

Scottish Parliament

Public Petitions Committee

Wednesday 12 May 2004

Current Petitions

Institutional Child Abuse (PE535)

The Convener: Item 3 is consideration of current petitions, the first of which is PE535. The petitioner calls on the Scottish Parliament to urge the Scottish Executive to establish an inquiry into past institutional child abuse, in particular abuse of children who were in the care of the state under the supervision of religious orders. The petition also calls for the Executive to make an unreserved apology on behalf of those state bodies and urges the religious orders to apologise unconditionally.

At its meeting on 25 March 2003, our predecessor committee considered responses from the Scottish Executive and the cross-party group on survivors of childhood sexual abuse. The committee noted with interest that the Executive was considering some form of inquiry into abuse in institutions, but expressed concern that there was no indication of the timetable for a decision on how the Executive intended to progress that extremely important matter. Our predecessor committee urged the Executive to develop its thinking on the matter and asked for an update to be provided to us early in the new session, if possible by mid-June 2003.

Despite a number of reminders, no response has been received from the Scottish Executive, although Executive officials have told our clerks that we should receive a response soon. We have also received further correspondence from the petitioner in which he argues that Scottish victims and survivors should be given the same recognition as survivors in Ireland. He also notes that

"Counselling, compensation and pastoral services help Irish survivors in the process of healing and reconciliation."

Does any member have a comment to make?

Linda Fabiani: I was, when I read the paper, absolutely appalled to learn that our predecessor committee asked the Executive for a response more than a year ago, but no response has been forthcoming. That is completely unacceptable.

In October last year, following representation by people in my constituency, I wrote to the First Minister. An article had appeared in the *Sunday Mail* last June in which the First Minister said that he had ordered a study to be carried out into how the Irish Government under Bertie Ahern had progressed the issue. I did not get a response to the letter. In April this year, I wrote again, asking for an answer to my first letter.

Col 802

Not only has our predecessor committee been badly ignored, but MSPs who have written to the First Minister on the subject have been ignored. I have waited for some seven months for an answer on the issue. I want the committee to write in the strongest possible terms to the Executive to say that it is treating Parliament with contempt, and that it is treating people who have suffered abuse and who are waiting for answers with the same contempt.

Jackie Baillie: Like Linda Fabiani, I have pursued the matter at local level on behalf of a constituent who was abused in care. I have no doubt that the experience in Ireland, Wales and elsewhere has been much more positive in terms of addressing the issues and bringing a sense of closure for those involved. A number of not only emotional, but legislative issues lie behind PE535 and I support the establishment of a commission, an inquiry or some other way of progressing the matter for the survivors who must live with the legacy of abuse.

When I wrote to the Executive, I received responses from the ministers who had responsibility for justice. Although I cannot find the reference, somehow I got a sense that the Executive was considering the establishment of some sort of inquiry. If that is the case, I would support it whole-heartedly. We should pursue ministers for a timetable for the inquiry—people have waited long enough for one.

John Scott: I agree with what has been said. Given the First Minister's apparent involvement thus far, we might wish to copy the letter from the petitioner to him for information.

Linda Fabiani: I am certainly not an expert on the subject, but the people whom I am helping have expressed the concern that it is likely that some cases will become time barred in respect of compensation. I cannot remember the timescale in which that could happen, but it is another big issue. The delay in putting an inquiry in place could take away the rights of many people.

The Convener: We discussed a petition earlier this morning in which the delay in a response from ministers was noted. That problem is also apparent in respect of PE535. I know that we have agreed as a committee that we want to tighten up our procedures so that we can keep on top of petitions; the clerks are working hard to sift through the outstanding issues so that we can keep up to speed. That work is part of the reform of the way we do our business.

Given that we have had on a number of occasions to comment on the lack of timely responses from ministers, and that the First Minister is responsible for ministers and for how they respond, it would not be wrong of us to ask

Col 803

the First Minister to ensure that he and his ministers treat the Public Petitions Committee with some respect and give us the timely responses that we seek. It is important that we do not go from one meeting to the next without eliciting a response from the responsible minister on an issue as important as this.

12:15

Helen Eadie: On that point, which is separate from the agenda item that we are discussing, it must be possible for the committee clerks each month to generate a report for us on the responses that have been received. I could provide the clerks with a piece of paper—if they do not already have it—that highlights the fact that such software is available.

The Convener: The clerks have a grid in which they try to do something similar to that. If you wanted to approach them on the matter, I know that they would respond to any assistance that you could give. However, they have a mechanism for recording the information. The reform of how we do our business is designed partly to enable the clerks to remain focused on the position that have been reached with petitions and responses to them. I am sure that they would welcome an opportunity to talk to you.

Helen Eadie: I suggest that a report highlighting the cases in which we have been awaiting a response for more than six months be attached to the agenda for each meeting.

The Convener: I am not trying to dissuade you, but I am not sure that it is appropriate to discuss in public how the clerks operate. It may be more helpful for you to discuss the matter with them privately than to do so in an open forum such as this.

A number of recommendations have been made in relation to the petition. It has been suggested that we write back to the minister, that we write to the First Minister and that we seek the information that the petitioner wants. Is that agreed?

Members indicated agreement.