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Sent: Friday, November 12, 2010 6:13 PM

To: Petitions

Subject: Historical Abuse Survivors Scotland

Attention Petitions Committee

Dear Sirs,

I am writing to you as we are very concerned as a group of victim-survivors how the Scottish Government has managed these historical abuse issues to-date. Given that the Scottish Human Rights Commission made recommendations in February 2010 in relation to resolving these issues, which in our view the SHRC recommendations were balanced and appropriate recommendations aimed at resolution and addressing past human rights issues.

The SHRC Commission calls on the Scottish Government to clarify that the Pilot Forum is a stage in scoping the needs of survivors and commit to taking a comprehensive human rights based approach to securing effective access to justice, effective remedies and reparation for survivors of childhood abuse.

The Chair of the SHRC Alan Miller stated at the time, that lessons need to be learnt, Scottish Government to ensure Acknowledgement and Accountability- why it happened and how it can be avoided in the future.

1. The total funding to-date- what are the total levels of funding to-date costs? for the following- SHRC funding, Time to Be Heard funding, Survivor service funding, Sacro funding, direct funding to survivors- Sircca funding, Scotland Survivor funding and any additional related funding costs?
2. Does the total funding and any related funding represent value for money and positive outcomes for survivors-how can that be demonstrated?
3. Can the Scottish Government demonstrate how this process is a comprehensive human rights based approach which benefits survivors?
4. Direct funding to survivors-how has this been achieved, again is it value for money?
5. How have they dealt with survivors who reside outside of Scotland- yet have been abuse in past care system with many having been through the Scottish Court system?
6. What cases in Scotland have been dealt with through the processes set-up by the Scottish Government to-date to the benefit of the individual-survivor?
7. How many survivors have had positive outcomes form any of the processes to-date set-up by the Scottish Government?
8. How many survivors have obtained redress and reparation to-date in the processes set-up by Scottish Government?
9. How many survivors have had satisfactory remedies and closure of their issues in the processes to-date set-up by the Scottish Government?
10. How many survivors have effective access to justice, through the processes- how can that be demonstrated?
11. Professional funding matched against individual survivor funding- can you compare like for like? Why is there such a large disparity?

The processes have not been open nor wholly transparent to-date or inclusive of a broad spectrum of survivors. Policy and processes are being ditated and implemented by professionals.

It is important to note that survivors have engaged but are somewhat dissatisfied by the processes and the support mechanisms. Scotland has not taken onboard good practice from other countries who have dealt with similar historical abuse issues.

Currently Legal Aid is being denied to many survivors, whereby they have no effective access to Justice in Scotland, Criminal Injuries compensation is also Timebarred for some survivors. Survivors are being requested to sign confidentiality agreements with Sacro- some are clearly very unhappy about this.

There was no proper consultation process concerning Sacro's involvement and the proposed Restorative Justice processes- reparation and redress are not available as part of this process for survivors- yet available for all other service users of Sacro.

Survivors are unable to exercise real choice and their full Rights within any of the processes as they currently stand in Scotland and determine for themselves what it is they require. There is no closure mechanism in any of the processes and survivors are constantly being re-traumatised by having to revisit events in numerous ineffective processes-many are very unhappy about this. Many survivors are excluded from the processes.

We believe it is important to address these issues at this time to the Petitions Committee as ineffective, inappropriate processes and money wasted, clearly means that individual victim-survivors continue to suffer unnecessarily. The issues clearly need to be addressed forthwith by the Scottish Government taking fully into account the SHRC recommendations.

I would be grateful if you acknowledge receipt of this email.

David Whelan
FBGA

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