

country and we support the IAFCM&F on this issue.³⁸ The level of compensation should reflect the long years of suffering and hardship suffered by the former child migrants. As well as the serious nature of the criminal sexual abuse; the denial by the government and agencies over many years has compounded the suffering and distress caused by their actual deportation and abuse. Redress payments therefore should reflect the degree and totality of the injury caused. Just as the sexual assaults were of a very serious nature, it is reasonable to expect a substantial rather than a token level of redress payment.

39. The Terms of Reference of this Inquiry are to look specifically at the sexual abuse suffered by the former child migrants. CMT considers that former child migrants should be provided with redress for all the different harms they have suffered and that recommendations on redress which isolate sexual abuse from other forms of abuse, would again lead to a partial form of redress for child migrants.

Legal Redress in the UK

40. CMT have made attempts since the early 1990s to assist former child migrants in their search for justice. In 1991, CMT made contact with solicitors in London who travelled to Australia to meet with some former child migrants. The CMT was not party to the subsequent attempts to obtain compensation in England which were brought by former child migrants, some of whom were supported by CMT and others who were not.
41. Since the 1990s, and over the last nearly 30 years, former child migrants have attempted to obtain legal redress through civil litigation in the courts in this jurisdiction. I am aware that former child migrants wanted to obtain such redress from both migrating organisations and the government. However, they have encountered a number of barriers to accessing justice. These obstacles included difficulties with obtaining legal aid funding and the statute of limitations. I am however unable to give evidence about these attempts in any detail as these were claims pursued by individuals rather than CMT.
42. Some of the difficulties of obtaining justice through the courts were recognised by the Health Select Committee. It said that the full weight of the law should be felt in cases where physical and sexual abuse could be proven and that the Courts should award the maximum possible damages when a conviction is obtained. The Committee also stated that it would like to see the Statutes of Limitation suspended in all cases related to the abuse of former child migrants. However, as I understand it, the statute of limitations is still in place. There has been no change in the law through legislation to remove statutory periods of limitation in historic child abuse cases.
43. The Health Select Committee also recommended the government to consider child migrants in their review of legal aid. I do not know whether the government did in fact consider child migrants when making changes to the legal aid schemes.
44. A change in the law on the Statute of Limitations and on legal aid for these historic and horrific abuses remains necessary.

³⁸ CMT000481, Witness statement of Norman Johnston.