

Royal Commission into Abuse in Care

Faith-based Redress Hearing, Phase 2

OPENING STATEMENT

15 March 2021.

Mōrena Madam Chair, Commissioners.

Tēnā koutou Tēnā koutou Tēnā koutou katoa

We are here to speak on behalf of survivors of faith-based abuse in our Network.

The Network is inclusive of victim survivors and secondary victims of abuse as children or vulnerable adults, their families/whānau, and their supporters. It also includes advocates, researchers and expert advisors, local and global.

This Hearing is seen as the ultimate test of whether the churches will put survivors ahead of their perpetrators. Survivors see it as a book end hearing - a moment of historical significance when they will find out whether the churches will do what is right. How they respond to the evidence survivors of abuse in their institutions reported to this Inquiry and to the churches themselves, will determine if their response is life affirming or life destroying.

Anyone who listened will have heard what survivors have repeatedly stated:

- No survivor should ever experience the re-trauma they have of being required to report their abuse, have it investigated and negotiate redress with the institution that failed to keep them safe.
- the reporting, investigation and redress negotiation processes the churches put them through are further trauma inducing and remain unfit for purpose
- They have not received appropriate or adequate redress that reflects the seriousness of the abuse and the harm suffered.
- The impacts on survivors, their trauma and their need for redress are not historical. It is current.
- Abuse in your institutions is not historical: it is still happening today and safeguarding protocols are not adequate.

We heard the same messages from survivors of abuse in State care when they gave witness to their experience. They spoke of the terrible harm they suffered that has affected them for the rest of their lives, the many hurdles they had to overcome and further trauma they suffered when they lodged their complaints.

They confirmed that the State and those responsible for our State institutions, knowing the harm these survivors experienced, still made their path to redress tortuous and traumatic. Their experiences were acknowledged and validated by the supporting evidence to the public hearings from Cooper Legal and others, and in the Interim Report released by the Commission.

Those who have listened to survivors of abuse in faith-based care will have noted the same pattern of institutional barriers running through their claim experiences and how they too, face the might of well-resourced institutions whose priority is protection of reputations and financial resources .

Survivors in our Network face the same systemic hurdles as their fellow survivors of State care. They all encounter the roadblocks and bureaucratic hurdles presented by systemic issues, not addressed, in the justice system, ACC, mental health and addiction services, legal services, the Statute of Limitations, financial support services and obstruction by Ministries and churches.

They face the same barriers created by policies, protocols and procedures not being fit for purpose, or the lack of them, or the misuse or lack of adherence to them, by the leaders, authorities and others in the institutions they are forced to report to. This has already been evidenced to this Inquiry

Survivors abused in State and faith-based care have made it clear: apologies from institutions who were responsible for their care are hollow. They have asked for real action.

This action must include information the institutions have denied them so they can make sense of how their abuse could happen, that allows the institution to be held accountable for not protecting them and for how they responded, knowing the harm and loss survivors have suffered and the redress they need.

Survivors are asking for the financial acknowledgement they are entitled to and need, to lift them out of the vulnerable position they find themselves in. They need to know what action has been taken to prevent future abuse.

They share the view that knowledge that this has been done **must** be included in their redress.

While the circumstances of abuse may vary, it is universally accepted that survivors suffer from many of the same lifelong impacts regardless of the institution responsible for their care at the time the abuse happened.

Like survivors abused in the care of the State, many of our survivors belong to those vulnerable groups that this country has judged, or learnt to ignore, or considers to be in the “*too hard basket*” and that perpetrators target.

Survivors ask that this Hearing end this Commission separating State from faith-based abuse and recommend the Government do the same. The result, if not, will be the status quo, where the churches continue their hollow rhetoric and wait for this Royal Commission to pass before returning to their usual modes of practice of which victim survivors are the casualties.

While Pākehā make up the larger number, Māori and Pasifika are disproportionately represented in the numbers of those abused in both State and faith-based institutions.

To attempt to impose a State-based/Faith-based division in considering abuse in care inflicted on Māori children is absurd and unsupportable on historical, legal, cultural and spiritual grounds. It is making a mockery of the Treaty of Waitangi. The abuse, wherever it occurred, at its core is a spiritual abuse, an assault on wairua and mauri, on mana, on whanau. Whatever form the abuse took against Māori tamariki, it was abuse against Māori children, all of it a State responsibility as the human rights of tangata whenua children were violated on New Zealand soil.

This is also true for Pasifika communities who have the highest rates of professed Christians in New Zealand at 67% in the 2018 census. Roughly half the numbers of tangata whenua, Pasifika make up a disproportionate number of vulnerable and victimised children and are the least likely to complain when abused for deep and complex cultural reasons. Frances Tagaloa gave powerful testimony about this in the Redress Hearing last year.

Whether a Māori child was abused in a State care facility like Kohitere, Fielding or the Faith-based facility of Hato Petera Marist Primary School, a Māori child was abused and his or her life sabotaged and upended in an appalling and horrendous manner by institutions which should have protected them.

Refusal to accept responsibility for this abuse and to artificially compartmentalise this abuse violates our obligations under the UN Convention Against Torture we ratified in 1989 and the UN Convention on the Rights of the Child ratified in 1993.

The 1840 Treaty of Waitangi assigned power as State power (kāwanatanga) and indigenous chiefly power (tino rangatiratanga).

What is less obvious is the equally devastating and pernicious effects of the usurpation of religious power allowed by the State in all its iterations from national to local government level, from 1840 to the present. This appropriation by foreign invaders like the Anglican and Catholic missionaries, afforded control by pākehā society over Māori spiritual life, over wairua specifically and mauri or the life force in general.

This expropriation is no trivial matter and there were noticeable acts of resistance against this by such movements as Te Ua's Pai Mārire in 1863, Te Kooti's Ringatū movement founded in 1868 and the Rātana movement founded in 1918.

The evisceration of Māori spiritual life was remorseless and State approved. The most powerful expression of this took the form of French Marists from 1838 onwards who targeting Māori as both Society of Mary priests and later FMS Marist teaching Brothers, putatively celibate men guided by yet another female exemplar, Mary, Mother of Christ.

The churches colonisation of Maori influence did not operate in a vacuum. It was, and is, an integral and indivisible component of New Zealand society. Indeed in 1975, Church schools began integration into the State system and had their operational costs borne by the State. Without this intervention, these schools would have folded.

Thus, the role of State and Faith-based institutions were inextricably entwined like two eggs whisked for an omelette. The Churches gained acceptance to operate differently within the wider community to the point where they had more consideration than even the communities of indigenous people.

The separation of State and faith that has enabled abuse historically will continue if this commission allows the State to abdicate its responsibility for all children and vulnerable adults whatever the offending institution.

Before this Hearing, we put a proposal from our survivors to the authorities of the Churches giving witness in this Hearing.

We asked them to act now; to make our survivors needs their priority, to endorsing the call from survivors abused in both State and church institutions, to urgently set up a body/commission or similar entity with the statutory authority to receive complaints, require investigation, refer for prosecutions where appropriate, access records, and determine appropriate redress that is consistent and reflects the seriousness of the abuse that has happened and the harm it has caused regardless of the institution responsible for their care, and require it to be provided.

This body would also be responsible for audit and oversight of institutions who care for children to have policies and procedures in place required by statute to protect children from harm, investigates and hold institutions accountable where they fail, and provide a public audit report to Government.

This body would be based on the principles of:

- Inclusion
- The Treaty of Waitangi
- Accessibility
- Impartiality
- Transparency
- Consistency
- Timely access to Redress.
- Human Rights and Natural Justice

Survivor experience has evidenced to this Inquiry that the current systems are none of the above.

This Commission, the State and the Churches have been given a clear message by survivors abused in both State and faith-based institutions, the establishment of an independent body is needed and cannot wait.

The usual response from the churches was reflected in the reply to our request by the Salvation Army, and I quote:

"We appreciate that delay is costly for survivors and that a prolonged Royal Commission process risks further traumatizing survivors. ...our current view is that the Royal commission must be given an appropriate window in which to investigate relevant matters and make formal recommendations on redress that all parties can then consider."

Salvation Army – you know from the services you run for those suffering as a result of addiction, homelessness and poverty, that victims of abuse are overly represented in the numbers of those needing your services and they cannot and should not have to wait. To wait on the Commission to validate the solutions you already know are needed is to kick the can down the road and risk it getting destroyed before it reaches its destination.

This is history repeating itself. The churches took the same or similar positions on the abuse crisis, and left victims, their advocates and the media to drag them kicking and screaming into this Inquiry.

We have not had the courtesy of a response from the catholic and anglican bishops. Survivors do not trust the Catholic and Anglican churches not to take a similar stand. They fear the churches are hoping that this Commission will keep its focus firmly on the State or, the State initiative to work towards a centralized body announced by Minister Hipkins, progresses without involving the churches. The result will be victims returned to silence and the churches again carry on as usual.

Accountability and redress for abuse that has occurred and prevention of, future abuse cannot be achieved if there are limits placed on such a body that restricts which victims are listened to and excludes any institutions where abuse took place.

It would be a mistake to set up a body that is not culturally inclusive or separates State abuse from that of other institutions. Separation of State and Faith is archaic and when it comes to abuse and redress for survivors, simply wrong.

The church authorities and leaders had the opportunity to join this call and advocate for their inclusion when Minister Hipkins made his announcement.

But, as they did when this Royal Commission was first announced and limited to abuse in State care, they remain silent.

They are protected by the wider culture of silence and tolerance in New Zealand. The church laity reflect the culture of the wider society and are still ignorant or disbelieving of the extent of the problem. Until now, the Churches in NZ have received little pressure to address the abuse that happens within them.

Professor Carolyn Quadrio, expert in survivor trauma, reporting to the Australian Royal Commission stated the problem:

"[They are}]... very similar in one country and another and it's very similar in one faith group and another, much as some of the faith groups at the time said "we don't have that problem", all of those faith groups have since had problems that have been widely reported in the media. I think what we learnt is what is well-known, that it's a global problem and it occurs in every faith group."

The grooming that takes place in church institutions is not just of the child. It involves grooming of the family and the community where the cleric or religious establish themselves as respected and trusted members of those communities, schools or organisations.

The churches, like the state institutions, will argue the abuse is historical and children's homes such as St Joseph's Orphanage in Dunedin, or institutions such as Bramwell where abuse occurred no longer exist.

Children abused in Church institutions were not all captured in orphanages, boarding schools, school or religious camps, novitiates and seminaries where the perpetrators had authority. Some children were abused in the communities where they lived, in their homes, in their local churches where they were altar boys or belonged to the church choirs, or abused at the day schools they attended.

The usual pattern of the perpetrators and the institutions that harbour them is to target the "vulnerable and needy". The current example: Dilworth.

The "support" entry is used. The result: abuse. The consequence: life-long trauma, loss of adult potential, loss of ethnicity and culture, and for survivors enculturated into the church - loss of their spiritual and their value framework for living.

Steve Goodlass, victim survivor, speaks about this.

"I am a victim survivor who lives with the trauma of the abuse I suffered in a Catholic school.

The supposed rock that my values were based on were smashed beneath me, leaving me wondering where I am, who I am. I feel like I'm a donut. I have this big empty hole in the middle where once there was a centre, a core of values and faith. My Church has left me to fill that hole, by myself, an outcast, a person they simply want to forget."

There will never be redress for victim survivors while the Churches are not required to acknowledge and dismantle the systems that enabled abuse and create barriers for VS seeking redress.

Jacinda Thompson, abused in the care of the Anglican church observed:

"Many survivors will struggle to trust the Church to care for them and to make fair unbiased decisions - the Church has an appalling track record in this area and there is little consequence when they fail to follow their own policies. At the end of the day fair redress for survivors shouldn't depend on which institution harmed you.

No-one would say it was acceptable for the Survivors Network to investigate abuse claims and determine redress - there would be cries of bias and yet we seem to be contemplating letting the Church take this role."

The response of the Ministries officials under cross examination in phase 2 of the State Redress Hearing confirmed they had not listened to Survivors of State abuse. The 'excuses', rationales and defensive rhetoric for unforgivable past actions, put forward in the by officials and Ministry representatives were debunked by this Commission during cross examination, BUT not before they caused further re-traumatization to victim survivors.

Will the position taken by the witnesses for the churches represented in this Hearing be different.?

On behalf of our survivors we ask: **Please do not** put them through the same re-trauma.

They have been through enough.

Commissioners,

The world is watching the Royal Commission here in New Zealand. Our Network is part of a wider global network and the organization, Ending Clergy Abuse Global, made up of over 17 nations and 5 continents and we are on its Assembly. ECA Global will soon have NGO status on the UN recognized under the Economic and Social Commission.

The thought that Faith-based abused children would be excluded from any Independent authority is unthinkable and would have disastrous international repercussions for New Zealand's reputation abroad.

There is an assumption we as a nation will do the right thing given our current status as a world leader in fighting Covid. Let us hope this expectation is fulfilled and we can prove to be as effective in dealing with the sexual abuse of children, State or Faith. The world expects nothing less.

Our Network is focused on what would appear to be something very basic to a healthy, self-aware society: a search for truth and justice.

Kia meatia te haepapa ahakoa te hinga i te rangi

Let justice be done, though the heavens fall

This truth may be painful, it may be deeply troubling but this is what this Royal Commission is pledged to reveal, without fear or favour.

The Churches, like the State ministries, have left survivors unacknowledged and struggling, and silenced. The abuse they have suffered has been known about for decades by the churches and they have covered it up or left it to the State to provide the redress required.

Survivors cannot wait.

There is sufficient evidence now that shows:

- The government leaving institutions to deal with the abuse of children in their care has failed.
- Current systems that exist are failing to provide redress.
- The current processes for complaints and seeking redress are traumatic and not survivor- informed.
- Survivor evidence to date and that gathered from institution records, has confirmed the common impacts that have not been addressed
- The commission has already noted the human and financial cost to survivors and New Zealand.
- Survivors need the complete package of redress and they need it now.

The Salvation Army will be the first to have this opportunity.

Jan Lowe, abused in their care, reminds you:

"They didn't investigate themselves when complaints were made about sexual abuse. They chose to cover it up I don't hear anything from them that they won't do the same again...The lying is the part that really annoys me...they lied about assailants claiming they were dead and they weren't and gave one a funeral with full Salvation Army honours. They haven't earned any respect or any trust. We don't want them investigating themselves because they covered up... there has been no intent on their part to have it out in the open"

Murray Houston, deals with all complaints and redress. He is not a member of the church but employed by them to do this work. Jan and the other survivors abused in Salvation Army care are waiting to hear his response to their testimony and whether Colonel Gerry Walker, when he appears, will endorse the call for an independent body.

The Anglican Church witnesses will follow. A church that had no centralized stated process for complaints and redress, forcing survivors to report to the vicar of their local church and have the local Bishop decide whether it would be investigated. Until January 2021, when they introduced a protocol that has remarkable similarities to the Catholic Church “A Path to Healing”, including all its current flaws and limitations, a process that has been exposed by the Catholic VS witnesses as traumatizing, insufficient and mirroring the flaws in the state redress process.

You will then hear from Catholic Church witnesses – one Bishop and representatives of the Congregations and Orders and administrators of their complaints process. These witnesses will hopefully give survivors the understanding of how their abuse was able to happen, how the church failed to protect them or the redress they need.

The Bishops and their legal counsel will continue to obscure who is truly responsible by jointly representing the Bishops and the Congregations as if they all have authority. While it may suit the Bishops to delegate responsibility and have the benefit of the Congregations and Orders sharing their significant legal costs, or ultimately, the cost pay of financial redress, there can be no doubt about who is in charge. It's on the bishops. Period. No ifs butts or maybes. Will the 5 Bishops be standing here next week to witness proceedings and accept their accountability to our Survivors?

We trust that you will hold these church institutions accountable. We ask that you not be tempted to engage with them in debate of their rationalisations about their historic response, or accept their proposals for tinkering with their systems.

While this public hearing focusses on the Salvation Army, Catholic and Anglican churches, you will know of evidence of the same devastating harm and similarities of systemic issues preventing redress for survivors of abuse in other faith-based institutions, for example. Gloriavale, Jehovah Witness, Presbyterian, Hindu, Islam, Latter Day Saints, Methodist, Sikh, Baptists, Pentecostal, Jewish abuse survivors to name just 12.-

Churches, Commissioners, Government and the Public of NZ - Survivors have spoken. We have heard their testimony. They have provided you evidence of what is urgently needed. THERE IS NO GOING BACK.

As aptly stated by the Chair of the Australian Royal Commission:

“Although the primary responsibility for the sexual abuse of an individual lies with the abuser and the institution they were part of, we cannot avoid the conclusion that the problems faced by many people who have been abused are the responsibility of our entire society.”

Fa'afetai lava

Malo 'aupito e tokotaha kotoa pe

Vinaka vakalevu kemuni na turanga kei na marama

Maraming Salamat sa inyo lahat

Ka nui te mihi ki a koutou

Thank you.