

Still no justice for UK victims of infected blood scandal after decades

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6 August 2021

Over three years after the Conservative government's announcement that an Infected Blood Inquiry would be held, the families and loved ones of the thousands of people who died are no nearer seeing justice.

The inquiry was announced by then Conservative Prime Minister Theresa May in July 2017, with opening hearings held in Westminster in late September 2018. The inquiry began to take evidence from those infected and affected at the end of April 2019. A series of current and former government ministers have been called to give evidence over the last weeks.

The contaminated blood scandal saw the deaths of thousands of people in Britain and internationally after they were given blood infected with diseases in the 1970s and 1980s. Major drug companies made enormous profits through the sale of blood products, including infected blood.

According to a 2015 parliamentary report, around 7,500 people were affected in the UK. Most other sources agree that far more, up to 30,000 people, including many with bleeding disorders were given contaminated blood products. Among others who have suffered are people who received blood transfusions or received blood after childbirth.

The suffering was on a vast scale, with the needless deaths of so many described as a "horrific human tragedy." Some of those who died did so as the result of multiple organ failure.

Even today, decades later, people continue to die due to infected blood at a rate of one every four days according to estimates.

Haemophiliacs represented the majority of those affected by infected blood products in the 1970s and 80s. Among the deadly diseases they contracted were Hepatitis C and/or HIV. According to the Haemophilia Society nearly 5,000 people were infected with around 3,000 dying.

Among those who died were many from Treloar's College, a disabled children's boarding school in Hampshire, England. Dozens of the children died after the school's on-site health centre gave them infected blood products such as plasma to treat their haemophilia. The inquiry heard in June that of all 89 former haemophiliac students who attended the school in the 1970s, only 16 of them are still alive. All were infected with hepatitis B and C, and 64 contracted HIV.

Haemophiliacs were given Factor 8 products to control their bleeding. The UK began to import Factor 8 products from the US because it was unable to produce enough and because it was cheaper. Unlike in the UK, the US authorities would pay people to

give blood. Many drug addicts and those with compromised health would donate for the money. The process of producing Factor 8 involves pooling many donations which vastly increased the risk of it being infected with hepatitis C and then HIV as that infection took off in the US.

Margaret Thatcher's Conservative government opened the door to mass infection and deaths in order to save money. Everyone who lived through the 1980s remembers the government's public information film campaign which included the warning: "AIDS: Don't Die of Ignorance". In 1987, every household in Britain received a leaflet warning about AIDS, "Anyone can get it, gay or straight, male or female. Already 30,000 people are infected."

Yet while this was taking place, people were being injected with infected blood containing HIV.

Decades have since passed with no single individual or corporate entity anywhere brought to account for these crimes.

Two previous inquiries were whitewashes. The first inquiry into the contaminated blood scandal was led by Lord Archer of Sandwell, under the Labour government of Gordon Brown. Set up in 2007, it reported in 2009. Archer's was a non-statutory inquiry with no powers to force government ministers or civil servants who declined invitations to give evidence. Archer concluded that commercial interests had been given a higher priority than patient safety. While criticising the government's slow response, the inquiry apportioned no blame.

The Scottish National Party-led government announced an inquiry in 2008 that only finally reported in 2015. The Penrose Inquiry, called under the 2005 Inquiries Act, did not even take evidence from anyone at Westminster and concluded that the Scottish authorities at the time did their best. Costing over £12 million, it made just one recommendation, that blood tests should be offered to anyone in Scotland who had a blood transfusion before 1991 and who has not already been tested for hepatitis C! It too apportioned no blame.

Those seeking to establish the truth through researching documents from the 1970s and 1980s hit a brick wall. David Waters, general secretary of the Haemophiliac Society from 1981 to 1993, said all files relating to the HIV crisis, including correspondence with the Department of Health, had been destroyed. Even former Labour Health Secretary David Owen (1974-76) was unable to get hold of ministerial papers relating to the contaminated blood event. They had been "cleaned up" to prevent the matter going to court, he was told.

The Infected Blood Inquiry is being led by former High Court judge Sir Brian Langstaff. Its remit is to “examine the circumstances in which men, women and children treated by National Health Services in the United Kingdom were given infected blood and infected blood products, in particular since 1970.”

Previous calls by campaigners for an inquiry with the powers to summon witnesses and access documents were rebuffed by Conservative and Labour governments. However, following the launching of a civil litigation case in 2017 by Jason Evans, —whose father died as a result of infected blood products and who runs the Factor 8 campaign—May was forced to call for an inquiry with such powers.

After his inquiry testimony last week, Tory Lord Kenneth Clarke was denounced for displaying “contempt” for his reluctance to answer questions during his three session appearance. Clarke was a leading figure in Thatcher’s government (1979-1991) and in that of her successor John Major (1991-1997), in which he served as home secretary and chancellor. He was a health minister from 1982 to 1985 and was health secretary from 1988 to 1990.

While a health minister, Clarke issued a press release issued in September 1983 asserting, “there is no conclusive proof that Aids is transmitted by blood products”. At the inquiry he stood by the statement as being correct at the time. Yet in May 1983, the director of the Communicable Disease Surveillance Centre in England and Wales had notified the Department of Health and Social Security (DHSS) of the death from AIDS of a haemophiliac who had been given Factor 8 imported from the US.

A vital document unearthed by Evans was a letter to a constituent, dated May 4, 1983, from Hugh Rossi, a Department of Health and Social Security minister. It read, “It is an extremely worrying situation, particularly as I read in the weekend press that the disease [AIDS] is now being transmitted by blood plasma which has been imported from the United States.”

In his July 27 testimony, Clarke let rip his irritation at the line of questioning by inquiry lead counsel Jenni Richards QC, complaining, “Why do we have to go through such meticulous detail through who said what when, when did he change his mind?”, dismissing the inquisition as “pretty pointless”.

Inquiry chair Langstaff chastised Clarke for his response but it didn’t stop him from minimising his role in the scandal. Clarke declared, “I was not directly responsible for any of this. I only play such a prominent part in evidence because I am... slightly better known than any of the others and the nearest to a B list celebrity you’ve got.”

Victims and their family members had in some cases travelled long distances to hear Clarke give his account and then had to go on a waiting list to get into the inquiry. Sam Stein QC, representing some victims, made an application for permission to address Clarke on his behaviour over the three days of questioning. Langstaff turned down the request.

Commenting after Clarke had finished his evidence, Evans said, “We’ve all waited a long time to hear Clarke give evidence but what we will all remember from this week is not answers or the truth, it will be the total disrespect shown to all those infected, affected and the inquiry’s own legal team.”

On July 29, Clarke was asked by the inquiry whether the victims should be compensated. He responded, “You can’t just pay out compensation in all those cases where there’s no fault on the part of the doctors there’s no fault on the part of the health authority... that’s still the approach today... I think any other approach would be quite, quite impossible you would destroy the health service.”

Clarke was able to display such contempt safe in the knowledge he would not pay any political price, let alone face prosecution.

The Infected Blood Inquiry was set up under the 2005 Inquiries Act legislated by Tony Blair’s Labour government. The Act serves to protect the guilty as it stipulates, “An inquiry panel is not to rule on, and has no power to determine, any person’s civil or criminal liability.”

In his announcement David Lidington, Cabinet Minister in May’s government, wrung his hands declaring, “It is very important that the inquiry can identify why and how this tragedy occurred and provide answers for all the victims who have suffered so terribly and can identify lessons to be learned so that a tragedy of this scale can never happen again.”

The inquiry is not set to complete until next year or even 2023.

The Infected Blood Inquiry stands alongside other 2005 Act inquiries—including the already widely discredited four-year and ongoing inquiry into the 2017 Grenfell Tower fire. After 32 years, and multiple inquiries, inquests and panels, the 97 people who died and the hundreds injured in the Hillsborough disaster received no justice with all those responsible getting away with it.

All that is required of such inquiries is that they conclude by making a few recommendations and roll out stock phrases about how everyone has learned lessons. All those affected by the infected blood scandal must demand the immediate arrest and prosecution of all those in government and corporate circles who perpetrated and then covered up for terrible crimes.



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