From: Mark Vincent Healy <markvincenthealy@gmail.com>
Date: Thursday 9 March 2023 at 10:46
To: Minister for Education, Norma Foley TD, "Newcombe, Derek", Dee Forbes RTÉ Director General, Emma O'Kelly RTÉ
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: 230309 - 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
230306 - Commission to Inquiry into Child Sexual Abuse in Primary and Post-Primary Schools in Ireland - https://bit.ly/3IVloSz
230307 – RTÉ - Minister announces scoping inquiry into historical abuse in schools – Email to Emma O'Kelly et. al. - https://bit.ly/3Law0Qf
230308 – RTÉ - Minister announces scoping inquiry into historical abuse in schools - https://bit.ly/3F7oodA

Thursday, 9 March 2023

Dear Minister Foley,

Following on from my communications, (see my above links), to you prior to your scoping announcement issued on RTÉ News at One which on Tuesday 7 March, at approximately 13:15 by Mr Brian Dobson, which I might add was also the first time I received any news of the 'Scoping Inquiry'. There is no inquiry into 'scoping', rather the matter was presented as a 'scoping exercise' with extraordinary demands on survivors for any engagement with the proposed process which was being encouraged by you and your office, following cabinet approval only granted that morning, but made known to other survivors and the media but not myself, despite being the survivor who on national television on the 8th November 2022, RTÉ Prime Time: https://bit.ly/3UH8dsQ, called for the national inquiry, whilst others considered the merits of a 'restorative justice' process where there was absolutely no accountability for the crimes against children, committed by perpetrators and conspirators.

I must ask that you issue an immediate retraction of the 'scoping' process presented by you and your office on Tuesday 7 March as it is clearly illegal, damaging to any survivors wishing to sue you and the Department of Education for the gross negligence and dereliction of a duty of care to children by the School Attendance Act, 1926, to attend school in Ireland regardless of faith background or none, over a 70-year period from 1922 to 1992.

I would also ask RTÉ to retract its amended article by Emma O'Kelly first issued on the 7 March and updated on 8 March encouraging survivors to engage with this illegal process, compromising one's rights to sue the state, gather and process evidence of criminal matters, and offer no legal protection to the personal data gathered, processed, shared, distributed or used for any purpose by the Department of Education or their agents. There are no legal safeguards on this data sought in what ostensibly is only supposed to be an anonymous 'head counting exercise'. I believe the Department of Education has duped survivors and hoodwinked some into thinking this is all above board, legal and to be encouraged.

You and your department have no right to gather personal and private information regarding criminal sexual abuse caused by the State's gross failure to have implemented any child welfare policy, procedures and practice, or to have prevented and deterred such criminal behaviour for decades in our schools, of all faiths and secular.

When the Department of Education attempted to conduct a 'scoping exercise' into Residential Survivor abuse in 2018, it was after a means of Redress had been established and implemented with a further state inducement of providing additional 'end of life supports' to them. No 'end of life supports' have been offered or delivered to Redress survivors to date in the form of gold medical cards, and pension top-ups, as provided to the Magdalene Laundries and to be provided this June/July to survivors of the Mother and Baby Homes scandal involving the

appalling deaths of hundreds of babies, the sale and trade in babies, the enslavement of young women to servitude to pay off an onerous debt placed on them, and the destruction of so many young lives to establish full knowledge of their identities, social histories, or families.

You think now to destroy the lives of survivors of child sexual abuse in the primary and post-primary schools in Ireland, with the help and assistance of the cabinet, experts, the media and most cynically, survivors of such abuse as though they have not suffered enough. What legal opinion was sought on this staggeringly illegal process of gathering criminal evidence on the appalling experiences of children attending schools under the School Attendance Act, 1926 and all its subsequent iterations.

I am calling for or rather demanding as a result of this gross interference in the lives of survivors and their families, the establishment of a survivor forum, to be paid for and funded by the Department of Education, which will compromise survivors and experts to assess and be part of each and every step of the 'survivor-led' independent national inquiry into the culture in Ireland which gave rise to it throughout the schooling system without exclusion, discrimination or loss of parity of esteem to be accorded to all equally cherished children in the schooling system in Ireland.

The Department of Education has been an agent which has engaged in a repeated denial and legal obstruction of its part played in allowing such child sexual abuse to prosper for decades and cannot now by the author and data controller of the criminal neglect attributed to it and vociferously denied by it.

Please read again my letter to Ms Emma O'Kelly, the Minister of Education, the Taoiseach and Tánaiste issued on the 7 March - https://bit.ly/3Law0Qf - which explains some of the serious flaws and failings of any 'scoping' exercise but not so emphatically as this letter into the serious conflict of interests exhibited by the Department of Education's appalling disrespect to survivors in the illegal proposal issued on Radio.

I would be grateful if the legal advice sought by the minister concurred with and approved the gathering of such criminal data and evidence as may be used in legal proceedings to be taken against it. When was such legal advice sought, from whom and by whom? Can I please be supplied a copy of same? Was the advice shared with cabinet? Did the cabinet members seek assurances that gathering such sensitive criminal data was lawful? If not, why not? Were any safeguards considered or restrictions envisaged and placed on such sensitive criminal data? What were the stated restrictions placed on access to, processing of, storage of, and duration of the retention of such sensitive criminal and personal data?

This is a scam, a shambles, a disgrace in the wanton disregard, disrespect and deeply distressing gathering of data where its further abuse of this survivor population acted out of the Department of Education's own fears and desire to know only one thing, how many victims are there potentially. Clearly, the Department of Education has gone way beyond trying to answer the question of their fears in abusing those already abused in their childhood.

The gathering of any data into the criminal child sexual abuse experiences of the inquiry called for has not been established or addressed under lawful terms of reference, and this attempt to bypass such provisions and protections cannot be subverted by the process announced on Tuesday, 7 March on the one o'clock RTÉ Radio One news.

Perhaps now I can see why the minister and the department did not inform me of the matter announced. They knew I would never accept this violation of the rights and privacy of survivors to determine their own future actions which may or may not include having to proceed with legal action against the Minster and Department of Education.

This is by no means all that I have to say on this matter but it is sickening what has been devised which would clearly destroy the good faith necessary to delve into these matters and to expose the actors and agents of such diabolical violation of the personal integrity of a child, so many children.

I make one final point which was my first at our meeting on 23 November 2022 - https://bit.ly/3l7EuwN - but not included in my agenda outline was therapeutic support. The overstretched and very under-resourced One in Four do not have the reach to map the scale of support necessary in the independent national inquiry called for. The handful of places with them would fall abysmally short of the real needs for a nationwide network of trauma based therapists that would also be required for the many living throughout the world. I asked that a list to be established when I met with you minister in November and wonder where is it?

The scale of this is far too great and there will be a hesitancy to engage and even less so where safeguards are not in place therapeutically and legally, and where there has been no declaration of guaranteed benefits.

The two-year window on the second Ex Gratia Payment Scheme (https://bit.ly/3Yv4MH3) is closing on 20 July 2023 and any hope of further reparations have been definitely declared closed by the minister for the duration of this 'inquiry', defined and designed by the Department of Education which is supposed to be scrutinised by said 'inquiry'.

A discretionary ministerial decision was sought for an 84 year old survivor to bring his pain and suffering to an end, but he was sent packing and asked by the minister instead to submit all his personal details without any data protections into this unlawful data gathering exercise whose sole purpose was in fact only to head count.

I would appreciate your urgent attention to the matters raised, a termination of the 'scoping' exercise as unlawful and wholly damaging to survivors and their interests. I would ask that you ask RTÉ to issue a notice of retraction immediately. I would ask that you fulfil on my request for a forum of survivors to be established as a matter of urgency to reign in such abusive procedures of survivors, their families and their personal data, and to give credence to any application of the term that this national independent inquiry is a 'survivor-led' inquiry.

Yours sincerely,

Mark-Vincent Healy



Mark-Vincent Healy - Marc Uinseann ÓhÉalaighthe
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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