

Independent Regional Mothers

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motherstruth@gmail.com

Vitam impendere vero "To dedicate one's life to the truth"



DECENT MEN DO NOT COMMIT EVIL CRIMES AGAINST FEMALES

Juris praecepta sunt haec; honeste vivere, alterum non ladere, suum cuique tribuere

Translation -

"These are the precepts of the law, to live honestly, to hurt no one and to give to every man his own".

The Chairperson
Royal Commission into Child Sexual Abuse

Dear Chairperson

CONSULTATION PAPER – REDRESS AND CIVIL LITIGATION

Redress or compensation is an entitlement to survivors under International Human Rights Law and International Humanitarian Law. The medical profession have the means to put into place a redress/compensation scheme through their own insurance corporation or the Commonwealth Government should be held responsible for a redress/compensation scheme following their National Apology 21.3.2013 accepting full responsibility for the crimes committed on tens of thousands of young pregnant girls – the Apology to Forgotten Australians also acknowledged their responsibility for the medical crimes committed on those residing in institutions.

As a major stakeholder representing women we have found the Consultation Paper – complex and complicated to comprehend (and allocating time to read and comprehend its contents can be extremely difficult) and is re-traumatising survivors. **Redress and/or compensation are essential as it is a sign of justice for survivors of these brutal and heinous crimes. Sexual abuse affects every fibre of your body whether one was placed in residential institutions or occurred in institutions as children.**

We are the most credible witnesses to these brutal and heinous sexual abuse crimes committed by medical practitioners in

Institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated) and however described, and

- i. included for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families, and*
- ii. does not include the family.¹*

Institution includes public hospitals and entities mean medical profession. There may have been a small number of survivors (51 in total) of medical sexual abuse come forward to the Royal Commission but the severity of such crimes should not be judged by the number of survivors who have come forward. No Royal Commission public hearing has been held into the medical profession for their brutal and heinous sexual crimes as it appears the numbers (51 in total) who have been brave enough to come forward during Private Hearings² – are not enough to hold a Public Hearing – 2.1% - the fifth highest reported institution type or activity.

No other brutalized group of women ever in the history of this Nation has been placed or continues to be placed under such scrutiny. We were protected under *duty of care as children by medical and nursing professionals – they failed – allowing the brutal and heinous sexual, obstetric crimes – abduction of newborn babies to be committed by men in white coats.*

We believe a copy of a letter³ forwarded to the Commonwealth Government from the President of the Australian Human Rights Commission gives very clear directions in relation to redress/compensation and it is not our intention to dispute her valuable advice.⁴ This valuable advice was received by the Commonwealth during the drafting of the National Apology 21.3.2013 and ignored.

¹ Royal Commission into Child Sexual Abuse – Consultation Paper – Redress and Civil Litigation January 2015

² Health and allied hospital and rehabilitation government, Health and allied – hospital and rehabilitation – non government, secular – medical practitioners and health and allied: other - page 78 of Consultation Document

³ President G. Triggs – Australian Human Rights Commission - dated 17 October 2012 – obtained through Commonwealth Attorney General's Office – addressed to Professor Nahum Mushin Chair of Commonwealth Reference Group – drafting a National Apology to those affected by former forced adoption policies and practices. – copy obtained from Commonwealth Attorney General's Office January 2015

⁴ The Commonwealth ignored her words in their apology 21.3.2013 re human rights and redress/compensation to women who suffered sexual, obstetric brutal crimes at the hands of medical practitioners 1958/1973

We turn our submission over to the valuable words of Ms. Triggs stating

Theo van Bowen, the former Special Rapporteur on the right to restitution, compensation and rehabilitation of gross violations of human rights and fundamental freedoms, who was commissioned by the Sub-Commission on Human Rights to prepare the basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law has noted:

...the obligations resulting from State responsibility for breaches of international human rights law entail corresponding rights on the part of individual persons and groups of persons who are under the jurisdiction of the offending State and who are victims of those breaches. The principal right these victims are entitled to under international law is the right to effective remedies and just reparations.⁵

These rights to remedy and reparations are recognized in:

- *Article 8 of the Universal Declaration of Human Rights – everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.*
- *Article 2(3) of the International Covenant on Civil and Political Rights*
- *Article 39 of the Convention on the Rights of the Child*
- *Article 19 of the Declaration on the Protection of All persons from enforced disappearances, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and*
- *Article 6 of the International Convention on the Elimination of all Forms of Racial Discrimination⁶*

The President's letter further states

Building on Van Boven's principles, in 2005 the General Assembly resolution 60/147, Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and serious Violation of International Humanitarian Law (on the report of the Third Committee (A/60/509/Add.1) stated

15. Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violation of international humanitarian law.

⁵ Theo van Bowen Study concerning the right to restitution, compensation and rehabilitation for victims of gross violation of human rights and fundamental freedoms. Final report submission by Mr. Theo van Boven, Special Rapporteur, UN Doc E/CN.4/Sub.2/1993/8 (1993) para. 45 at http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.4/Sub.2/1993/8 (viewed 24 September 2012)

⁶ Ms. Triggs – President Australian Human Rights Commission – letter dated 17 October 2012

*Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a state shall provide reparation to victims for acts of omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violation of international humanitarian law. In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.*⁷

In her 2010 annual report on remedy the UN Special Rapporteur on violence against women, its causes and consequences, also spoke to the importance of symbolic recognition measure of reparation. She noted:

*56. Symbolic reparation measures are designed as measures offering satisfaction that, by giving victims due recognition can also facilitate a process of moral and social rehabilitation on an individual and collective level. Official apologies, commemorative events, renaming of streets and public facilities, establishing remembrance days, building monuments, museums and memorials may all help victims feel duly recognized.*⁸

The UN Special Rapporteur on violence against women comments on the importance of ensuring the way symbolic recognition is made, should reflect the rights and needs of affected women

*59. Who apologises, what for, where and how can all be relevant considerations in assessing whether women will get adequate symbolic redress. Given women's predisposition to focus on the pain of their loved ones, it would be interesting to devise ways to duly recognise the individual dimension of such suffering and resilience. Personal letters of apology can be the best way of recognising women when accompanied by public gestures of recognition. However, it is important not to forget that women and girls who carry the stigma of their victimisation, such as victims of sexual violence, might have much to lose from public recognition of their victimisation if they are named.*⁹

CONCLUSION BY INDEPENDENT REGIONAL MOTHERS

⁷ UN General Assembly Resolution 60.147 – Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious violations of International Humanitarian Law (2005) paras. 15 and 22

⁸ UN Special Rapporteur on violence against women – its causes and consequences – Reparations to women who have been subjected to violence (2010) para 56.

⁹ UN Special Rapporteur on violence against women, its causes and consequences Reparations to women who have been subjected to violence (2010) para 59 –

<http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/Annual/Reports.aspx>

We publicly offer our gratitude to Ms. Griggs for her valuable advice as detailed in her letter 17 October 2012. The Commonwealth continues to violate our human rights by refusing to address *right to effective remedies and the right to just reparations* even ignoring this stated letter received from the President of the Australian Human Rights Commission. The Commonwealth Senate Report (29.2.2012) recommended redress/compensation in Recommendation 6 omitted in the Royal Commission's Consultation Document.

Royal Commission pattern appears to be to focus on numbers (submissions) of victims and not the crime itself. A further focus of the Royal Commission appears to be on Government funded stakeholders and not voluntary stakeholders who are available 24/7 for anybody seeking an ear to listen to them. For one person to be sexually abused by another person as a child – **is one too many.**

Needs are individual with the main focus on whether the survivor themselves is prepared to commence the journey of healing and is seeking redress – a rough journey that requires special support.

No amount of redress/compensation will avoid a survivor from entering their own **journey of healing which is priceless. There are many survivors who are not interested in monetary compensation.**

The impact of child sexual abuse is immeasurable on any individual – placing a rock around one's heart – to carry forever. Acknowledgement I BELIEVE YOU is one of the most powerful tools that can be given to a survivor of child sexual abuse – a healing tool of words I personally heard when I attended a Private Hearing of the Royal Commission into Child Sexual Abuse.

We will continue to advocate for fairness in the sense of equal respect of all survivors and not a selective few. As a representative for women who were sexually abused as young girls – we have been excluded from meetings with Commission during round table meetings and we find such exclusion to be offensive, re-traumatising and unacceptable.

The Commonwealth conveniently failed to state what the brutality of practices were during their National apology 21.3.2013 – addressed as unethical, dishonest and in many cases illegal – i.e. sexual and obstetric abuse – abduction of newborn babies - **torture¹⁰ inflicted on young pregnant girls late 1950's – early 1970's through medical experimentations to find a cure for infertility.**

There appears to be a pattern of exclusion with the Commonwealth Government and Royal Commission. Many survivors have been so re-traumatised they are no longer able to talk about the crimes committed against them – their hopes fulfilled – then cruelly

¹⁰ Crimes against Humanity – Civil Covenant spells out that, when in the hands of the State, subsection to medical or scientific experimentations without consent is also a form of torture – Geoff Robertson Q.C.– The Struggle for Global Justice

like a knife plunged into their hearts by non compassionate and lack of empathy authorities.

We continue to fight for our truth and these brutal and heinous sexual crimes for medical profession to be brought to accountability and justice. They do not have immunity in public interest and neither does any person who commits a brutal act of sexual abuse on a child.

If Governments do not address the cancerous disease in Society today of child sexual abuse – another Royal Commission will be held in 2045 – Royal Commission into Human Relationships was held in 1976 and reported their concerns about the increase and impact of child sexual abuse and 35 years later – we have a Royal Commission into Child Sexual Abuse – the concerns raised in 1976 ignored – it makes no sense.

Redress must be achieved to bring acknowledgement and justice to survivors of the brutal and heinous crimes of sexual abuse by not only medical profession but all others responsible for child sexual abuse being addressed by Royal Commission into Child Sexual Abuse.

Yours faithfully,

Brenda Coughlan
Spokesperson for Independent Regional Mothers

Our Mission

To continue to engage with women, communities, service providers and governments to promote and enhance our truth through advocacy for criminal justice and the health and well being of women across Victoria – to achieve our mission we:

- Provide information and support to women and contribute to changes to present adoption information policies and practices
- Advocate for mothers' truth exposed through Commonwealth Senate Report 29.2.2012, Victorian Parliamentary Apology 25.10.2012 and Commonwealth Parliamentary Apology 21.3.2013.
- Enhance the well being of women who are still suffering a life time of trauma as a consequence of these crimes and criminal abduction of their newborn babies.
- Educate medical and allied health workers of mothers' truth to assist in the counselling and medical treatment of women.

To permanently separate a mother and her newborn child against their will is to pervert the order of nature and betray the basic tenets of civilisation. For any profession to violate this rule is a concept deeply unsettling to comprehend (Daniel Andrews Opposition Leader Victorian Parliamentary Apology 25.10.2012)



Denial of truth is shorthand for the abduction of responsibility. (Former Senator Andrew Murray 2004)
Brochure is © and without prejudice

Independent Regional Mothers of Victoria

Valuing Truth, Diversity and Equity for women



Our Vision

Vitam impendere vero "To dedicate one's life to the truth"

To engage with the community, service providers and governments to promote and enhance education on validation of our motherhood – late 1950's – early 1970's - **new modern medical outlook towards unwed motherhood policies and practices** introduced in Victoria 22 May 1958. Many young girls endured medical malpractice and mistreatment during pregnancy – sexual and obstetric abuse – faced illegal, unlawful and unethical abduction of their newborn babies during the birthing process or a short time thereafter by patriarchal medical profession.

Our Values

Ethical Practices

Truth

Inclusion and Equity

Support Services –contact either
motherstruth@gmail.com

Brenda - 0400 527 068

Lyn – 0438 764 264

Janet – 0434 996 068

June – 0437 989 632



MOTHER AND CHILD

**They denied me the beating of your little heart against mine.
They denied me your first breathe and
The feeling of your warm perfect little fingers
The right to count your toes**

**My breasts were denied the right to nourish you
My eyes to watch you grow
My legs to run and play with you
My arms to hold you close
My face to see your smiling eyes**

**My womb was our safe haven
But sadly I couldn't protect us
During our separation
Planned by others for another's gain**

**But they failed to see our invisible cord
Our lifeline cord attached to my heart
That only you and I can share**

**Nobody can ever break our connection
As we are joined by our invisible cord
Unbreakable by man's plans to separate us**

**I am your Mother
You are my child and
My love is yours always -
Your heart broken mother**

**(Composed by Brenda Coughlan 2004 for mothers
who had their newborn babies abducted late
1950's - early 1970's - (Institutionalized baby farming)
Winner of International Poetry award 2004**