

## NETWORK FOR SURVIVORS OF ABUSE in Faith-Based Institutions and their Supporters

### **The Network Response to the Royal Commission Report on its investigation into Abuse at Marylands.**

The value of the Report is that it finally gives validation to the horrendous abuse suffered by survivors at Marylands and the Hebron Trust. It was horrific and irreversibly changed their lives forever. It should never have happened. The State and the catholic church are accountable for this atrocity having occurred.

It confirmed for the public what the Police, the State and the Church has known. The abuse was at the most serious level and covered every violation and failure to protect children from harm - from deprivation of basic food to the highest level of criminal sexual abuse, designed to punish, demean and degrade the victims and provide unrestricted sexual satisfaction to pedophiles in the safety of an unmonitored institution.

However, it does not address systemic issues still relevant today, suggests there may be legal remedies under human rights legislation, soft foots the accountability of the catholic church that still operates unmonitored under State jurisdiction, and makes no recommendations for change while referring to abuse continuing to happen.

The Report is simply an historical account of what happened, falls completely short on accountability, and fails to name the abuse for what it was: TORTURE.

In the meantime the Government continues to take responsibility and act to provide the needed remedies.

Will this report give survivors hope or change their lives? Will it prevent a repeat of this total violation of children and their human rights.

The State has not held this church institution accountable for the harm they cause nor put the required statutes in place to protect all children in care. This is one report, on one institution, of one church of the numerous responsible for decades of abuse of our children, many still operating today.

While the State continues to take discriminatory response to its obligations for care of all children in church and other non-State institutions and allow these institutions to investigate complaints of abuse themselves, Survivors will meet the same barriers for reporting, not be believed, and will not have access to redress, and, the abuse of will continue to happen. Church institutions under these circumstances are a haven for perpetrators.

Care homes and special schools like Marylands might become a thing of the past, but the abuse will continue. Where is the State monitoring and oversight of non-State institutions still operating today? Why are we still one of the few western countries where the State has not introduced mandatory reporting of abuse?

The Government has not responded to the Network proposal that an independent entity must be set up to have oversight of all care institutions, receive complaints and oversee their investigation.

This Report suggests **human rights may have been violated** but fails to mention that NZ domestic human rights legislation discriminates between those who were placed in care of faith-based institutions by the State and those placed in its care by trusting parents. The many children placed in the care of a faith-based institution by their parents are not covered under the NZ Bill of Rights Act or the Crimes Against Torture Act – NZ's human rights legislation.

The abuse at Marylands happened because the government failed to take responsibility to monitor the protection from harm of children in care of a Church institution under its jurisdiction.

The Commission appears to misunderstand the Inquiries Act. It excuses itself by claiming it is not its function to determine liability and cannot under the Act. The Act allows a Royal Commission to make findings of fault (Sec 11).

The ongoing division between church and State allowed this abuse to happen and something the Network faced when the Government announced this Inquiry and excluded Faith-based care. We have seen the same theme run through the course of this Inquiry and recently the Network took the failure of the Government to take responsibility for all children in care to the United Nations.

Earlier this week the United Nations gave a clear direction to the NZ government to STOP this distinction. It unequivocally stated the State's responsibility to protect and rehabilitate all those abused with no distinction and that this obligation does not stop because a child in any institution was not under State orders.

The United Nations Committee of the Convention Against Torture has been trying to get the NZ Government to act on its obligations to provide redress to all survivors for years. To do that it needs to stop taking a discriminatory approach to its responsibility for the human rights of survivors of harm in faith-based and non-State care, include them in domestic human rights legislation, and make the decision to instigate a fair, accessible, effective and fully inclusive remedial and investigative system as the Network proposed.

The majority of abuse in the care of institutions has happened in non-State institutions, especially church institutions, under the jurisdiction of the State. Cabinet has not committed to inclusion of survivors of church and non-State institutions in the proposed independent redress scheme.

Is the Government going to step up and immediately act on the instruction the United Nations has marked "URGENT", or are we just going to go round in circles with Inquires supporting the status quo or whose recommendations are not acted on.

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It is to be hoped the Commissioners will address this indefensible distinction in their final report to ensure all children will be protected from harm in the future and provide rehabilitation to all those harmed under its jurisdiction without discrimination.

NZ will continue to be in breach of UN conventions and treaties.

The failure of the Commissioners to include their recommendations in this Report means survivors are again on hold and children in non- state institutions remain at risk.

Liz Tonks

The Network