From: Mark Vincent Healy <markvincenthealy@gmail.com>
Date: Sunday 12 March 2023 at 17:26
To: Minister for Education <MINISTER@education.gov.ie>, Norma Foley TD, "Newcombe, Derek", John Moore TUSLA
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: 230312 - 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

Emails

221117 - 17 Nov 2022 missive calling for IMMEDIATE INDEPENDENT INQUIRY by Mark Vincent Healy - https://bit.ly/3gjV1vl

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
230309 - Commission to Inquiry into Child Sexual Abuse in Primary and Post-Primary Schools in Ireland - https://bit.ly/3J5vq3y
230310 - Commission to Inquiry into Child Sexual Abuse in Primary and Post-Primary Schools in Ireland - https://bit.ly/3LksS55

Documents

TUSLA: 230309 - Notification by Designated Liaison Person (DLP) for Spiritan Fathers to Tusla - https://bit.ly/3l9mDFJ

Sunday, 12 March 2023

Dear Minister Foley,

Background

Following my email (https://bit.ly/3LksSS5) dated Friday, 10 March 2023 to you, I have not received an acknowledgement of it, or that of all emails listed above from Sunday, 5 March 2023.

Some of these emails were directly addressed to you Minister prior to your latest inquiry announcement this week, on Tuesday 7 March 2023. My subsequent emails above, outline survivor concerns raised by your announcement of a 'scoping inquiry'. I would add that I was given no notification of it prior to its announcement on RTÉ radio lunchtime news despite the fact that I had called for it [an inquiry, not a 'scoping inquiry' as a step in an inquiry].

I might also note that RTÉ did not contact me following my call for a 'national inclusive independent inquiry' - https://bit.ly/3Law0Qf - into the culture which gave rise to 70 years of unprotected child welfare in schools, public and private, primary and post-primary, run by all faiths and secular governed by the School Attendance Act 1926 and all its subsequent iterations.

Media Coverage of My Call on Behalf of Survivors of Child Sexual Abuse in Schools for An Inclusive Independent Inquiry

On national television on the 8th November 2022, RTÉ Prime Time: https://bit.ly/3UH8dsQ, I called for the national inquiry, whilst others considered the merits of a 'restorative justice' process in which there would be absolutely no 'accountability' for the crimes against children, committed by perpetrators and conspirators, nor a means to investigate, analyse and expose the culture which supported child sexual abuse in schools for over 70 years.

I was to emphasise my call for a very specific inquiry again on 16th November 2022, RTÉ Liveline with Joe Duffy: https://bit.ly/3Jc6xDf.

Audio Recordings from RTÉ Radio One – Doc On One & Liveline with Joe Duffy	Date / Time
The Spiritans – Reaction to Press Conference & Apology	Wed, 16 November 2022
https://www.rte.ie/radio/podcasts/22173509-the-spiritans-reaction-to-press-conference-apo/	1:07:35

No Notice Given of The Scoping Exercise

The announcement of a 'scoping inquiry' on Tuesday 7 March 2023 this week was only revealed to me by RTÉ and not the minister. I was given no opportunity to contribute to or comment on this non-survivor-led 'scoping inquiry', its terms of reference, or these breaches in GDPR, right to personal privacy, or risks taken with the lives of survivors of sexual abuse in schools in Ireland, not limited to Catholic run schools.

Unsolicited TUSLA Communications issued on behalf of the announced 'scoping inquiry' - https://bit.ly/3l9mDFJ

The Child First Act 2015 (https://bit.ly/3FhiB5k) does not provide for mandated persons to share and distribute contact information for the purposes of causing unwarranted distress to victims of child sexual abuse by subjecting them to data gathering for the purposes of conducting surveys of experiences of their abuse or the consequences of seeking vindication which can be equally if not more distressing where such victim efforts fail to succeed in any reporting processes to achieve a just or meaningful outcome, or fail as in the vast majority of cases in criminal or civil processes to achieve a just or meaningful outcome.

The lawful obligation of the DLP 'to notify Tusla and An Garda Síochána where there is an allegation of child abuse' under the Child First Act 2015 (https://bit.ly/3FhiB5k) does not entitle unsolicited contact from any mandated person to survivors for the purposes outlined above.

Survivors would find it intolerable to be subjected to such unsolicited personal intrusions, or finding out that the DLP from whom they received no satisfaction for their abuse as children had provided their contact details for such unsolicited contact.

There is more at stake for survivors, where Mr John Moore states, 'There is no reference to, nor is there any legal obligation on any person to contact or engage with Tusla,' where he ought to state TUSLA has no right to intrude on a survivor's privacy, initiate any contact, nor seek to obtain survivor contact details in order to initiate any contact with a survivor for the purposes outlined in his letter circulated to Spiritan survivors whose contact details were provided by the Spiritan DLP, Mr Liam Lally.

I note the claim by Mr John Moore below, that 'Tusla is compelled to notify that person that we have received and are processing that [highly sensitive] information'. Such contact is supposed to be contemporaneous to any initial report of abuse not years after the fact during a completely different exercise to facilitate a procedure announced and initiated by a 'defendant party in hundreds of civil actions' i.e. The Minister for Education and her Department, as clearly identified in the TUSLA letter - https://bit.ly/3l9mDFJ - addressing the Minister-initiated Scoping Inquiry.

No survivor would define or design such a reckless Minister-initiated Scoping Inquiry and call it survivor-led

The whole plan regarding a full inquiry, demanded by survivors like myself, has not been provided and outlined, showing all points of contact with survivors of child sexual abuse throughout the inquiry, for what purpose, with what safeguards, and for what duration, and offering what stated benefits, remuneration, apology and outcome. Because this national inquiry has not been developed with survivor input in all steps and stages, it is unlikely to ensure the safety, welfare and security of those participants. No survivor would define or design such a reckless process or such invasive procedures without careful and prescient planning down to the very last detail.

Consideration and Inclusion of Survivors not evident from the get-go

I only tended the grave of my brother-in-law who died far too young at 52 last Sunday whilst the Minister for Education was plotting how to announce what TUSLA call the Minister-initiated Scoping Inquiry, making a mockery of the fact that this inquiry and all its steps and stages are supposed to be survivor-led. My brother-in-law was a survivor of residential abuse whose survival was a miracle itself. His early death was an indictment against the state. Having spent over 10 years in pursuit of redress he was finally awarded a pittance for his childhood sexual abuse over 10 years ago. I tended his grave and that of his parents, clearing and cleaning it up with his eldest brother. I scattered some wild flower seeds in the hope in summer some bloom might adorn his place of rest. His decade long struggle for redress was a testament to his determination, having to negotiate all the procedures which he couldn't read a word of, nor write his own account. Like so many of his

generation and before, the state failed him in receiving any education, but gave him a burden which was never his to carry. His death was painful as his body desperately clung to life. He died of alcohol related conditions which characterised his tormented life. He was taken off food but lasted a painfully long time without any. He was but bone before his spirit left him. I cannot forget him and being with him only hours before he died. He entrusted to me his memory, to be honoured and respected as it ought.

When I sought to represent him and other survivors of my family in the 20th anniversary commemorative events of the State Apology by Taoiseach Bertie Ahern back in 1999, on 11 May 2019, I was abused and the recipient of abuse by the organisers where I had ensured that all residential abuse survivors and their families would be included. The organisers had failed to include the deaf, deafblind, blind, disabled, and traveller community survivors. I made sure they were to be involved. The Irish Signers I consulted through my family attended and offered their services to those gathered in Trinity College for the occasion. I was not invited to Áras an Uachtaráin in thanks for the tribute to those survivors. I had prepared video contributions for the anniversary from Bertie Ahern, Archbishop Diarmuid Martin, Professor Patricia Lundy, Professor Mary Codd, Professor Alan Barret to name a few. I scrambled to have the day marked in the Mansion House where a presentation was offered by me in the Oak Room thanks to the generosity of the Mayor of Dublin, Mr Niall Ring.

I am used to being pushed aside, abused, demeaned and belittled but despite that will continue my work for the sake of survivors. I must.

Belittling Comment from those in the Minister's Office

There have been very derisory comments made about me and my work for survivors of child sexual abuse, for survivors of child sexual abuse by the religious, and more so again for survivors of child sexual abuse by Spiritan priests.

Recently, I was told that my efforts to present survivor input into a call for any inquiry and the terms there of are but mine, and mine alone. I found this shockingly demeaning and belittling. I was told my opinion was just one opinion amongst many.

What I felt was not the personal shame of such a statement but the failure to recognise that I speak for hundreds of people I have directly helped and assisted over the last 17 years of my life and work. All of them were dismissed and wiped off the face of the earth, and accounted as nothing with such words. The arrogance of thinking that my opinion is not based on nearly two decades of work directly with survivors and their families and an expression of their needs, their appalling experiences, the shame they have had to bear and yet they have more dignity than all those tasked with vindicating their broken human rights.

When I say I will not be disrespected, what I am actually saying is that the Minister's Office will not disrespect those who have trusted their stories and lives to me over nearly two decades.

What this senior figure was actually saying was that I am but one person, with one opinion. That is to deny the hundreds of survivors and their families whom I have been in contact with over for so many years. Those whose appalling stories live in me and for whom I speak.

A Case In Point, Mr Rory McEvoy

I have the permission of many survivors to relate their stories but none is more shocking than Mr Rory McEvoy. He was gang sexually assaulted by a group or four or five from behind and he never got to see the faces of his attackers. The story is so shocking that it will no doubt shame all to hear not only that it took place in a Spiritan school but it remains without proper acknowledgement and reparation. His assailants attack in school was so violent that he passed out, which is about the only merciful aspect of it. He woke to considerable pain and only noted a day later that he was suffering from an intensifying pain.

He was taken to hospital where it was discovered that a can of Andrew's Liver Salts had been inserted up his rectum. It took surgery to have it removed leaving a permanent and daily reminder of his ordeal to bear every day of his life. He is 84 years old. His wife of over 50 years only discovered his burden 8 years ago following a late cancer diagnosis of his bowel. Mrs McEvoy is with cancer and any reparation to Mr McEvoy means everything to them now. He was fortunate to

survive cancer but his burden and violent child sexual abuse was medically confirmed in the scar tissue left as a reminder decade's earlier.

I was asked by him to represent him where all the necessary authorisations were issued, but his wishes were disrespected by those to whom I presented his letter of authority granted to me. Unsolicited direct communication persisted, much to Mr McEvoy's continued distress.

Knowing that any inquiry would not probably deliver any reparation commensurate with that of those already granted to survivors of child sexual abuse in schools by the State Claims Agency to assist Mr McEvoy, he sought a ministerial discretionary decision to acknowledge and compensate him but it was recently rejected.

He was informed that the current Ex-Gratia Payment Scheme was closing on 20 July 2023, and there would be no scheme to replace it till the inquiry was concluded.

The head-counting process or the Minister-initiated Scoping Inquiry will take a minimum of 8 months on top of the 4 months taken so far. That's one year to get an approximation of what will only be an estimate on the scale of child sexual abuse in schools and not an actual figure which would be considerably higher.

I champion Mr McEvoy's cause and raise it as an example of the state's failure to vindicate the rights of any citizen whose human rights have been violated, none more grievously than Mr McEvoy's.

The vigilance against such violations of children is the duty of the state. They were bound to do right by him for his, so that such evil may not prosper or find a place in our society.

When they failed to vindicate his broken human rights, they failed to acknowledge their part in failing him. And when they failed to have provided for his child welfare, and when they deny him reparations, then they assist rather than deter the culture of systemic child sexual abuse which prospers, and will always prosper.

In their denial of Mr McEvoy, they cannot be vigilant against the failures of the state. In such circumstances such failures are doomed to be repeated, and the children of our future are doomed to a recalcitrant and reluctant state, unable to do the right thing or acknowledge it is, has been and will be part of the problem which gives rise to the culture of systemic child sexual abuse.

This makes the work of bearing truth to power crucial in the changes necessary to live in safety as a child from the predations of those determined to violate their precious human rights when they are at their most vulnerable.

Bearing witness to Mr McEvoy's story, is why change in our ways is most necessary.

Please call a halt to this 'scoping exercise' till survivors who might be called to a forum can review and support any and all steps and stages proposed by the Department of Education largely responsible for the considerable high level of child sexual abuse in schools in Ireland over 70 years.

Yours sincerely,

Mark-Vincent Healy

PS I will be glad to call on Mr John Moore this week as soon as possible to explain the unnecessary risks and suffering caused to survivors through unsolicited contact. He might also need to understand that those who have engaged with him have done so in the belief they are involved in the inquiry proper. The inquiry proper has not been called yet, and has yet to be designed and defined. It is crucial that all contact with survivors is clearly outlined and explained to them. It is important that they are given oversight and clarification of any and all steps and stages. It is not so at this time.



Mark-Vincent Healy
Marc Uinseann ÓhÉalaighthe

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Campaigner for Justice for Survivors of Child Sexual Abuse in Day Schools In Ireland and the European Parliament
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