

Case Study on the Child Migration Programmes

Inquiry Counsel Opening Statement for Part 1 Hearing commencing on 10 July 2017

Thank you Chair, Members of the Panel. I appear today with Mark Wassouf and Katie O’Byrne, junior counsel for this Case Study. Paul Livingstone, Sam Thomas and Grace Forbes of counsel are also assisting with the work on this Case Study but are not present at the hearing today.

(1) Introduction

1. This is the second part of the substantive public hearings in the Inquiry’s Case Study on the Child Migration Programmes. In opening I propose to:
 - (i) Explain the scope and purpose of this part of the Case Study; and
 - (ii) Summarise the evidence we anticipate you will hear during the Part 2 Hearings.

(2) Part 2 of the Case Study in overview

2. As has already been set out on several occasions, this Case Study on the Child Migration Programmes is the first case study within the Inquiry’s Protection of Children Outside the UK investigation. That investigation seeks to explore the extent to which institutions and organisations based in England and Wales have taken seriously their responsibilities to protect children outside the United Kingdom from sexual abuse.
3. I will reiterate the scope of this Case Study, which is to investigate and establish:
 - “3.1. *whether government departments, public authorities, private and/or charitable institutions based in England and Wales took sufficient care to protect children involved in child migration programmes;*
 - 3.2. *the extent to which those same bodies were aware or should have been aware of allegations or evidence of sexual abuse concerning children involved in child migration programmes, and whether appropriate steps were taken in response;*

3.3. *the adequacy of support and reparations offered to individuals who suffered sexual abuse relating to their inclusion in child migration programmes*¹.

4. During our Part 1 hearings earlier in the year, you heard evidence from the experts instructed by the Inquiry (Professor Stephen Constantine and Professor Gordon Lynch) which provided an introduction to the child migration programmes and set out what previous inquiries have established about the incidence of sexual abuse of child migrants. You also heard direct evidence from former child migrants of their experiences. The Inquiry has received many more accounts of sexual abuse from former child migrants and we hope to present these to you in summarised form in due course. We will also update you as to those alleged perpetrators whose names have been deciphered as that process has continued since the Part 1 hearings.
5. During these Part 2 hearings, we will focus on the position of the institutions involved, and in particular what steps they took to protect child migrants from sexual abuse, what they knew or should have known of the sexual abuse of child migrants, how they have responded to sexual abuse allegations or evidence and the support and reparations that have been offered to child migrants.
6. At the most recent Preliminary Hearing, on 9 May 2017, we set out in more detail the issues upon which the the Part 2 Hearings will focus, namely:
 - (i) Whether government departments, public authorities, private and/or charitable institutions based in England and Wales took sufficient care to protect children involved in child migration programmes from sexual abuse (“**the sufficiency of care issue**”);
 - (ii) The extent to which government departments, public authorities, private and/or charitable institutions based in England and Wales were aware of allegations or evidence of sexual abuse concerning children involved in child migration programmes (“**the actual institutional knowledge issue**”);
 - (iii) The extent to which government departments, public authorities, private and/or charitable institutions based in England and Wales should have been aware of allegations or evidence of sexual abuse concerning children involved in child migration programmes (“**the constructive institutional knowledge issue**”);
 - (iv) Whether, if government departments, public authorities, private and/or charitable institutions based in England and Wales were, contemporaneously, aware of allegations or evidence of sexual abuse concerning children involved

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<https://www.iicsa.org.uk/sites/default/files/Child%20Migration%20Programmes%20case%20study%20-%20Definition%20of%20Scope.pdf>

in child migration programmes, they took appropriate steps in response (“**the response to contemporaneous allegations issue**”);

- (v) Whether, if government departments, public authorities, private and/or charitable institutions based in England and Wales were, after the end of the child migration programmes, aware of allegations or evidence of sexual abuse concerning children involved in those programmes, they took appropriate steps in response (“**the response to recent allegations issue**”);
 - (vi) What support and reparations, if any, have been offered to individuals who suffered sexual abuse relating to their inclusion in child migration programmes (“**the actual support and reparations issue**”); and
 - (vii) Whether any support mechanisms and reparations offered to individuals who suffered sexual abuse relating to their inclusion in child migration programmes have been adequate (“**the adequacy of support and reparations issue**”).
7. As we have stated throughout, the focus of this Case Study is the period beginning in 1945 and ending in the present day. However, we have previously noted that we would consider evidence in relation to allegations before that period if such evidence was disclosed to us. As a result, you will hear some evidence in relation to the pre-War period, particularly where there are contemporaneous records of disclosures of child sexual abuse.
8. You have indicated your decision, Chair, to approach the issues in this Case Study on the basis of the prevailing child-care standards and practices, which would include the social mores and legal framework, at the time in question. You have also indicated that you would be assisted in addressing the last two of these issues by considering some “high level” evidence about the support and reparations that has been offered to former child migrants by overseas institutions, albeit that the focus throughout is on the role of institutions based in England and Wales.
9. Following these evidence hearings, which are due to last for two weeks, we will have a final day hearing to allow for closing submissions from our team and from Core Participants. This will take place on 26 July 2017.

(3) The evidence in Part 2

10. You will hear evidence over the next fortnight from the experts instructed by the Inquiry in some detail. They have been provided with extensive disclosure in relation to many of the key institutions involved in child migration and have prepared a series of reports as addenda to the evidence they provided prior to the Part 1 hearings. You will also hear from a range of witnesses from the institutions in question, including both voluntary organisations and witnesses from HM Government. You will also hear again from former child migrants Oliver Cosgrove and David Hill, as well as Dr Margaret

Humphreys of the Child Migrants Trust and Norman Johnston of the International Association of Former Child Migrants and Their Families.

11. We anticipate that following the Opening Statements from Core Participants this morning, we will begin with expert evidence about the selection of children for migration, the manner in which consent to migration was secured and the supervision and aftercare of child migrants. You will also hear evidence from the experts as to the debates and grounds for concern about the child migration schemes from within voluntary organisation.
12. Tomorrow, we anticipate that the experts will give you an overview of their analysis of the evidence in respect of the organisations from whom you will hear in more detail later this week, namely (i) Barnardo's; (ii) The Royal Overseas League; (iii) The Sisters of Nazareth; (iv) The Children's Society; (v) Action for Children (formerly the National Children's Home); (vi) Cornwall County Council; and (vii) Father Hudson's.
13. On Wednesday, the experts will provide evidence pertaining to the Fairbridge Society. This will, necessarily, be in greater detail than the oral evidence in relation to the other institutions given the significance of Fairbridge's role in the child migration schemes, and because the witness evidence obtained by the Inquiry is limited. In the afternoon on Wednesday, the Inquiry will hear witness evidence from Nigel Haynes and Gil Woods, who previously worked for Fairbridge.
14. On Thursday, you will hear institutional witness evidence from Barnardo's, Royal Overseas League, and Sisters of Nazareth; and on Friday, from the Children's Society, Action for Children and Cornwall County Council. Some evidence regarding the Salvation Army and possibly also the Anglican Church is also likely to be read.
15. For all of the institutional witnesses, while we will adduce some evidence in relation to the role of the institution in migration, and how they selected children for migration and secured consent to migration, the focus of the evidence will be on the key Part 2 issues - sufficiency of care, knowledge of sexual abuse, response to allegations and support and reparations.
16. We intend to commence next week with a further tranche of expert evidence, this time on Father Hudson's, the broader role of the Catholic Church in child migration, and the role of HM Government. Also on Monday, we will read/summarise some background evidence about the structure of the Catholic Church provided by Reverend Christopher Thomas and evidence provided by Bishop Tripp of the Catholic Children's Society (Southwark).
17. Next Tuesday, we will hear evidence from the Catholic Child Welfare Council, the Catholic Children's Society (Westminster), and from Bishop Marcus Stock, Bishop of Leeds, on behalf of the Catholic Council for the Inquiry. Next Wednesday's evidence will focus on the UK Government, with Mark Davies providing evidence on their behalf.

18. Next Thursday will include evidence from two former Prime Ministers, the Rt Hon Sir John Major and the Rt Hon Dr Gordon Brown. Dr Brown will give oral evidence via video link. That afternoon, Oliver Cosgrove and David Hill will return to complete their evidence to the Inquiry, and will give evidence as to their understanding of the institutional response to allegations of abuse and their involvement in the various inquiries and other accountability and redress mechanisms. Norman Johnston will give evidence on behalf of the International Association of Former Child Migrants and Their Families about the work of that organisation, and about support and reparations issues.
19. Finally, next Friday, you will hear further evidence from Dr Margaret Humphreys, on behalf of the Child Migrants Trust. She will give further evidence about reporting abuse and give her views on institutional failings in respect of the schemes, other inquiries and redress mechanisms. Finally, the expert witness will return to provide brief evidence about the Salvation Army residential institutions in Queensland and New South Wales and St Joseph's Orphanage, Neerkol, Queensland, and to address any further issues that have arisen on the oral evidence.

(4) Some logistical issues about the evidence

a. Live, video and read evidence

20. As in the previous hearings in February, it is anticipated that some evidence will be live, some read or summarised, and some adduced by video link. It is anticipated that Inquiry Counsel will conduct the majority of the questioning of the witnesses but we will address you separately as appropriate on any Core Participants' applications in respect of questioning under Rule 10.

b. Restriction Orders, redactions/ciphering, case file material and broadcasting

21. As in the earlier substantive hearings in February, there are Restriction Orders in place that protect the identities, names, addresses and images of former child migrants and others. Some of the former child migrants have specifically waived their right to anonymity, but for the remainder the Restriction Orders must apply and so where they are referred to in evidence they will simply be referred to as **A1, A2** etc.
22. Similarly, the material obtained for this Case Study has been redacted, and ciphers applied, where the Inquiry considers it appropriate, in accordance with the Inquiry's Protocol on the Redaction of Documents².
23. Case files for the former child migrants who gave evidence, have been obtained and provided to the witnesses. Certain pages from those files that bear on the issues for this Case Study have been disclosed to the Core Participants and some other parts of the files have been summarised in a document provided to all the Core Participants. Given the obvious sensitivity of the case file material certain "special measures" are in

² https://www.iicsa.org.uk/key-documents/322/view/inquiry-protocol-on-redaction-of-documents_2.pdf

place in relation to referring to this material in the hearings, as they are in relation to another small tranche of material from the Christian Brothers Ex-Residents' Service ("CBERS") and the "VOICES" organisation, which includes a lot of personal data, and we ask for the co-operation of all Core Participants in relation to this material.

24. You, Chair, have also directed that the proceedings will be broadcast. Again, this is likely to be particularly significant for this Case Study given that many of those with an interest in its subject matter are now elderly, infirm, or live abroad.
25. The broadcasting is subject to a 5 minute delay in case any issues over the Restriction Order, ciphering/redactions, or the above "special measures" material, occur. We again ask for the assistance of all concerned in respecting the processes in place and drawing to our attention promptly any issues that arise so that the broadcast can be terminated and the matter resolved. If such an issue arises I will say the following "**An issue has arisen as a result of which, Chair, I invite you to terminate the live broadcasting link and direct that there be no communication of the evidence given in the last 5 minutes**". On resumption of the hearing I will invite you to make a Restriction Order or other appropriate order covering the evidence in question.

(5) **Conclusion**

26. That concludes all I wish to say in opening, so I would invite you, Chair, now to hear Opening Statements from the Core Participants.

**HENRIETTA HILL QC
MARK WASSOUF
KATIE O'BYRNE
PAUL LIVINGSTON
SAM THOMAS
GRACE FORBES**

2 July 2017