

# Opening Remarks

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## **INTRODUCTION**

It is an honour to have been asked by the Attorney General of Ontario to lead the Cornwall Public Inquiry.

I agreed to take on this challenge because of my belief in the importance of the Inquiry's mandate.

In my view the Inquiry has great potential to help communities, both in Cornwall and beyond, to learn how public institutions can respond quickly and well when faced with allegations about sexual abuse of children by persons in positions of trust or authority.

I also welcome the opportunity to find ways, throughout the Inquiry, to support the community of Cornwall as it moves forward after a difficult period in its history.

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Je tiens à souhaiter la bienvenue à toutes les parties ici présentes, aujourd'hui, et à insister sur l'importance d'accorder à toutes les personnes intéressées la possibilité de s'exprimer dans le cadre de l'enquête. Je salue également les membres du public et les médias qui vont assister aux audiences ou les suivre.

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The parties who have been granted standing in the Inquiry are all represented by skilled counsel who will be able to assist me and all of us in getting through what may be a lengthy and sometimes difficult process.

Counsel will also help to ensure that everyone who appears before me is well heard and that all perspectives are taken into account.

And I am counting on counsel to help ensure that we complete the Inquiry in a reasonable period of time, by focusing on those issues relevant to the mandate I have been given.

In addition, I would like to request that everyone – whether you are a party to the proceedings, a witness, legal counsel, an observer, or a member of the media – please show respect and concern, at all times, for the persons who appear before the Inquiry.

This will be a priority for me and I hope for all of you as well.

It takes courage to come forward and speak in a public venue about painful past events. Whether one is an individual who has made an allegation of being sexually abused as a child, a person against whom such allegations were made, or an official of a public institution that was asked to respond to such allegations, testifying will not be an easy task.

I have taken steps to have counseling services made available to all persons affected by this inquiry, not only to alleged victims and alleged perpetrators and their families but also to anyone who participates in the inquiry who feels the need to seek some type of assistance.

The details of how to access this service will be finalized shortly and will be made public by way of news release; notice to the parties and of course on our website.

**Communications Staff:** Marie-Josée Lapointe and Joan Weinman are the Inquiry's communications advisory who can be contacted by media.

**Please note** that I will not be available myself to the media during this inquiry.

This is because I feel that any communication from me should take place within the Inquiry process, whether in the hearing room or in my final report.

I would like to assure all parties that I will make every effort to ensure that everyone is well heard here in this public forum on issues relevant to my mandate.

It is my hope that this will limit the extent to which you will feel the need to continue debate and discussion outside the hearing room on those same issues while the Inquiry is underway.

## MANDATE

I would now like to briefly discuss the mandate of the Cornwall Public Inquiry.

The mandate sets out two primary tasks.

The **first** task is to find out how public institutions in Cornwall responded in the past to any allegations of child sexual abuse that were brought to their attention.

We will also look at the way institutional responses – and the capacity of institutions to respond – have evolved over time, and how the responses could be improved in the future. This will be the subject of Phase 1 of the Inquiry.

As the focus of Phase 1 is on allegations of ‘child sexual abuse’ made to ‘public institutions’, I would like to take a moment to comment briefly on these terms.

The mandate speaks broadly of child sexual abuse allegations.

However, based on the events leading up to the Cornwall Public Inquiry, my assumption is that the primary focus will be on allegations against persons in a position of trust and authority as opposed to, for example, abuse alleged to have taken place within a family.

The mandate also speaks about the responses of 'public institutions'. By public institutions we mean such entities as the Police and Corrections.

I should point out, however, that during the Inquiry we may also discuss the role and practices of other institutions such as the church.

This would be done for the purpose of better understanding and evaluating the responses of the public institutions that are included in the Inquiry's mandate.

The **second** primary task is to look at ways to help the affected individuals, institutions and the Cornwall community to move down the path toward healing and closure.

By healing and closure I mean to find ways to clear the air with respect to our public institutions and to determine how they did react and how they should react in the future.

To look at ways for those people “hurt” by this whole situation to be better equipped to deal with their lives and to finally shut the door on the past in as much as is humanly possible.

This will be the subject of Phase 2 of the Inquiry.

The need for healing and closure exists no matter what did or did not happen in Cornwall and regardless of what I may find in Phase 1 about how public institutions responded to allegations that were made to them.

I come to this Inquiry mindful of the fact that this has been a very painful and difficult time in this community's history.

It is precisely because this has been very painful and difficult that healing and closure must take place.

Although healing and closure is the focus for Phase 2 of the Inquiry, I am sensitive to the fact that the way in which we conduct Phase 1 can have a positive or negative impact on the ability of Phase 2 to achieve that objective.

I would encourage all parties to keep this in mind throughout Phase 1.

I should also point out that the Cornwall Public Inquiry is not the only process to arise from the events alleged to have occurred.

There have been criminal proceedings in the courts and there are ongoing civil proceedings.

This Inquiry does not and cannot seek, in effect, to try or retry these matters.

It is not within my mandate to determine 'who did what to whom' although I will make findings of fact about what allegations were made to various public institutions and how those institutions responded including the interaction of that response with other public and community sectors.

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## **PROCESS**

Permettez-moi maintenant de vous expliquer brièvement comment l'enquête se déroulera.

Comme je vous l'ai dit, la phase 1 a pour objectif de recueillir des informations, qui m'aideront à déterminer comment les institutions de Cornwall sont intervenues face aux allégations de mauvais traitements sexuels à l'endroit d'enfants qui ont été portées à leur intention, à découvrir quelles politiques et pratiques étaient en place, et à savoir comment

elles ont été appliquées. Les avocats de la Commission appelleront les témoins qui seront également interrogés par d'autres avocats.

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During Phase 1, some individuals may wish to testify about what happened to them as victims of child sexual abuse, or as persons against whom allegations were made.

And indeed we do need to hear about the allegations that were made and to whom they were made.

This is necessary in order to make findings about how public institutions responded to the allegations.

However, I remind all parties and their counsel that our focus is on the response of the institutions themselves, and we will be hearing the evidence in Phase 1 for that purpose alone.

This distinguishes Phase 1 from Phase 2 which will focus broadly on healing and closure.

Phase one will be structured by public institutions, by that I mean we will divide the evidence into following complaints made to each institution and follow through with that institution's actual response in dealing with each complaint.

Phase 1 is scheduled to begin on March 27, 2006.

We have scheduled hearings from Monday to Thursday for that purpose until April 6, 2006 with a week off from hearings in the week of April 10<sup>th</sup> and then continuing accordingly to the drafted schedule.

It is my hope that Phase 2 will offer an opportunity for people to speak more broadly about what has happened and the impact on them and the Cornwall community.

The nature of the Phase 2 healing and closure process has not yet been determined.

Over the next few months I will be considering how to structure that Phase of the Inquiry and I will seek input from the parties' counsel and others.

My hope is that we can design Phase 2 in way that helps to make progress toward the goal of healing and closure and that leaves participants in a better position to continue down that road.

I will also be setting up an expert advisory group to provide advice and assistance throughout the Phase 2 process.

## **CONTEXT-SETTING**

Avant le début des témoignages factuels de la phase 1, nous aurons une semaine ou deux pour ce que j'appelle des «audiences d'établissement du contexte.

Au cours des prochains jours, des experts nous expliqueront ce qu'ils pensent, d'après leur expérience et leurs recherches, des enjeux de l'enquête.

Cela nous aidera à nous faire une idée de la situation avant d'entendre des preuves détaillées.

J'aimerais préciser que les experts que nous entendrons dans le cadre de cette phase d'établissement du contexte ne parleront pas de ce qui s'est passé ou de ce qui ne s'est pas passé

Ils ont plutôt été sélectionnés en raison de leur connaissance des questions soulevées par l'enquête, qui nous servira de « toile de fonds » pour nous aider

à placer dans leur contexte les témoignages sur Cornwall que nous entendrons au cours de la phase 1.

Par exemple, certains experts nous décriront l'évolution de notre compréhension des mauvais traitements sexuels infligés à des enfants, en général et par des personnes en situation de pouvoir ou de confiance.

Ils expliqueront la signification de certains termes techniques qui reviennent souvent dans les discussions à ce sujet.

Ils expliqueront les perspectives de victimes d'agression sexuelle contre des enfants, d'agresseurs présumés, d'institutions, ainsi que des représentants du milieu thérapeutique et de la recherche.

Ils nous présenteront également ce que nous savons maintenant être de bonnes interventions de la part des institutions et de la collectivité à des allégations de mauvais traitements sexuels envers des enfants

Certains des experts que vous entendrez au cours des audiences initiales d'établissement du contexte reviendront peut-être nous parler à une étape ultérieure de l'enquête.

J'ajouterai aussi d'autres experts aux phases 1 et 2, au besoin, pour nous aider à comprendre le contexte.

Là encore, ces experts nous aideront à nous faire une idée de la situation.

Leur tâche n'est pas de nous dire ce qu'ils croient qui s'est passé ou non à Cornwall.

Considérons l'enquête comme un processus d'apprentissage pour nous tous, y compris moi-même, et je crois qu'il est important que nous établissions le contexte ensemble.

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## **IMPORTANCE OF THE INQUIRY**

Now that you have heard about the Inquiry's mandate and how it will unfold, you may be asking

**“How important is the Cornwall Public Inquiry?”**

If it is not a process to separate valid allegations from those that are false, or to determine who did what to whom, why spend the time and resources?

In my view, the question of how public institutions respond to allegations of child sexual abuse by persons in a position of trust or authority is enormously important.

It goes to the heart of how, as a society, we protect our children.

It looks at how we respect the rights of persons alleged to have committed deplorable breaches of trust. It also examines the accountability of vital institutions in our society.

In short, the ways in which institutions respond can be seen as an expression of our collective concern about issues of great importance.

It is vital, therefore, that we think about fundamental questions that flow from the mandate....

**What are the best responses for public institutions?**

**What is the impact if the responses fall short of that standard?**

**What is the impact of the institutional responses on children alleged to have been sexually abused?**

**What is the impact on persons alleged to be abusers?**

**What is the impact on public institutions that have a mandate to help persons at risk in our communities?**

**And what is the impact on the Cornwall community as a whole as a result of allegations made over a period of several decades?**

**And what can we do to help those affected to progress down the road to healing?**

So yes, I consider the mandate of the Inquiry to be extremely important. It represents an important opportunity to help the community of Cornwall to move forward after a difficult period in its history.

And it represents a one-time opportunity to answer fundamental public policy questions; to document lessons learned from the Cornwall experience; and to develop recommendations for the future that will benefit individuals, institutions, and the community in Cornwall and beyond.

## **CONCLUSION**

In conclusion, I want to thank you all again for your commitment to the Cornwall Public Inquiry and its mandate. I look forward to our combined efforts to make the Inquiry a meaningful process that will have beneficial and long-lasting results.