Wednesday 23rd November 2022

Agenda with Minister for Education, Ms Norma Foley TD

I wish to lay out the case for an inquiry that deals with more than the culture of abuse at Spiritan schools but an inclusive case covering child sexual abuse in day schools, public and private, primary and secondary, in the Republic of Ireland.

All the children caught up in this horrific abuse must be given parity of esteem where delay is simply not an option anymore or limiting the inquiry to one religious congregation.

Child sexual abuse in all its forms in Ireland has been like a crash site, but state responders have still to find so many of the victims and gather them up. Survivors of day school abuse lost out so badly in the implementation of the State Apology 1999, where they thought their relief was imminent, only to be denied because the task was considered just too great. That argument cannot be part of any consideration in attending to them now.

It speaks about us as Irish people, in how we treat our own, in how we treat our own children from this point forward. This time none can be left behind.

The 'terms of reference' must be a new structure, fit for purpose, and speaking to our ingenuity for invention to solve a most tragic chapter in the history of our people's regard for the suffering of our children, past, present and future. Let us be known by this.

We are not starting from scratch when it comes to dealing with child sexual abuse in day schools. We have experience of inquiries and need to adapt and adopt.

ACCOUNTABILITY and REPARATIONS

There are two clear pathways or objectives, accountability and reparations. The two are not dependent on the other as a lot of work has already been completed in respect of the state reparations for day school survivors through the Ex Gratia Scheme administered by the State Claims Agency. Clearly it will have to be adapted to the new reality that there are far more victims of child sexual abuse in day schools than was considered by that scheme. An arbitrary date to have initiated any high court action will have to go. The legal requirements to comply with the European Court of Human Right's Judgment in the case of O'Keeffe v Ireland will certainly have to be reviewed and the conditions required for an award will have to be amended and consistent with that judgment and this new reality. This work can commence immediately in finally opening the scheme up to address and remove conditions which clearly did not consider the scale of abuse in day schools or how to address it.

Accountability is about getting to the culture which gave rise to such levels of child sexual abuse, frighteningly similar to that described in residential homes and industrial schools. It should not be a surprise as 40 percent of those perpetrating such abuse in residential homes and industrial schools had been transferred into day schools. Therefore, one would expect that the injuries and trauma suffered by other children in day schools will be the same. The process of gathering witness statements from survivors of day school child sexual abuse will also require careful consideration where survivor consultation must be defined in the 'terms of reference' agreed by a survivor-led process with statutory powers to gather evidence.

1 Child sexual abuse at Blackrock College / Willow Park

The overriding consequence of the recent revelations in a RTÉ Radio One Documentary "Blackrock Boys", concerning the terrible child sexual experiences of Mark and David Ryan, and so many more children from those two colleges, has been a call for an independent inquiry.

On Friday 18th November in response to Dáil questions from Ms Ivana Bacik TD the Tánaiste announced that there would be a survivor-led inquiry into child sexual abuse at Spiritan colleges. He stressed "getting the form of the inquiry right is very important" - https://bit.ly/3V1oOb4.

On Saturday 19th November in the Belfast Telegraph - https://bit.ly/3Or39a1 - Taoiseach Micheál Martin confirms an inquiry will be established to investigate abuse in schools run by the Spiritans which will be a victim-led process. "I think we'll spend the next week engaging with victims to get their perspective on this and the type of approach they would want Government to take," he said. He suggested that "a module-based approach might be the most effective and timely in terms of an effective type of inquiry that would be time-limited."

2 A Spiritans inquiry versus an inclusive day school inquiry

A call for a Spiritans only inquiry would be to exclude consideration of other day schools till that inquiry was completed. Would anyone want to have to wait last in the queue for justice yet again? I think not. Identifying what is required in terms of deliverables will determine what solutions are required and must be addressed in the 'terms of reference'. These are issues to explore before fixing any 'terms of reference'.

The sequential order of trying to conduct an inquiry into child sexual abuse in all day schools would be painfully protracted and unnecessary, when it might be conducted concurrently under the proposed 'terms of reference' yet to be defined by survivors.

One must first consider the scope of the task and design the inquiry to meet that task.

A 'modular' inquiry approach conducted in a concurrent fashion might make greater progress and deliver on the need for an inclusive inquiry.

Back in 1999 when a state apology was issued by the former Taoiseach Bertie Ahern, it was inclusive of those children who had been abused in day schools, public and private, primary and secondary. Unfortunately, day school survivors were excluded from the redress process and we now find ourselves finally being considered 23 years later.

An inquiry is called for to expose the culture which was allowed to prosper over so many decades, to answer the perplexing questions that contributed to so much pain and suffering.

We are not starting from scratch when it comes to dealing with child sexual abuse.

The announcement that an inquiry was supported by the Taoiseach and Tánaiste, ought to have been prefaced by a formal announcement of a State Apology to day school survivors.