1. Executive Summary

This paper focuses on the urgent need to establish a redress scheme to meet the needs and wishes of victims and survivors of historic institutional child abuse in Northern Ireland. In the absence of a Northern Ireland Executive and a functioning Northern Ireland Assembly, we call for the Westminster government to pass legislation to establish such a scheme following consultation with victims and survivors.

2. Introduction

The Panel of Experts on Redress is made up of individual survivors, survivor groups, human rights organisations, academics, members of the legal profession, and national and international experts. The Panel is a survivor-driven process; its primary objective is to bring survivors’ views to the foreground.

3. Background

The Northern Ireland Inquiry into Historical Institutional Abuse (1922 to 1995) held 223 days of public hearings between 13 January 2014 and 8 July 2016, it investigated 22 institutions, as well as the circumstances surrounding the sending of child migrants from Northern Ireland to Australia, and the activities of Fr Brendan Smyth, and issues of finance and governance. The Inquiry delivered its Report to the First Minister and deputy First Minister on 6 January 2017, and published the Report on 20 January 2017.

The Inquiry found systemic failings and widespread abuse in institutional during this period.

A year has passed since the publication of the report of the Historical Institutional Abuse Inquiry on January 20th 2017. It made a series of recommendations about reparations, apologies and services. The recommendations stated that a redress mechanism should be established speedily given the age and ill-health of many survivors. Sir Anthony Hart, the Chair of the Inquiry, also stated that the first payments should be made to survivors before the end of 2017. None of these recommendations have been implemented due to the absence of Executive Ministers to consider and make decisions.

Many victims and survivors are of advanced age and some have already died since the publication of the report, without ever seeing redress or any other report recommendations implemented.

Delayed justice has the potential to further re-traumatising this vulnerable group of people who feel let down after giving evidence to the Inquiry.

Sir Anthony Hart took the unprecedented step of writing to the Northern Ireland political parties (12 June 2017) and then to the Secretary of State (30 June 2017), urging them to implement the Inquiry’s recommendations as a matter of urgency and without delay.
12. There is cross-party support in Northern Ireland for urgent action to address this matter, as evidenced by correspondence sent by all five party leaders to the Head of the Civil Service in July 2017.

13. The work of the Panel


15. In an effort to move the process forward, the Panel of Experts on Redress met with the then Secretary of State James Brokenshire MP, in July 2017, to urge him to establish a redress scheme to meet the needs and wishes of victims and survivors, with enabling legislation at Westminster if necessary. He said he was unable to do so as this was a devolved matter which required consideration and decision-making by the Northern Ireland Executive and referred us to the Head of the Civil Service.

16. The Panel met with David Sterling, Head of the Civil Service, in August 2017 to encourage action within his powers to deliver an appropriate redress scheme. He has made clear that he could not establish the redress scheme without ministerial direction and enabling legislation. Victim and survivor groups want to be closely consulted on the design and delivery of a redress scheme which will meet their needs.

17. The Panel subsequently has met with officials from the Executive Office on several occasions and wish to accelerate and deepen this process to pave the way for an agreed and prompt approach, via Westminster legislation if necessary.

18. The Panel has published a detailed Position Paper and Recommendations on Redress from the victims and survivors of historical institutional child abuse. The position paper sets out an analysis of the recommendations on redress produced by the Historical Institutional Abuse Inquiry and a set of recommendations from victims and survivors for a victim-centred compensation framework for historic abuses in residential institutions. This builds on the preparatory work already carried out by the Panel, including the previously published reports and draws on wide consultation.

19. Recommendation

20. In the absence of functioning devolved government, we would encourage legislation at Westminster without further delay to provide for the establishment of a redress scheme to meet the needs and wishes of victims and survivors.

*29 December 2017*