- Brief journalists who are reporting on the work of the Royal Commission on your views on this issue to increase public awareness of the importance of an inclusive Redress Scheme

For further information please contact

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