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Subject: 240905 - 240725 - Your Ref DES-MO-00413-2024

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Your Ref DES-MO-00413-2024

Thursday, 5 September 2024

Dear Minister Foley, Private Secretary, and those respectfully addressed,

Setting the record straight does not mean denying the importance of those brave enough to come forward to issue statements of their horrendous abuse. The Scoping Inquiry Report ¹ notes that following the 7 November 2022 RTÉ Documentary the "*Blackrock Boys*", the Minister for Education Ms Norma Foley TD announced the establishment of the Scoping Inquiry. However, the first call for a National Inquiry was issued by myself on 8 November 2022 on Prime Time, RTÉ <https://bit.ly/3UH8dsQ>.

However, credit for the origin of coming to this day rests with the brave campaigners prior to the State Apology by Former Taoiseach Bertie Ahern, on 11 May 1999, who had worked tirelessly to achieve the announcement of that long sought apology. This day has been 35 years in the making already.

If the proposed National Inquiry were to take 10 years, the terrible basic mathematics of a child would reveal it will have taken 45 years to seek justice in a belligerent Irish State, and corrupt Catholic Church, and other faiths and none, to do the right thing. The scale of death that has followed in its wake may never be known but it most certainly can be defined as Ireland's holocaust. I could not turn away from it for nearly twenty years, now I want you to know that I know the Irish State knew from the get-go and allowed it to happen, to prosper.

The shelving of the Carrigan Report 1931 by the incoming government in February 1932 was the biggest mistake ever made by an Irish Government and all succeeding ones till sixty years had passed. By then, repair of the oversight was argued as impossible to fix, as the problem had grown to 'monstrous proportions'. Essentially, it is the 'monstrous proportions' which has stunned recent

government from doing the right thing and delivering justice to the hundreds of thousands of child sexual abuse victims caught in the net of suppression, inaction and neglect over decades, for it was not something unknown, it was known.

ARE WE REALLY TOO LATE FOLLOWING PUBLICATION OF THE SCOPING INQUIRY REPORT?

This phase requires good analysis. As a UCC Sociology graduate, I am very aware of things like the origins and theory of 'restorative justice' and took lessons from those who didn't know what they were talking about. I felt it easier not to challenge them on my holding a double honours degree in the subject from my treasured days in Cork, seven years in fact. I could easily have backed it up, but in truth I felt that was not what was behind challenging me.

I was able to discuss my opinions on the RTÉ Prime Time interview with Miriam O'Callaghan and a trio of survivors. See <https://youtu.be/ITRIjCEsSE4>

In not wishing to mislead the general public, it was crucial to point out that the Criminal Law Act 1997 removed any provision for a criminal prosecution of 'misprision of a felony'. Therefore, one cannot hold those who were responsible for the collusion, concealment and cover-up of a felony before the 1997 Act to criminal account. See Irish Independent article in 2002 by Senator Ivana Bacik: <https://www.independent.ie/opinion/analysis/change-in-the-law-means-there-is-now-no-criminal-offence-for-failure-to-report-crime/26031940.html>

I was not saying that they [facilitators who aid and abet] could not be held to 'account' in some form but just not as hoped by those seeking justice through criminal prosecutions of past crimes prior to 1997, by those who contributed to the sexual abuse of children.

I believe it is only by collaborating together as survivors that we can establish the DATASET of what happened and who was involved. I've given nearly 20 years to this so far. It's slow patient work.

My thoughts have not changed since I set up the first Blackrock Survivor Group in 2013 - <https://www.mvh.ie/letters/130420-Introductions-Gentlemen-the-first-Blackrock-Survivors-Group.pdf>

In respecting the merit and value of each contribution in this matter, even if one disagrees, it calls on us to merge, incorporating those diverse values in phrases as 'some believe this' whilst 'some believe that'. It's okay to have divergent views, what's not okay is to drown one out.

One is right to think that this is an achievement to get this far, but I believe the government are trying to gain their own kudos in claiming they have reacted expediently, giving origin to the scoping inquiry to the Blackrock Boys documentary on 7 November 2022 when in fact this has been a long fought battle begun before the 1999 State Apology, which crushed the hopes and aspirations of the hard work by schools survivors in the 10 years leading up to it, when they were pushed outside the scope of the Commission to Inquire into Child Abuse (CICA) which delivered the Ryan Report in 2009. The State has been grossly negligent in its delay of 25 years since the State Apology looking to take perhaps 10 more years on a National Inquiry of Schools. That's a total of 45 years since those survivors who began the campaign for account if delivered in 10 years from now.

What I suggest that survivors do is analyse this terrifyingly sad and awful bone thrown us soooo late, but press for the codification and incorporation of the European Court of Human Rights Judgment into Irish law. They gave one page to it in the 896-page Scoping Inquiry Report, omitting to mention Ireland's contempt for the ECtHR decision and instruction on page 598. [Part I](#) and [Part II](#).

This is what we must call for, and for the work of incorporating the ECtHR Judgment, on 28 January 2014, into Irish law to commence immediately, as it does not depend on any National Inquiry. It is an instruction of the ECtHR which Ireland has not honoured in over 10 years. It is the domino that needs to fall from which justice may finally come to survivors by lawful right in Ireland. Currently they [survivors] do not enjoy such provision lawfully. That must end. The law as it stands in Ireland denies survivors a lawful right to redress from the Irish State as instructed by the ECtHR to provide it through the incorporation of its Judgment into Irish law.

One last point for today when I feel there is an ocean of sorrow in me for what was allowed to prosper as 'good men' did nothing, is to ask the Minister will she now honour the rejected applications of those survivors in the second Ex-Gratia Scheme excluded on the failure to fulfil a 'prior litigation' criteria, as the matter was tested by the case of 'KW-v-The Minister for Education' settled out of court in June last allowing nine other cases conjoined with it receipt of the Ex-Gratia payment? I have walked a long way for a long time with so many survivors who deserve relief and rest of this matter. I welcome the call by the Tánaiste today to run a concurrent reparations scheme to whatever must be done in a National Inquiry.

Finally, I noted no schools survivor group from Ireland was consulted in the Scoping Inquiry but one in Northern Ireland and one in England and Wales was. There must be visible participation and ownership of survivors in moving forward along with a Panel of Experts to help guide proceedings called for in a National Inquiry. Then together might the terms of reference be established in collaboration and cooperation with survivors as stakeholders.

Gender parity of esteem is an essential component which is why I outlined seven objectives from my years of experience working for survivors of child sexual abuse in Ireland and with those abused abroad in an aberrant transfer policy assisting perpetrators seeking to avoid justice here.

Seven Objectives

Let's start with some issues which are of course stated without having to enumerate the obvious survivor demands for apology, acknowledgement, on demand qualified trauma therapeutic support, reparations, a national memorial to school child sexual abuse, end of life care, and yet to be declared other demands discovered by process and engagement with survivors of child abuse in schools.

1. We must codify and incorporate the ECtHR Judgment into Irish law despite the heavy resistance of Ireland
2. We must review the gender normative values and issues affecting males adversely to balance social normative values with positive ones
3. We must educate and establish an understanding of male rape which is not female rape. They are not the same.
4. We must acknowledge the elephant in the room in institutional sexual abuse of boys systemically and endemically in our review and account of historical abuse
5. We must correct the oversteer of feminism and misogyny heading into normalising misandry without losing sight of an equality that must continue to be fostered. A conjoined ethos which benefits and enriches the lives of boys and girls, men and women is missing.
6. We need to speak of 'social, gender and sex education' rather than 'sex education' in schools where complementarity in relationships, same or opposite, provide significant benefits and rewards where love, respect and co-investment are the foundation
7. We need a new lexicon to shape the change of what we want. It is in our youth we will find it, combined with the wisdom and experience of our adults and elders

My next missive will address my observations of the Scoping Inquiry Report. A terrible observation so far has been in the use of language. Language is important 'male' is mentioned 22 times where 'female' is mentioned 24. 'Male rape' isn't mentioned once, nor is any separation in mentioning 'prepubescent' or 'pubescent' which has significant impact on later life outcomes according to research I have read. There seems to be a dearth of male specific studies which is shocking. The report relates to an overwhelming number of victims, where 95% are male. You'd never get that impression. No survivor group in Ireland was involved but two from outside, neighbours in Northern Ireland and England and Wales.

Minister I am very disheartened to have to report that there has been no acknowledgement or response to my emails of 1st and 2nd September.

I would be very grateful to receive your reply at earliest opportunity but an acknowledgement would be appreciated upon receipt of issued emails to your office addressed and marked for your attention.

Yours sincerely,

Mark Vincent Healy

References

MINISTERIAL ANNOUNCEMENT

Statement of the Minister for Education on receipt of the Report of the Scoping Inquiry into Historical Sexual Abuse in Schools
Department of Education – PRESS RELEASE – Published on 7 June 2024 at 14:00 – <https://bit.ly/3RkQx6V>

MEDIA COVERAGE

‘Awe at dignity and humanity’: Abuse survivors commemorate State apology

IRISH TIMES | Jack Power | Sat, 11 May 2019 | <https://bit.ly/3Oelu0u>

School abuse inquiry: Survivors must wait to see report until after Attorney General review

IRISH TIMES – Jack Horgan-Jones – Patsy McGarry – Fri Jun 7 2024 15:58 – <https://bit.ly/4aSHlgY>

Minister receives final report from inquiry into historical abuse

RTÉ – Ailbhe Conneely – Social & Religious Affairs Correspondent – Friday, 7 Jun 2024 18:48 – <https://bit.ly/3VhWti2>

Foley promises to expedite publication of report on sexual abuse at religious-run schools

IRISH EXAMINER – Alison O’Reilly – Fri, 07 Jun 2024 – 22:00 – <https://bit.ly/4c617bc>

Minister for Education announces investigation into abuse in religious schools

YouTube | Gript Media | Wed, 4 Sep 2024 | <https://bit.ly/3AQI4TP>

Level of Abuse in Religious Schools Shocking

YouTube | RTÉ | Wed, 4 Sep 2024 | <https://bit.ly/4dQeMDg>

Survivors react to scoping inquiry detailing concerns on the limitations of the upcoming National Inquiry

@MiriamOcal | RTÉ | Wed, 4 Sep 2024 | <https://bit.ly/3Mw9mkT>

Survivors react to scoping inquiry into sexual abuse at religious schools

YouTube | RTÉ News | Wed, 4 Sep 2024 | <https://bit.ly/3XTJ5tA>

Statement by the Tánaiste on the Report of the Scoping Inquiry

Gov.ie | Department of Foreign Affairs | Tue, 3 Sep 2024 | <https://bit.ly/3TivLWJ>

EMAIL HISTORY

230724 - DES-CU-04237-2022 - An Ethically Bankrupt Process, without Immediate Access to Dedicated Services - <https://bit.ly/3wZsjbA>

240725 -240608 -Schools National Inquiry -An Ethically Bankrupt Process, without Immediate Access to Dedicated Services –

<https://bit.ly/3B0Egz4>

231029 – Journalist’s query - 230723 - DES-CU-04237-2022 - An Ethically Bankrupt Process, without Immediate Access to Dedicated Services

- <https://bit.ly/3xaxkxT>

231029 - E David Ryan - I just wanted to express my sympathies and condolences - <https://bit.ly/3RehKby>

240608 - Schools National Inquiry -An Ethically Bankrupt Process, without Immediate Access to Dedicated Services – <https://bit.ly/4g6pXtb>

RESEARCH

Mark Vincent Healy anniversary audio recording of Mr Bertie Ahern on 26 April 2019: <https://bit.ly/2sjVpAE> - Audio Transcript:

<https://bit.ly/35BAK9B>

¹ Scoping Inquiry Report, Part 1 – <https://bit.ly/4eaozE2>

¹ Scoping Inquiry Report, Part 2 – <https://bit.ly/3AV4ByH>



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- | Articles: <http://www.thejournal.ie/author/mark-vincent-healy/>
- | <http://ncronline.org/person/mark-vincent-healy>
- | 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](#) | [Deutsche Welle](#) | [Irish](#)
- | [Independent](#) | [Irish Times](#) | [Irish Examiner](#) |
- | [BishopsAccountability.org](#) | [Rete L'Abuso Italy](#) | etc

Previous Email: <https://www.mvh.ie/DES/240902-240725-Your-Ref-DES-MO-00413-2024.pdf>

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