

## **BERTIE AHERN'S SPEECH OF APOLOGY**

*Speech by An Taoiseach, Mr Bertie Ahern, TD announcing Government measures relating to childhood abuse on 11 May 1999 at 5:00 p.m. The press release issued with the speech is given under the heading 'Government Measures'.*

Ministers, Deputies, Ladies and Gentlemen, distinguished guests.

How children are treated is one of the key elements which defines any society. Over recent years, more and more attention has been paid to the many failures of our society in the treatment of children. Unfortunately, this has been a piecemeal approach driven by the bravery of individual victims determined to tell their stories and seek justice. A light has been shone into the dark corners of both our past and present, and these victims have performed an immense service in challenging our collective complacency. They have shown us that we cannot put the past behind us by ignoring it. We must confront it and learn its lessons. That is the least we can do to address the injustices of the past and the dangers of the present.

The time has long since arrived when we must take up the challenge put to us all by the victims of childhood abuse.

The starting point for this is simple, but fundamental. We must start by apologising.

On behalf of the State and of all citizens of the State, the Government wishes to make a sincere and long overdue apology to the victims of childhood abuse for our collective failure to intervene, to detect their pain, to come to their rescue.

The short preface to the 1970 Report on Industrial Schools put it very simply: 'All children need love, care and security.' Abuse ruined their childhoods and has been an ever present part of their adult lives, reminding them of a time when they were helpless. I want to say to them that we believe that they were gravely wronged, and that we must do all we can now to overcome the lasting effects of their ordeals.

A new, comprehensive approach is required to deal with the effects of previous abuse, to detect the children caught in frightful isolation, and to put proper structures in place.

In March 1999 the Government first discussed the need for a formal response to the needs of victims of childhood abuse. Following ongoing discussions, a sub-committee of the Cabinet was established last December, with the remit to reporting with comprehensive proposals to address this issue. Chaired by the Minister for education & Science, Micheál Martin, TD, the sub-committee includes the Tánaiste, and has eight members in total. They have considered best international practice and a range of different aspects to past and present instances of abuse, including how abuse cases should be handled in the future.

In all of its work the sub-committee sought to bring forward a comprehensive package, appropriate to the concerns of victims. The sub-committee's recommendations were endorsed at today's Cabinet meeting.

### ***Commission to Inquire into Childhood Abuse***

One of the responses to childhood abuse which older victims have sought is a forum, where they can tell their story. This would give them assurances that the wrongs which have been done to them are recognised publicly in a responsible manner, and that lessons are properly learned.

The Government considers that the interests of justice and the common good require the provision of such a forum, and to that end it has decided to establish a Commission to Inquiry into Childhood Abuse. The Commission's terms of reference have deliberately been drawn quite broadly, and have a number of different elements.

The primary focus of the Commission will be to provide victims with an opportunity to tell of the abuse they suffered, in a sympathetic and experienced forum. In addition, the Commission will establish as complete a picture as possible of the causes, nature and extent of the physical and sexual abuse of children in institutions and other places. It will make such recommendations as it sees fit.

The Commission will consist of three persons, who will be appointed during the coming week.

In the first instance the Commission will be established on a non-statutory basis, with the broad terms of reference I have mentioned. Its initial task will be to decide on matters such as precisely how it will operate, whether its terms of reference need to be altered, and what powers and protections it requires to carry out its work.

It will be asked to make recommendations on these matters within three months. The Government will then seek to enact any necessary legislation without delay. This approach is one which we believe is best suited to ensure that the Commission meets the needs of victims, and achieves its objectives in an efficient and effective way.

The Government's approach to the Commission is that it will be able to carry out its work in an independent manner, without fear or favour. We hope that it will be a forum that will inspire the confidence of victims, whose co-operation is essential to its success.

### *Counselling Services*

The victims of childhood abuse also need counselling to help them to overcome the effect of the abuse. The Government has decided to allocate an additional £4 million per annum to establish a dedicated professional counselling service in all regions. Due to likely initial difficulties in establishing such a service, particularly in relation to the availability of qualified staff, the new service may have to be phased in. In the meantime, other initiatives will be funded, and details will be announced very shortly by the Department of Health and Children.

Combined with the creation of a national counselling service, there will be co-ordination between health boards, to ensure the implementation of the best practice and the effective use of resources. As part of this, specific steps will be taken to promote widespread knowledge of the service.

### *Statute of Limitations*

Under the Statute of Limitations, claims for personal injuries arising out of negligence, nuisance, or breach of duty must be brought within three years. The Cabinet sub-committee spent some time considering the full range of issues concerning the application of the Statute to childhood abuse cases.

Particularly in light of the extensive international experience available, the Government has decided to legislate during this Dáil session to extend the concept of disability under the Statute, to victims of childhood sexual abuse, who because of that abuse have been unable to bring claims within the normal limitation period.

In addition, the Government has decided to refer the issue of limitation periods, as they apply to claims based on non-sexual childhood abuse, to the Law Reform Commission for their recommendations. This will help address issues such as the handling of evidence of the effects of such abuse, and how other jurisdictions have dealt with this area.

### *Mandatory Reporting*

The Government is conscious of the need to ensure that we do all we can to tackle child abuse when it occurs today, and has approved a number of measures in this regard. Proposals on the mandatory reporting of instances of the sexual abuse of children will be published by the Department of Health and Children in a White Paper as soon as possible, and acted upon without delay.

### *Register of Sex Offenders*

Legislation for the introduction of a Register of sex offenders is at an advanced stage of preparation. This legislation will be enacted and the Register will be operational by the end of this year.

### *Other Measures*

At the same time, the Government will proceed with a number of other initiatives which are of great importance in this area.

The Child Care Act will be amended to extend the provisions relating to residential centres for children and to centres for children with physical and mental disabilities. The effect of this will be to bring these homes under the mental disabilities. The effect of this will be to bring these homes under the scope of the Child Care Act, including registration and inspection. In addition, work is in progress on the drafting of the Children Bill, 1999, which will provide a statutory framework, in which a new juvenile justice system can develop, replacing the system established by the Children Act 1908.

The recently established Social Services Inspectorate, in the Department of Health and Children, will be brought to a fully operational status. As already announced, its remit over the next three years will be to concentrate on child care.

The Department of Education and Science will proceed with the modernisation of facilities and services for young offenders. This will include a £4 million project to replace the Young Offenders' Centre in Finglas which has fallen far below acceptable standards.

I am determined that it will be under this Government that we will as a society confront the realities of abuse of children up to the present day. As I have said, this is an area which we have been considering in depth for much of our time in office. Work has been proceeding in a number of Departments and important initiatives have already been launched. What we are doing today is bringing the different elements together into what

we believe is a comprehensive and appropriate response to the stories of the far too many people whose childhood was shattered by abuse.

What the Government has decided on today is not a break with the past; it is facing up to the past and all that this involves. This may well be a painful process, but it cannot and should not be avoided.

This country has a lot to be proud of. We are developing in many ways and for the first time we are seeing movement on a range of serious problems.

But we cannot truly advance unless we acknowledge and deal with the more uncomfortable elements of our past. Only when we do this will we have matured as a self-confident and inclusive society.

The measures which I have just announced will, the Government intends, make a major contribution to this process.

## **PRESS SUMMARY OF GOVERNMENT MEASURES**

### *Package of Measures on Childhood Abuse*

The Taoiseach has announced a wide package of measures relating to childhood abuse up to the present day to include a Commission to Inquire into Abuse of Children, the establishment of a £4 million professional counselling services for the victims of abuse and a number of legal changes. At the same time, the Taoiseach gave an apology on behalf of the State and the Citizens of the State to the victims of childhood abuse.

The Taoiseach was announcing the outcome of the Government's consideration of the issue of abuse. He explained that the Government has been discussing the issue for much of the time in office and that a full sub-committee of the Cabinet chaired by the Minister for Education & Science has been developing proposals since last December. He said: 'The time has long since arrived when we must take up the challenge which the victims of childhood abuse have given us all. A new, comprehensive approach is required to dealing with both the effects and preventions of this abuse.'

The details of the package are:

- The establishment of a Commission to Inquire into Childhood Abuse to be charged with establishing as clear a picture as possible of the causes, nature and extent of the physical and sexual abuse of children up to the present day.
- The establishment of a nationwide professional counselling service for the victims of abuse at an estimated cost of £4 million per annum.
- Legal changes relating to the taking of cases involving abuse.
- The publication of proposals concerning the mandatory reporting of abuse.
- The creation of a Register of Sex Offender
- The implementation of a range of other measures designed to protect children at risk.

The Taoiseach, who announced the measures with the Tánaiste and the Minister for Education & Science, addressed the victims of childhood abuse saying, 'On behalf of the State and of all citizens of the State, the Government wishes to make a sincere and long overdue apology to the victims. Abuse ruined their childhoods and has been an ever present part of their adult lives, reminding them of a time when they were helpless. I want to say to them that we believe that they were gravely wronged and that we must do all we can to overcome the lasting effects of their ordeals.'

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Ends

### *Terms of Reference for Commission to Inquire in Childhood Abuse*

- To afford victims of abuse in childhood an opportunity to tell of the abuse they suffered to a sympathetic and experienced forum;
- To establish as complete a picture as possible of the causes, nature and extent of physical and sexual abuse of children in institutional and in other places during the period from 1940, or such earlier date as the Commission considers appropriate, to the present, including the antecedents, circumstances, factors and context of such abuse, the perspectives of the victims and the motives and perspectives of the persons responsible for committing abuse;
- To compile a report and publish it to the general public, on the activities and findings of the Commission, containing such recommendations as the Commission considers appropriate including actions which should be taken to address the continuing effects of the abuse examined by the Commission and the actions to be taken to safeguard children against abuse for the future;
- To appoint specialist advisers to supply information to elucidate areas of complexity, to conduct investigations, hold hearings, both private and public and conduct or commission research for the purposes of carrying out these terms of reference.