From: Mark Vincent Healy <markvincenthealy@gmail.com>
Date: Sunday 6 March 2023 at 16:26
To: Minister for Education, Norma Foley TD, "Newcombe, Derek"
Cc: An Taoiseach, Leo Varadkar TD, Tánaiste, Micheal Martin TD, "Minister for Communications, Climate Action and Environment", Eamon Ryan TD, Minister for Justice, Helen McEntee TD, Minister for Children & Youth Affairs, Roderic O'Gorman TD, Minister for Finance, Pascal Donohoe TD, Minister for Health, Stephen Donnelly TD, Simon Coveney TD, "President Michael D. Higgins", Michael McGrath TD, Members of the Oireachtas, Barry Andrews MEP, Ciarán Cuffe MEP Clare Daly MEP, Frances Fitzgerald MEP, Luke 'Ming' Flanagan MEP, Chris MacManus MEP, Mairead McGuinness MEP, Maria Walsh MEP, Deirdre Clune MEP, Billy Kelleher MEP, Seán Kelly MEP, Grace O'Sullivan MEP, Mick Wallace MEP, Archbishop Jude Thaddeus Okolo - Papal Nuncio to Ireland, Archbishop Eamon Martin Office - President IEC, Archbishop Dermot Farrell - Vice-President IEC, Archbishop Kieran O'Reilly - Episcopal Secretary IEC, Bishop John Fleming - Finance Secretary IEC, "Fr Martin Kelly, Provincial CSSp - AMRI Chair", Archbishop Diarmuid Martin

Subject: 230306 - Commission to Inquiry into Child Sexual Abuse in Primary and Post-Primary Schools in Ireland

Taoiseach Micheál Martin TD, Reference: DOT-TM-14827-2022
Minister for Education, Norma Foley TD, Reference: DES-CU-04237-2022
Minister for Justice, Helen McEntee TD, Reference: DJE-MO-10586-2022

230305 - Commission to Inquiry into Child Sexual Abuse in Primary and Post-Primary Schools in Ireland - https://bit.ly/3yd7shL

Monday, 6 March 2023

Dear Minister Foley,

I am concerned that no acknowledgement has been issued to my email and considerations sent yesterday - https://bit.ly/3yd7shL. I had hoped for a confirmed receipt pending further considerations.

My observations on the current situation which has been characterised by a non-engagement with survivors through a single forum necessary for the task is as follows.

The Minister's Status Report

I find the order of business in establishing the framework of an inquiry is solely in the hands of the department and can hardly be called a 'survivor-led inquiry'. Terms seem to be determined by the department's cherry picking of consultations with 'experts' giving weight to their professional wisdom of any pronouncement to be made by the department, and the same can be said of individual and not forum consultations with 'survivors' giving credence to the defined 'terms of reference' proffered by the department as though in keeping with survivor wants. This is very restrictive. I would like to point out that 'experts' have been consulted by 'survivors' so the 'terms of reference' have been reviewed for and by survivors.

The date of its unveiling of the department-tailored solution appears to be very much out of survivor's hands.

The cost of the department-tailored solution is also out of the survivor's hands, and will be paid for as defined in the 'terms of reference' by the department.

The terms of this inquiry and what would be paid for has been assessed no doubt by the cabinet. In the first order of business, the cabinet would have been involved. The first order of business was 'a scoping and scaling exercise' to establish potential costs. That is to say, how many would be involved in the estimated number of survivors who may come forward and what will the cost to the state be per capita, followed by suggestions on who might also pay for this scheme. The second order of business would involve 'the issue of content' to establish how to manage the ensuing scandal and collateral costs of those issues, and for how long.

Keeping survivors apart is a critical factor as collectively a far more comprehensive response would have to be addressed, and collectively survivors could support the reasonable issues raised by other survivors but not thought of individually. We are always better together but a forum of survivors is avoided and discouraged at all costs by the government in these matters.

I have hoped again and again for survivor collaboration in order to get the best deal for all our 'needs and wants' where the needs of some isolated group of survivors or individuals would have the collective support of a unified survivor forum. Suddenly, the government would have to address and meet the particular needs of isolated and smaller groups with particular needs. In a

unified voice, we stand shoulder to shoulder with other survivors ensuring the needs they have are met, even if they are not my individual survivor needs, and vice versa.

Parity of Esteem

A point of parity of esteem in handling/investigating particular issues of abuse of school children in private and/or public schools is a prerequisite that must constitute part of the 'terms of reference'. A response by the minister of 'let's see how the inquiry goes' would be unacceptable where the terms of any inquiry must be stated from the outset. Otherwise, what happens is that such issues may be dismissed as they are out of the agreed scope of the inquiry as stated in the 'terms of reference' from the get-go.

Numbers Coming Forward

The numbers coming forward will depend on the 'terms of reference' whether limited to Spiritan Colleges or all primary and post-primary schools in Ireland. Any question of 'witnesses' is a matter of accountability, whilst mention of 'victims' represents costs, reparations and supports. Clarification has not been supplied, rather a need for far more data and its connection to the 'terms of reference'. Any answer by the minister ought to be tied to the advanced declaration of the 'terms of reference'. I know of no copy of what are the 'terms of reference' as envisaged by the Minister, inclusive of those desired unequivocally by survivors. In order to answer any question of importance to survivors, it will be crucial to review within a survivor forum what are to be the proposed inquiry's 'terms of reference'.

Need to Investigate the Role of Executive and Judicial Powers

The processing of any and all abuse cases received by the Gardaí or processed by criminal or civil procedure must form part of the 'terms of reference' as they are supposed to act as a deterrent to the criminal abuse of children. If the executive and judicial powers of the state fail to act or function as a deterrent, or act as an additional layer of trauma, humiliation and injury, then perpetrators are encouraged and not deterred from their predation of children, and survivors are deterred from coming forward where the pathway to justice offers little of it through the criminal and civil procedures foisted on survivors as the only pathway open to them. An examination of the Gardaí and the criminal or civil procedure must form part of the 'terms of reference'.

Any conflict of interest raised regarding any Supreme Court case where the Justice in question, ought to have led to recusing themselves, especially where the Judgement was later to be determined to be seriously flawed as a case of precedence. If the judicial code of ethical conduct does not address such conflicts of interest then this too can be argued as conflating the disadvantage to victims and plaintiffs in due legal process and be seen to support the culture of child sexual abuse if it had led to adverse or negative outcomes in the justice system for victims.

The 'terms of reference' ought to take cognisance of the need to investigate the role of executive and judicial powers on successful outcomes of child sexual abuse in the legal and enforcement processes. As matters stand, prosecutions and civil outcomes are already very poor and might be argued as insufficient to the task of forming any credible deterrent to the criminal sexual abuse of children.

Separation of Parties of Survivors

Questions must be raised as to why survivors have been contacted individually and not collectively in a forum established for that purpose, so that any 'term of reference' important to one survivor can be supported by all survivors where clearly there is a greater good in doing so. The government avoids the establishment of forums for survivor at all costs, purely from a management point of view, all the while claiming they are respecting the confidentiality and privacy of contributors.

There is a profound difference between an individual survivor calling for a 'term of reference' to be included and where a forum call for the inclusion of a term of reference. For example, in calling for a particular examination of the need to investigate the role of executive and judicial powers, there are far wider issues answered. For example, where a particular judicial outcome led to a case of precedence, it disadvantaged more than the initial complainants. Where it was applied as an argument in other cases, those cases were equally disadvantaged by that judgment. Thankfully

cases of precedence involving bad law were later dismissed and over turned and justice applied to perpetrators, but not before it wreaked havoc on outcomes in other cases and their poor outcomes.

Establishing a Forum for Survivors

My attempts to counter this controlling of the collective narrative by the government has been to ask that my name and contact details are shared with ALL contributors in the hope that we might formulate a far better inquiry in its 'terms of reference' defined and designed by survivors. To date, not one person has contacted me through my name being shared by the department as requested. I have contacted those I have known for years but not one through the department. I do not think they have told one other contributor when contacted that Mark Vincent Healy has asked the department to provide them with my name and contact details should they wish to confer with a fellow survivor and contributor to the inquiry process. I have not received one request through the department coming from another survivor contributor wishing to make contact with others in this process.

This process is constrained by what appears to be, I could be wrong, the controlled management and manipulation of isolating survivors by gathering information to bolster the department's credibility that these matters are what survivors want from those they have consulted with. It is survivors who are impaled on the department definitions and designs, scoped and scaled by the department in order to manage expectations and costs.

I am more than willing to work with the department to ensure that the 'terms of reference' of the proposed 'survivor-led' inquiry is just that, 'survivor-led'.

I am perhaps sceptical, that any announcement which was not preceded through an open forum of survivors, was never going to address the national issue and scandal of child sexual abuse in our schooling system over decades.

I am very worried by the manner in which the government is attempting to run any inquiry and perhaps severely limiting its scope in order to protect those agents of the state from any account of their contribution to the 'culture of systemic child sexual abuse' which gave rise to the predation of so many children in our schooling system over so many decades.

I think a forum of survivors ought to be established and any 'terms of reference' proposed by the government will be analysed and amendments negotiated with the department to arrive at an outcome previously suggested in my three-strand approach described to you yesterday - https://bit.ly/3yd7shL.

Yours sincerely,

Mark-Vincent Healy

Past Emails:

19 Nov 2022 missive calling for IMMEDIATE INDEPENDENT INQUIRY: https://bit.ly/3gjV1vl



Mark-Vincent Healy - Marc Uinseann ÓhÉalaighthe
Survivor Campaigner seeking 'Rescue Services' and 'Safe Space Provisioning' for survivors of clerical child sexual abuse
Founder of Council of Survivors | Member of RISN | Member of ECA
Campaigner for Justice for Survivors of Child Sexual Abuse in Day Schools In Ireland and the European Parliament
Negotiator for Residential Institutional Survivor Consultation Talks with the Department of Education
Assistant and negotiator to many legal case closures and settlements
Email: markvincenthealy@gmail.com
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Articles: http://www.thejournal.ie/author/mark-vincent-healy/
http://ncronline.org/person/mark-vincent-healy
CCSA Report on C.S.Sp. by Mark Vincent Healy - https://bit.ly/2Oobdhj - published 4th September 2012
Here are some of my media involvements during the Pope's Visit in August 2018 – CNN | Al Jazeera | Washington Post | BBC | ABC Australia | CTA Canada | NCR | Deutche Welle | Irish Independent | Irish Times | Irish Examiner | BishopsAccountability.org |Rete L'Abuso Italy | etc