From: Mark Vincent Healy <markvincenthealy@gmail.com>
Date: Monday 20 March 2023 at 07:09
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: 230320 - 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
230315 - Commission to Inquiry into Child Sexual Abuse in Primary and Post-Primary Schools in Ireland - https://bit.ly/3mSzKvB

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

Department of Education Documents

230307, Update: 230316 - Scoping Inquiry into Historical Sexual Abuse in Schools run by religious orders - https://bit.ly/40lV2QR
230307, Update: 230316 - Terms of Reference for the Scoping Inquiry into Historical Sexual Abuse in Schools run by religious orders - https://bit.ly/3yNP9A5
230307, Update: 230316 - Data Privacy Notice for the Scoping Inquiry into Historical Sexual Abuse in Schools run by religious orders - https://bit.ly/3JtjWHc
230307 – [doc] Terms of Reference for the Scoping Inquiry into Historical Sexual Abuse in Schools run by religious orders - https://bit.ly/3yL80vA

Media

230307 - Scoping inquiry announced into abuse at schools run by religious orders - Irish Times - https://bit.ly/42khpbf
230313 - Why restrict the scoping inquiry to schools run by religious orders? - Irish Times - https://bit.ly/3LwBqoU
230315 - Abuse inquiry - Protestant institutions have escaped scrutiny - Irish Times - https://bit.ly/40jzIv7
230318 - Data safety of child sexual abuse settlement records 'in jeopardy' - Irish Times - https://bit.ly/42pFi0L

Monday, 20 March 2023

Dear Minister Foley,

No Acknowledgements and No Replies

I have not receive any response from the Department of Education, the Taoiseach or Tánaiste, and members of the cabinet to emails sent above from Sunday, 5 March 2023 to Wednesday, 15 March 2023.

It is now Monday, 20 March 2023. I expected better of the Minister of Education, Ms Norma Foley, TD, in addressing survivor correspondence promptly.

Disparaging Attitude Shown Me Personally

I will raise again comments which speculated that I am a maleficent character who would influence a survivor to take to protesting by hunger strike. It shows an appalling lack of respect to all concerned. I would prefer to think that my engagement with the Minister and the Department over so many years would not lead to such disparaging remarks and hold survivors in contempt,

some of whom have been driven to protest by hunger strike. My concern is to stem the far greater despair which leads to self-harming and suicide which is disproportionately over represented amongst survivors of child sexual abuse to that of the general population by a factor of 12 to 14 times.

Terms of Reference Provided by Emer Doyle RIRU after RTÉ One O'clock News on 7 March 2023

I was given no notice by the minister on what was called a 'scoping inquiry' till after the media announcement was made on RTÉ lunchtime news on 7 March 2023

Following a call with the Private Secretary at 15:39 on 7 March 2023, I was to receive a call from Emer Doyle that afternoon. I received none then or since.

Everything is Flawed in the Proposed 'Scoping Inquiry'

Non-Catholic Religious Schools are being denied access to the inquiry process called for by survivors for all children in all schools in Ireland.

Comments raised in public about the discrimination shown in the proposed process towards other faiths is treated much like my correspondence with deafening silence. On 13 March 2023, an Irish Times letter by Pádraig McCarthy, (https://bit.ly/3LwBqoU) asks why restrict the inquiry to schools run by the religious and not run by other faiths and the state itself. It received a reply, by the Former Dean of St Patrick's Cathedral, on 15 March 2023, (https://bit.ly/40jzIv7) endorsing the call to include Protestant institutions in this inquiry. Who said they ought not to be included?

Such restrictions and discrimination may well point to the state desperately trying to stay out of the cross-heirs of any inquiry, but it places all children sexually abused at a constitutional disadvantage of not being cherished equally. There is no parity of esteem to be shown those children. We are in this mess because of the delay to act, back in 2002, when the redress inquiry dismissed the very children needing this inquiry now.

The state has already delayed by over 20 years. It simply isn't acceptable to block off a pathway to justice any longer to children of the same time as those abused in the Catholic religious run schools. It is more than discrimination, it is grossly inhumane to ignore any child which suffered such abuse whilst attending school in Ireland because the state compelled them to do so at the same time.

The minister clearly fails to appreciate or empathise with victims, or knows what her announcement has done to survivors of child sexual abuse outside the cabinet unanimously approved discriminatory scope.

I, along with all the victims of child sexual abuse in schools in Ireland, have had to wait over 20 years for this inquiry which could have been called at the same time as the Redress Inquiry. Now, you contend those children who were sexually abused at the same time as Redress child sexual abuse and at the same time as those of us abused in religious run schools, must wait again for their announcement some day in the future. They do not have that time.

Survivor Solution in Three Strands is Feasible

The survivor solution would offer a three-strand **concurrent** approach.

Strand One:	an inquiry of the duration to establish and reveal the culture and causes which allowed this scandal to prosper.
Strand Two:	an immediate reparations scheme based on a prompt revision of the Ex Gratia Payment Scheme.
Strand Three:	an end of life support scheme already devised and delivered to other survivor groups to be granted to survivors of child sexual abuse in schools

Unannounced Significant Changes to Department Web Site on 16 March 2023

This piecemeal approach to declaring the full outline of the inquiry, is unacceptable. It is noted that changes were made to the Department of Education web services on Thursday, 16 March 2023 without any notice to those with whom the minister engaged who are survivors of child sexual abuse in schools in Ireland over seven decades. I was given no notice by the minister of such changes, despite my engagement in order to seek the best possible outcome for all survivors and their families.

Data and Data Gathering is a Big Problem

It is clear that the data issues I raised (https://bit.ly/3mSzKvB) are only now being addressed, albeit very badly. It is reprehensible to disclose secretly further details about trying to gather data under confusing terms and little publication announcement just before St Patrick's Day.

It is outrageous to suggest there should be any gathering of data, by survey, or abuse documents requests, when there is legal challenge before the courts regarding the retention and processing of data made to it in redress applications. The Spiritans alone have eight high court cases lodged since the announcement of this scandal on 6 November 2022. They cannot possibly be involved in a data gathering exercise during any legal proceedings. Any concurrent risks are run by the survivor not the minister. These issues are far too sensitive where clarity and certainty are nowhere to be found.

It is not acceptable to proceed to gather data from survivors of child sexual abuse in schools when there clearly is a problem with data gathering and its subsequent status and application.

Redress Survivor knew more about their inquiry than the piecemeal approach being adopted now. Perhaps because it is only half baked and lacks the design details it desperately needs.

What are the survivor benefits of the survivor-led inquiry?

Survivors having a right to complain does not grant the government any right to proceed with a bad plan. These are shoddy procedures and lack any integrity. They are grossly unsafe and if they continue to be endorsed by the government and the appointment of Mary O'Toole SC then it must be challenged and stopped.

Clearly, the media and press were kept in the dark about the data gathering, processing, access, and retention issues, when the 'scoping inquiry' was announced by Minister Foley on 7 March 2023 https://bit.ly/42khpbf.

I have updated www.onevoice.ie to include correspondence for a wider audience https://bit.ly/3JOxq1C.

My correspondence predates 16 March 2023 Department updates which go well beyond the original provisions of the 'scoping inquiry' which utterly fail to address the data gathering, use, processing, storing and retention issues that I have already raised.

You are potentially driving survivors out of this process who would otherwise have engaged but won't because you present since the 16 March 2023 serious consequences regarding the gathering, processing, accessing and retention (permanently) of their most intimate violation, abuse and trauma.

There is no Inquiry Committee. There is no Confidentiality Committee. There is only burden, risk and very uncertain outcomes and consequences.

Indeed, this whole ill-conceived, poorly assembled plan attempts to plunder disparate pieces of legislation, forcing them together in a unified fiasco that is attempting to gather the most personal data of survivors of child sexual abuse. Redress data is under legal review by those who suffered the redress process which made a mockery out of participants trust in that data gathering exercise (https://bit.ly/42pFi0L). It must be stopped in its current hobbled together form immediately.

The 'scoping inquiry' remains as proposed by Minister Foley and approved unanimously by cabinet as a plan that shows the government is

- resolute about the interfaith discrimination and seeking any exemption for state secular run schools from examination into the culture and causes of child sexual abuse in those schools in Ireland, and denying and delaying any sense of justice to those omitted yet again;
- makes no provision for the dangers of gathering personal data, as now proposed in those updates, which will or might have severe impact on legal avenues, compromised by the data gathering. Redress survivors were duped into surrendering their data under false pretences where they were clearly under a very different view of its destruction than argued prior to gathering it;
- unrepentant at the loss of rights over the data gathered under the National Archives Act 1986 where victims of the most heinous crimes are further victimised. No other victims of crimes are having their personal data gathered, stored, and retained indefinitely for future access and processing in manners and ways as yet undeclared. In Germany one has the right to be forgotten, but not in Ireland where the matter will drag on for generations in a violation of ones rights over one's most personal data;
- and ignorant of the impact on survivors who come forth to services which 'One in Four' claim repeatedly they do not have the resources to meet current numbers, let alone the number who might come forth and get caught in this fiasco.

There has to be a safe space for survivors to consider the consequences of any engagement before any engagement. There has to be a forum of survivors who can halt this train which may lead many to destinations they would never have wanted to go. The dangers are very real and the government and minister are simply too arrogant to engage directly with survivors and collaborate with the greatest source available to it in handling this inquiry before creating a crisis of it.

I have uploaded all my emails since the 5 March 2023, prior to the Minister for Education's announcement on 7 March 2023, which you can view along with the supporting documents I generated - https://bit.ly/3JOxq1C.

There is a clear intent to steer any inquiry away from state liability (tort) and state culpability (criminal). Any observations that it all comes down to money and votes are correct but must also note that if the winds of public opinion blow in favour of stronger accountability, those wishing to keep their seats will change with those winds. I can only hope so, but would prefer that values in decency rather than political life expectancy were what drove government on this issue.

Formation of a Survivor Forum is Crucial

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

www.onevoice.ie



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