1. Introduction

The Child Migrants Trust has provided specialist social work services to former child migrants since 1987. From the outset, many former child migrants disclosed serious physical and sexual abuse within institutions, and some described their thwarted efforts to refer these matters to the police for investigation at various times in their lives.

Whilst it is now generally accepted that many survivors of historic childhood abuse remain silent about their traumatic experiences for years, often decades after the criminal offence, this has not been the case for some. In these situations, obstacles relating to time limitation were clearly not the primary constraint to prosecution of offenders; rather the failure to prosecute offenders appears to relate to unwillingness to act and a culture of denial within the police and judicial systems.

The Child Migrants Trust has extensive, detailed knowledge and experience of disclosures of serious abuse within many institutions that received former child migrants, particularly those managed by the Christian Brothers and Fairbridge in Western Australia. Neerkol in Queensland and Derrinvery in Victoria are two further examples of institutions where serious abuse took place. After 28 years of therapeutic work with former child migrants and their families, and intensive involvement in the preparation of their redress statements, the Child Migrants Trust has amassed considerable knowledge of alleged perpetrators and detailed accounts of their alleged criminal acts.
2. Historic police response to reports of serious physical and sexual abuse

A small number of former child migrants report that they disclosed details of abuse to police whilst they were still held at the institutions and the perpetrators were active and present. For example, particularly in Western Australia, some child migrants absconded from institutions following particularly brutal beatings or in fear of continuing sexual assault. Inevitably, they were found by police officers and returned to the institution, where they were further punished and often held in traumatic secure isolation. Some report they were ‘made an example of’ by being publically flogged in front of the other children as a warning to others not to abscond.

The reported police response to disclosures of abuse was both inadequate and inappropriate. Rather than being considered worthy of an investigation, some former child migrants reported to CMT they were beaten by police ‘for telling lies’ before being returned to the institution and further punished.

‘When the police picked me up after I ran away, I was covered in bruises from the beating and the police must have seen that. I told them what [redacted] did to me, but they took me into a cell and laid into me, calling me a liar. Then they took me back to [redacted] and I knew what was going to happen.’

A consistent theme of former child migrants’ accounts was that when the police returned them as ‘runaways’ to the institutions, they met privately with the staff member or Brother in charge and then left, whilst the child migrant waited in anticipation of a public, ritualised and severe punishment, sometimes at the hands of the perpetrator from whom they had been trying to escape. Former child migrants consistently express the view that alleged perpetrators were not investigated or reported to State children’s welfare authorities.
We must hope that the police response to former child migrants making serious allegations represented the poor standards of a previous generation, rather than reflecting a more sinister and collusive relationship. Clearly, former child migrants were regarded as having little significance or status while the churches and charities providing institutional care enjoyed the confidence of society and exploited their position to act with impunity towards the vulnerable children in their care. It seems probable also that the police may have felt unable to intrude on the dominion of church authority in managing their own internal matters rather than viewing the complaint as a potential criminal matter.

3. Contemporary examples reported by former child migrants

As early as 1992, CMT received written advice from a former child migrant that he had been informed by police in [REDACTED] that no Christian Brothers would be prosecuted because that decision had already been taken by the Director of Public Prosecutions. Certainly, the very few convictions compared with many hundreds of alleged serious offences suggests that this may have been the case.

In relation to allegations of serious sexual assault of several child migrants at [REDACTED] reported to police during the 1990s when the alleged perpetrator was alive and his whereabouts known, former child migrants expressed strong feelings of frustration and despair that police staff seemed reluctant to embark on a robust investigation. The alleged perpetrator ultimately died without facing any charges. With regard to the rare examples of a perpetrator being convicted, former child migrants have expressed to CMT their disgust and dismay at the leniency of the sentence, particularly where the perpetrator’s age was apparently a factor in light sentencing.
In a number of situations, prosecution was suspended due to the advanced age and health of the alleged perpetrator. Some former child migrants made comparisons with more robust investigations into war crimes, where such factors are seen as secondary to achieving a measure of justice, and explained to CMT staff that this was further evidence of police ambivalence to their suffering and more denial and cover up. These comments were often made with reference to the failed prosecution of an infamous Christian Brother living in [REDACTED] during the 1990s.

Poor outcomes of concerted efforts to hold perpetrators to account, such as the Slater and Gordon action in 1994/95, are seen to confirm the view expressed by many former child migrants that their experiences are not given due regard and that perpetrators ‘will always get away with it.’

4. **Systemic and cultural obstacles to prosecution of alleged offenders**

Clearly, there have been major advances in the understanding of institutional abuse and the protective strategies of serial offenders in recent years. Previously, the absence of specialist skills and knowledge within dedicated police units focused on investigating historical abuse has worked in the favour of perpetrators.

The rigid application of time limitation periods has probably influenced police decisions and investigations into historic abuse. However, the evidence from survivors is abundant, compelling, and has been increasingly visible for the past twenty years. Over that time, many responsible for terrible crimes against children have escaped justice through death.
5. Recent CMT experience reporting to police

Within a large group who experienced severe childhood institutional sexual assault, it is not surprising that a small number may themselves go on to offend in adult life. CMT manages this complex reality within its specialist work, taking account of risk factors alongside a universal need and right to services.

At the time of Redress WA, while helping an elderly man to prepare his redress statement, CMT assessed that there was a strong likelihood of past and present offending behaviour. This was of particular concern as his work gave him unsupervised access to children and he expressed sexual ideation regarding boys of a specific age and appearance. CMT discussed these concerns with the client and informed him that a police referral was required.

Advice was sought from a senior manager at Redress WA regarding the most appropriate contact point within WA Police, since there was a protocol for the investigation of historic abuse and the context of this man’s terrible childhood abuse should therefore be seen as a contributing risk factor.

CMT was informed that in the absence of a crime, no preventative investigation was possible. In response to considerable, persistent pressure from CMT, we were informed the man’s details would be ‘logged’ so that if he ever applied for a working with children check, ‘a red flag’ would register. This man already had a history of being a sports coach for several decades.

In this situation, it seemed reasonable that CMT’s assessment might be regarded as sufficiently informed to identify a tangible risk to children in the community, given that many perpetrators of sexual offences against children operate for years before being detected, if ever.

These difficult issues and complex decisions require further examination.
6. **Summary**

The police have been on a long learning curve in terms of devising an effective or adequate set of policies and procedures to respond to reports of significant, historical physical and sexual abuse. Similarly, the past response suggested that the police were not taking either the offences or the offenders seriously as worthy of full or thorough investigation. Fortunately, there seems to be a welcome change in approach in recent years.

Although it is understood that many survivors of childhood criminal assault often delay disclosure for many years, those who did report to the police advise they were at best ignored and at worst received further abuse from the original perpetrators and on occasions from the police officers from whom they were seeking help. Some considered that this was a result of both breaching an expected code of silence and questioning the authority and reputation of the institution.

The lack of specialist units or dedicated, experienced investigators has contributed to a low ratio of convictions compared to the high frequency of offences alleged by former child migrants. Similarly, the lack of a clear protocol for various professionals to consult and report matters to the police regarding high risk individuals is an urgent need.

Predatory paedophiles are often skilled at covering their tracks; consequently we need equally skilled detectives to uncover them. This has rarely happened in the case of former child migrants. Overall, the response from the police service in the past has not been determined or detailed enough to secure more acceptable numbers of convictions and thus deliver justice. This is not a state of affairs which can be justified - serious offences against vulnerable members of the community required a much more professional response.
As CMT is an international agency, it may help to place these remarks in a wider cultural context to show that the practice of some sections of the police service in Australia is by no means unusual. Recently in the UK, there have been several examples of young teenage girls in residential care being used as prostitutes by various gangs. The lack of early prosecutions was explained as due to the police not viewing these matters as priorities as they were concentrating on “more serious” offences or because they assumed that prostitution was a lifestyle choice or they did not appreciate the concept of grooming. Many of the men involved have eventually been convicted of very serious offences and received long jail sentences – to deter others and to mark society’s repugnance at their crimes.

Thus, vulnerable children need protection from threats both within and outside institutions. They require a police service which matches its response to the level of risk not their status and is sensitive to the enduring damage caused by different forms of sexual abuse. To be effective, such a service must be organizationally and professionally equipped to tackle the complex challenges posed by investigations where there is a significant power imbalance between alleged offenders and their victims.

I have consulted both the President and a longstanding members of the International Association of former Child Migrants and their Families (IAFCM&F) who have endorsed this submission. It has been written with major contributions from both Assistant Directors at the Child Migrants Trust.

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International Director

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