



Northern Ireland  
Assembly

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

# OFFICIAL REPORT (Hansard)

Inquiry into Historical Institutional Abuse Bill:  
SAVIA Briefing

5 September 2012

# NORTHERN IRELAND ASSEMBLY

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Inquiry into Historical Institutional Abuse Bill: SAVIA Briefing

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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:**

Mr Jon McCourt	Survivors and Victims of Institutional Abuse
Ms Margaret McGuckin	Survivors and Victims of Institutional Abuse

**The Chairperson:** We welcome Mr Jon McCourt and Ms Margaret McGuckin, the chair and secretary respectively of Survivors and Victims of Institutional Abuse (SAVIA). They have tabled a written submission, which you will find in your folders. I will give you a moment to take your ease. Would you like tea or coffee?

**Ms Margaret McGuckin (Survivors and Victims of Institutional Abuse):** I would love a coffee.

**Mr Jon McCourt (Survivors and Victims of Institutional Abuse):** I would love a cup of coffee, to be honest.

**The Chairperson:** We will get you both a cup of coffee. Are you content with how you are going to play this?

**Ms McGuckin:** No, but I am sure that you will help me, as will Alex and the rest of you.

**The Chairperson:** Jon, are you going to make a short presentation?

**Mr McCourt:** Yes. I am not going to rush this, but for the sake of brevity, members have a copy of our proposals. I do not know whether that will be made available to anyone else here, but if there is no point in my going through every word of our submission, I will not do so.

**The Chairperson:** We cannot make it available to those in the Public Gallery.

**Mr McCourt:** OK. The submission stands on its own, but there are a couple of pertinent points to be made from it. I was glad to hear that similar points have already been raised, but I am not going to draw someone else's evidence in on top of ours.

I have a copy of our submission, but because of the way in which we prepared the original submission, you will have to find ways of referring back to it, because there are a couple of areas of concern to which I want to draw attention, the first of which is our concern about the time frame of the inquiry, which is from 1945 to 1995.

From the perspective of victims and survivors, the process, although it has made significant progress in legislative terms, still seems drawn out. We ask that the Committee's scrutiny take no longer than necessary, and we would want to see the Bill pass into law by the Christmas recess, as had originally been timetabled.

Although we understand the need for scrutiny, any extension to what was previously timetabled may be interpreted as undue delay; an extension of months would certainly cause further anxiety to already vulnerable people. Days, although begrudged, will be seen as par for the course in the legislative process; weeks will cause worry; but months could be interpreted as stalling and would not be acceptable to us.

In light of the legislation as it stands, there may be a need to seek further time to consult on the 1945 to 1995 time frame. According to its own rules, in Standing Order 31(c), "Stages in Consideration of Public Bills", which deals with Consideration Stage, the Committee can bypass any further delay that may be due to a proposed consultation extension by putting an amendment before the Assembly removing the 1945 start date and reframing it to include those who are still alive and who were placed in institutions before that date. It need not be specific in date, but limited to those who were in institutions before 1995, when significant safeguards, monitoring and reporting were put in place. We would seek cross-party support for such a motion.

One of the difficulties with the legislative process appearing to take longer than we assumed that it would take is that it opens room for speculation about what will be added. We, of all people, have a deep sympathy for anybody who was abused, particularly children who were abused, and in whatever circumstances in which they were abused. However, the Inquiry into Historical Institutional Abuse Bill should focus specifically on that issue. Lessons and recommendations that come from the report of the inquiry could, hopefully, broaden the investigation out into whatever sphere it needs to go.

Again, the difference is that we, as survivors and victims of institutional abuse, were placed in the care of the institutions, in most cases by the state or by agencies of the state. The state has a responsibility to us. It seems unfair, and we do not want to be unfair. However, even human rights legislation is inclined to task the state more than the individual, and that is where the focus should be. Lessons will be learned through this, and added protection will come from this.

According to the Bill, the chairperson still has the right to broaden out the terms of reference of the inquiry. Looking at the precedents of the only examples that I can think of, I can say the clostridium difficile inquiry did not look at all the failings of the health service. The Cory inquiry did not look at 40 years of conflict and all of the deaths and injuries that occurred. So, we are not asking for something that does not have precedent.

As I said, I do not want to go through the whole of the submission, and I know that Margaret has a specific point that she wishes to raise. However, the Committee should give sincere consideration to these two points, particularly the point about the time frame and the removal of the limitation from 1945. There are survivors from before then. There may not be many, so we are not talking about a massive overspend of the budget when we talk about including those people, who should be there as of right. As we say in the submission, they should not be there as an add-on or an also-ran.

**The Chairperson:** Jon, because we are putting this into the official record, can you answer whether you have a problem with the 1995 finish point?

**Mr McCourt:** I do not have a problem with the 1995 finish point. That is simply because sufficient safeguards, monitoring and protections were put in place. Criminal offences from that period have

already started to be looked at. So, it works from 1995, and our view is that it did not work before then.

**The Chairperson:** We shall listen to Margaret before we come back to you on the two specific points that you raised. Are you happy enough with that, Margaret?

**Ms McGuckin:** Yes. A lot of our people are concerned about the start date for the forum, and they are waiting for the legislation to get passed by Christmas. Correspondence that I read this morning states that the inquiry will be ongoing and does not need to wait for the legislation to come through. However, a lot of our people cannot see that happening. We would love to have a start date for when that will happen. Also, have the premises been secured? We were informed of the premises, but am I hearing that they are not there any more and that they are not secure? Speaking on behalf of our people, we are very unsure and uncertain.

**Mr McCourt:** Is that not the acknowledgement forum, Margaret?

**Ms McGuckin:** Yes, that is the first thing. That could be ongoing.

**The Chairperson:** Justice Hart, who is the chair, gave evidence here, as you know. I think that he gave grounds for optimism in that they were not waiting for the legislation to be passed before starting the groundwork. He indicated that he had been in touch with officials and state bodies to ask about their records and, basically, to get them prepared for handing over what they will need. I am not across the specific issue of the premises. I am not sure whether any Committee member can enlighten you on the search for those, but we will certainly bear that in mind.

**Ms McGuckin:** That is the way we are. Insecurity has been part of our lives. We were in the premises but then heard behind the scenes that they may not be so secure now.

**The Chairperson:** So, you have been given a tour of what you expected the premises to be and now you wonder whether it will be somewhere else?

**Ms McGuckin:** Yes.

**The Chairperson:** Is any member aware of that? We can certainly ask that specific question, Margaret; that is not a problem.

**Ms McGuckin:** Could we also have clarification on redress rather than just having terminology that talks about desirability? Our people need to know. As you said, and I read this morning what you said about the Bill, our people have been affected all their lives and were unemployable in the outside domain. I commend what you said at that time; it affected us all. I heard what you said, and that was me — I was unemployable when I came out of these places.

We do not speak much about redress. I actually find it quite embarrassing to talk about it, but I know what is needed. If someone is run over in the road, they will be compensated. It is vital that our people are compensated. I am with them every day, and I know how this has affected their lives. Compensation works, and it can do something for our people for whatever time they have remaining in their lives. I ask all the Committee members, the Executive, the Assembly and whatever for something to be set up. You are aware of the ages, health and vulnerability of all our people, so I ask that an interim process on redress is set up before this all ends. The way that it is going, it will take years. We appeal to you here. I know that we have your concerns. I have listened to you all, and you are all together in supporting us after what we have been through.

I am hearing from all our people that they want to be compensated in some way. It may be that they want to compensate their families for what they have lived through. I did not understand my anger and rage all my life, and I have taken it out on my children. I will say in front of everybody here that, until now, I did not know what was wrong with me. I find that with lots of our people. We did not disclose or tell anybody about what we lived through. We are only now understanding our anger, rage and behaviour and the trouble that we got into growing up. I was not always the way that I am now in trying to find out who I really am. I was a completely different person, and that was to do with the way that we were brought up in these institutions. So, we want to look after our families now. Can we, even our older people, have something to help us in the rest of our lives?

**The Chairperson:** I hope that I have the Committee with me in encouraging you as individuals — and you are all individuals, although there is a common issue — to make incredibly clear to Judge Hart and everybody else who is involved, when the process begins, about what would suit you as a way forward. Some people will want financial recompense, while others might want help with health, training, education or for their children. It is up to the individual, and your case is strengthened the more that you articulate exactly what you need. The Committee understands that what you have gone through will go down through generations unless we can intervene and help to stop it.

Jon, you raised two points, the first of which was that we should get this done by Christmas. In our initial discussions, we indicated the likelihood that we do not think that we will be able to do our bit in the minimum time. However, in discussing whether we need an extension, we are minded to make sure that any extension will get it across the line before Christmas. We want to take the time to get it right and to ensure that the issues that Michael outlined do not come back to bite us and cause unnecessary delay. It is a two-way street: the Department has to work with us. Either the Committee or the Department could be responsible for delays, and we will commit to trying to get it across the line for you by Christmas.

**Mr McCourt:** I am aware of the arguments that have been brought up. However, given that we have had massive support across the Assembly, I do not think that there is a difficulty in seeing it before Christmas. I know that it is hard to put a date on a calendar and say that it will be done by then, but we hope that that will happen.

Margaret and I keep referring to our older people, and the longer that it goes on, the more disheartened and upset they become and the more difficult it is for them to believe that this is being taken seriously. They all understand it. We are trying to get the process running, but the Committee may not have any control, because that now rests with the acknowledgment forum. However, I hope that the acknowledgment forum starting to secure premises will give people belief and affirm the commitment of the Committee and the Assembly to resolving the issue.

**The Chairperson:** Several members want to speak. I promise that you will face no obstacle from me in getting rid of the 1945 starting point and looking after every living survivor.

**Mr Eastwood:** You are both very welcome, and I congratulate you on all the work that you have done to take it this far. To echo the Chairperson's remarks, although I have some issues with how the Bill is presented — you have outlined some of your own issues — I will commit to helping this go as quickly as possible and will not stand in the way of progressing it. Everybody around the table wants to make sure that it happens as quickly as possible.

You are right, Margaret, that we do not want to wait until 2016 to start to look at how we deal with redress. Like you, I want an interim report from the chairman to look at the redress issue so that we can get the ball rolling. You will find support for that. It is important that people be given confidence that that will happen and that we will not have to wait for years.

I completely agree with you on the 1945 issue. I see no reason why it could not be to the foundation of the state, because we are not talking about many people or saying that the commission could not have flexibility on moving before that date. The state had a responsibility, regardless of what treaties or protections were signed in law, to protect people in institutions pre-1945. I am open to looking at beyond 1995, because there may still be lessons to be learned. That is an issue for debate. I am never convinced that things are perfect, but we should always strive to make sure that they are. I completely agree with the point about 1945, and we should be open to looking at the 1995 issue as well. There are a few other issues. Thank you very much for attending. Be assured that we will try to deal with the Bill as quickly as possible.

**Mr Clarke:** My views are similar to Colum's. The Bill has been laid, and the process has started. Jon, although I understand why you want the Bill to be dealt with as quickly as possible, it is more important that it be dealt with correctly as quickly as possible. The last thing that we want, bearing in mind the evidence that we heard in the previous presentation, is to get it wrong. You have already been wronged once, and you do not want to be wronged twice. Everyone has commitment. All political parties have spoken on the issue and are committed to the process being completed as quickly as possible. However, we need to do it correctly, because we do not want those who have suffered to have more problems. There is a commitment to getting the Bill to that stage as quickly as possible, but we must do it correctly.

**Mr McCourt:** Thanks for the way in which you phrased that. I am saying that the timing should be right and that there should be expediency. Instead of another debate and consultation about the starting date of 1945, it certainly would speed up the process if an amendment were drafted by the Committee, tabled at Consideration Stage and put before the Assembly.

**Mr Clarke:** With regard to what Alex said earlier, I do not think that anyone is reluctant to widen the parameters. Given that the institutions are still fairly new, it is also worth noting that, once a Bill gets to this stage, it continues its passage. None of us wants to stifle the system or mess about with it. The Bill has been laid before the House because it has cross-party support. All parties want to get the Bill over the line, and, importantly, they want to get it right.

**Mr McCourt:** Thank you for your support.

**Mr Maskey:** I echo what has already been said and commend you for taking the issue forward and for having the courage to do so in a very public way. That has helped to shape the Bill. First, it has ensured that there is a Bill, and, secondly, you have substantively shaped the Bill. We want to ensure that we get the right Bill passed as quickly as possible. You will have heard representatives from all parties saying the same thing: we want to get this done as quickly as possible. We will have to ensure that the Bill is human rights compliant and that it does what it intends to do. With the goodwill that you have heard expressed and, clearly, the good intentions behind the Bill, we will get it fixed. If we need to use the mechanism of an all-party motion to resolve an issue, I am confident that you will get that support around the table. You will certainly get support from us, and you have already heard about such support from others. I imagine that the Bill is very doable within the time frame that we are considering. Everybody has the best of intentions to support you, and we have to work through the details and get it sorted as quickly as possible.

**Mr McCourt:** I want to come back to Margaret's point about redress and the way in which that is phrased in the explanatory and financial memorandum: "the ... desirability for redress". Why "desirability", and desirable to whom? As has been pointed out already, victims of human rights abuses, which we consider these to have been, have a right to an effective remedy and reparation that includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. I cannot sit at this Committee — in fact, I have never come into this Building — without asking what we can do for the people who have not made it this far, for whom the burden has been too much and they have taken their own life. Are the children and relatives of those people being taken into consideration? I am not talking about opening the issue out like a parachute, but we should consider the people who were in the institutions and give as much consideration to them, to their families and to their surviving relatives as we can. Again, I would be clear about the fact that that would not be as an add-on; it would be as of right, not an also-ran consideration.

**The Chairperson:** If we are genuinely to acknowledge that we understand that the impact goes down the generations, we will, of course, have to do that, absolutely.

**Mr McCourt:** Thanks, Mr Chairman.

**The Chairperson:** I am sure that you have had enough. Thank you very much. I am sure that you will be back, so would a different format be easier for you?

**Mr McCourt:** The format does not distress us. Our difficulty is taking information from here and getting it out to our members and others. One thing that perhaps might help is publicity from the Executive, the Committee and OFMDFM to let people know that this is happening and that these are considerations that they have already approved. It is not just about the people whom we have in this room. An awful lot of people have not come forward yet. They have spoken to us individually and said that they just want us to know what happened, but they do not want us to say anything to anybody. We want to get them to the point at which they can sit in the room with us and be a part of what makes this happen.

**The Chairperson:** That is a challenge that we will accept and think about. I am not sure whether there is an absolute fix. There are also an awful lot of silent victims of the Troubles. We do not know whether they do not come forward because, although they know what is available, they say, "Thanks, but no thanks", which is OK. The fear is that many people simply do not know what is available because we have not reached them.

**Ms McGuckin:** The priority is getting the inquiry up and running. Seeing that will give people the courage to come forward.

**The Chairperson:** At that point, we will need a blitz of publicity to let people know that the inquiry is happening.

**Ms McGuckin:** That is it. I get so many calls daily from people asking whether they have been forgotten about again. That is everybody's insecurity, and one that I suffer from, too, so forgive me if I may have spoken out of turn. I just want to raise awareness on certain matters.

**Mr G Robinson:** The other point to which Margaret referred at the beginning of the session was the security of the building, which is also very important.

**Mr Lyttle:** May I just ask a quick question on communication? I do not know whether it is normal practice, but would it be helpful for the Committee to issue a press release outlining its timescales and intentions for the Bill?

**Ms McGuckin:** Yes, that would help people to be a bit more informed.

**The Chairperson:** I think that we should also issue an appeal for people to come forward.

**Mr McCourt:** That would show that you are genuine. I am not saying that anybody in this room is not genuine about pushing this forward. What I am saying is that, when you have been through as many let-downs as we have, why exaggerate the abuse? We are trying to say to people that we are fixing it and that this is how we intend to do so. We are asking them to help us to achieve that by coming forward and telling us their stories.

**Ms McGuckin:** If they wish to do so.

**The Chairperson:** Let us have a wee think about what we can do within our timescale for the various steps, and we will come back to you on that positively. Thank you both.

**Ms McGuckin:** Thank you.

**Mr McCourt:** Mr Chairman and Committee, on behalf of SAVIA, Margaret and me, thank you very much.

**Ms McGuckin:** Thank you for your support.

**The Chairperson:** On that last point, we will consult Assembly Communications on some sort of media plan.