Northern Ireland Assembly

Committee for the Office of the First Minister and deputy First Minister

OFFICIAL REPORT (Hansard)

Inquiry into Historical Institutional Abuse Bill: Northern Ireland Human Rights Commission Briefing

5 September 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:
Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Mr Trevor Clarke
Mr Colum Eastwood
Mr Danny Kinahan
Mr Alex Maskey
Mr Francie Molloy
Mr George Robinson
Ms Caitríona Ruane

Witnesses:

Miss Rhyannon Blythe	Northern Ireland Human Rights Commission
Professor Michael O'Flaherty	Northern Ireland Human Rights Commission

The Chairperson: We have Professor Michael O'Flaherty and Rhyannon Blythe. Michael, when you are comfortable, can you introduce Rhyannon, put her role in context for us and then give us your presentation?

Professor Michael O'Flaherty (Northern Ireland Human Rights Commission): Thank you very much, Mr Chairperson and Committee members, for this invitation. We are very grateful for the opportunity to provide evidence to you on this issue. Rhyannon is a member of our staff who has been working on this issue and who has played an important role in developing our submission on the Bill, which you have before you. I will make the principal presentation, and Rhyannon and I will then engage with you on whatever questions you may wish to put.

With your permission, I will begin. It is the view of the Human Rights Commission that the sexual abuse of children is as profound an issue of human rights abuse and violation as one could find. It constitutes a fundamental undermining of the rights and dignity of the child, but much more, because it carries with it legacies that go right through the entire lifespan of the violated human. The human rights abuse of the child can constitute a form of human rights violation on the part of the state when the abuser is acting as an agent of the state. More widely still, regardless of who the perpetrator is and whether they are acting on behalf of the state, the state has a duty to take all reasonable steps to protect its people, particularly its most vulnerable people, among whom we would all include children. That duty extends to a procedural duty to investigate, prosecute and deliver remedies to victims of abuse.

Those headline statements do not come from the air. They are not just an opinion. They are constructed from the international human rights commitments of the United Kingdom. In the first place, there is, of course, the Human Rights Act 1998, which draws into domestic law much of the European Convention on Human Rights, but there are also other international treaties that the UK has ratified, including the UN Convention on the Rights of the Child, the Convention against Torture and the International Covenant on Civil and Political Rights. We draw from those instruments and nowhere else with the advice that we bring to you today.

This is the third occasion on which we have taken the opportunity to present advice on the matter of the sexual abuse of children. We did that first in January 2011 before the Bill was published, we responded to the Bill in July 2012 and we now take this opportunity before you.

We have, of course, concerns about the Bill, which I will come back to in a moment, but let me start by saying what we welcome. We welcome the initiative. It is important, significant and timely, but it is also multifaceted in a way that is worth noting and acknowledging. The manner in which the Executive propose to balance the delivery of an inquiry and an acknowledgement forum is good practice. It draws from practice elsewhere, such as proposals in Scotland, but adds to those with the link between the work of the acknowledgement forum and the inquiry in a manner that is innovative and important and that constitutes an advance on practice internationally. We think that that is to be applauded.

We do, however, have a number of regrets. I will present those to you not in order of importance but more in a logical sequence. The first of those regrets has to do with the limited scope that is proposed in the Bill: the focus on institutional abuse. The exclusive focus on institutional abuse overlooks the broader obligation on the state to deliver accountability and redress more broadly for victims of sexual abuse, including those who have suffered sexual abuse in contexts other than an institutional one. That is not so much a matter of policy regret; it is a matter of legal regret, based on the provisions of the UN Convention against Torture and the UN Convention on the Rights of the Child.

Turning to the narrow framework of the Bill and the focus on the establishment of an inquiry into institutional abuse, here, too, we have significant concerns. The principal concern relates to the extent to which the current proposals fail to take account of the Jordan principles. As many members of the Committee will know, the Jordan principles were developed by the European Court of Human Rights in the light of jurisprudence out of Northern Ireland to deal with investigations that engage issues in articles 2 and 3 of the European Convention on Human Rights to deal with the right to life and the right to be free of torture and of cruel, inhuman and degrading treatment. The Jordan principles were developed in a very different context, obviously, but the legal reasoning is clear that they transpose exactly to investigations such as those proposed in the Bill.

What are they? I will name the five core Jordan principles and then take the bulk of my time referring to the problems. The principles relate to the need for the inquiry to be independent; for it to be capable of identifying individuals responsible for whatever evil is being investigated; the requirement that the investigation be prompt; that it be open to public scrutiny; and, very importantly, that it involve victims in order to protect their legitimate interests.

Taking account of the nature of the Jordan principles, what then are our concerns with regard to the Bill? There are a number of areas that we would like to draw to your attention. First, the Bill proposes that the Executive would have the power to amend the terms of reference for the inquiry without consulting anyone, be they members of the inquiry team or anybody else, including victims and witnesses. The lack of a consultative requirement before any amendment to the terms of reference is not consistent with the Jordan principles.

Secondly, the Bill proposes a very broad power for the Executive to terminate the appointment of members of the Executive. We do not challenge the power of the Executive to terminate appointments, but we note the very broad framework in which that action could be taken, which is far broader and far looser than, for example, that for the termination of the appointment of a judge. Again, there is a concern that that liberal power that the Executive retain to themselves in the Bill challenges and undermines the independence of the proposed inquiry team.

Thirdly, the Executive retain to themselves the power to terminate the inquiry at any time, even if that is before the anticipated lifetime of the inquiry. Again, that undermines the independence as laid out in the Jordan principles.

Fourthly, the Bill makes provision for the inquiry to issue restriction orders with regard to evidence and individuals. We do not challenge the need for restriction orders around deeply sensitive issues and deeply vulnerable people. However, we are concerned that restriction orders can be issued by the inquiries without the requirement that consultation take place with the individuals or communities affected. You will recall that the Jordan principles emphasise the need to involve victims in order to protect their legitimate interests. Therefore, this very permissive power to issue restriction orders is a matter of concern.

Penultimately, there is a provision in the Bill whereby the Executive can refuse to pay the expenses of the inquiry when they consider that the inquiry has acted ultra vires; that is, outside its mandate. Again, we have no issue with the need for efficiency in the use of public resources. That is not the point. The point is what happens in a case in which the inquiry itself has a different understanding of its mandate than do the Executive. In such a case, the Bill provides that the Executive would ultimately be the authority on the matter. We feel that that is not necessary because of the existence of judicial review. If the Executive and the inquiry were at odds over the mandate of the inquiry, the matter could be resolved in the courts. Therefore, we fail to see the need for the power proposed by the Bill, which again is inconsistent with the independence principle of Jordan.

Finally, and very worryingly, there is a provision in the Bill that were an actor to take judicial review proceedings with regard to any act of the inquiry, they would need to do so within 14 days of whatever matter was being impugned. Under a general statutory framework, you have three months in which to take a judicial review. Therefore, the normal three-month period in which to take a judicial review is being reduced to 14 days. Given the way in which the law works and given all the elements around deciding to take a judicial review, consulting on a judicial review, and so forth, 14 days seems not so much unreasonable as unworkable.

Those are the matters to do with the application of the Jordan principles. They are the reasons why we issued advice, under our statutory function, to the effect that the Bill is incompatible with the Human Rights Act. In other words, it is the commission's view, on the basis of the manner in which the Jordan principles have not been integrated, that were the Bill to be judicially reviewed, there is a high likelihood, in our opinion, that it would be found wanting and undermined fatally. We very rarely issue a view of incompatibility with the Human Rights Act, but we felt that it was important to do so here and to emphasise that matter to you this afternoon.

Let me turn to one last element before wrapping up. This has to do with the time frame and the scope of the inquiry in respect of the period under review. A moment ago, you, Chair, mentioned the significance of 1995. In my presentation to you, I want to refer to the significance of 1945. The commission is at a loss to understand why, for any living victim, there is a need to fix in stone the year 1945. We recognise that for dead victims, you have to draw a line somewhere, but where a victim is living, it is the commission's view that that victim's case should be embraced by the mandate of the inquiry. Therefore, for living victims, we are of the view that a date should not be set and that there should simply be an acknowledgement that if a victim is still alive, regardless of whether the abuse occurred before or after 1945, they will be given their full right of audience to the inquiry.

To conclude, on the specifics of the Bill, we are of the view that it is necessary to make it compliant with the Human Rights Act and the European Convention on Human Rights by integrating proper attention to the Jordan principles. We are not of the view that the Bill should be withdrawn in order to do that. We share the view of victims that this is a matter of high urgency, and we suggest to you that the Bill can be adequately amended in its process through the Assembly in order to ensure compliance. We also consider that, in the process of amending the Bill, the matter of the time frame, which I just referred to, can be addressed without any great complexity.

Turning to the wider issues of sexual abuse outside the institutional context, again we share the view, as I think I mentioned earlier, that this is an issue that needs to be taken account of. The sexual abuse of children did not just happen in institutional care settings. It occurred in many other social contexts that have to be taken account of as a matter of international human rights law. We nevertheless consider that it is difficult to take account of those dimensions of sexual abuse in the current legislative project. We do not think that it would be wise or prudent to withdraw the Bill in order to widen it. Rather, we consider that separate legislation will be required to deal with those elements of sexual abuse not currently covered. Those elements would embrace any other forms of sexual abuse that occur outside the home. Of course, we would also look for the opportunity, in due course, if a separate Bill is to be introduced, to provide advice on how that might best be made compliant with the United Kingdom's human rights obligations under the treaties to which it is a party.

In wrapping up my introductory remarks, I suggest that it is very important that we never lose sight of the fundamental framework of reference for our discussion on this matter.

First, we must keep in mind that sexual abuse constitutes, as I said at the outset, one of the most fundamental examples of the undermining of the human rights of victims, not just in childhood but all through their lives.

Secondly, it is not a matter of goodwill, graciousness or kindness to deliver justice to the victims. It is a solemn matter of accountability and delivering under the United Kingdom's formal international human rights obligations.

Finally, that obligation, as a matter of law, is not a generalised one for some time into the future; rather, it is one that requires to be delivered without any undue delay. Thank you.

The Chairperson: Michael, thank you. That is a rather sobering assessment, if you do not mind my saying so. I will not second-guess the members. I am sure that they want to test the Bill in its current format against a number of measures, such as whether it is victim-focused and fair, but also whether it is compliant with our legal obligations. You are 100% clear that you believe that the Bill is not compliant and that there is a very high risk that, if tested, it would fail. How easy would it be to fix?

Professor O'Flaherty: We think that it is not a difficult legislative matter to correct. It requires adjustments to the provisions for the independence of the inquiry and reining in the powers that the Executive are giving to themselves in this framework, and all that can happen without having to do anything radical or revolutionary. We have standards for the removal of judges that could be transferred to the removal of members of the inquiry, and so forth. There is nothing that we feel is not fixable through a normal legislative process.

The Chairperson: Let us take one example: the terms of reference sit outside the Bill within a ministerial statement made to the House and currently rest with the First Minister and the deputy First Minister. Have you an opinion on whether they should be brought into the legislation? Would it be adequate to state that the First and deputy First Ministers, with the agreement of the panel's chairperson, should be able to look at the terms of reference? Do you have an optimum fix?

Professor O'Flaherty: The terms of reference are, of course, much wider than the inquiry itself. They also deal with the accountability project and the investigation tool. Therefore, there are three strands to what is being proposed by the Executive, some of which have no need for a legislative support. As such, a part of this story will always rest outside the Bill. However, it seems to us critical that, in order to deliver on the international obligations, guarantees must be copper-fastened in the Bill around such matters as the Jordan principles. They cannot simply be agreed to by way of an Executive policy decision. If we are to be compliant with international standards, those need to be locked into the law.

The Chairperson: If the termination of the inquiry were not solely down to the Ministers but required the agreement of the chairperson, would that fix the problem, or would it be better that the decision to terminate had to come before the Assembly?

Professor O'Flaherty: I am not in a position to provide a detailed solution to a question such as that. The Human Rights Commission's competence does not extend beyond pointing to what the international standard demands, but we recognise that a range of policy options could comply with it. If, for example, the inquiry simply finished its work early, no one would suggest that it had to prolong its life artificially. However, that decision must be taken in a manner that ensures that the threat of closing down the inquiry is never used, or perceived to be used, to influence its proceedings. You gave two alternative ways of avoiding that threat, but it is not for us to say which of those, as a policy matter, would be the better.

The Chairperson: Are you implying that you think that either course would be human rights compliant, or compliant with the Jordan principles?

Professor O'Flaherty: In principle, yes. Sometimes, lawyers have to recognise that they have reached a gate, after which the policymakers take over. On that matter, I am pretty much at the gate.

The Chairperson: You are not coming to us with a set of fixes.

Professor O'Flaherty: No, because many fixes are policy fixes.

Mr Eastwood: In a way, the Chair has already asked my question. One of my concerns is that the terms of reference — about which you outlined some serious concerns, as have others who responded to the consultation — sit outside the Bill. In scrutinising the Bill, what role does the Committee play when it has been told that there are major concerns with the terms of reference, which do not even sit in the Bill but are part of a written statement to the Assembly? Perhaps I should be putting that question to the Committee Clerk.

The Chairperson: Do you want to take this under oath?

Mr Eastwood: Do you understand my point?

The Committee Clerk: Yes, I can see your point. Perhaps we can get legal advice on that.

Mr Eastwood: I want to get into that.

The Chairperson: We can discuss the issue after Michael and Rhyannon have gone. It is a valid point, Colum, and we will come back to it.

The Committee Clerk: We received advice from the Examiner of Statutory Rules that referred to the issue.

Miss Rhyannon Blythe (Northern Ireland Human Rights Commission): I should clarify that our issue is with the clause that allows the Office of the First Minister and deputy First Minister (OFMDFM) to amend the terms of reference. The issue is not the content of the terms of reference or the fact that they are outside the Bill. Our main focus is on the ability to amend.

Mr Maskey: When people talk about major concerns — I am using that only as an example — they need to be careful that they might be speaking for themselves. I know that everybody is speaking for himself or herself in here. However, you did not say that you had major concerns with the terms of reference. For the record, it is important to state that the representatives of the Human Rights Commission did not say that they had problems with the content of the terms of reference. I accept what you say, and I also accept the validity of Colum's point.

OFMDFM, in conjunction with the survivors and victims of this abuse who have lobbied firmly and well, if I can put it that way, has the best of intentions. I have not heard anything directly or starkly contradictory in what you have said so far, Michael, about the intent behind the Bill. I have not spoken to the other side of OFMDFM that has been dealing with the issue, but speaking for my party colleagues, I can say that there is the best of intentions. People are conscious of the arguments that have been put forward, particularly from those who have been victimised because of this criminal activity over the years, and they want things done as quickly as possible and with integrity. They do not want the issue to be over-lawyered, extended indefinitely or to cost the public purse a fortune. I accept entirely that it has to be conducted with integrity. I am concerned that you say that the Bill is not compatible with the Human Rights Act. Have you raised the issue with OFMDFM, and, if so, what was the response?

Professor O'Flaherty: We provided advice in our normal way to OFMDFM in our July submission. We have not received a specific response, but it is not normal practice for us to receive a specific response in the way in which we would with regular correspondence.

Mr Maskey: Your statement is fairly stark, so I am looking for a specific response from OFMDFM to the Hansard report of Michael's submission.

The Chairperson: For the record, Michael, is it the issue of who has control and the ability to amend the terms of reference, rather than the currently constituted terms, that concerns you?

Professor O'Flaherty: Yes, that is it exactly. We are also concerned that, in the current proposals, there is no provision to consult victims when there is a proposal to change the terms of reference. I mentioned that one of the Jordan principles requires the involvement of victims in all matters to do with their welfare: that has to include any changing of the terms of reference of the inquiry.

The Chairperson: For the record, when did you issue the advice to OFMDFM that, in your opinion, this would not prove to be compliant?

Professor O'Flaherty: In January 2011, we reminded OFMDFM that it would be required to be compliant, and in July this year, we expressed the advice that it was not compliant.

The Chairperson: Right. Has there been any contact on that theme between those two dates?

Professor O'Flaherty: Let me ask Rhyannon about that because you will recall that I have not been in office for much of that period.

No; she tells me that there has not.

The Chairperson: Right. Have you had a response since then?

Professor O'Flaherty: No, we have not had a response since July, but we would not particularly expect one as that is not the normal practice when we deliver advice in the context of a generalised consultation. I have regular meetings with OFMDFM. I have not had one since July, but this will inevitably be a topic for discussion at our forthcoming meeting, which will take place at some point in the autumn.

The Chairperson: Do you expect that it will be at the top of the agenda?

Professor O'Flaherty: It is certainly a very serious matter. It reflects the very rare action of the commission's presenting to Government an advice of non-compliance with the Human Rights Act. So, from our point of view, yes, it would be.

Mr Kinahan: Thank you. I am glad to hear others expressing that this should be done quickly and with integrity. It is essential that we get this right because it relates to heinous crime.

One area that bothers me all the way through is the conflict between being open to public scrutiny while dealing with an issue that is sensitive for so many people. In many cases, the last thing they want is public scrutiny. How do we get a balance that will ensure that everyone will come forward and we will respect and look after them, but at the same time will ensure that we get an end result?

Professor O'Flaherty: We respect and value the provision in the framework of the Bill that there will be no compulsion on victims to come forward. That is the starting point of engaging with your question.

Secondly, there is a framework of restriction orders in place. We do not challenge the need for such orders to be issued by the presiding member with regard to content or individuals. The power to deliver restriction orders is necessary to honour the principle you refer to. However, we are concerned that, under the current proposals, a restriction order may be issued without any consultation with affected individuals. That is where the problem is on the matter of restriction orders.

Mr Kinahan: Thank you. That has clarified that.

The Chairperson: Michael, do you believe that the use of the date 1945 is open to a legal challenge on a human rights basis?

Professor O'Flaherty: The formal engagement of human rights with historical cases has triggered a lot of discussion and debate, because many historical cases refer to periods before the United Kingdom was party to the relevant international standards. However, if a victim of abuse in, let us say, 1944, when there was no treaty, still lives today and the medical and psychological evidence available to us demonstrates that that person continues to suffer the effects of the attack that took place, that means that a human being living in contemporary Northern Ireland with all its human rights protection framework is suffering, and that engages the state's duty to respond.

The Chairperson: You are the expert, I am not, but I would expect human rights protection to say that that person should have some sort of challenge. You can argue that there are reasons for using 1945, but, ultimately, the date is arbitrary if those people are still alive.

Professor O'Flaherty: Yes, that is my view. Even if one were not able to construct a compelling legal argument, there are basic human decency reasons why no living person, particularly the oldest in our society, should be excluded under any circumstances.

The Chairperson: Under your functions, would you be able to support an individual who came to you looking for advice and help in that area?

Professor O'Flaherty: I hope that we will not have to look at that because I hope that this will be corrected in the Bill. However, if it were to be the case, we would look at it with a genuine interest on the basis of our mandate.

Ms Ruane: On that point — and tá brón orm go raibh mé mall; I am sorry that I was late — if I recall correctly, and I am sure that we can look at the minutes of our last meeting, the Chairperson, when we raised questions in relation to the date of 1945, and I understand that there are only a couple of cases pre-1945, did not seem to feel that it would be a problem in relation to amending. I know that it is an issue that we have raised, as well. I am conscious that there are, and I know that there is someone in the room whose relative is affected by this. I reiterate what Alex has said. If things need to be changed, and obviously things need to be human rights compliant, and obviously the intention behind this is good and we want to see the survivors — I do not like the term "victims" — getting justice, then that is very important.

The Chairperson: I suppose that the bottom line here, Michael, is that we are at one that everything is done with the best of intentions, but we want it done with integrity and speedily. However, my interpretation of your warning is that it could all be undone by a legal challenge. If that were the case, can you give us some parameters about what that would do to timescales and costs? There is a consideration in the proposed legislation that no unnecessary expense will be undertaken.

Professor O'Flaherty: First, the Bill is fixable. That is a very important message for us to deliver today. We would be appalled if the Bill were to be withdrawn; it can and should be fixed. Secondly, we do not believe that its remit in terms of the context of the abuse should change. The decision was taken to stay with institutional abuse, and it should remain so. That is not because other forms of abuse are not equally unacceptable and outrageous, but they probably need a separate legislative instrument because different issues arise. In those cases, we are dealing with abusers who were not acting on behalf of the state, so a whole range of different issues crop up, some of which are complex. They need to be dealt with, but I would consider it very unhelpful if the Bill were withdrawn in order to widen its scope to embrace all those other contexts of abuse. That said, if the Bill were adopted in its present form, the most that I can say is that it would not take a genius lawyer to construct pretty compelling arguments, based on the Human Rights Act, to undermine the implementation of the inquiry.

I do not have a crystal ball; I cannot say how much that would cost or what the delay might be. However, I can confidently say that it would be profoundly disruptive and further traumatise those I have been correctly reminded to describe as survivors of the abuse.

Mr Maskey: I am concerned about some of the deficiencies in the Bill but I am encouraged by Michael's repeating that it is very fixable. As far as I am concerned and speaking for my party colleagues involved in any of this, I cannot see a difficulty with any, perhaps even all, of the proposed amendments or the changes that are required. I have never had any conversation with any of my party colleagues involved in this who do not want the same outcome that you talked about earlier on, with the required level of integrity and particularly in conjunction with survivors and victims, a point that was made by the Chairman.

All I am saying is that, clearly, the Bill has to be human rights compliant. It has to do what the intention is behind the ministerial statement. Those commitments were given to the victims and survivors themselves and, therefore, have to be followed through with absolute integrity and as speedily as possible. I do not see a massive — in fact, I would probably go the other way. I imagine there is enough goodwill in the Assembly, across the parties, to fix the Bill's deficiencies. I say that fairly confidently, and although I may be proved wrong, I do not think so. All I am saying is that I think that there were a number of specific points put to the Committee by Michael. I would like OFMDFM to

be asked about those one by one, because it is in the report. Obviously, fairly quickly thereafter, we will be going to amendments. I read the Examiner of Statutory Rules' report, for example, in which he recommends some very easy solutions to fixing some of this. So, I do not see insurmountable problems. As I said, from what I have heard, I am satisfied that the measures are well intended. Therefore, for us it is about getting the proper and right Bill. So, in the first instance, I would like OFMDFM to be asked to deal specifically with the issues around the Jordan principles. How do we get the efficiencies realised so that they meet those principles? Going back to Colum's point, it is obviously then for us on this Committee to be involved in tabling amendments and all the rest if needs be. However, I would prefer it if we could get the amendments from OFMDFM instead of having to table them here.

The Chairperson: Effectively, you would like a point-by-point response from OFMDFM to the submission?

Mr Maskey: The commission very helpfully made a number of specific points, which deal comprehensively with concerns that others raised. So, let us ask OFMDFM to deal with those specific queries, and when we get the responses, we can decide what we need to do. I believe that there is goodwill there, so let us get it fixed.

The Chairperson: As well as asking OFMDFM to address the specifics that the commission raises, I suggest that we ask for the proposed fixes through amendments to the legislation, which would take us to the next stage.

Mr Maskey: There may be issues as regards OFMDFM changing things. That is a discussion for another day, and it should probably be a private discussion. If it has solutions and can amend stuff readily, let it do that. If not, let us amend things with agreement.

The Chairperson: So that I am clear about things in my head, I have one more question, which is about your support for the Bill's being restricted to institutional abuse. It is a genuine question. Human rights is about fairness and equity, but you could presumably have had on the same day two young people abused by the same individual, one occurrence in the afternoon in the institution and one elsewhere. How is that fair?

Professor O'Flaherty: It is not fair. I am glad that you have allowed me to further clarify our position on this. All victims of child sexual abuse are entitled to justice, redress and accountability, and all perpetrators of that abuse should face the consequences. That is the clear starting point.

That said, there are some legal issues around the levels of human rights compliance. The forms of human rights compliance vary according to whether the perpetrators are acting on behalf of the state, such as an official in a publicly funded home, or whether they are individuals who are not acting on behalf of the state. For example, we have spoken a lot about the Jordan principles, and it is not clear that, in their totality, they would apply to the latter category. For that reason, it is our suggestion that both dimensions are taken account of but that that is probably best done through two distinct, legislative frameworks. So, we are not for one minute suggesting that the victims of institutional abuse are in a preferential category of survivors or that the others are in less-worthy categories. We are simply discussing with you a Bill that is framed around the issue of institutional abuse.

The Chairperson: If the Jordan principles applied to both categories, the application of point three of those principles, which states that the investigation should be prompt, would suggest that those who were not abused institutionally are being disadvantaged.

Professor O'Flaherty: The whole Bill is constructed around institutional abuse. Everybody wants this to be done properly and as quickly as possible. If the decision were taken to broaden it to deal with all forms of sexual abuse, wherever they took place, my fear is that that would kick the Bill into a very long piece of grass, which would be in nobody's interests.

The Chairperson: So, it would be better to get this going and then to look immediately at the second process?

Professor O'Flaherty: Or to look at it simultaneously.

Mr Lyttle: You said that there are two distinct legislative frameworks. Could they feed into the same inquiry or are you saying that there should be two different inquiries?

Professor O'Flaherty: That is a very interesting question. I do not see why the single panel could not deal with both — of course not. There is a matter of capacity and resources, but there is no reason why that could not happen.

The Chairperson: Rhyannon and Michael, thank you both very much indeed. Please keep us informed of your developing thinking.

Professor O'Flaherty: I certainly will. Thank you very much.