

Former residents of institutional care, human rights were severely infringed. They were subject to torture, inhuman and degrading treatment or punishment which is prohibited under international law.

The State is the primary duty bearer to children to protect their interests-time and distance does not absolve that responsibility – many of these children now adults went through the Scottish Care system into these places of care where they were abused.”

The Scottish Government and All others to give firm commitments in principle to the following:

That Victims-Survivors should be empowered and involved at all stages in the decision making processes about the full range of issues, design and development of any and all models that are proposed while bearing in mind "that one size does not fit all" as highlighted in the Interaction negotiation's to-date.

We would ask the Scottish Government to give a firm commitment and agree in principle to the implementation of the ALL the elements of the SHRC Interaction Plan as outlined in the interaction Summary within a reasonable time scale

Victims - Survivor Support and Reparation fund and why Timebar is a major hurdle even when the law may be changed

- Timebar is a major barrier to resolving these cases by reconciliation and healing and even with amendments to the Legislation the Victims-Survivors will still face enormous hurdles and even then there is no certainty that they will be successful even in cases where there has been previous convictions of abusers in the Criminal courts as the organisation and there insurers will more than likely contest any cases.

We agree with what the Minister-Roseanna Cunningham MSP stated, at a Petitions Committee hearing dated 29/11/2011 regarding Timebar:

Roseanna Cunningham continued: “I cannot possibly say whether any changes, to the time bar for example, would make a huge material difference. I need to remind people that the issue is not just about the time bar; it is also about proving the case in a court. That is probably an even bigger hurdle, given the timescales that we are talking about. The removal of the time bar is seen as a straightforward way of solving the issues, but I am not sure that it would always do so. There is a danger that it would be seen as some kind of quick fix, which it is not”.

Implementation of a Support and Reparation Fund within a Reconciliation and Healing process

- The implementation of a Victim-Survivor Support-Reparation fund which has a broad range and scope of remedies, will contribute enormously in our view to healing and reconciliation which takes fully into consideration the following,
- Cases determined on their own individual merits, cases sensitively independently assessed. Eligibility criteria to be determined.
- Confidentiality agreements to be addressed before hand and any other concerns.
- A Fair and a Reasonable tariff system is implemented “one size does not fit all”
- Benefits are not be penalised or deducted, past criminal injuries awards not to be deducted nor penalised, legal costs borne by victims personally to-date to be refunded.

The Scottish Government and all the other parties supports the Apology Law being proposed by Margaret Mitchell MSP

Justice issues civil and criminal issues within the Action Pan to be addressed

The Government also brings forward amendments to the Timebar Legislation laws to widen the Judges discretion, to include CHILD ABUSE as a primary factor to enable those who wish to pursue their civil cases to help facilitate that.

- **Review of lessons learnt- as outlined in the Interaction Summary**

The review process should be inquisitorial rather than confrontational.

While considering the potential benefits and disadvantages of a National Inquiry and likely costs. FBGA support the Review proposed and await its outcome.

We appreciate that the Scottish Government may wish to address the issues within a Scottish Context and we wish to clarify that FBGA are looking at reconciliation and healing in that context while seeking to resolve the outstanding issues.

We in FBGA will in principle commit to work constructively to address and support the Implementation of All of the Interaction Plan-Summary with the various parties and other victims-survivors within a reasonable timeframe .

Additional Comments made by the Minister at Petitions committee meeting 29/11/2011

Roseanna Cunningham: “ I cannot answer that, because I would need to know the potential or likely outcome of each individual case. I have no way of knowing that and whether the commission’s recommendations would materially change it. As I said, the Scottish Law Commission’s recommendations were fairly conservative, so I would not be going far outwith the bounds of reality by saying that—narrowly construed—they would probably not make an enormous difference”.