From: Mark Vincent Healy <markvincenthealy@gmail.com>
Date: Wednesday 15 March 2023 at 08:26
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: 230315 - 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/3LksSS5
230312 - Commission to Inquiry into Child Sexual Abuse in Primary and Post-Primary Schools in Ireland - https://bit.ly/3ZFPG2F
230313 - Commission to Inquiry into Child Sexual Abuse in Primary and Post-Primary Schools in Ireland - https://bit.ly/3Te5Spw

Documents

TUSLA: 230309 - Notification by Designated Liaison Person (DLP) for Spiritan Fathers to Tusla - https://bit.ly/3l9mDFJ
TUSLA: 230311 - TUSLA reply - Commission to Inquiry into Child Sexual Abuse in Schools in Ireland - https://bit.ly/3JFOiXp
TUSLA: 230313 - TUSLA reply - Commission to Inquiry into Child Sexual Abuse in Schools in Ireland - https://bit.ly/3yMNvOY
HIGH COURT: 221003 - McGrath v. HSE judgement Ms. Justice Siobhán Phelan 2022_IEHC_541 - https://bit.ly/3ZSEznp

Wednesday, 15 March 2023

Dear Minister Foley,

Following a further email on Monday, 13 March 2023, https://bit.ly/3Te5Spw, where I received yet further silence in response to survivor concerns raised against the announcement made last Tuesday, 7 March 2023, I write. It is a 'scoping exercise' presented and viewed as part of a survivor-led inquiry. There is nothing survivor-led about it.

The position taken on a scoping exercise is without design, definition or agreement with a survivor representative forum which the Department of Education appears averse to assisting in its establishment, beginning with those who through their interest and willingness, took the time to meet with Minister Foley individually, but whom Minister Foley appears unwilling to consult with collectively.

Clearly, the Minister's position is at odds with experts in the field. The survivor's position is that a survivor forum is a critical component of a survivor-led inquiry. Maintaining the anonymity in confidentiality of this expert is important but their views make for very interesting insight where I quote them anonymously:

> *History and experience clearly informs us that a lack of involvement by survivors in a multitude of recent and past state initiatives, by a variety of state agencies, including the legal profession, in truth seeking processes, has ended badly in the main for survivors.*
>
> *It is critical to acknowledge and support the need for survivor designed inputs into any form of scoping methodology or inquiry.*

Clearly, this process, leading up to an inquiry proper, will require direct consultation with survivors of child sexual abuse in school, as a result of the failures of the state to have protected them, prior to 1991 in primary schools and 1992 in post-primary schools. Breaking up any collaboration amongst those willing contributors can only be seen as disruptive and clearly not in the best interests of an honest and open inquiry, between the Department of Education and survivors of child sexual abuse in schools in Ireland, not confined to a single faith or secular primary and post-primary educational school.

Clearly, huge risks are being taken with the lives of survivors in any process which fails to respect the laws which protects their personal rights to privacy, and any abuse of their personal details in unsolicited, unwarranted and undisclosed data gathering.

The Mistakes of TUSLA

I must address the mistakes issued by TUSLA which were made in failing to understand what I was actually saying, and criticising me for a point or points I never made.

I never made the point that, "my interpretation of Children First Act (2015) is not confined to contemporaneous disclosures."

What I said was that Mr Moore stated that, "*'Tusla is compelled to notify that person that we have received and are processing that [highly sensitive] information'.* " To which I commented that, "*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.*"

Clearly, Mr Moore was misdirecting in his criticism where he is referring to "contemporaneous disclosures" whilst I am clearly talking about 'contemporaneous contact'. TUSLA does not and is not granted any right to disturb a survivor long after any disclosure as that would be unbearable and intolerable to a survivor in raking up matters without any consideration of what such contact might trigger in an authoritarian abuse which goes to the core of the issue in the first place, an abuse by those more powerful in the disrespect of one's rights to privacy or protection to one's personal data and space.

The second issue raised by Mr Moore against me was my concern that TUSLA not violate the personal space of a survivor, and initiate 'unsolicited' contact about the most distressing and repeatedly traumatising events of childhood, which was swept aside in distributing a letter (https://bit.ly/3l9mDFJ) without any legal regard for the person and their rights. What Mr Moore 'believes' are exemptions protecting a person and their rights is neither here nor there. His beliefs are contemptuous of a person's rights which he wants to play hard and fast with because he holds a 'belief' he can dress 'unsolicited' in terms like 'proportionate' that have no legal basis and are certainly not provided for under any statutory provision. Otherwise, the survivor is yet again subject to violations of personal rights in privacy, one's data and space.

A survivor-led inquiry defined and designed by and for survivors, would never agree to such abuse of fellow survivors, their personal rights and rights to privacy, one's data and space.

A Proper Inquiry Methodology

A proper campaign issued publicly which does not violate one's personal rights and privacy, is the only course that ought to have been announced by Minister Foley on Tuesday, 7 March 2023. The announced methodology depends on a breach of GDPR where the Spiritan DLP provided its confidential contact database for the nefarious and wicked disrespect of survivors of Spiritan abuse. It's an act which is discriminatory in its particular abuse of Spiritan child sexual abuse survivors.

It is an act which is not issued to inform as it is to gather personal information through a survey, the gathered data of which has been offered no legal protection from storage, processing, access, sharing or retention.

It is an act which is in breach of GDPR, in breach of personal rights to privacy, freedom from unsolicited, unwarranted and undisclosed data gathering, and is in breach of the Children First Act (2015) which permits no such data gathering exercise.

The Department of Education on the other hand has a duty and responsibility not to encourage any party to promote such unlawful data gathering, unsolicited contact, and breach of personal rights, data and space.

If the Department of Education wishes to conduct a 'scoping exercise' then call it an 'expression of interest' and take out ad space, conduct a survivor approved educational program on the inquiry and how any survivor of child sexual abuse in schools in Ireland, of any faith or none, can register by an agreed limited data request to indicate their interest in an independent inquiry into the culture and causes of child sexual abuse in Ireland, examining in particular the failures of the Department of Education and the agencies of the state which contributed to the culture and causes of child sexual abuse in schools in Ireland.

You may not stop this *Minister-initiated Scoping Inquiry* as requested. You may not heed survivor warnings of the dangers to survivors. However, if you proceed and there is a recurrence of the self-harming and suicide rates which characterised the previous Department designed Redress Scheme, I will remind the Minister that survivors went to great lengths to warn the minister and the minister would not heed a word of the survivor concerns outlined to the minister. Perhaps, those families dealt the cruel blow in losing their loved one, might seek their own redress and find that they might rely on repeated survivor warnings regarding a reckless process which was never designed or defined by survivors and certainly not led by them, in any legal action those families may wish to pursue.

This is very dangerous territory requiring proper consultation with survivors through a survivor forum. There is no way of getting around it. There is no way of calling the inquiry survivor-led and dismissing survivors in the design and definition of the inquiry process and terms of reference from the get-go.

I am compelled to seek the minister's better judgment to review these matters, execute a better survivor collaborated plan of action, and expedite what is called for in the most efficient, effective, economical, and ethical methodology. Survivors of child sexual abuse in our schools in Ireland deserve no less.

Yours sincerely,

Mark-Vincent Healy



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
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Report on C.S.Sp. by Mark Vincent Healy https://bit.ly/2Oobdhj - 120904
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