

Press Release

Child home abused may not get justice from 'hard pressed' Jersey law

13 May 2008: Current Jersey law would be 'hard pressed' to deal with the inevitable fall-out from the Haut de la Garenne child abuse cases, according to a leading advocate.

According to advocate Caroline Dorey, of Backhurst Dorey and Crane, providing justice for the applicants in any claims which arise from events at this and other former children's homes may pose insurmountable problems, as the legal system is not necessarily designed to deal with historic abuse on this scale.

She points out that the present means of providing compensation to those who have suffered injury did not anticipate this kind of problem arising. The Criminal Injuries Compensation Board is limited in the amounts it can award, and anyway can only make awards for symptoms which occurred after 1991.

The alternative would be to use the civil courts, but they generally require cases to be commenced within three years of the assault.

When Ireland faced similar problems in dealing with children victimized by years of punishment, sexual abuse and chronic neglect while in institutions, they set up a 'redress board' especially to provide justice to those affected. Caroline Dorey believes that a similar idea may also provide a suitable way forward for the Island.

'Jersey is under scrutiny as never before,' she points out. 'It's crucial that we are seen to be doing everything we can to get to the bottom of whatever happened at Haut de la Garenne, and to provide proper restitution for those affected.'

'Although the Island is justifiably proud of its legal system, the current situation poses new and extraordinary challenges.'

'We owe it to the Island in general and of course those survivors of child abuse in particular to ensure that we introduce whatever means are necessary to meet the current situation as openly as possible, and that justice is seen to be done. The Island is adept at meeting new challenges and we should be able to find a constructive way forward.'

'Our two current legal options for providing justice to those who may have a valid claim would be hard pressed to meet those criteria, so we need to explore new ways of meeting the problem. A redress board which is specifically set up to investigate and assess civil claims arising from this historic abuse would seem an appropriate way forward.'

Fay Maxted is the chief executive of The Survivors Trust, which represents 130 specialist sexual violence and abuse services throughout the UK and Ireland.

'Through our work we understand the suffering of victims abused in childhood and the long-term impact on victims, which is often worsened where abuse has taken place in an institution,' she says.

'The impact on victims affects every aspect of their lives from the moment of that abuse and n'No amount of money can ever really compensate someone for being abused.'

'But what it can do is provide them with evidence that their suffering has been formally acknowledged and at least offer them some form of closure. The redress boards set up in Nova Scotia and Ontario in the 1990s, and in Ireland in 2002, have allowed victims the opportunity to be heard and recompensed in some way and given communities the opportunity to challenge the silence and secrecy that concealed the abuse in the past.'

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