

# **INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE IN NORTHERN IRELAND**

## **BANBRIDGE COURTHOUSE**

**MONDAY 01 SEPTEMBER 2014**

### **CHAIRMAN'S OPENING REMARKS**

#### **MODULE 2 – CHILD MIGRATION PROGRAMME**

1. Good morning ladies and gentlemen, and I would like to welcome you to the opening day of the public hearings of the second module of the Inquiry into Historical Institutional Abuse in Northern Ireland. The unusual aspect of today's proceedings is that this module will be devoted to examining the experiences of 50 applicants to the Inquiry who live in Australia. These are individuals who were in institutions in Northern Ireland from which they were sent to Australia, almost all of whom went in the years after the Second World War.
2. When we publicised our existence in Australia last year we received a very large number of applications. As a result of what we were told by the Australian applicants we decided that these matters required investigation, and so we sent teams from the Inquiry to Australia for about a month at a time in the autumn of last year, and again earlier this year. The teams were made up of members of our Acknowledgement Forum, members of our legal staff, and witness support officers.
3. They went to Australia for two reasons. First of all, to enable those living in Australia to have the same opportunity to describe their experiences to the Acknowledgement Forum as applicants who live in Northern Ireland and elsewhere. Secondly, by recording witness statements from them our legal

team were able to gather a considerable amount of information in relation to those matters which the Inquiry will now investigate.

4. I want to express my thanks, and those of my colleagues, to all those in Australia who have come forward to assist the work of the Inquiry, and who have provided us with many documents which have helped us to assemble the information which will be presented in these public sessions in the coming weeks.
5. This information has revealed that approximately 130 young children from Northern Ireland who were in the care of voluntary institutions, or state bodies, were sent to Australia as child migrants between 1922 and 1995, those being the years with which this Inquiry is concerned. We have set aside 3 weeks of our programme to examine their evidence, and during that time we will receive evidence from most of the applicants who have contacted us. I say most because a small number wished to speak to the Acknowledgment Forum only, and did not wish to take part in the public hearings. We expect that all but three of the witnesses who give evidence will do so by live-link from Australia, while others who have made statements will have those statements read out to the Inquiry.
6. Not everyone will be giving evidence in person by live-link, because it is clear from their statements that many have little recollection of their time in Northern Ireland, or of the circumstances surrounding their travelling to Australia. That is not surprising because some of those children who were selected were as young as 5 years old, and many were 8 or under.
7. Although it is common for courts in Northern Ireland to receive information from witnesses from locations all over the world by way of a live television link, this

Inquiry is unusual because so many witnesses will be giving evidence in this way. Many of those witnesses are retired, and it is more straightforward for them to give evidence to us here in Northern Ireland from a location in Australia, because the logistical and other difficulties involved in moving the entire Inquiry and our staff to Australia would be very great.

8. Modern technology enables us to speak directly to individuals in Australia, and it is a sign of our commitment to this part of our Inquiry that not only have we sent members of the Inquiry to Australia, and made these arrangements for witnesses to give evidence by live link, but we have arranged for today's opening to be transmitted live to Australia.
9. I want to take this opportunity to express my thanks, and those of my colleagues, to the authorities in Australia who have made available family court houses in Perth and Melbourne so that our witnesses can give their evidence from those locations. We are most grateful to Chief Justice Thackery of the Family Court of Western Australia, and to his staff; and to the staff of the Family Court of Australia at Melbourne, for their invaluable help in making it possible for witnesses to give evidence by live link.
10. I want to add our thanks to the staff of the Child Migrants Trust, and to the staff of Tuart Place, who have been most helpful in facilitating contact between a number of witnesses and the Inquiry.
11. As will become clear during this module, in their witness statements many of those who will give evidence describe their experiences after they arrived in Australia in shocking terms, setting out in graphic detail their descriptions of the severe hardships, and grave sexual and physical violence, to which they say

they were subjected as children in the institutions to which they were sent in Australia.

12. However, I have to emphasise that this Inquiry is limited to what happened to children in institutions in Northern Ireland. By the Act of the Northern Ireland Assembly under which we operate, and our Terms of Reference, this Inquiry does not have the power to investigate what happened to those child migrants in those Australian institutions.
13. That does not mean that their accounts of their experiences in Australia will be swept under the carpet. I want to assure them that will not be the case. Their evidence will be given in public, either in person or through their statements, and all of the evidence will be published on our Inquiry website. Those who wish to familiarise themselves with these accounts will be able to do so, whether they live in Australia or elsewhere.
14. In addition, at the conclusion of this module arrangements will be made to furnish these statements to the Royal Commission into Institutional Responses to Child Sexual Abuse which is presently carrying on its work in Australia. That will ensure that these matters are drawn to its attention, and I urge any of the applicants to this Inquiry, and indeed anyone who has had a similar experience who may be following the work of this Inquiry, to contact the Royal Commission in Australia if they have not already done so.
15. I want to thank the Royal Commission for the assistance they are giving to this module of our Inquiry. They have made available several of their staff to support to our witnesses as they give their evidence in Perth and Melbourne. This means that we are able to provide the same types of support and counselling to those witnesses as we provide to witnesses when they give their

evidence here in Northern Ireland, and we are extremely grateful to the Royal Commission for this invaluable help.

16. In a few moments I will invite Miss Christine Smith QC, who is the senior counsel to the Inquiry, to outline the background to child migration to Australia from the United Kingdom in general, and from Northern Ireland in particular. But before she does that, there is one other matter I wish to mention at this stage.
17. We have adopted a policy of giving anonymity to witnesses who are applicants to the Inquiry, because we know that many of those who speak to us have never described their experiences in public before, or told their closest relations what happened to them. We know that describing their experiences in public is not easy for them, and can involve considerable stress and upset. To help to make the process as stress free as possible we have given everyone a designation by which they will be referred in documents published by the Inquiry. So far some individuals who have already given evidence in Northern Ireland have chosen to waive their anonymity and that is entirely for them to decide.
18. We are treating the Australian applicants in exactly the same way, and so we have given them anonymity as well. Some of them may wish to waive their anonymity, others may not wish their names to be given in public. As I have explained, our powers only extend to Northern Ireland, and so we cannot enforce in Australia or elsewhere the right to anonymity in Australia of those Australian applicants who wish to remain anonymous. However, I appeal to the media in Australia and anywhere else outside Northern Ireland, not to add to the stress that taking part in this process will inevitably inflict upon those

witnesses by publishing their names, and to respect the desire of those who wish to remain anonymous.