

DÁIL ÉIREANN

Déardaoin, 11 Meitheamh 2009.
Thursday, 11 June 2009.

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Order of Business.

The Taoiseach: It is proposed to take No. *a9*, motion re Ryan report on the Commission to Inquire into Child Abuse. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 4.45 p.m. tonight and business shall be interrupted not later than 7 p.m.; the sitting shall be suspended from 1.30 p.m. to 2 p.m. today; the proceedings on No. *a9* shall, if not previously concluded, be brought to a conclusion at 1.30 p.m. tomorrow and the following arrangements shall apply: the speech of the Taoiseach and of the leaders of the Fine Gael Party, the Labour Party and Sinn Féin, or a Member nominated in his stead, who shall be called upon in that order, shall not exceed 30 minutes in each case; the speech of each other Member called upon shall not exceed 30 minutes in each case; Members may share time; and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed ten minutes. The Dáil shall sit tomorrow at 10.30 a.m. and shall adjourn not later than 1.30 p.m., there shall be no Order of Business, within the meaning of Standing Order 26, and the business to be transacted shall be No. *a9* — motion re Ryan report on the Commission to Inquire into Child Abuse (resumed), which shall, if not previously concluded, be brought to a conclusion at 1.30 p.m. on that day.

An Leas-Cheann Comhairle: There are three proposals to put to the House. Is the proposal for the Dáil sitting today, agreed? Agreed. Is the proposal for dealing with No. *a9*, motion re Ryan report, agreed? Agreed. Is the proposal for the Dáil sitting tomorrow, agreed? Agreed.

Deputy Enda Kenny: This is important business and we have no intention to divide the House in this situation. I thank the Chief Whip for accepting what we consider to be important additions to the Government motion. These additions, principally proposed by Deputy Shatter, include many of the important elements which the survivors regard as critical, including the reference that the Dáil resolves to cherish all the children of the nation equally.

In the event that other matters may arise when the debate concludes tomorrow, in respect of future protection for children, if it is appropriate we might have another day to further reflect on what we have done and what we need to do in order to get this right. I say this in all sincerity because we do not want a situation to arise in 30 years time where some other politicians in this House are saying the Legislature in 2009 did not do its work properly. As Head of Government, the Taoiseach will have our full support in trying to get this as right as we can, both in dealing with the horror stories of the past and in dealing with the requirements

[Deputy Enda Kenny.]

to establish a legal basis to avoid this happening in the future. If it is appropriate, can the House have another debate on aspects of this issue, if this is deemed to be necessary?

The Taoiseach: I thank all Members for ensuring an agreed motion and it is appropriate that this is the case. It follows on the unanimous motion agreed in the House a couple of weeks ago. As has been stated by the Government in its statement in the aftermath of a formal Government meeting, the question of an implementation plan being brought to Government in respect of the Ryan report recommendations is to be brought to Government by the Minister of State with responsibility for children and youth affairs by the end of next month. This will provide an opportunity, presumably, for future debate and discussion if we so wish.

Deputy Eamon Gilmore: I have a couple of matters to raise. I welcome the fact that there is an agreed motion today. I agree that after the debate on these two days it is important that the issue is not then just parked and left, that the matters arising from the Ryan commission report and its recommendations and further actions needed by the State, will be followed up and that the House will have an opportunity in the future to debate them.

I wish to ask the Taoiseach about two pieces of legislation which have been of concern to the Labour Party for some time. The first is the Government's planned legislation to give legal protection to same-sex couples. Just a year ago, almost to the day, the Government published the heads of a Bill on civil unions. When will this Bill be published?

Second, the Labour Party has been seeking legislation on the management of multi-unit dwellings and problems associated with management companies. On 27 May 2009, the Government published the Multi-Unit Developments Bill. There are two problems with the Bill. First, it does not apply to housing estates but only to apartment dwellings. Second, it applies only to apartment developments to be built in the future. That is a great vote of confidence in the future of residential construction but does not address the problem on the ground at present. Does the Government intend to amend the Bill to regulate management companies of existing apartment developments and housing estates?

An Leas-Cheann Comhairle: Strictly speaking, the contents of the Bill are not appropriate to questions on the Order of Business.

The Taoiseach: With regard to the first matter, the committee on legislation will meet today and I expect we should be ready to publish that Bill in a matter of weeks. Second, concerning the Bill now before the Seanad the Government has brought forward its proposals. It will listen to the ongoing debate and see if it is possible to consider any further Government or Opposition amendments in this area.

Deputy Caoimhghín Ó Caoláin: I also welcome the fact there is an agreed motion before the House in respect of the Ryan report and I join colleagues in urging further progress regarding the presentation of an implementation plan before the end of next month, to be presented by the appropriate Minister. It is important that this House maintains a very careful scrutiny of work concerning the implementation of all the recommendations contained in the Ryan report.

I note that although the Government has signalled repeatedly its intention to advise the House of the detail of agreements reached or to be reached with other member states on matters pertaining to the Lisbon referendum, specifically the proposed second referendum on the Lisbon treaty and the binding agreements that were promised thereto, that a meeting of EU ambassadors scheduled for today has been cancelled. We understand this is because a number of member states are uncomfortable with the matters being pursued and with the proposed text. As this is absolutely related to the promised legislation, given that if there is to

be a second Lisbon referendum it must be provided for by a referendum Bill, will the Taoiseach indicate, in light of the cancellation of the ambassadors' meeting, where this negotiation now stands and when such a Bill will be published?

Yesterday the Joint Committee on Health and Children published a progress report on the recommendations it made three years ago in respect of the high level of suicide in Irish society. The committee has expressed concern at the lack of progress in respect of its 33 recommendations. On all but six the Government has made no significant or very limited progress. Given the high level of the incidence of suicide in Irish society would this so called progress report prompt the Taoiseach to accommodate a full debate within the House on the lack of progress within the Department of Health and Children? The recommendations made are specifically under the aegis of the current Minister——

An Leas-Cheann Comhairle: That is appropriate for a parliamentary question to the Minister for Health and Children.

Deputy Caoimhghín Ó Caoláin: I am anxious——

An Leas-Cheann Comhairle: A number of Deputies have indicated——

Deputy Caoimhghín Ó Caoláin: This is a progress report of a committee of this House——

An Leas-Cheann Comhairle: I must allow as much time as I can for the important business of the day.

Deputy Caoimhghín Ó Caoláin: Given the serious nature of the high level of suicide in our society the matter merits address in this Chamber. Only through such scrutiny will we be able to see the Minister and her Department exercised on this matter. Will the Taoiseach and the Government accommodate such a discussion and debate in this House on the absence of progress in this regard?

An Leas-Cheann Comhairle: Is there a promise for a debate on this matter? If not, it is a matter for the Whips. I believe Deputy Costello wished to raise the same issue.

Deputy Joe Costello: It is on the issue of the Lisbon treaty, not on all the other issues. I will be very brief.

An Leas-Cheann Comhairle: We will listen first to the Taoiseach's reply regarding the legislation for the Lisbon treaty.

Deputy Dan Neville: We may go asleep.

The Taoiseach: Regarding that matter, the Presidency is proceeding with bilateral meetings during the course of the day. It is its business to proceed with this and make progress in this area. There has been a great deal of contact and the Minister for Foreign Affairs, Deputy Martin, is working on the matter. We intend that the political understandings reached in December will form the basis of the decisions to be made at next week's Council meeting and will provide the legal certainties we require.

With regard to the second matter, I understand there is no problem about such reports being brought for plenary debate in this House, subject to agreement by the Whips.

Deputy Tom Sheahan: Is the Taoiseach aware of moves afoot or of proposals to withdraw train services from County Kerry?

An Leas-Cheann Comhairle: The Deputy knows that is not appropriate on the Order of Business.

(Interruptions).

An Leas-Cheann Comhairle: I am not interested. I call on the next Deputy.

Deputy Tom Sheahan: It is appropriate.

An Leas-Cheann Comhairle: A number of Deputies are indicating and I want to allow as much time as possible for the very important business before the House today.

Deputy Tom Sheahan: It is a pertinent question. Is it part of Government policy to cut off the peripheral counties in this country?

Deputy Billy Kelleher: The Deputy will not be in Croke Park.

An Leas-Cheann Comhairle: That is not an appropriate question for the Order of Business. Does Deputy Crawford wish to raise an appropriate matter?

Deputy Seymour Crawford: It is very appropriate. Yet again I received a telephone call yesterday from a farming business colleague, a small business person who had been refused any banking facilities.

An Leas-Cheann Comhairle: I will listen only to the question.

Deputy Seymour Crawford: I wish to know when, or whether, the Government will allow time for the House to have a full debate on the completely disastrous situation that is causing this problem.

An Leas-Cheann Comhairle: Is a debate promised on that issue?

Deputy Seymour Crawford: There has been a major problem concerning the register of electors.

Deputies: Hear, hear.

Deputy Seymour Crawford: Is there any proposal to deal with the significant additions——

An Leas-Cheann Comhairle: That would be an appropriate question for the Minister for the Environment, Heritage and Local Government, Deputy Gormley.

Deputy Seymour Crawford: Will the Government introduce legislation to deal with that matter?

I ask about eligibility issues with regard to the Bill on health and personal social services. People should be able to get the social services to which they are entitled and be guaranteed them.

An Leas-Cheann Comhairle: That is a question regarding the Health (Miscellaneous Provisions) Bill.

Deputy Michael Ring: The next thing they will say is that the Fianna Fáil people were taken off the register and that is why they did not vote.

Deputy Timmy Dooley: Good man yourself, Deputy.

(Interruptions).

An Leas-Cheann Comhairle: Allow the Taoiseach respond.

The Taoiseach: There is no date for the legislation sought by the Deputy. The other matters are for consideration in the future.

Deputy Dinny McGinley: Ba mhaith liom ceist a chur ar an Taoiseach, atá mar Chathaoirleach ar fochoiste an Rialtais ag plé leis an Ghaeilge. An dtuigeann sé an ghéarchéim an deireadh seachtaine seo maidir leis an bhfoilsíúchán Gaeilge, *Foinse*, an t-aon pháipéar seachtainiúil Gaeilge atá ar fáil sa tír seo ó cuireadh deireadh le *Lá* ag deireadh na bliana seo caite? An ndéanfaidh an Taoiseach, mar Chathaoirleach ar an bhfochoiste, gach iarracht a chinntiú go mbeidh *Foinse* ar fáil an tseachtain seo agus an tseachtain seo chugainn agus an bhliain seo chugainn? An ndéanfaidh sé cinnte nach dtarlaíonn an rud céanna do *Foinse* agus a tharla do *Lá*? Níl mórán airgid i gceist. Tá géarchéim ann agus táim ag iarraidh ar an Taoiseach, an Tánaiste agus gach Aire a chinntiú go mbeidh an páipéar seo á chur ar fáil seachtain i ndiaidh seachtaine.

An Leas-Cheann Comhairle: Is dóigh liom gur ceist oiriúnach í sin don Athló.

Deputy Lucinda Creighton: I would like to follow up on the question raised on the Lisbon treaty and the proposed legislation. I am concerned there seem to be plans for significant bilateral discussions with other member states, but there are no plans for multilateral discussions between parties in this House.

An Leas-Cheann Comhairle: That is not relevant to the Order of Business.

Deputy Lucinda Creighton: It is very relevant, because it is relevant to the preparation of the legislation. For example, this morning we will have a brief discussion, related to the guarantees, with the Minister for Foreign Affairs in advance of the GAERC meeting. However, no detailed discussions are planned. We should have discussion in the Chamber in order to get meaningful input from all parties so that we can ensure the referendum is passed.

An Leas-Cheann Comhairle: Only a question on legislation on that matter, nothing else, is appropriate to the Order of Business. I call Deputy Costello for a brief question on the same matter.

Deputy Joe Costello: There is a sense of *déjà vu* now, reminiscent of what happened last year. We are at the stage where an agreement must be reached at the summit next week if we are to go ahead with the second referendum in October, but it appears that many of the discussions on the formula for the legal guarantees are unravelling.

An Leas-Cheann Comhairle: We cannot go into that now, as the Deputy knows.

Deputy Joe Costello: My question relates to legal guarantees and is directly related to legislation coming before the House.

An Leas-Cheann Comhairle: We can only ask about the timing of legislation on the Order of Business.

Deputy Joe Costello: The unfortunate situation for the Opposition is that it has no information on the content of the negotiations going on between the Government and the other 26 member states.

An Leas-Cheann Comhairle: Does the Taoiseach want to respond as to the timing of the legislation?

Deputy Joe Costello: The concern is that next week the whole thing could unravel. Then, because of the lack of detailed attention and management of the issues, we could be back where we were 12 months ago. It was largely because of mismanagement we were in the position we were in then. Perhaps the Taoiseach will give us a full statement in the House, prior to going to next week's summit, so that we have some idea of what is going on and can give him the benefit of our views on the matter.

The Taoiseach: It is not correct to characterise the ongoing discussions as the Deputy has done. The normal, intensive discussions that take place before a Council meeting are proceeding and the Presidency, with which we have been in constant touch, is handling the issues. It is for the Presidency to decide on the nature of how discussions proceed. Our Minister for Foreign Affairs has been in intensive contact with colleagues on these matters also. Matters are proceeding apace and we expect to be well prepared for the discussion at the European Council meeting, as was the case last December. I will keep the parties informed on these matters.

Deputy Jan O'Sullivan: The child care Bill is No. 13 on the legislative list. Will the Government consider using that legislation as a framework to introduce a regulatory inspection system for children in residential care in Ireland, particularly in the context of the debate we will have later today?

The Taoiseach: The Child Care Bill is due this session and Second Stage debate will take place on it.

Deputy Jan O'Sullivan: Will the Taoiseach consider my suggestion?

Deputy Bernard J. Durkan: On a similar subject, legislation to provide for the collection and exchange of information relating to the endangerment, sexual exploitation or sexual abuse or risk thereof of children has been promised. Is it intended to expedite this legislation with a view to responding to some of the issues impacting on society? Legislation has also been promised to consolidate and modernise financial services legislation in accordance with the Government's better regulation agenda, something that must resonate with the Government side. These are important pieces of legislation; will the Taoiseach indicate whether it is intended to respond to the urgency of the situation?

The Taoiseach: The second piece of legislation mentioned concerns consolidation and work is being done on this currently, but there is no date for it. Two Departments, the Departments of Justice, Equality and Law Reform and Health and Children, are working on the first piece of legislation mentioned and giving priority to that given recent events.

Deputy Olivia Mitchell: This year we will spend approximately €50 million to provide incentives for visitors to come to Ireland. Does the Taoiseach agree that it is insane on the one hand to provide incentives for them to come and on the other to tax them when they come?

An Leas-Cheann Comhairle: That question is not appropriate to the Order of Business.

Deputy Olivia Mitchell: There is legislation that offers an opportunity to repeal the departure tax, which is doing untold damage to not just the tourist industry but also to our airports and airlines.

Deputies: Hear, hear.

Deputy Olivia Mitchell: The aviation (preclearance) Bill offers the opportunity, now at the beginning of the tourist season, to include the repeal of that tax before it does untold damage.

The Taoiseach: Legislation is currently before the Seanad for Committee Stage. I would point out that all sectors of the economy have had to make a contribution to assist those most in need in terms of funding in order to maintain public services. The Minister for Finance, being as fair as possible, looked at the areas for additional tax revenues in the context of the fiscal challenges the country faces. Consequently, a €10 tax, €2 for destinations within 300 km of Dublin, was deemed reasonable. It is worth noting that fuel used by airlines is completely exempt from tax. Therefore, the sector already has considerable preferential treatment.

Deputy Olivia Mitchell: The tax brings negative returns.

Deputy Michael D. Higgins: Have the necessary ministerial orders been completed for such legislation that exists for the practice of private security companies and their relationship with the Garda? Legislation and legislative initiatives have been promised on the question of the registration and practices of private security companies. However, these would in turn require a set of ministerial orders governing the practices between, for example, the Garda Commissioner and such firms. I raise this issue in connection with the sinking of the *Iona Isle* and the placing at risk of the lives of two people at 2 a.m. today off the coast of Mayo.

11 o'clock

We need to have accurate information available and to have quick responses for the establishment of fact. I see the situation as a deteriorating one. What is the status of the existing legislation on the practice of private security companies and what, specifically, is their relationship with the Garda Commissioner? Have such necessary ministerial orders been made as will ensure proper accountability?

An Leas-Cheann Comhairle: Is secondary legislation promised on the Private Security Services Act?

The Taoiseach: I do not have the information before me and must ask the Minister for Justice, Equality and Law Reform to revert to the Deputy on those issues.

Deputy Martin Ferris: On the same issue, is the Taoiseach aware that at 2 a.m. today, four masked, armed security people boarded the *Iona Isle*?

An Leas-Cheann Comhairle: Only matters of legislation can be raised on the Order of Business.

A Deputy: He is speaking with some authority.

Deputy Martin Ferris: On the same issue, they boarded the *Iona Isle* and the boat sank, almost with the loss of two lives. Is the Taoiseach aware that the skipper and the crewman on the boat are currently in Castlebar hospital, having been almost drowned after four masked, armed men took over the boat and, apparently, deliberately sank it?

An Leas-Cheann Comhairle: We cannot debate the issue now. We have important business before the House today. I am sure the Deputy will find another way to raise the matter.

Deputy James Reilly: Just two matters. I do not wish to be controversial, but it would be helpful if we could have an understanding that the House will not rise until the child protection Bill is passed, so that we can have an inspectorate that will protect those children who are in institutions for the disabled. Given we have now seen a letter from the manager of Galway

[Deputy James Reilly.]

Regional Hospital stating it will not be able to operate as a centre for cancer care to the standard required by the Minister and that it must institute a budget that will close 60 beds and delay operations, is it intended to bring forward legislation for a supplementary health budget?

The Taoiseach: There is no plan for a supplementary health budget. The plan to contain costs within hospital's budget allocation, which focuses on savings in indirect costs and seeks to protect front line services, is currently being negotiated. That does not involve the curtailment of cancer services at the hospital.

Deputy Seán Sherlock: In light of the publication of the Teamwork Horwath report yesterday on the reconfiguration of hospital services in the HSE south, will the Taoiseach make time available in the House to debate the issue?

An Leas-Cheann Comhairle: That is a matter for the Whips. Is debate promised on the report and acute services in the southern region?

Deputy Seán Sherlock: It should be debated on the basis of the permutations of the report for satellite hospitals such as Mallow and Bantry. I am sure my colleague, Deputy Healy-Rae, will back me up on this call.

An Leas-Cheann Comhairle: I understand there is no such promise. It should be a matter for the Whips.

Local Government (Rates) (Amendment) Bill 2009: First Stage.

Deputy Ciarán Lynch: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Local Government (Rates) Act 1970 by delimiting the circumstances in which the Minister for Local Government can refuse consent to a rates waiver scheme; and to provide for connected matters.

An Leas-Cheann Comhairle: Is the Bill opposed?

The Taoiseach: No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Ciarán Lynch: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Financial Emergency Measures in the Public Interest (Reviews of Commercial Rents) Bill 2009: First Stage.

Deputy Ciarán Lynch: I move:

That leave be granted to introduce a Bill entitled an Act, in the public interest, to provide for the imposition by way of Government Order of a requirement that landlords charge market rents only in respect of commercial premises, and to provide for related matters.

An Leas-Cheann Comhairle: Is the Bill opposed?

The Taoiseach: No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Ciarán Lynch: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Ryan Report on the Commission to Inquire into Child Abuse: Motion.

The Taoiseach: I move:

That Dáil Éireann:

- accepts the conclusions of the Report of the Commission to Inquire into Child Abuse and in particular the failure of the State and the religious congregations running the institutions to protect the children who were placed in these institutions from abuse;
- acknowledges the pain and suffering endured by the former residents of institutions and that the commission's report vindicates their claims of abuse and that crimes were committed by members of the religious congregations and others against children placed in care;
- expresses its revulsion at the extent, severity and nature of the abuse suffered by children in residential institutions;
- restates the sincere apology of the House to the victims of childhood abuse for the failure to intervene, to detect their pain and come to their rescue;
- notes that the Minister for Children will be submitting a plan for the implementation of the recommendations of the commission's report to the Government for its approval by the end of July;
- restates the acceptance by the House of all of the recommendations contained in the commission's report and its support for their full implementation;
- declares its resolve to cherish all of the children of the nation equally;
- acknowledges that the State has an obligation to ensure that children and young people in the care of the State receive the highest possible quality of care and to provide services to protect them, as far as possible, from all forms of harm;
- acknowledges that everything possible must be done to ensure the grievous mistakes of the past are not repeated in the future and underlines the importance of the Government's commitment to fully implement the recommendations of the commission's report including, in particular, to ensure the uniform application throughout the State of the 'Children First: National Guidelines for the Protection and Welfare of Children' of 1999;
- notes that the Taoiseach has met with representatives of the former residents of the institutions and the commitment to further engagement with them;

[The Taoiseach.]

- notes that the Taoiseach has met with representatives of the congregations at which their attention was drawn to the motion passed by Dáil Éireann on 28 May;
- notes that the Taoiseach called on the congregations to make further substantial contributions by way of reparation;
- considers that the assessment of proposals for such a contribution must have regard to the needs of the former residents as well as the costs of over €1 billion being incurred by the State on redress;
- notes that the congregations agreed in their meeting with the Taoiseach to make full and transparent disclosure of their resources;
- notes that both in the meetings with former residents and the congregations support was expressed for the proposal that the use of a further substantial contribution from the congregations should include a form of independent trust to be set up by the State which would be available to support the needs of survivors for general education and welfare purposes;
- supports the request of the former residents for representation on the proposed trust;
- notes that, while the committal of children to industrial schools did not involve a criminal conviction and that no criminal records arise from that committal, the Government will give further consideration to ways of meeting the concerns of victims in this regard;
- notes that the Assistant Garda Commissioner has been tasked with examining the totality of the commission's report and that criminal investigations are continuing in respect of a significant number of people;
- notes the commitment of the religious congregations and orders to fully co-operate with the Garda in any criminal investigation being conducted;
- notes that the Government is considering the request of the former residents of institutions, made at their meeting with the Taoiseach, to re-examine the terms of the Residential Institutions Redress Act 2002 in respect of the confidentiality attached to awards and the application period; and
- notes the desirability that, in so far as possible, all of the documentation received by and in the possession of the Commission to Inquire into Child Abuse is preserved for posterity and not destroyed.

The Commission to Inquire into Child Abuse was established in 2000 and published its report on 20 May last. That report is the subject of our debate here today and tomorrow, and surely is one of the most important reports, and almost certainly the gravest, ever published in the history of the State. It contains a shattering litany of abuse of children in care in this country over many decades. In doing so it presents a searing indictment of the people who perpetrated that abuse, of the religious congregations who ran the institutions in which it took place, and of the organs of the State which failed in their duty to care for the children involved.

It is surely right and a vindication of the initiative of my predecessor, Deputy Bertie Ahern, that the first recommendation of the report is that a memorial be erected to the victims and that it be inscribed with the words of apology that he used on 11 May 1999. I repeated that

apology directly to the representatives of survivors' organisations when, with colleague Ministers, I met them last week. It is fitting that, in the light of the appalling events catalogued in the commission's report, I put it on the record of the House now also. Accordingly, I say again:

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.

As the current Executive of the State, the Government and I make this apology having accepted the recommendation of the Commission to Inquire into Child Abuse that we admit that the abuse of children, and the suffering they endured, occurred because of failures of systems and policy, of management and administration and of senior personnel who were concerned with industrial and reformatory schools. We also do so because we are deeply conscious that while the events inquired into by the commission occurred, for the most part, many years ago, their consequences continue and live on in the burdens that the victims carry day by day. I want to pay tribute, as the report does, to the dignity, courage and fortitude of witnesses who came forward to the commission to recall events that happened those years ago. We should also remember those former residents who are no longer with us.

The commission has done the former residents and the State a very valuable service by producing this report. The evidence presented in it makes clear that it was right to establish a system of redress which did not require victims to rely on the limitations of a compensation system based on litigation through the courts. I am aware that some people have had criticisms to make about the manner in which the redress board dealt with issues. However, I believe that it was right to have an approach which enabled survivors to be compensated without having to go through the courts and with a very different approach to proof and evidence.

Everyone would, I think, accept that this report has radically changed the public perception of what went on in the institutions. It has vindicated once and for all what was said over the years by former residents and by some others on their behalf. It is no longer possible to deny or to doubt. The commission has spoken, the case is closed.

I want, therefore, to thank Mr. Justice Ryan and his predecessor, Ms Justice Laffoy, and all the members of the commission and their staff over the years for their work on this report, which sets out in a clear and measured way a comprehensive account of the shocking abuse of children that went on over many years in this State.

The report makes grim reading. The catalogue of horror and terror that was visited over many years on children in the care of religious congregations, placed there by the State, is appalling beyond belief. It is made even more appalling, if that is possible, by the fact that those who perpetrated the abuse had promised to uphold and practise the gospel of love and belonged to congregations founded to serve the very noblest ideals. It is worsened, too, by the repeated failure of the State, which placed the children in these institutions, to inspect or regulate the conditions in which they were held or the treatment to which they were subjected. The congregations should have loved them and the State should have cared about them. Neither did.

The report contains such horrific stories that it is difficult to know where to begin in talking about it. It provides detailed accounts of the regime and the suffering in seven schools run by the Christian Brothers, one by the Oblates of Mary Immaculate, one by the Department of Education itself, two by the Rosminian Order, one by the Presentation Brothers and one by the Brothers of Charity. It also describes eight schools run by nuns, mostly by the Sisters of Mercy but including two run by the Sisters of Charity, and gives short reviews of documentary evidence about two schools providing residential care to deaf girls, though in their case most

[The Taoiseach.]

allegations of abuse referred to the harshness with which a particular mode of learning was imposed and in general the standard of care in those two schools was good.

The report contains the report of the commission's confidential committee, which heard evidence from over a thousand men and women who reported being abused as children in Irish institutions. It devotes a whole volume to the role of the Department of Education, examining the extent to which the Department ensured, or failed to ensure, that its rules and regulations were upheld by the institutions and that the basic standards set for the children taken into the care of the State were being met.

The conclusions of the report are stark. The commission found that physical and emotional abuse and neglect were endemic features of the institutions. Sexual abuse occurred in many of them, primarily in boys' institutions. Schools were run in a severe, regimented manner that imposed unreasonable and oppressive discipline on children and even on staff. Inspections were not random or unannounced and, as a result, the inspector did not get an accurate picture of conditions in the schools. The inspector rarely spoke to the children in the institutions.

As regards physical abuse, the report concludes that rules governing the use of corporal punishment were disregarded with the knowledge of the Department of Education. A climate of fear, created by pervasive, excessive and arbitrary punishment, permeated most of the institutions and all of those run for boys. Children lived with the daily terror of not knowing where the next beating was coming from.

As regards sexual abuse, the report makes the truly appalling finding that sexual abuse was endemic in boys' institutions. The situation in girls' institutions was different; although girls were subjected to predatory sexual abuse by male employees or visitors or in outside placements, it was not systemic in girls' schools.

Perpetrators of abuse were able to operate undetected for long periods at the core of institutions. Cases of sexual abuse were managed with a view to minimising the risk of public disclosure and consequent damage to the institution and the congregation. When lay people were discovered to have sexually abused, they were generally reported to the Garda. When a member of a congregation was found to be abusing, it was dealt with internally and not reported to the Garda. The report finds that when confronted with evidence of such abuse, the response was to transfer the offender to another location where, in many instances, he was free to abuse again. The relevant religious authorities knew that sexual abuse was a persistent problem in male religious organisations throughout the relevant period. However, the report finds that some congregations remained defensive and disbelieving of much of the evidence heard by the investigation committee about sexual abuse in institutions, even where men had been convicted in court.

Sexual abuse of girls was generally taken seriously by the sisters in charge and lay staff were dismissed when their activities were discovered. However, the attitude of nuns made it difficult for them to deal with such cases candidly and openly and victims of sexual assault felt shame and fear of reporting sexual abuse.

The report also makes bleak findings about neglect and the education provided in the schools. Children were frequently hungry, accommodation was cold, Spartan and bleak, sanitary provision was primitive in most boys' schools and general hygiene facilities were poor. Academic education was not seen as a priority for industrial school children and the industrial training afforded by all schools was of a nature that served the needs of the institution rather than those of the child.

There was a disturbing level of emotional abuse by religious and lay staff in institutions. Witnessing abuse of co-residents, seeing other children being beaten, seeing the humiliation of

others and being forced to participate in beatings had a powerful and distressing impact, while separating siblings and restrictions on family contact were profoundly damaging for family relationships. Complaints by parents and others made to the Department of Education were not properly investigated. The Department sought instead to protect the religious congregations and schools.

I cannot in the time available describe in detail the stories of physical, sexual and emotional abuse the report contains and it would not be right to choose particular incidents or examples. Each story involves a child. I cannot pick out one child above another or elevate the sufferings of one above those of another. No mother or father, no grandparent or brother or sister, no human being with a shred of feeling could read this report without constant and intense loathing and revulsion.

One paragraph may stand as a haunting summary of the evils that were done and the opportunities that were lost. That paragraph recalls that many witnesses who complained of abuse nevertheless expressed some positive memories. Small gestures of kindness were vividly recalled. A word of consideration or encouragement or an act of sympathy or understanding had a profound effect. Adults aged in their 60s and 70s recalled seemingly insignificant events that had remained with them all their lives. Alas, often the act of kindness recalled in such a positive light arose from the simple fact that the staff member had not been given a beating when one was expected.

The report concludes that more kindness and humanity would have gone far to make up for poor standards of care. All I would add is how different now would be the lives of those who spent time in those institutions if acts of kindness and humanity, rather than of horror and abuse, had been their daily experience and how different, too, would be the reputations of the religious congregations and State.

The report presents all of us with a portrait of Irish society which is deeply unsettling. How was it that so many children were committed to institutions where not only were they removed from care of their family but they were subjected to regimes of incarceration which were cold, impersonal and degrading when they were not violent, oppressive and abusive? How did the State, in whose name and through whose courts, police and laws children were consigned to institutions which were funded, regulated and inspected by the State, preside over such conditions for so many decades? How could religious communities, founded on the highest ideals of service and compassion for the poor, so completely turn their claimed vocation on its head and inflict such suffering and neglect almost as a matter of policy? It is a tribute to Mr. Justice Ryan and the members of the commission that their report brings together in a most persuasive fashion extensive material that helps us to begin to understand how and why this came about, as well as documenting with great care the reality of the sufferings endured by generations of children, neglected and abused in the so-called care of the State.

The historical survey contained in the report demonstrates how the industrial school system came to form part of the apparatus of social control which, together with the effects of sustained emigration, came to be a primary response to the endemic problems of under-development, under-employment and poverty. As the report notes, against the background of extreme poverty, some saw the schools as no worse than anything else and as offering children at least adequate food, clothing and housing.

Children's allowances were introduced only in 1944 and only in respect of the third child and subsequent children. The report notes that the decline in numbers committed to the schools coincided with that development. It also notes that the Adoption Act passed in 1952 and the general improvement in the economic situation from the late 1950s, accelerating in the 1960s,

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brought about a significant reduction in the numbers committed to schools. In this respect, the industrial schools formed part of a wider pattern.

Writing about the persistence of large mental hospitals in Ireland, the late Dr. Joseph Robins, who also wrote one of the first detailed accounts of the history of residential institutions for children and played a leading role in creating the modern child care system, wrote: "Institutionalisation both under the British administration and until recent times under native government was regarded by the authorities as the most economic and controllable way of dealing with social problems". It is small wonder then that our society produced generations of what Dr. Robins rightly called "the lost children".

The desperate economic and social conditions of many in Ireland were not in any sense an excuse for the conditions experienced by those who were committed to industrial schools. The report contains a devastating critique of the failure of the State, in particular through the Department of Education, to discharge its responsibilities in ways which would have protected children. The disregard for its own rules; the absence of any effective inspection system; the disregard of such problems as the limited inspection system revealed and of complaints from parents and others; the resistance to the growing volume of criticism and unease, including from other Departments and members of the Judiciary; the failure to act on the recommendations of a comprehensive review from an independent commission established by the Department in the 1930s at a time when the industrial school model was being replaced in the neighbouring jurisdiction; and the failure to exercise any proactive policy-making or standard setting role make for an overwhelming indictment of failure of responsibility.

The report attributes this to a deferential and submissive attitude of the Department of Education towards the congregations concerned which compromised its ability to carry out its statutory duty. This is undoubtedly a very significant part of the story. However, the evidence assembled in the report suggests that the Department shared, at least in the earlier years, much of the prejudice against the residents of industrial schools displayed by the general population. It is also clear the Department feared that interference in the school system could lead to the closure of the schools and a much greater financial liability for the State. In this, as in the behaviour of the religious congregations concerned, maintenance of the institutional system overshadowed other considerations, including the safety and not just the best interests of the children. Furthermore, the evidence in the report about conditions in Marlborough House Place of Detention, which was under the control and direct management of the Department, shows that the failings were not solely based on the involvement of the religious orders.

There is little for our comfort in this House on reading the Ryan report in recognising how seldom the industrial school system and the needs of children in the care of the State were raised here. Even then, the discussion was generally about specific issues rather than the adequacy of policy and provision. As for the religious congregations concerned, the report calls on them to examine how their ideals came to be debased by systemic abuse. It states: "they must ask themselves how they came to tolerate breaches of their own rules, and when sexual and physical abuse was discovered, how they responded to it, and to those who perpetrated it and more generally, how the interests of the institutions and the Congregations came to be placed ahead of those of the children who were in their care". An initial attempt at such understanding is reflected in a submission from the Rosminian Order published by the commission and referred to approvingly in the report. It is necessary that the other congregations undertake a similar review since, in this as in all things, only the truth provides a basis for living with integrity.

Confronted with this appalling story, the report naturally makes a wide range of recommendations. Some aim at alleviating or otherwise addressing the effects of the abuse on the

people who suffered. These include that a memorial to the victims should be erected with the words of the apology made by my predecessor in May 1999 inscribed on it. Also, counselling services should continue to be provided to ex-residents and their families, family tracing services should be continued and the lessons of the past must be learned by the State and by the congregations.

The second set of recommendations is aimed at preventing, where possible, and reducing the incidence of abuse of children in institutions, and protecting children from such abuse. Briefly, these recommendations are that the overall policy and practice of child care should respect the rights and dignity of children and have as its primary focus their safe care and welfare.

In pursuit of this, national child care policy should be clearly articulated and reviewed on a regular basis and a method of evaluating the extent to which services meet the aims and objectives of the national child care policy should be devised. Rules and regulations must be enforced, breaches reported and sanctions applied. Services for children should be subject to regular inspections and these inspections should meet a specific set of requirements. Children in care should be able to communicate concerns without fear and should have a consistent care figure. They should not, save in exceptional circumstances, be cut off from their families and full personal records of children in care must be maintained. Finally, “Children First: National Guidelines for the Protection and Welfare of Children”, should be uniformly and consistently implemented throughout the State in dealing with allegations of abuse.

The report has been published and its findings, conclusions and recommendations are known. It is proper that I should put on the record of this House the actions the Government has taken so far in response to it. In doing so, I want to make it clear at the outset that the Government’s priority will continue to be the needs of the survivors, and that we will continue to engage with them in meeting those needs and in implementing the recommendations of the report that relate to them.

As the House will be aware, the Government held a special meeting on 26 May last to discuss the report. I issued a statement afterwards which reiterated our apology, on behalf of the Government, the State and all our citizens, to the victims of childhood abuse for the failure to intervene, to detect their pain or to come to their rescue. The statement made clear that the Government accepts all of the recommendations of the commission and is committed to their implementation, and that the Minister of State with responsibility for children and youth affairs will develop an implementation plan for them that he will bring to the Government for its approval by the end of July.

The following day this House passed a unanimous motion which among other things called on the congregations to commit to making further substantial contributions by way of reparation, in the context of discussion with the State, including to a trust to be set up and managed by the State for the support of victims and for other education and welfare purposes.

Last week, the Ministers for Education and Science, Health and Children, and Justice, Equality and Law Reform, the Minister of State with responsibility for children and youth affairs, and I, met representatives of the survivors’ groups and representatives of the religious congregations, and I issued a statement after each of those meetings.

The purpose of our meeting with the survivors’ representatives was to begin the process of discussion of the issues arising from the report of the commission. I told the representatives that I was very glad to have the opportunity, with my colleagues, to meet with them to convey directly and personally our sincere apology, on behalf of the Government, the State, and all of our citizens, for the failure to intervene, to detect their pain or to come to their rescue. I went on to tell the representatives that the needs of the survivors of abuse are the Government’s

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priority at this time and that we are committed to addressing these needs, and, indeed, other issues arising from the report, in consultation with representatives of the survivors.

I also stressed that those who perpetrated crimes against survivors, no matter how long ago, must be made amenable to the law so that they can be held to account for such crimes. The House will be aware that an Assistant Garda Commissioner has been tasked with examining the totality of the commission report and that criminal investigations are continuing in respect of a significant number of people.

I am aware that many survivors are very concerned at having what they see as a criminal record. At the meeting I made the point that, in fact, as a result of legislation passed some years ago, there is absolutely no ambiguity or doubt that those committed to industrial schools do not have a criminal record on that account. There was, in reality, no criminal record in any event for those who were committed to industrial schools, although the process of committal gave the appearance of criminal proceedings. However, it is now the law of the land, beyond any doubt, that no criminal record exists in such cases, nor in the case of those who were convicted and committed to a reformatory, on the basis that they did not reoffend within three years. The Government is very open to considering ways in which this legal reality can be brought out more fully to the benefit of survivors, their families and the wider community. Liaison with the survivor groups will continue and there will be further meetings with members of the Government.

The same Ministers and I also met representatives of the 18 religious congregations on Thursday last. At the outset, I told the congregations that the Government had accepted that the failings of the State had clearly contributed to the conditions in which the pain and suffering experienced by thousands of children in ways documented in the report of the commission came about and went undetected.

However, I went on to express the dismay and abhorrence which, with the whole of the population, the Government experienced on reading the report and the catalogue of suffering, deprivation and abuse which was the lot of so many children committed to institutions under the care of the religious congregations. I recognised that there was a variation in the extent to which the congregations at the meeting are covered by the report's conclusions, and also that those now in leadership positions in the congregations, like us in Government, are faced with the consequences of actions and failings of those who have gone before them in earlier generations. However, I pointed out that some of the severest conclusions of the commission regarding religious congregations related to recent attitudes and behaviour.

I made clear that the systemic nature of the findings and the sheer scale of the suffering endured by children and the grievous abuse of so many of them while in the care of the congregations meant that there is a moral responsibility to be faced. I conveyed to the congregations' representatives directly the view of the Government that further substantial contributions are required by way of reparation. Furthermore, I said that the contributions need to be capable of being assessed by the public for their significance by reference to the full resources available to the congregations and in a context of the costs of well over €1 billion being incurred by the State. I reminded the representatives that the Government's call on the congregations had been made also by Dáil Éireann in a display of unanimity through a motion passed without a vote, and I pointed to the moral force of such a call from the representatives of the people. I emphasised that the congregations' response to the Government and the public as a whole should be clear and unequivocal.

At the meeting, and again in a press release they issued afterwards, the congregations indicated that they were willing to make financial and other contributions towards a broad range

of measures designed to alleviate the hurt caused to people who were abused in their care. Also, each congregation is fully committed to identifying its resources, both financial and other, within a transparent process.

It was agreed at the meeting that the congregations would meet with the other Ministers and myself again shortly, where I expect them to outline to us the nature of the process by which their further contributions by way of reparation to the victims will be made. That process needs to be robust and transparent so that their response to all that has been revealed in the commission's report meets the expectations of a public that is demanding a definitive, strong, clear, expeditious and sincere demonstration of the congregations commitment in this regard. The extent to which this is achieved will be assessed by the Government and we will consider what steps, if any, are necessary to ensure public confidence in the adequacy of any response.

The Ryan commission report has shone a powerful light into probably the darkest corner of the history of the State. What it has revealed must be a source of the deepest shame to all of us. Children in the care of the State, and in our care, were physically, emotionally and, in many cases, sexually abused, and the State and its systems failed to hear their cries or come to their aid.

The redress board was set up to enable survivors to be compensated without having to go through the courts. The commission has reported with a clear and measured account of the suffering of children in our institutions, and with specific recommendations aimed at two objectives, namely to alleviate the effects of abuse on the people who suffered and to protect children in care from abuse.

The Government will work with the representatives of survivors to implement the recommendations relating to them. It will also have before it by the end of July a plan for implementing all of the report's recommendations. While it is clear that putting all of the report's recommendations into effect will take time it is equally clear, given the abuse of children recounted in the commission's report, and the scale of it, that we must make implementing that plan, when approved, a major priority.

It is not only the Government that must reflect and act on the commission's report. The religious congregations face an important moral responsibility, which the Government and this House have made clear to them, to make further substantial contributions by way of reparation. It seems clear that how they meet that responsibility will deeply influence how the Irish people judge finally the extent to which the congregations live up to the values of their founders. Everyone, including the general public, must reflect on what the report has stated about how vulnerable children were treated and resolve that, from this shame and evil, we will make Ireland a model of how to treat children.

Deputy Enda Kenny: I regret the inadequacy of the words that I will use to deal with the Ryan commission report. I cannot speak with the conviction, truth of recollection or vividness of the nightmare through which so many young children went to grow into adulthood. Nor can I speak with the power of the emotion to which I listened yesterday and in recent weeks. All I can do is speak as a citizen, the leader of my party and the father of a young family and try to imagine what those young boys and girls went through in the torture of their minds, given the extent of emotional, physical and sexual abuse. Ireland cries silently with those survivors.

The report shames us as a State and as a society. The Legislature must deal with the consequences of the horrors of the past and set down what we can do to deal with the future. I thank the Chief Whip for accepting a number of amendments to the motion, as they will add to the strength of the Government's hand when dealing with the religious institutions and congregations. This is a difficult time for people who stood on the street outside Leinster House

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yesterday and who have lived with torture in their minds since childhood. It is also a difficult time for the many men and women who have carried out and are carrying out their religious vocations in a proper and fitting manner. They must put up with the situation while following their vocations as expected.

Through the decades, the mantra was that children should be cherished equally. As we now know, the State was ignoring the neglect and abuse of the most vulnerable of our children. This was not cherishing them or Christian compassion. It was a failure to care. We stand complicit in the criminalisation of little children as a consequence of their poverty, but that is just the beginning. The State was responsible for the destruction of life. It was responsible for the destruction of that most precious formative gift, namely, childhood.

As a country, we are haunted by the Great Famine. We wonder at the inhumanity shown to the starving a century and a half ago. We should all be haunted by what Mr. Justice Ryan has disclosed, that is, a great famine of compassion, a plague of deliberate, relentless cruelty. We stand shamed and we should not excuse ourselves from it. Edmund Burke stated that all it takes for evil to flourish is for good men to stay silent. Generation after generation of good people knew enough about these institutions to raise questions, make themselves unpopular and rescue children, but our society stayed silent. Therein lies a crucial lesson. None of us can ever outsource human concern or compassion. None of us can ever ignore evidence of societal failure. None of us should ever hand over our responsibility for the unprotected to an agency or congregation and wash our hands of it.

This applies to politicians in particular. Every side of the House should remember that we are the voice of the voiceless and the defenders of the defenceless. We must relentlessly question. We must have and demonstrate a passion for justice and a bottomless well of anger against injustice. Above all, as the Taoiseach pointed out, we must listen. It should not have taken television producers and a State inquiry to give the victims of institutional abuse permission to tell their stories, to come forward and to be heard. Each and every story told and heard only now, decades after the horrors, fills us with shame. The pictures, emotions and reality are vivid in all of their memories. They have lived with them everyday and every night through the years.

In one incident, one Brother Percival ordered a little boy wearing callipers on his legs out of his class for talking. The little boy tried to obey the brother's orders, but was beaten in the face as he stumbled to his feet. When he fell, did the man committed to a religious life repent his actions and help? No. Instead, we have been told that the brother jumped on the boy "like he was a bag of potatoes". Yesterday, I spoke with a man outside Leinster House who stole an apple on Moore Street when he was nine years of age. He was sent to Upton and was beaten and raped repeatedly for six years. We should talk to him and try to understand from where he is coming. Such stories are repeated endlessly in the Ryan report.

However, it was not all violence. Sometimes, it was psychological. A little boy in Letterfrack had his head shaved and was sent to Coventry for a period that was to end when his hair grew back. The child was isolated from his friends and companions, the only human contacts he could trust. This situation lasted until his hair grew back. The simplicity of his account of waiting to be let back into the human race is heartbreaking. He stated: "I do not know how long it was, but it felt like an awful long time." I am sure that it did. As one who taught and is a parent, I know, as do most Deputies, that children have an unformed notion of time. Any postponement is painful. Tomorrow seems forever away. The brother who shaved the child's head and isolated him until the hair was long enough to "justify" returning to his group had a sophisticated understanding of how to deprive, damage, diminish and degrade.

Another witness told the story of a brother who, believing he was being laughed at, threw a child around the classroom. The child hit the desks and the floor. He remembers that the commotion of boys screaming brought another brother into the room. That brother pulled the violent man off the boy who, at that point, was unconscious from the beating he had received. To this day, that abused child, now grown into a man, believes that he would have died at the hands of the religious had the second man not intervened. These are the grown man's words:

I know to God that if it had not been for him coming in, I do not think I would be here today, in all honesty. When you seen this man when he lost his temper he was like a wolf. His jaws literally went out and he bared his teeth and he just lashed at me. I was running trying to get away from him. He hit me, it did not matter where, legs, back, head, anywhere. During that I must have passed out because when I came around there was water running on my head and I thought I was drowning. I drew back and I cracked my head on the nozzle of the tap so I had blood coming down, I had tears, I was soaking wet. He was not finished then. He threw me on the ground and he said "you will walk that floor for the rest of the night". The watchman did not come that night. Nobody came and I walked that passage until 6.30 in the morning. I was so terrified of going to bed that he might come back and beat me again. I walked the whole night, I swear to God.

Any of us looking at our own children can only imagine the turmoil, trauma and terror suffered in that child's head. Just imagine it.

Some of us, growing up, read Charles Kingsley's accounts of what the Victorians did to the poorest of their children. Some of us read the Brontës' accounts of what the powers that be did to orphans. We were horrified. It gave people bad dreams, but it was fiction. It had not really happened and certainly not in Ireland. Now we know different.

Now we know, courtesy of the Ryan report, that within living memory and within our own country, we visited comparable horrors on our children. Let us not hide behind euphemisms. This was not just a failure to protect. This was torture, pure and simple. That is why justice must be done and must be seen to be done. The State and the religious congregations must make atonement for the crimes they committed and the 2002 deal, as we now know, goes nowhere near that.

This is about money in part, but it not all about money. We became a black spot for decades of institutional and State child abuse. We now must become a leader in reconciliation and reparation. We must get the best expert advice to help adult victims of child abuse to achieve wholeness. We must set up a body, independent of church and Government, and trust it will work with and support organisations and individuals to develop the best response to this tragedy.

The victims have to be central to all of that. They were on the street yesterday. Their lives have been impacted by all of this. We have to try to get this right. There is no solution to happily end the horrors of the past. That is clear, but it does not absolve us. We must demand a response that draws together all the generosity, sensitivity and compassion that should have been shown to survivors when they were children.

We must move to abolish the culture of secrecy and denial still to be found in some aspects of child care services. That culture means that some reports on child welfare issues have to be published and implemented in full. That is why I say we will be judged by our actions. We must ensure those who should be before the courts are brought before them and the law of the land is applied.

We must implement in full the recommendations of the Ryan report. We must implement in full the recommendations of the national review of the compliance with children first, the

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national guidelines for the protection and welfare of children. We must implement the published recommendations of the Monageer report, the report of the joint committee on child protection and the first interim report of the joint committee on the constitutional amendment on children. Others will deal in greater detail with these requirements.

The corpus of legislation passed during any Dáil term is an aspect of national record-keeping. It is part of the first draft of history. However, the stories told in passion and pain by individuals are, ultimately, what matters. The media is frequently criticised by politicians on all sides, but in this instance we must give credit where credit is due, because the media, along with the survivors, brought about the pivotal role in allowing survivors' stories to be told and heard. Television, print, radio and the media in general did the State and the survivors a real service.

We cannot re-write those stories, nor can we write a happy ending to them. However, it is our clear and inescapable duty to reach out, to rescue, to listen, to learn and to create something out of this catalogue of cruelty in which, we, as a nation, we can take some pride. Ireland cries silently with these victims. I hope their tears will free the machinery of Government to set in place what needs to be done to deal with the horror stories of the past and set in place foundations that will ensure this never happens again to the children of the future.

I wish to share the rest of my time with Deputy Brian Hayes.

Deputy Brian Hayes: It is very important that we are debating a motion which has been agreed unanimously by both sides of the House. I pay tribute to Deputy Shatter and others who have worked with the Government to bring about such a motion. It is the appropriate response to this particular issue, that is, the publication of the Ryan report.

Twice in the past 15 months Mr. Justice Ryan asked Dáil Éireann to extend the period of time required so that the report could be published. On both occasions I made the point that after many years, it was crucial that this report be concluded as soon as possible. Now, ten years after the "States of Fear" documentary and 11 years after former Taoiseach Deputy Bertie Ahern's apology, we finally have the report.

During those 11 years, many victims of abuse have died. They went to an early grave never seeing or hearing the report we have today, a report which finally recognises in public the appalling suffering that was inflicted on our citizens. The fundamental responsibility of all of us now is to dedicate everything we do towards the memory of those who died and towards those who still live with the scars of abuse today. While we cannot change the past, this report must bring about a new approach to the issue of child safety and above all else, bring about fairer and more equitable treatment for those who have survived.

Nothing can prepare one for the horror that lies within the 2,500 pages of the Ryan report. It is an horrific and terrifying account of the shattered lives of a generation of Irish children. It is a catalogue of the most inhuman and barbaric of atrocities perpetrated against some of the most vulnerable of our people.

In my role as our party spokesperson on education, I spend a lot of time visiting schools up and down this country. One of the real achievements in the Irish education system today is the genuinely loving and child-centred atmosphere we have established over recent years in our schools. Much of that has been brought about by a new approach to teaching and by dedicated teaching professionals who are genuinely serious about providing a loving atmosphere.

Schools are, in the main, focussed on the welfare of children as their core mission statement and function. For a small minority of children today, they often find more love in school than they do at home. Our attitude towards children has changed for the better and we should never romanticise about an era when corporal punishment was the order of the day. However,

substantial gaps within the system still remain and we should never smugly believe that all is well and that the abuse of the past can never be revisited. This report should act as a wake up call for how the State today treats all its children in all forms of care.

I raise the issue of the modern school to highlight the degree to which our standard and view of children has changed. A full and final settlement of this entire issue must also properly involve the victims of abuse who attended day schools in the past. To date, their voice has not been heard and their rights have not been vindicated. A new way must be found to properly address the hurt and abuse suffered by this group of children at that time.

Mr. Justice O'Neill made a recent High Court ruling on the issue of persons who were over 18 and under 21 years of age, but still in the care of the State by virtue of the fact that they remained in the institutions. It is also only fair that an arrangement is found to address that group of people who suffered abuse at the time. Why does the State continue to appeal the decision of Mr Justice O'Neill and, in effect, deny justice to that small group of mainly young women who had unwanted pregnancies at the time, while claiming that it wants closure and justice for all victims of institutional abuse? Does the Minister for Education and Science intend to withdraw his appeal, as is his right under the rules of the Supreme Court, in the wake of the publication of the Ryan report? In the same way as those who attended day schools, that group of people must also be heard. To date, their voice has been ignored.

The vast number of people who marched in solidarity with the victims of abuse yesterday is testament to the level of public shock, compassion and sorrow which this report has evoked in this State. In the publication of the Ryan report we firmly acknowledge the vindication of the claims of the children whose voices were not heard, we accept the many wrongdoings that compounded their torment and we look to the future to ensure no child ever has his or her life ruined in the same way those children's lives were ruined.

The details of abuse outlined in the report are stomach churning. The evil, sadistic and perverse acts of inhumanity which those children had to endure are unimaginable to a younger generation. We cannot pretend we understand the hurt of the survivors and the anguish they continue to bear. Those children, now adults, were stripped of every fundamental right and expectation to which a person is entitled in life. They were robbed of their identify, beaten to unconsciousness, starved, enslaved, physically, mentally, emotionally and sexually abused and tossed aside on the scrap heap of life by those who were supposed to care. Separated from their families, told their parents were dead, ridiculed, publicly humiliated and called every derogatory name under the sun, those children were treated with zero compassion and respect. Their lives were destroyed. We must not gloss over the report — no matter how unpalatable its contents and findings. To read of a child thrown over a banister of a long stairs because she innocently ate a sweet before holy communion, of another dressed only in underwear, sprayed down with a fire hose outside during the middle of winter while there was snow on the ground, and of another little boy forced to eat his own excrement because he had soiled himself is more than any person can bear.

No apology, compensation nor amount of counselling will ever reverse the systemic and unmerciful abuse suffered by people in the institutions investigated by this report. But for those who are recovering, we must do what we can to ease their suffering. For some, it is too late — they could not cope with the nightmare that life dealt them. Before addressing the lessons that must be learnt from the report, it is only right that we first address the issue of culpability and responsibility. The religious orders that ran the institutions are responsible for the barbaric treatment meted out to the children, but the State had a wider responsibility to which it ultimately failed to live up. Successive Governments of various political complexions also failed children in that time. That the children who were abused were both unwilling and unable to

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disclose the abuse is testament to the level of power, influence and corruption of those who hurt them. The lack of skill and training on the part of the staff and professional groups who were in contact with the abuse and failed to act to save the children involved, shows the failure on the part of the State to meet its constitutional responsibility to protect those children. That those who knew or suspected that abuse was taking place chose to ignore the information or failed to pass it on to the relevant authorities demonstrates that those children were failed by many more in their lives.

The Department of Education's failures are well documented. The "deferential and submissive attitude" it showed towards the religious congregations, the sheer neglect, ineffective inspection regime and lack of interest in protecting the welfare of the children in those institutions was appalling. In effect, no one wanted to know and no one cared. Those children became the forgotten children. The Government has apologised on behalf of the State. I welcome the fact that the Taoiseach referred to that once again today. The Minister for Education and Science should also apologise on behalf of his Department. He is not personally responsible but the attitude shown by the Department, especially in respect of the original Laffoy commission, was an absolute disgrace. At times, it appeared the Department was intent on impeding the work of the commission during the earlier part of the investigation. Had others lived up to their responsibilities in those few years we would have had this report much earlier than now. Others need to consider that.

The contribution the congregations have made in terms of the level of remorse expressed, the acceptance of responsibility and the monetary compensation paid to victims, simply does not measure up. If the congregations intend to play a significant role in the future of this country they must address this gaping wound in their history. It is not enough to acknowledge and apologise for the abuse those children experienced. If we are to learn from this dark period in our history, we must root out all inequalities in our society and do more to protect the weakest and most vulnerable. I would like to think this is an horrific example of a past Ireland, a time when reckless action and ignorance was the order of the day and children were not protected as they should be. I am fearful that history will be repeated if we continue as we have done and fail to learn from our past experience. The innocence of yet another generation of Irish children is exposed to the threat of irreversible damage and we are standing by while that is allowed to happen. We have seen many examples of where child protection guidelines have fallen short of implementation — the McElwee report is a clear case where State agencies failed to act appropriately. My colleague, Deputy Shatter, will provide many examples of where we are failing in terms of our child protection responsibilities in a broader context.

I wish to take a brief look at child protection in a school setting, the place where our children spend the majority of their time each week. I have no doubt the majority of people who come into contact with children in schools, whether they are teachers or ancillary staff, are the best of people with the best of intentions. However, as a parent, when my children go to school, I want to be sure that anyone in contact with them has been properly vetted and checked out by the authorities. The reality is that very little has been done in that regard. The most recent figures from the Teaching Council suggest that, to date, less than 15,000 out of more than 55,000 teachers have been vetted. Retrospective vetting of anyone who qualified prior to 2006 has not begun and the level of resources available to the Garda vetting unit means that is unlikely to happen in the near future. Aside from teachers, it is the responsibility of individual schools to vet ancillary staff. It is difficult to comprehend how boards of management are expected to carry out that function.

The Minister, Deputy Batt O'Keeffe, gave the impression that legislation to introduce a statutory scheme for vetting is on its way. When one examines the latest legislative agenda,

one finds that is far from the case. The heads of the childcare (collection and exchange of information) Bill have yet to be approved by Government. I wish to know when it will be published and brought to the House. The Minister needs to provide assurance to the House on that Bill today.

Schools are not being given the support they need to identify and report instances of child abuse. If we are to take seriously the lessons of the Ryan report, we must address those inadequacies in the system. I recognise that resources are limited but surely one cannot place a price on the protection of an innocent child. Like many in this House, I criticised the indemnity deal that was negotiated between the religious congregations and the Department of Education and Science in 2002. That agreement was not only reckless, but was, on the part of the State, an abdication of responsibility and another example of the deferential and dated relationship that existed between church and State.

12 o'clock
Since the report was published, there is a recognition that the entire agreement must now be revisited. The overall cost of the inquiry and the compensation provided was based on false information that was known to some or all of the parties at the time of the agreement. A raft of legal challenges and a failure to co-operate with the original Laffoy Commission meant that this report and the rights of victims were postponed for over ten years. Those who were party to the agreement did not show good faith and their actions prolonged the process, exposing the taxpayer to a liability of €1 billion.

In the discussions between Government and the congregations I believe we have a responsibility to bring these issues to a conclusion soon. No one should attempt to drag them out. We do not have time to endlessly engage in discussions before some new agreement is reached. Time is of the essence. I encourage the Government to bring all of these matters on the specific deal and a new package of funding for the victims to a conclusion at the earliest possible time.

Deputy Eamon Gilmore: I wish to share time with Deputy Quinn.

Acting Chairman (Deputy Kathleen Lynch): Is that agreed? Agreed.

Deputy Eamon Gilmore: The publication of the Ryan report three weeks ago will, I hope, prove to be a watershed in Irish society. The five volumes of the report contain the personal testimonies of the shocking experiences of 1,090 men and women who were subjected to physical, sexual and emotional abuse, neglect and wanton cruelty in 216 schools and institutions.

We had all been made aware, through the vivid accounts of individual victims, that serious abuses had taken place but the full extent of that abuse was revealed for the first time in the Ryan report. It is fair to say that the sordid saga of the systematic abuse and neglect of children who were handed over by the State into the custody of religious institutions shocked Irish society to its very core.

This is not something we can dismiss as simply an unfortunate relic of earlier decades. Anyone who has met any of the individuals who suffered in these institutions, the survivor groups or who stood, as I did, and listened to speeches and watched the reaction of those in the crowd in Molesworth Street yesterday, will understand that the abuses carried out in these institutions have left a terrible legacy of pain and suffering. Our society at all levels, but primarily the Government and the Dáil, must look at the way in which the damage, the pain, the injustice inflicted on our children can be fully addressed.

The Labour Party considers this motion to be the first in a series of steps that must be taken. We accept that a collective expression of regret and apology for the failures of the State is an appropriate first step. We have, therefore, approached the motion before us in a non-partisan way and accepted a rather minimalist approach in order to secure all-party agreement. There

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is, however, much more than could be included and the Labour Party hopes to deal with some of these issues by way of motions or a Private Members' Bill in the near future.

One of the founding principles of the Irish Republic was to cherish the children of the nation equally. The report of the Commission to Inquire into Child Abuse is damning evidence of the terrible consequences that flow from a failure to adhere to that principle. The systemic abuse, neglect and cruelty perpetrated against generations of children in church-run State institutions is a stain on the conscience of our nation. The sexual, physical and emotional abuse of children was not, as some have tried, and continue to try, to explain away as the isolated actions of some abusive individuals. As the Ryan report so clearly demonstrates, abuse was the culture of these institutions, not the exception.

Some people argue that we should not judge an earlier generation by the standards of the present day. It is said that those were harsher, poorer times and what is unacceptable now was commonplace then. I reject the urge to explain away the crimes committed against children in our country as if they were in some way normal and unexceptionable. The State could at every stage have done better and should have done better. At a time when the League of Nations was declaring that men and women of all nations "recognise that mankind owes to the child the best that it has to give", the new Irish State looked the other way.

Using an already outdated Act inherited from the British, the State kept in place the simplest and cheapest arrangements for dealing with children in poverty or distress. They were kept in place for the simplest and cheapest arguments, namely, that what is out of sight is out of mind; that what cannot be cured must be endured because, it was claimed, we could afford nothing better. We institutionalised, through court orders, a huge cohort of young children. Their future care was placed in the hands of men and women, many of whom were wholly incompetent to the task and some of whom were entirely unsuited.

It is easy, at this remove, to revise our history and to reattribute blame. It would be extremely easy to seek out a small number of vindictive, abusive paedophiles and to put the blame for all the damage that was done at their doors but we know this is not true. Yes, the religious congregations must bear a significant burden of responsibility. They were in charge of these institutions and the welfare of their inmates. They handed on a culture of severe corporal punishment from generation to generation of nuns and brothers who worked there. Senior members oversaw the movement of known, predatory paedophiles from one institution to another, protection which allowed them to sexually abuse children for years and even decades.

We know also that these children were sent to institutions by the courts of law. We know that injured children, with unexplained injuries, were sent from institutions to be treated in our hospitals and returned to the very same institutions. We know that our Government and its Ministers presided over a completely inadequate system of inspection for these institutions, institutions that were paid for and maintained by the State on behalf of everyone in this country. A blind eye was turned by all institutions of authority and by society at large. Again and again, the needs of the religious congregations which ran these institutions were put before the needs of the vulnerable children in their care, and not just by the congregations themselves.

That deference to authority and the silence it engendered cost tens of thousands of children their childhoods and, for many, their chance to live a full and healthy life as adults. Mr. Justice Ryan spelled this out in his report when he described how what he called the "deferential and submissive attitude" of the Department of Education towards the religious congregations "compromised its ability to carry out its statutory duty of inspection and monitoring of the schools."

The court of history will judge Ireland for abandoning its most vulnerable citizens and failing to question the authority of those who failed in their duty of care. However, while the majority may in the past have been able to hide behind the defence that the extent of the suffering behind the walls of industrial schools, orphanages and laundries was not known, we have no such defence today. The full horror — the systematic terror and abuse — that characterised the regimes in these religious-run, State institutions, is now there for all to see. We have a duty to make amends to their survivors. We can start by implementing, in full, the recommendations of the Ryan report but there are other outstanding issues of concern to the victims that must be addressed.

The Minister for Education and Science must amend the Redress Act to allow for late applications to the redress board. Many victims of institutional abuse are living abroad, in particular in Britain, and were not aware of the existence of the board or their eligibility to apply to it. They must not be failed a second time. We must look again at some of institutions that were excluded from the remit of the redress board, including the Magdalene Laundries and other smaller institutions. The victims' concerns that incarceration in these institutions could be regarded as leaving them with some sort of criminal records must be addressed. Those who were committed to these institutions were entirely innocent children and that must be publicly and unequivocally acknowledged by the State. Provision in law should be made for the erasure of such committals from the records of affected individuals, similar to the proposed erasure of spent convictions.

We must look again at the confidentiality obligation imposed on those who appeared before the redress board, which prevents them from repeating in public anything of the evidence they gave to the board.

Deputies: Hear, hear.

Deputy Eamon Gilmore: There must be no destruction of any of the documents in the possession of the Ryan commission——

Deputy Ruairí Quinn: Hear, hear.

Deputy Eamon Gilmore: ——that details the horrific personal experiences of the victims. A mechanism must be found to allow the material to be preserved as a reminder of the suffering of these children; the cruelty of the regime they were subjected to and the failure of the state to protect them. All of the documents relating to the negotiation of the 2002 indemnity deal must be put into the public domain.

Deputies: Hear, hear.

Deputy Eamon Gilmore: Finally, the Government must pursue the religious congregations for a proportionate response to their role in the abuse of children in the institutions they ran. The contrition expressed by the 18 congregations concerned is too little, too late. Furthermore, their self-preserving actions have undermined their apologetic words at every turn. Right up to the publication of the Ryan report, some senior clerics in the orders were denying in letters to the commission the extent of the abuse. When it came to negotiating a deal with Deputy Bertie Ahern's Government in 2002, they knew what had occurred in the institutions but they still fought to minimise their contribution to a mere £100 million. We now know this represented less than one tenth of the ultimate cost of redress for the victims. It is simply not credible that all of the orders which negotiated this deal were unaware of the scale of abuse that had happened under their watch.

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Let the contrition of the orders involved be proven by their actions in the face of the overwhelming evidence set out in the Ryan report. They must be liable for half the financial burden of redress for the victims. A new fund dedicated to the ongoing needs of survivors of institutional abuse should be administered and provided entirely separately from the religious orders which finance it. I do not believe that we can ever make full restitution to the survivors and their families. No sum of money can ever adequately compensate them for what was done. We cannot give them back their stolen childhoods but we can honour their bravery and their legacy by ensuring that we will never again be silent about the needs of vulnerable children and we will never again abandon them.

The present generation needs to change the mindset that permitted this scandal to happen. That mindset accepted poverty, disadvantage, poor health, inadequate housing and the warehousing of surplus children as part of what we were. It was prepared to tolerate glaring, persistent and institutionalised inequality because we were taught to believe there was no alternative. We were told for generations that we were a poor country with little or no natural resources and which had been oppressed and victimised throughout its history. The idea that we could mount a comprehensive assault on poverty and disadvantage or provide State funded welfare for our children was a utopian ambition which had no place in the daily reality of Irish public life. The best the poor, the marginalised and people with disabilities could hope for was good will, good works and the voluntary dedication of a few, backed up by the coppers we put into the collection tins. It was a world where symptoms might be relieved while their causes went untreated. Crying needs were met, if at all, as a matter of grace and favour rather than as of right. There was sporadic and inadequate benevolence rather than a coherent and systematic effort to face up to the demands of basic justice.

It was never right to see ourselves that way but there is no justification for it now. Nor is there justification for a Government that continues to foster a culture of servility and patronage. That is the light in which we ought to review our country's claim to be a true republic with true republican notions of shared citizenship and the shared rights of all our citizens.

One could argue that in a perverse way our State was always equal in its approach to our children. Essentially, the State left it to others — parents, guardians and the religious — to get on with the task of caring for them. In other words, it was equal in its treatment of children by being equally oblivious to the needs of any child who could not be supported by his or her own parents. The story set out in the Ryan report has nothing to do with the well off. It has nothing to do with the future of children whose parents had a place in society. It has everything to do with how we treat people on the margins.

There are two basic reasons why we ended up with such a flawed system of caring for those on the margins. First, we believed in those days that the State simply could not afford to engage with ambition in improving the welfare of its citizens who were most in need. Second, we were told that the State did not have the moral or philosophical claim to engage in such a project because that was the job of the church.

We are less likely now to accept the claims of the Catholic church to an exclusive right to make provision in areas of health, education and welfare, just as the church is far less likely to make these claims. However, we have not yet fully come to terms with the demands we impose when we insist that the State itself must make provision for people in need. It is easy enough to claim we have improved the situation by closing down the industrial schools and reformatories but what are we doing today to meet the needs of children at risk? Last May, one week after the Ryan report was published, the HSE issued its review of the adequacy of children and family services for 2007. That body has a statutory responsibility to promote the welfare

of children who are not receiving adequate care and protection. The review shows that social workers in the Cork North Lee office, for example, received 1,000 reports about children at risk. Of those 1,000 children, just 11 had received an initial assessment by a social worker.

In total, the HSE received 23,268 reports relating to child abuse, neglect or child welfare concerns in 2007 yet there was an initial assessment undertaken in respect of only 15,074 of them. Last year 21,000 reports of children at risk were made to health authorities but one third of these were not allocated to social workers. What is more, even when the HSE takes children into care, it cannot allocate a social worker to safeguard every one of them. While there are 5,529 children in care, just 4,623, or 84%, have been allocated social workers. The chief executive of the HSE, Professor Brendan Drumm, has stated that he has not been provided with the funding for sufficient social workers.

Ten days before the Ryan report came out, we received the report into the tragic deaths of the Dunne family in Monageer, County Wexford, or more accurately, we saw a heavily censored version. Huge sections of it were blacked out including, most extraordinary or all, some of the recommendations. How are we, as the national Parliament, expected to monitor implementation of the recommendations of the report when we do not even know what they are?

The final point I want to make concerns this country's culture of obedience. Whether it is obedience in a previous generation to the demands of the church or in the present day to the demands of the markets, we are always being told there are rules we must not question and that there are facts we must accept as given. One of these facts is that the vast bulk of primary and secondary education in this country is provided on a denominational basis. The State provides the greater part of the capital and current cost of recognised schools established by private bodies by paying the teachers' salaries, prescribing a curriculum and providing free transport to schools where necessary but the schools remain in private hands and are privately controlled. The same is true of many of the most significant assets that the State relies upon to deliver our public health services. There has been a progressive recognition on the part of the Catholic hierarchy of a new equilibrium between State and church in delivering public services. For example, the Irish Catholic Bishops Conference has suggested there is scope for a change of school patron in areas where there is no longer sufficient demand for a Catholic education.

However, the most important lesson the Ryan report teaches us is accountability and this must be at the heart of future reforms. No institution is above the law. Every institution must be examined, inspected and held to account for what it does. Where public money is involved, accountability must be delivered to public representatives on behalf of the people and, because we are now paying for them, we the people are entitled to reform our health, education and welfare systems to meet our current needs rather than the demands of those who founded them many years ago. We should begin by transferring the physical infrastructure of our publicly funded schools and hospitals into the ownership of the State. As suggested by my colleague Deputy Ruairí Quinn, this process should begin with the transfer to State ownership of the primary school network. Of the 3,200 primary schools in this State, fewer than 100 of them are actually owned by the State, with the remainder in the ownership of religious denominations, including many which are owned by the religious orders indicted in the Ryan report.

We all recognise that children are entitled to special care and assistance. Mr Justice Ryan has provided graphic proof of how badly this country let down its children. We owe him a great debt of gratitude for what he has done. In 1900, in a pamphlet called *The Coming Generation*, James Connolly challenged the Labour Party to achieve a country where "every child in our Irish soil will by the mere fact of its existence be an heir to, and partner in, all the country produces; will have the same right to an assured existence as the citizen has today to his

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citizenship". More than 100 years later, the 21st century must become the century that the Irish people hold true to and deliver on our obligations to all our children.

Deputy Ruairí Quinn: As we all do, I have limited time available to speak, and no words of mine or of anybody else in the House can undo the damage, harm or hurt caused to and which continues for those people. However, the actions that we take can make some redress to them, their children and their children's children. I appreciate the point made by the Taoiseach, which is contained in one of the recommendations, that we erect a monument containing the words of the apology that the Taoiseach uttered in May 1999 but I suggest we should go further. We should have a living monument dedicated to those people, some of whom are no longer with us, that contains their stories and memories and our records of abuse, both clerical and State, and inhuman treatment so that the walking wounded, emotionally and physically, who are the people who came to the gates of this assembly yesterday can be able to point to a permanent record of their hurt to explain in part to their children and to their children's children why they, with their stolen childhoods, could not live full lives as adults.

My next point is more substantial and I am delighted the Taoiseach is here with his colleague and friend, the Minister for Education and Science, Deputy Batt O'Keeffe, because I have a serious set of allegations to make against both of them. The problem with the Watergate controversy was that the burglary was wrong but the cover-up was worse. We have compounded our criticism of the religious orders and the church in this regard and we have let free the horrendous record of the Department of Education and Science that continues to the present day. We have castigated in financial terms the regulators for the failure to regulate the banks but the Department of Education and Science has got away scot free in many respects and continues to do so.

I put it to the Minister that there is a continuing culture of deferment and obedience to the Catholic church and its religious orders in the Department of Education and Science that has continually frustrated getting answers to simple questions of which I will provide three examples. It is for the Minister to refute this and he knows from my persistent questioning that it is not for the want of trying on my part to establish facts free of prejudice. On 26 February I asked the Minister for Education and Science "if he [would] enter into talks with an organisation (details supplied) [CORI], some of whose members, as teaching orders, are the legal owners of many of the primary schools". The answer I received was that he would not and that the information as to who owned what school of the 3,200 schools throughout the country was not readily available in an easily accessible format.

On 10 March I asked the Minister whether he would "identify by name, roll number, location and Roman Catholic diocese, each primary school in the ownership of a religious teaching order or a Roman Catholic bishop". The reply stated that there are in excess of 3,200 primary schools in the country and my net point centres on the following paragraph of the reply:

Information relating to school site ownership and property details would have been received by my Department over a long number of years and the legal documents relating to the interest of the State in buildings constructed on sites not in the ownership of the State are generally held on individual files as distinct from a central database. Accordingly, the information requested by the Deputy is not readily available in a format that is readily retrievable.

This is what is happening on Marlborough Street and the Minister may spend much time in Cork but I wish he would spend more time there. On 28 May in another question I named the

18 congregations, which the Taoiseach met this week. I will read the second part of the reply I received as time does not permit me to read it out in full but the records are there. It states:

These schools are privately owned and as such the information sought by the Deputy is not readily available in a format that is readily retrievable [The Minister does not even change the text]. The legal documents relating to the interest of the State in buildings constructed on sites not in the ownership of the State are generally held on individual files as distinct from a central database.

Either officials in the Department are members of secret societies such as the Knights of St. Columbanus and Opus Dei and have taken it upon themselves to protect the interests of these clerical orders at this point in time in this year of 2009 or, alternatively, the Minister is politically incompetent and incapable of managing the Department of Education and Science. He went from February to last week saying that the information was not readily available.

The Taoiseach met with the same religious orders. Imagine what he could have said; imagine what power the Taoiseach could have had if he could have said to the 18 orders that, for example the Christian Brothers have 97 schools, paid for mostly by taxpayers through voluntary contributions and grants, and that the Sisters of Mercy and other orders together have perhaps 300 or 400 schools — I am guessing because these guys refuse to tell me.

The legal ownership of those schools should be transferred without any contribution and in return the schools should continue for the time being under the existing patronship arrangements until such time as we democratically and collectively decide how best to do it. We are the only country in Europe — including countries such as Catholic Spain, Catholic Italy and Catholic Austria — where the primary school system is controlled by private organisations. If one thinks they are not private one should examine the court decision on Louise O’Keeffe and how the State was not responsible for the abuse she received from a primary school teacher, who was not a religious person, but that the responsibility lies with the boards of management of the private organisations.

We have to deal with this problem and this is the way we start. The Taoiseach has asked the orders to return in two weeks with an inventory of their assets. The man sitting beside him knows what they are and he is refusing to tell me, a Deputy of this House. I do not believe the Minister, Deputy O’Keeffe, is a bad man. I do not believe he is a Catholic right-wing secret obscurantist but many of the people working for him on a permanent salary — he will be gone in a couple of years — most certainly are or else they are incompetent, lazy and destructive. He can take his choice as to what the explanation is but I have given him the facts. He and his Department are concealing from us, the citizens of the Republic, information on the nature and ownership of schools. I am unable to go into it but one of the replies I received was simply a lie; it suggested that legal protocols were in existence that prevented schools from being sold off. That is not the case for the vast majority of those schools, many of which are in built up areas and were built prior to 1960 when such protocols came into existence.

Build the monument and make it a living lasting voice of what we did. This was not some era of colonial exploitation; this was not the Anglo-Saxon invasion of the country; this is what we did to ourselves for the reasons Deputy Gilmore stated. We should have not just a monument but a living museum and a permanent reminder that never again can it happen and an explanation for those who were affected and their families as to why they were the way they were.

To learn for the future we need to take these schools and our entire primary school infrastructure into public ownership. We are paying for them and funding them. We need to get the management controls that are necessary to bring us into line with every other European coun-

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try. The Government has a golden opportunity; the value of 500 schools at €2 million or €3 million each is close to €1 billion. It will go a long way in the eyes of the public towards saying that we are sorry for what happened and for our consistent denial and refusal to recognise our responsibility. It would ensure that whoever is Minister for Education and Science in the future has rational control of the infrastructure to get the best productivity from it.

The Minister, Deputy Batt O’Keeffe, has a serious responsibility to either manage that Department in a modern and effective way or to route out the obstruction that is manifestly evident in the consistent replies I have received from him in the past year.

Acting Chairman: I know the Deputy did not mean to use the word “lie”. I take it——

Deputy Ruairí Quinn: I withdraw the word “lie” and say “inadvertently misled the House”.

Deputy Caoimhghín Ó Caoláin: I wish to acknowledge at the outset the direct engagement of the Taoiseach’s office with me and others in the preparation of the motion before the House for debate today and tomorrow. An agreed all-party motion was the only way for this House to address this most serious of reports and the recommendations contained therein.

I want to begin by reading into the Dáil record the text of the petition presented yesterday by thousands of people who marched to Leinster House, victims and survivors of abuse, and members of the public who stood in solidarity with them. It states: “We the people of Ireland join in solidarity and call for Justice, Accountability, Restitution and Repatriation for the unimaginable crimes committed against the children of our country by religious orders in 216 and more Institutions”.

The Report of the Commission to Inquire into Child Abuse is probably the greatest ever indictment of the powerful and the privileged in church and State in Ireland. Religious orders, the Catholic Church hierarchy, successive Governments and the Department of Education stand indicted for the torture and murder of children and for conspiracy to pervert the course of justice. The crimes were compounded by the cover-ups, and it has taken the survivors many long and painful years to expose the truth and to achieve the recognition they deserve.

The lives of children were destroyed in institutions run mainly by Catholic religious orders. The crimes included general neglect, deprivation of adequate food and clothing, denial of the right to education, forced labour for the profit of the institutions, emotional and physical abuse, sexual assault and murder. The survivors were left with a lifelong legacy of physical and psychological damage that condemned many of them to early graves and that tortures the survivors to this day.

This was a regime of fear that ruled on the dark side of Irish society for most of the 20th century. Due to the courage of the survivors in speaking out, we have known for a long time of the horror of what went on in these institutions but the report of the commission gives, for the first time, a widespread view of the full extent of that regime based, as the report is, on the direct testimony of the victims.

The confidential committee of the commission heard evidence from 1,090 men and women who reported being abused as children in these institutions. Abuse was reported to the committee regarding 216 school and residential settings including industrial and reformatory schools, children’s homes, hospitals, national and secondary schools, day and residential special needs schools, foster care and a small number of other residential institutions, including laundries and hostels. A total of 791 witnesses reported abuse in industrial and reformatory schools and 259 witnesses reported abuse in a range of other institutions.

More than 90% of witnesses who spoke to the commission reported that they had been physically abused. They were beaten, kicked, flogged, scalded with hot water, held under water and burned. Many beatings were carried out in public in order to humiliate. Physical assaults were often carried out randomly and without pretext, creating a terror in children who never knew when they might be assaulted.

Half of the witnesses reported being sexually abused. On this key point the report states:

The secret nature of sexual abuse was repeatedly emphasised as facilitating its occurrence. Witnesses reported being sexually abused by religious and lay staff in the schools and institutions and by co-residents and others, including professionals, both within and external to the institutions. They also reported being sexually abused by members of the general public, including volunteer workers, visitors, work placement employers, foster parents, and others who had unsupervised contact with residents in the course of everyday activities.

Witnesses reported being sexually abused when they were taken away for excursions, holidays or to work for others. Some witnesses who disclosed sexual abuse were subjected to severe reproach by those who had responsibility for their care and protection. Female witnesses in particular described, at times, being told they were responsible for the sexual abuse they experienced, by both their abuser and those to whom they disclosed abuse.

The report is damning in the extreme of the role of the Department of Education. It was charged with ultimate responsibility for the children. It carried out too few inspections, was aware that abuse was taking place but did little or nothing about it and, in the words of the report, the Department “made no attempt to impose changes that would have improved the lot of the detained children. Indeed, it never thought about changing the system”.

The Department’s Secretary General, at a public hearing, told the investigation committee that the Department had shown a “very significant deference” towards the religious congregations.

The State, in the form of the Department, and the religious orders were in fact working hand in glove in this system of terror. Out of taxpayers’ money the Department paid a capitation grant to these institutions for each child they detained within their walls. This created a strong incentive for the orders to push for more children to be put in their so-called “care”. The larger institutions in particular could thus accumulate large sums of money which were spent on enriching the orders who ran them rather than improving the lot of the children whom they held in their virtual prisons.

Who were these children? They were predominantly the children of the poor. As their parent or parents or other family members were deemed not to be able to look after them, the children were effectively incarcerated by the courts. The State abdicated its responsibility to the children and handed them over to the religious orders.

This was a society where women and children were second-class citizens. Absolute power was in the hands of men in authority and absolute power corrupted absolutely.

This was also a conspiracy of the powerful against the powerless. People were afraid to speak out because to defy the church was to face social death, and the poor were the least well equipped to stand up to the church.

In May of last year, I raised as a matter on the Adjournment the case of the late Michael Flanagan, whose arm was broken by a Christian Brother in Artane Industrial School in 1954. His brother Kevin is still fighting for full information about what exactly took place and why, in particular, their mother was not allowed to see her son until eight days after the assault was inflicted. This was an horrific example of what went on in those institutions. Michael Flanagan

[Deputy Caoimhghín Ó Caoláin.]

was only 14 years of age. A Christian Brother used a brush handle to break his arm. The boy was locked in a shed at the back of the school for two and a half days. The Christian Brother responsible was not prosecuted or expelled from the order. The order admitted to the commission in 2005 that this criminal had simply been moved from Artane to another school. After release from Artane, Michael Flanagan emigrated to England. He was unable to read or write because Artane was but a school in name only. His health never recovered from Artane and he died aged 59 years. His brother Kevin was asked by the commission to seek the information from them through a solicitor. This he did but he has not yet received the information he requests. These issues still need to be resolved.

I draw the attention of the Taoiseach, the Minister of State and the House to the fact that last May was not the first time the fate of Michael Flanagan was raised on the Adjournment. As the record of the House shows, it was raised by the former independent, Deputy Peadar Cowan, previously of Clann na Poblachta, on 23 April 1954, some days after the assault occurred. It is very instructive to read the exchange between Deputy Cowan and the then Minister for Education, Mr. Seán Moylan. Deputy Cowan seemed genuinely shocked and surprised that such an incident should have taken place. He stated he had been a subscriber to the funds of Artane and that he had seen the boys, “week after week passing my house, looking exceptionally fit, well clothed and happy”. He further stated he was satisfied that this was an isolated incident.

The official reply was delivered by the then Minister for Education, Mr. Seán Moylan. It is an extraordinary exhibition of the wilful blindness of the Minister and his Department in the face of the crimes being committed against children for whom they were responsible. Taking up Mr. Cowan’s description, the then Minister went further and said this was an isolated incident and “in one sense what might be called an accident”. Let us remember this was a 14 year old boy having his arm broken by a Christian Brother wielding the handle of a sweeping brush. The Minister continued to describe the assault as an accident and said accidents will happen “in the best regulated families”. Then comes the most extraordinary statement which speaks volumes, “I cannot conceive any deliberate ill-treatment of boys by a community motivated by the ideals of its founder. I cannot conceive any sadism emanating from men who were trained to a life of sacrifice and of austerity”. The Minister also attempted to excuse the assault by saying that many of the boys were sent to Artane “because of the difficulties of their character and because of a good deal of unruliness of conduct”.

The Ryan report covers the case of Michael Flanagan and found that the congregation falsely claimed that the Brother responsible for the assault had been transferred from Artane as a result of the complaint and their investigation of it. The fact is that the Brother in question had requested to be transferred. The report says the action of the Brothers suggests there was a policy of concealing damaging information. The infirmary record wrongly described the injury to the boy’s arm as a result of an accident, a chilling echo of what was stated in 1954 in the Dáil by the Minister for Education of the day. That Minister also claimed there was a constant system of inspection of such institutions and that “nothing of the like will happen again”. Let that be a wake up call to the House today.

The Ryan report has confirmed what was known for a long time, that the inspections were too few and too limited in scope. It concludes, most damningly, that Department of Education officials were aware that abuse occurred in the schools, that the education was inadequate and that the industrial training was out-dated. As a result the Minister’s promise of 1954 that it would never happen again was broken day and night for many more years afterwards in institutions throughout the State and, heaven knows, is likely continuing in 2009.

Deputy Damien English: Hear, hear.

Deputy Caoimhghín Ó Caoláin: When the victims finally began to be widely heard in the media in the 1990s the State was compelled to accept its responsibility. The then Taoiseach, Deputy Bertie Ahern, issued an apology and a redress scheme and commission of inquiry was established. However, even then the deference towards the religious orders was far from dead. The deal negotiated with the religious orders by the then Minister for Education, Deputy Michael Woods, on behalf of Deputy Bertie Ahern and the Fianna Fáil and Progressive Democrat Government, was fundamentally flawed. The religious orders' contribution to the compensation scheme was capped while the State's was unlimited. That deal has now become totally discredited and the whole issue has been blown wide open again by the commission report. The former Taoiseach, Deputy Bertie Ahern, has attempted to defend the deal and has described its critics as "anti-church people". This is an insult to the victims and to all those who see this flawed deal for what it is. However, the former Taoiseach's intervention has made little impact, such is the public anger at what was done and such is the support for the victims' demand for justice.

All the recommendations of the commission report should be implemented. That is something we must collectively ensure and that is one of the commitments in the motion before the House. These recommendations focus on alleviating the effects of abuse on those who suffered in the past and preventing abuse of children in care today and tomorrow.

However, the Government must go further. It must address the need for truth and justice and recompense for those abused in institutions, both residential and non-residential, not covered by the Ryan report, because it does not address the whole picture. This includes the Magdalen laundries and institutions established after 1970. Justice must be done for former residents of Finglas Children's Centre, Scoil Árd Mhuire in Lusk, Trinity House, Trudder House and Madonna House. In the case of Trudder House, where many Traveller children were abused, there was one successful criminal prosecution. In the case of Madonna House, there was one prosecution and an inadequate investigation but no proper support for the victims. A former civil servant who worked in the Department of Education, tried to blow the whistle on one of these institutions but was ignored. Let it be learned from this day forward that when someone has something to say about the standard of care within the institutions under this State's control from this day forward, he or she is heeded and the information is acted upon immediately.

There needs to be full accountability and restitution from the religious orders. They need to fully accept their moral obligation to the victims. It beggars belief that up to a few days before the publication of the Ryan report, the Christian Brothers were still sending letters, written in a legal formula, to the Residential Institutions Redress Board, refusing to accept that children were abused in their institutions. The letter, from which I quote, states that [the order] "totally rejects any allegations of systematic abuse". Of course what the Ryan report clearly demonstrates, and without any possibility of challenge, is that abuse was systematic. It was happening throughout the system and the structures of the system were used to protect the abusers. If that is not systematic then what is?

After these letters emerged in the media last week, the Christian Brothers stated that their response had been, "shamefully inadequate and hurtful" and that since the publication of the Ryan report the order had accepted its culpability. One survivor spoke for many when he said that the Christian Brothers had only apologised after the publication of the Ryan report because of the strength of public opinion.

The Government should now initiate an independent international audit of all the assets of the culpable religious orders. I have made the point in this House before that this must include

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assets held abroad as well as their assets in Ireland. We demand the full and truthful picture. It has been claimed that many of these assets are lands and buildings currently used for educational and health care purposes. A full and open audit will test the veracity of that claim. The majority of hospitals, nursing homes, schools and other institutions in the ownership of religious orders or of Catholic dioceses, are funded by the State in any case. The bottom line is that whatever it takes to make recompense to the victims should be provided out of the assets of the culpable organisations.

The Government has to accept that the previous agreement was flawed and that it too has a moral obligation to ensure justice for the victims. The documents released yesterday to RTE, demonstrate once more the disgraceful nature of that agreement and why it must be scrapped and replaced. The whole issue of prosecution of offenders must be also addressed. Where prosecutions can be still taken, they must be taken and justice must be done.

The Government must act urgently to protect vulnerable children today. The woefully inadequate state of our child protection services has been repeatedly exposed. There are insufficient social workers and other front-line workers and support systems in place. The HSE knows of cases where children are in grave danger but the services are not in place to make the interventions required. The nightmare of child abuse is not a thing of the past; it is happening every day, including today. Most of this abuse takes place in the family home. If the services are not in place, the State today will be just as culpable as it was in the past when it conspired with the church to cover up the abuse of children.

I can only describe as grossly irresponsible the refusal of the Government to implement the first recommendation of the Monageer inquiry which was to establish an out-of-hours social work care service. A proper system must be put in place. It is disgraceful that key recommendations of the Monageer inquiry report have been censored by the Government. That report and its recommendations should be published in full, under Dáil privilege if necessary. The Ryan report documents a system of cover-up and secrecy. This should not be replicated in any way, especially in the Government's handling of a report such as Monageer which has grave implications for the safety and welfare of children today.

I conclude with this point. The separation of Church and State must be completed. In the Twenty-six Counties today, the State pays for education through capitation grants, teachers' salaries and a range of other funding. However, the majority of primary and secondary schools are not under democratic control; they are predominantly under the patronage of Catholic bishops and in the ownership of the Catholic Church. It is a legacy of the old era of ecclesiastical power and control. This must change and we must move to a democratically controlled education system, truly representative of the community, respecting the rights of people of all religions and none and totally child-centred.

Deputy Barry Andrews: I wish to share my time with Deputy Mattie McGrath.

The history of our country in the 20th century will be rewritten as a result of the Ryan commission of inquiry and its report. Things we held to be self-evident have been challenged to their core. Yesterday, survivors brought a banner to Leinster House referring to the phrase in the 1916 Proclamation that the State would resolve to cherish all the children of the nation equally. This sentiment was not considered controversial at the time and yet today it is clear that such idealism was misplaced. It is now clear that our society was ordered in a way that permitted systematic and institutional neglect and abuse of our children. Many different factors permitted this abuse to occur and to continue for many years. The idealism of the 1916 Proclamation was suffocated by undue deference to religious orders by some and indifference by others. The damage done to the lives of those who endured such abuse is apparent to us all.

There will, of course, be no peace for the survivors of such abuse unless we live up to the ambitions set out in the recommendations of the Ryan report.

I was honoured to be asked by the Taoiseach to formulate a response to the recommendations of the Ryan commission report by way of an implementation plan. Before I go into the details of how I propose to do so, I will refer to an individual story that came to my attention. It concerns a lady who lives near my constituency office who herself is a survivor of abuse. Her story is very similar to many and the publication of the report was very difficult for her. She took a copy of the report to the grave of her brother and sister who also had been survivors of abuse and she buried the report in the earth in the grave to try to convince herself that they would appreciate that the report had been written. There is a great appreciation that this whole process that began ten years' ago has arrived at this conclusion. People say this is all in the past but child abuse very rarely comes to the surface or is known about until adults are in a position to complain about it. In our society in the 1990s, many people brought this to attention. The political establishment slowly but eventually accepted there was a very serious issue that had to be addressed. The ten-year process of redress and the commission followed, and we are here today, at the soonest time this could have come to our attention. We could not have had this debate in the full knowledge of what was revealed in the Ryan commission report before this day. It is not in the past. It is inevitable with child abuse that it does not come out until much later and we must bear that in mind.

The recommendations of the Ryan report have been accepted by the Government. There are specific recommendations that refer to the current child protection services in this State. When I was appointed Minister of State with responsibility for children I said that child protection would be my priority and it has so continued to be.

I wish to refer in particular to five recommendations. Recommendation No. 6 states that services should be tailored to the needs of children. Recommendation No. 9 refers to the need for better information about children and states that a database should be kept. Recommendation No. 12 deals with inspections. Recommendation No. 16 deals with continuity of care and social workers. Recommendation No. 17 refers to aftercare. These issues are central to the way I propose to present an implementation plan to Government.

Since I was appointed Minister of State with responsibility for children I have had monthly meetings with the HSE to drive a reform agenda. A number of objectives have been achieved in those 12 months, to the credit of the HSE. I refer particularly to a taskforce which will report this month. This will ensure there will be a standardisation of the method by which children at risk are assessed and referred by social work staff. At present there is a legacy from the old health boards which means we do not know exactly what is happening in child protection services in this country. That is a terrible failing. Only by standardising the service can we ensure that in the future when we deploy resources we will avoid duplication, address inefficiencies and fill the gaps that are so patently present. I look forward to the publication of the taskforce's report later this month.

Second, there will be a single appointment of an individual in the HSE with responsibility for children and families. This is the first time this has occurred in child protection in this country. It is very important this should occur and I made this case to the HSE which accepted that such a person must be appointed.

Third, a knowledge management strategy is being developed and a business plan is currently being peer reviewed. At present two computer systems are used by social workers in this country. In eight or nine local health offices, LHOs, there are no computer facilities of any kind with the result that at no time can we obtain a picture of the shortcomings which are

[Deputy Barry Andrews.]

evidently present. We hope the knowledge management strategy and the ICT proposal will address that shortcoming.

Finally, an achievement of the recent past is that there will be no recruitment embargo in respect of social workers. During recent weeks I had meetings with social workers in Dublin and in Cork and will attend other meetings in Galway and Tullamore. The purpose of those meetings was to try to speak to social workers themselves. I believe there is a problem in this country with regard to the perception of social workers, and not only among service users. We saw this last summer in the review of Children First. Service users have a very negative view of social workers but so do journalists and politicians and that is something we must address. For that reason, I propose to meet social workers face to face in town hall-type meetings. The first of those occurred last month in Dr. Steevens' Hospital where 150 social workers gathered, in their own time outside working hours and at their own expense. They expressed to me their concerns about the shortcomings that currently exist.

The problems they identified are in common with those in the UK. Following the Baby "P" case Lord Laming prepared a progress report on the protection of children in England in which he outlined some of the problems that exist in the UK. He made the point that there is a high degree of public vilification of social workers and specifically stated that "low staff morale, high caseloads, under-resourcing and inadequate training each contribute to high levels of stress and recruitment and retention difficulties". Lord Laming went on to say that public vilification of social workers has a negative effect on staff and has serious implications for the effectiveness, status and morale of the children's workforce as a whole. As a result, specific proposals have been made in the UK from which we can learn much.

I also propose to meet the National Social Work Qualifications Board to discuss the types of changes we can introduce to try to improve the type of social work service we provide. We must do a review of the type of work experience that is provided to social workers while they are in college. We must examine course content. The UK report suggested that two-thirds of graduates feel the degree prepared them "just enough" or not at all for their current role. There should be much stronger support for social workers in the first year post-qualification. I do not understand a system in which a social worker leaves college and goes straight into front line, complex difficult social work cases. They deal with the toughest families and cases and must make extremely challenging decisions. As we learned at the recent Impact conference, sometimes they make those decisions under the threat of physical violence.

These are people who have just come out of college. That is wrong. The promotion and career structure in social work in this country means that when one is promoted one goes back into the office and becomes a manager. My view is that in most professions where difficult decisions must be taken to protect children only the most qualified people are given the task of dealing with the toughest types of cases. The way we deal with social workers in this country must be addressed. Consideration should be given to addressing burn-out by looking at ways of allowing staff to take time off from hard-core work at the coal face of social work. Each social worker should have a mixture of both child protection and child welfare cases.

The second issue I wish to address is Children First. Last year there was a review of this report from which it was clear that there is an inconsistency in the implementation of Children First across the country. The question of mandatory reporting has been suggested on a number of occasions in this House. I am not attracted to mandatory reporting. In jurisdictions where it has already been introduced the result has been a very high increase in reporting but no corresponding increase in substantiated cases of child abuse. As a result of these patterns, serious consideration is being given in those jurisdictions to reversing or adapting the policy. In those countries many social workers spend much of their time processing referrals that have no

grounding in fact. Sometimes referrals are considered defensive by authorities in order to avoid the penalty for failure to report. However, I accept that changes must be made in respect of Children First. Whether this means putting it on a statutory footing, trying to improve training or improving the implementation across different agencies must be considered.

One point that comes up all the time in the way we try to deal with children is the concept of joint or inter-agency working and intergovernmental responses. In December 2007 the Office of the Minister with Responsibility for Children published the agenda for children's services. This set down some key questions for Departments to try to make sure they were focusing on the protection of children and providing better services for them. It challenged people to put children at the centre of services rather than have services in which we hoped children might fit. Services should be able to reach out to each other so that children do not fall through the gaps. In my constituency work I come across this all the time. I have seen it at a more serious level in the failure of different agencies to talk to and work with each other.

Teachers, gardaí, the local authorities, the HSE, the legal profession and non-governmental organisations all have a role in this regard. This point is mentioned in every review of child protection in this country. We need to have better inter-agency work and better joint working. We need agencies to talk to each other, but this is one of the most difficult things to achieve. Therefore, we must wonder if there is a better way to ensure this is achieved. Perhaps we should consider requiring that agencies work together rather than express it as an aspiration.

We have children's services committees in four local authority areas in Ireland and these are working extremely well. They bring together the agencies to which I have referred. The one in Limerick, for example, parallels the regeneration body and provides knowledge of children. When a primary school presents in junior infants, a primary school teacher can already tell if that child faces a life of addiction, of complex home problems or of contact with the criminal justice system. Teachers can tell that from a very early age, yet we do not have the reaching out of services among the different agencies. This is a big challenge and one of the proposals I hope to be able to bring to Government is a response to how we will improve this in the immediate future.

Aftercare is another issue I would like to mention. The United Kingdom has provided evidence which shows that many people who become involved in the criminal justice system have a care history — up to two thirds of them. This allows only one conclusion — that the care system does not work. This is a serious shortcoming and must be addressed. Aftercare in Ireland is addressed on a statutory basis by section 45 of the Child Care Act 1991. I have received many submissions, including from Focus Ireland, that suggest aftercare should be put on a mandatory basis so that wherever a need is identified, it will be met. This has major resource implications. All of these considerations will help form part of the response I propose to put to Government.

I thank the Survivors of Child Abuse for the presentations and oral submissions to me over the past few weeks. It has been a very difficult time for them, but they have conducted themselves with great dignity. They have articulated, on behalf of their many members, the true suffering and pain they have had to endure. My obligation is to ensure the Ryan report was not done in vain. Their legacy will be what significant improvements we can make for the children of today and the future.

Deputy Mattie McGrath: I thank the Chair for the opportunity to contribute to this debate and empathise with the thousands of people who turned out to visit the Dáil yesterday.

Prevailing conditions increased the likelihood of abuse in the years prior to and during the period covered by the Ryan report. Some of the causes of abuse still exist; that must change.

[Deputy Mattie McGrath.]

Intervention at causal level is seriously needed. There was a lack of information on the make-up of humans and on how our brains and organisms develop. Misinformation was the norm. What really drives humans was not understood until recently. Even in the past 50 years, improvements in understanding have moved towards a new place in the history of such knowledge.

In the past, punishment, shaming, and practices likely to result in widespread abuse were the norm. Practices crystallised in the early 1500s as the way to avoid abuse remained in place, yet they were doomed to fail. During all that time, there was a serious lack of understanding as to the emotional needs of children and a shortfall in knowledge as to the damage caused by poor or defective early emotional development. These deficiencies carried over into adulthood. Thus, even in adulthood, systematic abuse of young persons was acceptable, if not the norm. For example, it was considered OK to shout at and hit a defenceless child, but it was illegal to punch a six-foot boxer on the street. Similar treatment of a grown up was illegal. The ash plant was well worn as it became a tool of therapeutic destruction that was systematic and normalised. The leather strap was manufactured; it did not merely just arrive. Until a few years ago, a punishment tool hung in a store and all attempts to get it taken down met with rebuff. Abuse was normalised.

In the past there was a suppression of our natural sensuality by shaming, culminating in sensuality being equated with sexuality. Religious rules diverted attention from the serious damage that abuse caused and, instead, focused attention on sin. Thus generations grew up trying not to damage an indestructible God rather than loving humanity. Celibacy was enforced, punishment and shaming were in vogue and abusive behaviours were driven underground. They emerged in institutions and in the fences, lay-bys, back rooms and hidden places. There they grew, fermented and exploded, so that what was done openly in the 1550s was now under cover. The by-product was that these locations became a training ground and our people learned about it.

Celibacy was enforced, thus demeaning women, procreation and the evolved or created sensuality necessary for our survival, even the sensuality needed to know that we hurt. This was an abusive decision which could qualify as a serious human rights violation. It flew in the face of the desirability of a growth facilitating relationship, a fact now accepted by almost all of humanity. Thus growth was denied to priests. Growth invariably occurs in a deep relationship. Priests and brothers were expected to be growth facilitators, despite having been themselves separated from deep, loving, growth-facilitating relationships. Rational thinking was turned upside down and replaced by patterned behaviour, as if we were computers. Women were barred from the ministries and forgiven for the activity of procreation, thus tainting the most natural and necessary of our actions.

Sexual abuse was normalised, sin was forgiven, and we were abused again. Young people were so exposed to abuse that by the time they reached their workplaces, they were highly skilled abusers, hiding from God and man and yet not exactly knowing why. The barrier or only brake to abuse in existence was fear of God. Fear is, of course, the direct polar opposite to love and care of humanity. In the case of our young people, abuse was guaranteed to occur.

Where fear is the obstacle, love is absent. It is the care and love we might have for each other that establishes levels of abuse, not fear. Abuse was so common that it acquired normality status. While this training ground was the initiation for all of us to our interaction with humans, unfortunately it fermented further in the seminaries and centres where larger numbers gathered. We know now that numbers have an effect on crime and abuse.

In those times, classism was rife; poor children went to institutions and the rich went elsewhere. Classism was such that it was all right to abuse the poor. Brothers came from the poor and were likely to suffer abuse, if not already abused. Abusers are, and were frequently, persons who were abused themselves. Abuse was normalised. If one's parents and elders abused, then God was not even a player in the field. This caused a contradiction on the child's perception screen. Adults said that God was to be "feared" and "loved", two words that do not belong in the one sentence with God. Worse than that, the perception was that if adults were abusing, that must be OK with God. This would be a fair enough crude summary of the dilemma facing a young person. However, young persons generally became adults and by then they were able to sit with the contradiction: adults are right, adults abuse; thus, God must be wrong. Therefore, abuse seemed all right.

While this misinformation and inaccurate policy was in motion, children came to be assessed through opaque lenses. It was normal to ask "What is wrong with that child?", but the question should have been a bifocal one. It should have asked what was wrong with the system and what were the early developmental deficiencies or influences on the child. It should have asked what effect these had on the specific child. Similarly, it also became popular to label children with disorders whereas new information abounded as to the cause of behaviours. Thus, the number of recorded disorders might well have reduced, but instead it was increased and now amounts to over 300. Perhaps they should have gone to Specsavers.

Children became adults with developmental deprivations which were of a character as to affect their interaction with other humans. There was no method to assess this, even as some of these adults entered institutions as carers. When we then employed or used staff who had either been abused and traumatised, or were already abusing, we did not have an adequate or sufficiently informed basis for assessment. Nor is there a comprehensive method now. Garda clearance does not cover the actual need. It covers criminal behaviours and the like but it misses early deprivations, traumas and abuses that render the person, perhaps, unsuitable. We need it now.

Discrimination against children was systematic. Biological children remain supported for life whereas foster children were and are thrown to the storms at a young age. That State policy was and is a serious human rights violation. The middle class struggled, the poor died and their children, perhaps already abused by adults, went to institutions. Let us be caringly direct. The poor children are poor but they also suffer discrimination and that has been State policy, since we signed the Treaty to this day.

Education of our deserving parents in terms of favourable and significant discoveries was not in tandem with them. Thus, the effect of early effective interaction was inadequately presented and not employed in its needed form. We needed to prioritise our future generation. Parents deserved the newest information and help. The Judiciary and the educational systems needed it and they need it now more than ever. It is not enough to have any system based on outdated knowledge.

Sexual discrimination and abuse of women was rife and undeniable evidence as to sexual orientations was abused. All this and more contributed to the abuse in the institutions. Males were oppressed in that they were forced to fight. Women were oppressed. Boys were told not to cry. Women were told to love, a desirable objective, but love is not found by force. Care of our people is separated from the idea of love and this is systematic. Love has good definitions but they were thrown to the winds with the bath water. The child went with it. Care systems forbade the use of the word "love".

Then and now, children were not listened to. Defenceless children had their right to be heard silenced. Yet it is the child who calls to the mother or father and makes a parent of a person.

[Deputy Mattie McGrath.]

When those children had no longer a mother or father to plea to and engage with in a necessary growth facilitating manner, they were sent to institutions, where we, as a nation, funded as little as one staff to perhaps 30 children. Sometimes one staff member dealt with 100 children. That was a result of our lack of knowledge as to need and how to develop. It was a cause of significant suffering and developmental damage. We pay the price of that in crime.

Thus, the very voice and plea that is now known to be so important was oppressed. It is a serious oppression. The right to a co-creative interaction between parent and child was denied. Both parent and child are victims of the one blow even if landed in innocence and ignorance. The right to co-creative developmental interaction was severed even between child and carer.

It is so significant and sacred to note that each person who talks of their journey can link their ability to survive and to love to some loving act they experienced. Some say that of the institutions. It may be said that the loving kind deed for some of these children saved them and us from worse.

Mothers and infants were oppressed particularly in the past. We hear that children and mothers and families were protected from the poverty and shame by not being allowed to be born. To kill in desperation the newborn must have been horrific and yet that is what we inflicted upon mothers when we criminalised and Satanised births out of wedlock. Children were called horrible names, and we only fell short of stoning single mothers. They are still somewhat oppressed and a rational approach has not been employed. Rather it is blowing in the storms, by default.

Given the serious influences operating in the days past, we now need to address what to do for the future. There is need to take a very serious look at some glaring policy options. To avoid in the future what is now occurring to an alarming extent and what occurred as set out in the Ryan report we need to integrate new findings. Findings and new information will be much concerned with the decade of the brain discoveries and phenomenal discoveries as to the influences on human development. This will have influence on our educational and crime policies and will affect our approach to policies to address the findings of the Ryan report.

There is one specific concern that we will need to address with integrity. It is now well known that persons who were subject to abuse are in need of significant intervention and therapy. This is needed to address the damage caused but also to satisfactorily address the risk of their having seen abuse as normal, and thereby being a risk. It is also known that persons who were adjacent to, heard, or witnessed the abuse of others are affected and are likely to suffer greater consequences than the direct recipient of the abuse. This is significant information as it means that we have to thoroughly assess the totality of the damage caused by the abuse, and its current and future risk to both the persons abused to date and to the general population. We have a serious obligation to assess this in the most thorough way to break parts of the cycle of abusive normalisation. As the abuse in general and as early emotional developmental influences will have had other serious affects there is a need to assess the overall damage. We will have to treat the damaged and we will have to compensate them. There will need to be a cut-off point somewhere.

The question will loom and it will be educational, namely, what caused the abuse and will we prevent it now? This presents a current dilemma in terms of how to contain the problem and prevent it, in the knowledge that punishment, shaming and fear are more causal than curative. There will be a way forward that will bring containment with accompanying treatment, coupled with the correct approaches in all causal areas.

We need to get with it and integrate new information into our policies. It is not enough simply to react. President Obama may well be right when he says, “Yes we can” or “Is féidir linn”. I say it differently. We can listen. If we do, only then can we say “Yes, we can”.

Deputy Alan Shatter: Like other Members, I thank the Ryan commission and Mr. Justice Ryan for the report, which clearly vindicates the claims made over so many years by those who found themselves, at a young age, in residential institutions in this State and who were subjected to barbaric, inhuman treatment which no child, in any country, should ever experience. We could describe what occurred in our residential institutions as the systemic torture of children.

Unlike other Members, I cannot say the revelations in the Ryan commission report came as a surprise to me. I should make a declaration of interest. A partner in my own law firm, Mr. Tim O'Sullivan, has represented more than 100 victims of abuse before the Redress Board. I am aware of many of the experiences victims had, from my meetings with some and from being present at meetings they held many years ago when they were crying out for recognition and help. My firm has experienced how the church and religious congregations dealt with victims of sexual and physical abuse and sought, until very recently, to deny all responsibility, as well as the credibility of those who made claims.

In view of my position as a lawyer, I have a duty of confidentiality to clients. However, certain individuals have shown great courage, publicly told their story and laid the foundation for many other people to come forward to explain what happened to them. One of those was Mr. Andrew Madden, who was represented in the early 1990s by the firm of which I am a partner. Mr. Madden claimed he had been sexually assaulted as an altar boy by a priest named Ivan Payne. Court proceedings were taken on his behalf. He was the first individual to take a civil action against an alleged perpetrator of clerical abuse in this country. He also took an action against the then Archbishop of Dublin. Proceedings were issued by Mr. Andrew Madden and he subsequently told his story and the outcome of the proceedings publicly. That is why I feel at liberty to make reference to them.

Mr. Madden's experience is a microcosm of that of so many people. With great courage, he went to the courts. His claims were heavily resisted but they were ultimately settled outside the door of the court. I am not breaching confidence by stating that under a confidentiality clause he was not permitted to publicly state the outcome of his proceedings or the compensation he was paid. However, Andrew Madden breached this clause. As his lawyers, we had to advise him that he had to abide by the clause but he went to the newspapers because he believed that if he remained silent, others who had been the victims of abuse would never be told. As their stories were becoming known, he hoped he would give them the courage to come forward and, more important, that by going public he would ensure action that had not previously been taken would be taken by the State and church authorities and children would be protected who might otherwise find themselves the victims of abuse.

What was learned from Andrew Madden's case was that once he came forward, a number of other men came forward who, as altar boys, had been abused by Ivan Payne. It was only through Andrew Madden going public that Ivan Payne was prosecuted through the courts by the Garda Síochána and Director of Public Prosecutions and sentenced to terms of imprisonment.

What was extraordinary about the case was that the abuse suffered by Andrew Madden had been reported when he was a child and Ivan Payne, as a priest, had been moved by the Archbishop of Dublin from one parish to another and proceeded to abuse altar boys in two different parishes. When the church realised he could not be left to deal with altar boys
2 o'clock he found himself in a different position. By sheer coincidence, at the time our firm was representing Andrew Madden, I was representing a young woman who was seeking to have a church annulment from the marriage tribunal in Drumcondra. She went to have a private interview in the tribunal and when I subsequently asked who had interviewed her, I learned to my astonishment that Ivan Payne, the person who had been transferred out

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of two parishes and had been abusing altar boys, was operating in the marriage tribunal in Drumcondra, adjacent to Archbishop's House, where he had engaged in conversations with men and women seeking annulments, some of which conversations required that they discuss with him the intimate details of their married lives. I found that extraordinary.

Acting Chairman: I apologise for interrupting the Deputy.

Deputy Alan Shatter: I am moving on from referring to the case.

Acting Chairman: The Deputy misunderstands. He may conclude his contribution when the sitting resumes.

Debate adjourned.

Sitting suspended at 1.35 p.m. and resumed at 2 p.m.

Sitting suspended.

Message from Select Committee.

Acting Chairman (Deputy Michael Kennedy): The Select Committee on Justice, Equality, Defence and Women's Rights has concluded its consideration of the Criminal Justice (Surveillance) Bill 2009 and has made amendments thereto.

Ryan Report on the Commission to Inquire into Child Abuse: Motion (Resumed).

The following motion was moved by The Taoiseach on Thursday, 11 June 2009:

That Dáil Éireann:

- accepts the conclusions of the Report of the Commission to Inquire into Child Abuse and in particular the failure of the State and the religious congregations running the institutions to protect the children who were placed in these institutions from abuse;
- acknowledges the pain and suffering endured by the former residents of institutions and that the Commission's report vindicates their claims of abuse and that crimes were committed by members of the religious congregations and others against children placed in care;
- expresses its revulsion at the extent, severity and nature of the abuse suffered by children in residential institutions;
- restates the sincere apology of the House to the victims of childhood abuse for the failure to intervene, to detect their pain and come to their rescue;
- notes that the Minister for Children will be submitting a plan for the implementation of the recommendations of the Commission's report to the Government for its approval by the end of July;
- restates the acceptance by the House of all of the recommendations contained in the Commission's report and its support for their full implementation;
- declares its resolve to cherish all of the children of the nation equally;
- acknowledges that the State has an obligation to ensure that children and young people in the care of the State receive the highest possible quality of care and to provide services to protect them, as far as possible, from all forms of harm;

- acknowledges that everything possible must be done to ensure the grievous mistakes of the past are not repeated in the future and underlines the importance of the Government's commitment to fully implement the recommendations of the Commission's report including, in particular, to ensure the uniform application throughout the State of the 'Children First: National Guidelines for the Protection and Welfare of Children' of 1999;
- notes that the Taoiseach has met with representatives of the former residents of the institutions and the commitment to further engagement with them;
- notes that the Taoiseach has met with representatives of the congregations at which their attention was drawn to the motion passed by Dáil Éireann on 28 May;
- notes that the Taoiseach called on the congregations to make further substantial contributions by way of reparation;
- considers that the assessment of proposals for such a contribution must have regard to the needs of the former residents as well as the costs of over €1 billion being incurred by the State on redress;
- notes that the congregations agreed in their meeting with the Taoiseach to make full and transparent disclosure of their resources;
- notes that both in the meetings with former residents and the congregations support was expressed for the proposal that the use of a further substantial contribution from the congregations should include a form of independent trust to be set up by the State which would be available to support the needs of survivors for general education and welfare purposes;
- supports the request of the former residents for representation on the proposed trust;
- notes that, while the committal of children to industrial schools did not involve a criminal conviction and that no criminal records arise from that committal, the Government will give further consideration to ways of meeting the concerns of victims in this regard;
- notes that the Assistant Garda Commissioner has been tasked with examining the totality of the Commission's report and that criminal investigations are continuing in respect of a significant number of people;
- notes the commitment of the religious congregations and orders to fully co-operate with the Garda in any criminal investigation being conducted;
- notes that the Government is considering the request of the former residents of institutions, made at their meeting with the Taoiseach, to re-examine the terms of the Residential Institutions Redress Act 2002 in respect of the confidentiality attached to awards and the application period; and
- notes the desirability that, in so far as possible, all of the documentation received by and in the possession of the Commission to Inquire into Child Abuse is preserved for posterity and not destroyed.

Deputy Alan Shatter: When we broke unexpectedly for lunch — I did not realise there we be a sos — I had made reference to the courage of Mr. Andrew Madden. We must praise the courage of all of the victims of institutional abuse for coming forward and describing to the Ryan commission the dreadful events suffered by them during their childhood. Parliament must acknowledge, as others have acknowledged, that the State abjectly failed them. Indeed, this Parliament did so also in the sense that past Members of this Parliament in the 1950s, 1960s

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and 1970s appeared to either have no knowledge or no interest in the dreadful plight of those consigned to the residential institutions. We now have a duty to acknowledge that this is the people's Parliament. It is the Parliament of all of the people of this country, of all of those whose lives have been blighted by their experiences as so graphically depicted in the Ryan commission report.

The Government has an obligation to the survivors of abuse to address all of the issues that now must be dealt with. It is right that we implement all of the recommendations contained in the Ryan commission report, both those recommendations that directly relate to the survivors of the institutions and those that relate to the manner in which we today run our child care services.

The survivors of the institutions are entitled to justice. One of the important elements of the all-party motion before the House is that when this motion is passed we, as Members of the Oireachtas, across the Chamber on a united basis, acknowledge that crimes of a barbaric, sadistic, appalling nature have been committed against children in this country. Everything must be done to bring to justice those who perpetrated the barbaric physical and sexual abuse described in the Ryan commission report.

For too long the religious orders have not only attempted to evade their responsibility, but conspired in covering up the true extent of the abuse that took place. There is an absolute obligation on these religious orders. Much has been stated in the past two or three weeks about money matters, but there is an absolute obligation on the religious orders to make available to the Garda Síochána all files and papers they have relating to members of religious orders who are currently alive and who perpetrated the dreadful violence and sexual attacks that are the subject matter of this report.

For too many years the religious orders moved the perpetrators of physical and sexual violence from one part of the country to another and exported it across the world. Some of those who perpetrated violence physical and sexual attacks on the residents of institutions found themselves transferred to England, Newfoundland, Canada, Australia and America, and perpetrated similar appalling torture on children in other countries around the world. I do not believe the religious orders and congregations have adequately co-operated with the Garda Síochána in ensuring that those who perpetrated these offences were brought to justice, and they must do so.

It is stated in the motion before the House that an assistant Garda commissioner has been asked, presumably following appointment by the Garda Commissioner, to review the Ryan commission report and to consider what further action the Garda Síochána might take. I believe there are people who have suffered greatly who have information that they can give to the Garda which may now result in prosecutions, either that would not otherwise happen or of people previously identified who the DPP, without adequate information being available, determined should not be prosecuted.

There must be co-ordination in this area. If victims of abuse want to report to the Garda Síochána they should not be put in a position where they are visiting different Garda stations in different parts of the country dealing with persons, perhaps members of the Garda, who are not trained to deal with the circumstances that these people have experienced. There should be an assistant Garda commissioner not merely reviewing the Ryan commission report but co-ordinating a Garda task force to talk to and interview those who come forward and to co-ordinate the conduct of any further investigation that may be necessary, and to co-ordinate the obtaining from the religious orders of any information and documentation.

We know from the Ryan commission report that files were sent outside Ireland to Rome relating to a number of religious who engaged in the most despicable sexual violence against children. Those files went to Rome because in some instances ecclesiastical action was taken against these individuals, but reports were not made to the Garda and it is crucial that they are. Of course the support services the victims require must be put in place.

The motion passed in this House two weeks ago — we repeat it today — calling on the religious congregations to make a greater financial contribution is important because it gives the Taoiseach the moral authority of all Members of this House representing the people of this country in the conduct of his discussions with the religious orders. Like many outside this House, I am somewhat cynical still about the sincerity of the apologies being given. I say so from experience. I do not need to read the Ryan commission report.

My experience and that of a colleague in my law firm in representing victims of abuse has been, in dealing with allegations before the redress board, various religious orders, in particular the Christian Brothers, were in denial until five days before the report was published. The Christian Brothers' response was that the congregation did not accept that systemic abuse took place. This was the order's standard response, until the Ryan commission report was published, in circumstances in which they had to know the abuse was systemic. The order had to know because it, on occasions, attempted to deal with some of its members who misbehaved but the practice was to transfer them to somewhere else where they continued to misbehave. It was almost impossible not to know how systemic were the violence and sexual perversions in which the individuals were engaged, using children as objects, and their failure to recognise the children's humanity.

I remain cynical about what is being stated by the orders and congregations on their additional contributions. Their contributions should comprise 50% to the redress payments being made to victims of abuse. There should be an additional financial contribution to the trust fund under discussion. The congregations' statement following their meeting with the Taoiseach is noteworthy, as it gave no commitment towards contributing a cent extra to the redress fund. The language used was careful. Reporting on it, *The Irish Times* stated:

The Congregations, who had an initial meeting with an Taoiseach today, indicated their willingness to make financial and other contributions towards a broad range of measures, designed to alleviate the hurt caused to people who were abused in their care. The Congregations will contribute towards a trust, proposed by an Taoiseach, and a process has now commenced to establish how this can be achieved.

They should contribute to a broad range of measures to assist the victims, but the last thing they should do would be get involved in the trust in any shape or form.

Deputy Michael D. Higgins: Hear, hear.

Deputy Alan Shatter: The assets that the religious congregations will contribute to the trust must be identified. However, they must contribute to 50% of the redress fund separately. There has been no such commitment following the meeting. Let no one fool himself or herself. Will the Taoiseach clarify the intentions of the congregations and orders when he next meets them? The public has a right to know, as do the survivors of institutional abuse. I do not want the Dáil to go into recess, leaving the Taoiseach's office and the religious orders and congregations to do a merry dance for weeks or months, hoping that pressure will recede from the latter as time passes. Pressure must be maintained.

At no stage should we be under the illusion that the religious orders are more at fault than the State. They are equally at fault. The State put young children into institutions and aban-

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doned them, as the report comprehensively describes. The State did not ensure that its own guidelines were properly applied. The then Department of Education received a myriad of reports on children being physically and sexually abused in institutions, but it looked the other way.

Deputy Ó Caoláin referred to a 1954 Dáil debate, when Captain Cowen brought to the attention of the then Minister for Education a vicious and brutal attack on a young child. I was going to bring the same report to the House's attention. In 1954, a Deputy told the House that a child had been assaulted in a manner that should have had every alarm bell ringing, but everyone involved in the exchange in the Chamber looked the other way and the world continued on as if nothing needed to be done. Judging from the cases that came before the redress board, many other cases of physical and sexual abuse of young boys were regularly perpetrated in that very same institution over the following years. If someone had done something during the 1950s, lives might not have been blighted and so grievously damaged, but the State looked the other way. It should never do so again.

The contribution of the Minister of State with responsibility for children, Deputy Barry Andrews, was interesting. It was different from any contribution he has made in the House since his appointment. In the past two years, a period encompassing his predecessor and him, I have made the case in the House that our child protection guidelines of 1999 are not being uniformly applied throughout the country. Children were at risk yesterday, last week and last year and are still at risk. Being at risk, a child's situation is reported to one of the HSE's 32 child care officers. However, the plight of children is being ignored because the system is broken. Consistently, the Minister of State has defended the indefensible in the House.

I have been critical of the fact that no real-time information is available to him on what is occurring within child care services. I have brought to the House's attention that more than 20 children have died in the HSE's care during the past six years. I knew more about them than the Minister of State did. I have sought details on the number of children in the health service's care who have died in the past ten years. Two or three months later and the HSE still cannot provide clarity on the matter. I have criticised the fact that the HSE is in breach of its statutory obligation to report on our child care services. At the beginning of June 2009, we received a report on child care services for the year ending 31 December 2007. Yet again, this report confirmed their dysfunction. Until now, however, the Minister of State has defended the way in which the system has worked. I welcome that he has changed his tune today, but it must be greater.

The HSE's 2007 child care report established that 23,268 reports on child abuse, neglect and child welfare concerns were made to the HSE, but initial assessments were undertaken in only 15,074 cases. No initial assessments were undertaken in 8,194 cases. The 2007 document showed widespread discrepancies between different areas in terms of the number of children determined to be at risk pursuant to reports. No detailed explanation was given for those discrepancies.

The *Irish Examiner* has done a public service today by publishing the details that helped the HSE to formulate the 2007 child care report. The newspaper confirmed that social workers in the child care services have claimed they are being overwhelmed. They cannot deal with the number of reports of children at risk or carry out proper assessments. A proper out-of-hours service is necessary. They lack the back-up they require in terms of children with intellectual disability. Let us not just assume that simply because of the Ryan commission report, which addresses and reveals the horrors of the past, that no horrors of today need to be remedied.

The important element of the motion is the Government's commitment to taking steps to ensure the uniform application of the child protection guidelines. I have sought their being made statutory. In today's motion, Fine Gael would have liked a Government commitment to giving them statutory effect. However, it could not be agreed. For the first time, however, the Minister of State, Deputy Barry Andrews, has acknowledged in the House a number of important factors. While he has finally acknowledged that making the guidelines statutory needs to be considered, he should go beyond this point and ensure they become statute.

There is an urgent need to take action to ensure the discrepancies across the HSE are addressed. The Minister of State described the difficulties he faces. He has finally accepted that he has no up to date information on how our child care system is operating. He is the Minister of State at the Department of Health and Children with responsibility for children and youth affairs. We have a Minister of State who reports to this House on child care issues who does not know how the child care service is working and has no real time information about it. It has taken him a year to admit that is the situation.

He said the situation will be remedied. He makes reference to what he referred to as the health board legacy and alluded to the fact that different computer systems are working in different areas and in some areas there are no computer systems at all. This Government has been in office for 20 of the past 22 years. It has been in office consistently for the past 12 years. It is the same Government that, in 2005, put the HSE in place.

The HSE has been operating for four years and is the body that has an obligation to protect children. It is indefensible that systems were not put in place to ensure that the Minister of State, Deputy Andrews knew how the child care service was operating. It is indefensible that, as of today, we do not know how many reports have been made to social workers about children at risk and that information is gathering dust on shelves because the resources do not exist for assessments to be undertaken.

We do not know how many children have been damaged, brutalised or sexually assaulted, or whose welfare has been irrevocably affected by the failure of our current child care system. We do not know how many children of today will be the adults of the future and the survivors of our failures today.

There is a terrible lethargy on the part of the Government in addressing these issues. There has been a denial of the reality that our system is dysfunctional. There is a denial of the reality that there is a need to radically reform and change the way it is operating. I welcome the fact an identifiable person will be appointed to be in overall charge of our child care services, but there is a need for far more radical change.

We need to get away from the corporate structure that exists so we have an holistic and sensitised structure — if that is the best way of putting it — so that if a child is in trouble or there is a need for an out-of-hours service, one does not need to go up through three, four or five managerial levels to someone who has no training in dealing with child care issues, no social work qualification and does not know the child concerned, who will then make a decision as to what is in that child's best interests.

There is a need for radical change and reform. I welcome that the Minister of State is finally realising that to some extent, but it is an indictment of this Government that it has taken the publication of the Ryan commission report for this to be acknowledged. There is a need for other changes.

Regarding children who have died in care, we know reports have been made to Government that have not been published. We must shine the light on what is wrong with our current child care services so we make the corrections that are required. The Taoiseach referred to the Ryan

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commission shining the light on the grievous wrongs of the past. We must shine the light on what is happening today.

I have very little time left, but I will briefly refer to two matters. David Foley, a young man of 14 years of age, sought help, wished to be taken into care and died at the age of 17, while in the care of the State. I believe a report into this case was prepared by the HSE, which has not been published and has been suppressed. A young girl, Tracey Fay, who died at the age after a fatal drug overdose, was also supposed to be in the care of the State. She was shifted from one social worker to another and was in and out of an out-of-hours service. I understand a report containing 50 recommendations was prepared on this case. It has been suppressed but should be published.

The suppressed recommendations contained in the Monageer report should be published. We have a plethora of reports detailing what is wrong with our child care services. We do not need reports, rather we need action. The victims of yesterday are entitled to reparation, recognition and justice. The children of today are entitled to the protection of the State and to know that we genuinely cherish them and want to provide them with the protection to which they are entitled.

In the context of the victims of abuse, it was suggested to me that not simply a general apology, such as has been made by the Taoiseach and his predecessor, should be delivered. Where we know the individuals and their addresses, a letter should be sent to each individual survivor by the Taoiseach on behalf of the State. It should apologise for the manner in which they were treated, ignored and abused. This would show a degree of commitment and sincerity and confirm to them personally that the State will do everything it can in the future to try to facilitate them in coming to terms with their suffering and lead reasonable lives.

Acting Chairman: The Minister of State at the Department of Education and Science, Deputy Seán Haughey, has 15 minutes. He is sharing time with Deputy Beverley Flynn, who also has 15 minutes. Is that agreed? Agreed.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I welcome the opportunity to speak on this significant debate. Any person who has looked at Mr. Justice Ryan's report or, more likely, has read newspaper coverage of its contents cannot fail to have been moved by the harrowing accounts of what transpired in the institutions mentioned therein. That it was the State which was responsible in many cases for referring these children to the care of these institutions makes this all the more disturbing and difficult to accept.

The Government has responded quickly to the publication of the Ryan report and the Taoiseach has sincerely apologised, and rightly so, to the victims of childhood abuse, on behalf of the Government, the State and all its citizens. No doubt there may be some, religious and lay people alike, who will regret that at the time they never spoke out or acted on what they may have known to be occurring or, indeed, suspected may have been taking place in some of these institutions. For all, there is the dawning realisation that nobody came to the rescue of these children.

The Ryan report was one of a range of measures introduced to address the abuse issue. It has 20 formal recommendations, which the Government has readily accepted. Of primary concern among these is the recommendation that the Government concede that abuse of children occurred because of systems and policy failures and because the management, administration and senior personnel who were concerned with industrial and reformatory schools were found wanting.

The Department of Education and Science, too, must accept its responsibility for failing to police these schools in a satisfactory manner. I add my own words to those of the Minister for Education and Science, Deputy O’Keeffe, who extended his sincere and profound sympathy to all the victims in industrial and reformatory schools. Specifically, the State has accepted that the areas in which there were failings include funding, inspections and complaint handling, together with education and training.

Some progress in this regard has been made. An important change was introduced in September 2006, with the requirement to vet any person being appointed to a teaching position who has not been employed in the school system in the previous three years. This change also applies to other occupations that involve interaction with school children, such as special needs assistants, school bus drivers, caretakers and so on. Consideration is also being given, in conjunction with the Garda vetting unit in Tipperary, to how vetting of existing education staff working with children may be achieved.

The establishment of the Education Finance Board was also a welcome development which was initiated to provide grants to former residents and their families to avail of educational opportunities. An Origins information and tracing service has received hundreds of applications and is assisting those who left residential care unaware of the existence, or details, of any other family members. The provision of a dedicated counselling service and funding for a number of victim support groups for information and referral services for former residents, is also welcome.

The Residential Institutions Redress Board is totally independent of the Department of Education and Science. It makes its own recommendations and the State pays the recommended awards. The criteria governing the granting of awards by the redress board remains unchanged and ongoing claims will continue to be dealt with in the normal way.

The media has played an important role in highlighting the issues of concern to the victims of childhood abuse, particularly in publicising the findings of the Ryan report. I urge them to confine themselves to the issues. While it may be newsworthy to highlight individual buildings and institutions mentioned in the report, care should be taken to ensure that this does not bring unwanted publicity and attention to another innocent party. My constituency of Dublin North Central was the location of the Artane industrial school. In its enthusiasm to cover the Ryan report, some newspapers have included photographs of the Artane building as it is today. It is currently the home of a highly regarded post-primary school, St. David’s Christian Brothers school, CBS. St. David’s is a major secondary school in my constituency. Unfortunately, some newspapers, in taking recent photographs of the Artane industrial school have included the name of the school, St. David’s CBS, in the published photographs. That brings unwanted attention and it may draw unwelcome comment from people who may not be familiar with the historical nature of the report. I have been contacted by constituents who feel aggrieved that St. David’s may become inadvertently embroiled in the current controversy even though it only availed of the facility after the industrial school had long been closed. Given that the issue of institutional child abuse is such a sensitive one, it is incumbent on the media not to bring unwanted attention on other parties, be they educational or not, simply because they are currently housed in buildings which may have featured in the report. That is just a small point but an important one to put on the record.

Of equal importance is the issue of balance in dealing with the religious congregations in their totality. In the interest of balance and historical accuracy it is important to remember the good work those various religious congregations have undertaken in social, educational, medical and sporting spheres over many decades, while at the same time highlighting the horrors outlined in the Ryan report. Many of us have benefited from an education provided, in full or

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in part, by a religious congregation or are indebted to them for the care provided in a religious-run, medical institution. Nobody should lose sight of the valuable contribution the religious institutions have made to Irish society in many areas.

That is not to diminish in any way the horror of the abuse that went on in institutions in the care of some of those same congregations. The issue of whether the indemnity agreement can be reopened has received considerable attention. In my view the Government was correct to call on those same congregations to provide substantial additional voluntary funds in view of their moral responsibility in those matters. Some individual congregations have been forthcoming with a willingness to consider providing additional resources, and it is the Government's demand that more will follow.

The Government has highlighted the sense of shame many people feel at the findings of the report. It has agreed to consult with survivors of institutional abuse with a view to establishing a memorial to all victims, which will contain the words of the former Taoiseach, Deputy Bertie Ahern's apology in 1999. That is a welcome step and will, I hope, help to further the healing process for the former residents, if healing is possible at all.

It also needs to be stressed that it was the Government that facilitated the establishment of the redress board and the commission's report so that former residents who wished to do so could tell their stories. The commission is to be commended on its work and the co-operation of former residents also acknowledged. With a view to the future, a number of additional measures in the area of child welfare and protection have been introduced. The national guidelines on child protection, Children First, are currently under review and it is hoped to include in that review the recommendations of the Ryan commission report. A new Minister of State with special responsibility for children and young people has been appointed, Deputy Barry Andrews. There is also now an independent system of inspection of State-run care facilities.

I wish to raise another important issue that highlights the Government's commitment to the protection of all children, namely, the publication of the national action plan to combat human trafficking. The plan is a framework of measures already implemented or areas requiring further action, and is the Government's response to tackling one of the worst crimes possible worldwide, namely, the trafficking of people, including children. With the recent focus on the care of children, following the publication of the Ryan report, it is encouraging that the plan deals with the protection of other vulnerable children. Key protection for child victims include counselling and debriefing together with a multidisciplinary assessment of each child's needs and a plan of care. The bringing to an end of the practice of accommodating children in hostels and the placing of those children with families in local communities may also prove a progressive step.

It is evident that any response to the commission report can never fully compensate victims of abuse for all the pain and suffering they have endured while in the care of those religious congregations. However, the Government has apologised for past failings and is committed to a child-centred approach to policy formulation, including robust inspection processes. It has also stated its commitment to make recompense to victims for what they have suffered. However, as evidenced by our recent past experience, it is the responsibility of all of us to be alert to the dangers that exist, and to do all in our collective powers to highlight and eliminate any possible risk to the welfare of any child.

I welcome the significant contribution made by the Taoiseach this morning. I also welcome the significant contribution made by the Minister of State with special responsibility for children and young people. We are having an excellent debate that is constructive and reflective. Such a debate is necessary at this time. I hope that following this two-day debate we can move

forward and do what needs to be done, implement the recommendations and ensure that something like this never happens again.

Deputy Beverley Flynn: I wish to share five minutes of my time with the Minister for Transport, Deputy Noel Dempsey.

Acting Chairman: Is that agreed? Agreed.

Deputy Beverley Flynn: Like other Members of the House I welcome the opportunity to speak on this report, which makes extremely painful reading for every decent man, woman and child in this country because it exposes very uncomfortable facts on an underside to life in Ireland. On my way into the House today I met with Michael O'Brien who was on "Questions and Answers" recently and some other men who were also victims of abuse in institutions in this country. Listening to their stories and reading the stories of others makes for uncomfortable and unbearable reading by any individual in this country. As a mother of young children, I believe the contents of this report to be shameful for Irish society.

I welcome the report which is a vindication of the thousands of young children, now adults, abused, ill-treated and left marked for life. Worse than this, they had nobody to whom they could tell their stories. There was nobody to listen to them. While the report is about the abuse perpetrated by the religious orders, men and women who betrayed shamelessly their vows, we must also remember that these awful things did not happen in isolation or without the knowledge of others. In rural local communities, Letterfrack, Daingean, Artane or Kilkenny local people, including doctors, the Garda, tradesmen, shopkeepers, teachers, social workers and local clergy knew what was going on. All had to know and all kept their silence.

To understand how this situation was allowed to develop we must look at the relationship between the State and the church in this country as represented by the religious institutions. That situation arose because of a policy of placing our basic educational and health services, funded by the taxpayer, under the sole control of the church. The Ryan report refers to this situation of control. It was a control which came to be unquestioned, which led to blatant abuse of power and allowed the religious institutions to behave as if they were above the law, unaccountable to anybody and, to this day, unaccountable.

In turn, the institutions were able to resist and oppose the idea of a child-centred education. Rather, children were considered intrinsically sinful; they had to be disciplined. It was an accepted belief in ordinary Catholic schools that children had to be punished. However, this reached its extremes in the institutions where defenceless children had nobody to speak for them and nobody to protect them. The end result was that the protectors became the persecutors. Sadism replaced sympathy and kindness and fear and exploitation became the norm. All of the tyranny was carried out with impunity. The perpetrators were responsible to nobody; they were untouchable.

What comes across again and again in the Ryan report is the repeated refusal of the congregations to accept collective responsibility. Even when forced to acknowledge the catalogue of wrongdoing in one institution after another, they flatly refused to make an admission. One of the main criticisms of the Ryan report is that even in recent times this continued to be the case.

The Ryan report tells us — we need to know no more than this — that the safety of children was never a priority and that "there was serious indifference to the safety of children". All of this neglect and abuse was carried out with the passive collusion of the State. Let that not be forgotten. The Ryan report states that the failure of the Department of Education to control the excesses in these institutions was an acknowledgement by the State of the ascendancy of

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the congregations and their ownership of the system. The deference shown by the State to the congregations was the green light for them to do as they wished without fear or stricture.

The Department knew about and ignored breaches of the code of corporal punishment. It investigated allegations of sexual abuse, confirmed them and dismissed the abusers without ever reporting the matter to the Garda. Complaints by parents to the Department of Education were ignored. Young girls were sexually abused by foster parents, holiday families, employers and visitors, and were powerless to find a listening ear.

It goes without saying that the recommendations of the Ryan report must be implemented now in full and without qualification. No child in the care of the State can ever again be put at risk, as were those who marched on the streets of Dublin yesterday. I joined that march yesterday not as a politician, but as a concerned citizen to show some solidarity with the people who suffered terribly at the hands of this State. The large number of people who turned up in support illustrated the outcry from the people of this country at this shameful experience, which is deeply regrettable. We must ensure that it never happens again.

I take this opportunity to welcome two points made by the Taoiseach this morning. He stated that he told the representatives that the needs of the survivors of abuse is the Government's number one priority at this time and that we are committed to addressing those needs and other issues that arise from the report in consultation with the representatives of the survivors. I welcome the Taoiseach's commitment that this matter will be treated as an absolute priority. Also, and this is critical, those who perpetrated crimes against survivors, regardless of how long ago or how old they are, must be made amenable to the law so that they can be held to account for their crimes. There are victims in this country aged 80 and 90 years who are still suffering the consequences of that abuse. I do not care how old the people in congregations who are guilty of this criminality are, every effort must be made to bring them to justice. We owe that to the victims and to the people of this country. What kind of society would we be if we protected these people? There is no place for them here. Every effort must be made to bring them to justice.

Most important, this file cannot be closed until the guilty are brought to trial and face the full rigours of the law for their misdeeds. Those identified in the Ryan report are not deserving of the cloak of anonymity. Having met some of the victims, it remains the case today that many of them have not had an opportunity to tell their story. They have been denied an opportunity to do so. It is a critical part of their healing that they be given an opportunity to tell their stories. I have also heard of people who, when they went before the redress board, were confronted by six barristers. I was told that in one particular case, blame was apportioned to a victim's father. It was said that the father had some role in the abuse the victim had endured in one of these institutions. That man never got an opportunity to contradict that allegation because he was not allowed to speak. We hear of claims averaging in the region of €64,000 per victim. I was told today of one man who, after 20 years and having suffered abuse in an institution, received €56,000. The people who carried out these criminal acts must be brought to justice. We owe that to the survivors, and even more important to those who did not survive but who lived and died without identity and were buried in unmarked graves and to those who endured adult years of torment and grief not because of what they did, but because of what was done to them.

Minister for Transport (Deputy Noel Dempsey): I thank my colleagues for the opportunity to say a few words during this important debate.

I served as Minister at the Department of Education and Science for two and a half years, during which time I dealt with this issue and met with many of the survivors individually and

in groups. At all times during my meetings with the survivors they stated their need to be believed, to get an apology and for the opportunity to tell their stories. They are the three issues which, during my time as Minister at that Department, I believed passionately needed to be done.

Painful and all as are the details of this report, I am glad Mr. Justice Ryan has delivered it in a timely fashion. I commend Mr. Justice Ryan, whom I appointed, for his work, the job done and the speed with which he completed the report without in any way lessening the chances of the victims to tell their stories. I am aware that the contents of the report have shocked and appalled everyone. The scale and extent of the systemic abuse outlined is such that it is difficult to comprehend. I know many Members of the House only heard or read of the scale of the abuse for the first time when the report was published a few weeks ago. They might now better understand why in 2002, as Minister for Education and Science, I initiated a review of the Commission to Inquire into Child Abuse.

In March 2003, I travelled to London to meet with the survivors who resided in the UK. I was requested to do so by survivor groups in Ireland who made the point that while the Taoiseach made his apology here in Ireland, many victims lived abroad, quite a number of them in the UK. They wanted to personally hear an apology from the Government and from the State.

I spent a day in London with more than 200 survivors who told me many shocking stories which were similar to those set out in the Ryan report. This meeting convinced me that victims and survivors needed to have their stories told and publicly confirmed sooner rather than later. Many of the survivors were seriously concerned that they would be dead before they had the chance to tell their stories to the commission and, through the Ryan report, the public. They wanted to be able to face their abusers and describe to them the impact of their abuse while they were still alive.

That is why I reviewed the workings of the commission and gave it a new mandate, following consultations with survivor groups, when Mr. Justice Ryan agreed to take over from Ms Justice Laffoy. The wait for survivors would be between 11 and 15 years if we had not conducted this review. I pay tribute to Mr. Justice Ryan for his work in bringing these stories to public attention so that the victims and survivors can feel some vindication.

I benefited from a good education by the Christian Brothers. Most fair minded people would acknowledge that the vast majority of the religious who taught in our schools were not involved in this abuse. However, I was appalled at the attitude taken by the representatives of the congregations when I met them in December 2003 to request that they pay to the State the €6 million they received from their insurance companies as an *ex gratia* payment. I told the congregations that they had a moral obligation to hand over this money. We subsequently repeated the request twice in writing but were refused on both occasions. This underlined the official attitude of the congregations, and we have heard other stories about their treatment of victims in the context of the redress board.

We cannot and should not forget this shameful period in our history. I acknowledge the work Mr. Justice Ryan has done in bringing these stories to the public.

Deputy Charles Flanagan: I wish to share my time with Deputies Enright and Deenihan, by agreement.

Acting Chairman: Is that agreed? Agreed.

Deputy Charles Flanagan: The matters being discussed today are without doubt the most harrowing and distressing that we have ever addressed. In speaking today I am extremely

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conscious of the victims of child sexual abuse and the fact that their words and stories communicate far better than I ever could the enormity of the violence and violation visited upon many of the children of this country over the years. Nonetheless I recognise that, as a Deputy, I have a responsibility to my constituents to speak on this motion. I am conscious of those who suffered at the hands of a small coterie of paedophile teachers in Laois-Offaly. I have met some of these people and I take this opportunity to commend them on their strength of spirit, courage and refusal to give up their fight for justice in the face of almost insurmountable obstacles.

We have reached a critical juncture in the governance of this State. It is now clear that as a country we grossly let down and neglected the most vulnerable. When these victims bravely came forward to tell their stories they were generally ignored or dismissed for many years. One of the most tragic aspects of the Ryan report and the litany of horrendous abuse it documents is that when these matters were brought to the attention of senior civil servants, the complaints which took so much courage to make were passed around from one section to another with a coldness and indifference that is staggering in the context of the nature of the complaint. Chapter 14 of the report, which documents years of sustained sexual abuse of young boys and the violent punishment of young boys and girls in schools in Laois-Offaly and other locations, reveals that when a brave victim sought to inform the Department of Education that a known paedophile remained on its payroll, his complaint was passed around like an unwanted gift and dismissed in turn by each official. This was the critical time at which the State and its servants, which had failed these children so monumentally, could have shown a modicum of compassion but once again the door was slammed in the victims' faces. I wholeheartedly support the widespread view that the perpetrators of the events described in the Ryan report should face criminal prosecutions. However, questions remain to be answered about the actions of the senior officials in the Department who were aware of the complaints but passed the buck or looked the other way. These Pontius Pilates also have a case to answer.

The strange attitude which the State has historically taken towards those who have suffered in its schools and other institutions persists to this day. Louise O'Keeffe, who was sexually abused by her national school principal in Cork in the 1970s, was recently pursued for costs by the State following an unsuccessful attempt to sue it on the basis of vicarious liability. It took the Supreme Court to show some humanity by refusing to award costs to the State. This vicious attitude on the part of the Government — a Minister of State at the Department of Education and Science is sitting opposite — leads it to pursue victims of child sex abuse in the courts and fight to the bitter end the beleaguered parents of autistic children who are fighting for their children's education. Moreover, it is wholly inconsistent with the attitude the State has taken in regard to religious congregations. Why was the State happy to pick up the tab for the religious congregations following a series of cosy chats between the former Minister for Education and Science, Deputy Woods, his Secretary General and the representatives of the orders? When it was an almost universal view among experts that a 50:50 arrangement on indemnity would be a good deal for the religious orders, the then Minister and his Secretary General, Mr. Dennehy, agreed to pay what will amount to 90% of the costs. However, when a victim attempts to find justice in the court, the State throws the kitchen sink to win the case and crush the plaintiff. Similarly, a bank need only ask and the State coffers are opened. Compare this to the attitude taken towards abuse victims.

The State has found a convenient legal loophole regarding the management of primary schools. It has argued, and regrettably the courts have agreed, that primary schools are managed by boards of management. The Supreme Court judgment in the Louise O'Keeffe case supported the State's view that it could not be held vicariously liable for the actions of primary school employees and thus owed no duty of care to victims of paedophile teachers. Con-

veniently, boards of management are mainly voluntary. They have scant resources and spend a lot of time simply trying to keep the show on the road. In the meantime, the Department of Education and Science has the privilege of power without responsibility. It decides on teaching standards and the curriculum. It issues circulars laying down the law about almost every aspect of school life but when a victim such as Louise O’Keeffe appears it runs a mile and claims that the board of management is in charge. This strange arrangement is, in my view, neither moral nor sustainable. Even the Government Chief Whip, Deputy Pat Carey, referred to it recently as a cop out.

I recognise that religious congregations have done a great deal for the people of Ireland over the years but this does not mean their members have more rights than other citizens. It does not make criminals who cloak themselves in a religious mantle immune to justice nor does it sweep aside the rights of victims. It does not mean that the State should roll over for religious orders while pursuing victims like Louise O’Keeffe in the courts. There is a schizophrenia in this contradictory approach which must be addressed by this House. The State must be seen to be on the side of the citizen. However, there is little evidence that the State is truly on the side of citizens or even victims. Fundamental change is needed in the attitude of all relevant players, namely, the Government, civil servants, political servants and politicians, towards the people of this State and the individuals who have suffered such injustice.

Lip-service and window dressing are not enough. We must move away from the traditional notion that allegations are easy to make and difficult to prove or that those who complain are troublemakers. Such attitudes are relics of an old Ireland where voiceless children were beaten and abused by those thought to have been above reproach while the rest of the nation, its Government and citizenry turned a blind eye.

As I mentioned earlier, I have a particular interest in Chapter 14 of the Ryan report which refers to an individual who visited a reign of terror upon children in his care over a 40 year period; “John Brander” is the name he is given in the report. This depraved paedophile left the Christian Brothers at the request of his superiors in the 1950s following at least three complaints of sexual abuse of young boys. As the Ryan report points out, “by this means, Br Brander was able to leave the Congregation apparently of his own volition and with an unblemished teaching record”. This reprehensible individual moved from school to school, including several in my own constituency, terrorising children, sexually abusing boys and beating the small children of both genders in his care to a vicious and depraved degree. All the while, he sycophantically buttered up his colleagues, superiors and neighbours. He cultivated power in the local community. After a reign of terror in a school, he would eventually move when the tide of complaints by the parents became too much and he would always be given a glowing reference despite the litany of complaints and a number of investigations.

It took until the 1990s before this man was prosecuted. For 40 years he did as he pleased in school after school throughout the midlands. Investigations have shown that the bulk of the abuse perpetrated in general was not known to the Department of Education and Science. However, the case of John Brander was brought to the attention of the Department as early as 1965 and again in the early 1980s when one of his victims made sustained attempts to alert officials at the Department to the danger this man posed to children.

The Ryan report documents a complaint made by the mother of a child in Rath national school, Ballybrittas, in 1965 where she drew attention to excessive use of corporal punishment including beatings around the head sustained by her young children. This enlightened woman also included the name and address of the local doctor. Her complaint was forwarded to the parish priest and a request was made for a written report from Mr. Brander on the matter. The

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parish priest replied with a staunch defence of Mr. Brander whose own report on the matter was so condescending that this alone should have set alarm bells ringing in the Department. He referred to the fact that the mother would be interested in the punishment meted out to her children as “typical of the atmosphere of that house” and claims that bruises were the likely result of vigorous football. Nonetheless the Department sent an inspector to the school and in what smacks of an old boys’ network the inspector concluded that the complaint should not be taken seriously despite an acknowledgement by Mr. Brander that he was hot-tempered and the Department’s own guidelines which directed that corporal punishment should only be administered for a “grave transgression”.

Mr. Brander worked for two years in Rath before continuing the abuse of young children at Walsh Island school in County Offaly. In that school severe physical and sexual abuse was a daily occurrence for the pupils for more than three years. Eventually some parents approached the Garda, much to the consternation of the parish priest who indicated that he would have preferred to deal with the matter quietly himself; that is, one assumes, in the manner in which all other complaints about Mr. Brander had been dealt with.

A victim of Mr. Brander identified in the report as “Mr. Rothe” contacted the Department in the early 1980s. Initially he briefed an acquaintance who was a Department national school inspector about his concerns. The inspector took no action. Despite concern that complaining would adversely affect his own position, the victim took the brave step of writing formally to the Department warning them that Mr. Brander, who was at that time teaching in Tullamore, was a danger to young children. This letter was passed from Billy to Jack in the Department of Education and Science with nobody willing to follow up on its serious content.

Departmental memoranda from various officials referred in strangely detached terms to Mr. Brander’s status as a recognised teacher and examined the issue from a salary aspect. However, it noted, “Presumably Primary Branch have a file about the alleged misbehaviour in a primary school on this teacher’s part.” A later memorandum quoted in the Ryan report stated that there was not much point in proceeding with the matter and ended by questioning whether it was correct to rake up the past. Noting that the inspection reports relating to Brander were positive, Department officials again decided to take no action. The exchange of memoranda by Department officials at this juncture is shameful. The pass the parcel and turn a blind eye attitude that has been so well documented with regard to the Catholic church was also endemic in the Department of Education and Science. Those involved bear a heavy burden on their consciences.

The bizarre disappearance of letters from the file and the reappearance of information relating to Mr. Brander is a matter about which I am extremely concerned. In 1997, the Department of Education and Science informed the Garda that no complaints had been made about Brander when he was there. A spokesman for the Department told the media that there was no record of any complaint against Brander. I knew this was untrue and sought an Adjournment debate here ten years ago and wrote to the then Minister, Deputy Micheál Martin, in respect of the matter. This led the Minister to admit rather belatedly that a complaint did exist. He cited a mistake by the civil servant in question as the reason the complaint of Mr. Rothe was not identified in the initial response to my Dáil Adjournment matter in 1998. There was no mention of the complaint made by the Rath mother in the 1960s. That never appeared until the Ryan report was published.

Who in the Department of Education and Science was removing information from the files of alleged paedophiles? How did this information miraculously reappear at the bitter end? This is very serious and sinister and I want answers from the Minister for Education and Science on how this could happen and what investigation was carried out to identify how this information

could disappear and reappear without explanation and how this House could be misled. This did not happen in the 1950 and 1960s; it happened when I was a Member of this House. I raised the matter with the then Minister for Education and Science, Deputy Micheál Martin, and spoke to the Minister, Deputy Noel Dempsey, personally about the issue. The victims of Mr. Brander are looking for answers about what happened to these complaints and that is the very least they are owed at this point in time.

The victims of Mr. Brander are included in the report yet they are excluded from the redress scheme. The litany of abuse detailed in Chapter 14 highlights how wrong it is to ignore those who suffered abuse in primary schools who were not in full-time residential care. The State cannot persist in washing its hands of responsibility for the abuse that was perpetrated by teachers on its payroll. The approach to victims of abuse in primary schools must be changed and we need legislative change in this area to close the legal loophole that is allowing the Department of Education and Science to shirk its responsibilities on a daily basis.

In the few minutes available to me I have concentrated on the Brander issue but as Deputy Shatter mentioned, the children of this country are owed more than a Dáil debate and hand wringing by the powers that be. If the Government truly cares about child welfare and is truly sorry for the crimes perpetrated against vulnerable children in the past it will take concrete steps now to save today's children from a fate of neglect and abuse. Today in my constituency there are 30 foster children with no care plan or assistance. I commend the bravery of abuse victims who have told their stories. Our thoughts are with them but that is not sufficient because our thoughts should inform policy and decision-making for the children of this nation now and in the future.

Deputy Olwyn Enright: I am glad to have the opportunity to speak on this important debate and I thank my party leader, Deputy Enda Kenny, for proposing that the House debate an agreed motion on the Ryan report and I welcome the fact that all parties supported that call.

The publication of the Ryan report represents something of a watershed for Irish society. For the thousands of victims over many decades it represents the first time that they heard the Irish nation speak with one voice to say, "we believe you". All of us agree that it should never have taken so long for that to happen but we welcome that it has belatedly happened. In my ten years in politics at local and national level I have met many victims of institutional abuse and abuse in day schools. Each person has bravely told a devastating and compelling account of how he or she was treated at the hands of those in whose care he or she was entrusted. Each person has had his or life affected in various ways; some people's lives have been shattered forever. An expert on bullying told an Oireachtas committee that it takes three generations for the effects of bullying to cease to have an effect on the family of the original victim. I am not an expert in this area but I can only question how many generations will continue to be affected by the appalling abuse perpetrated on innocent and mostly young lives.

The Ryan report, in examining abuse under its many different guises and headings, at last acknowledges our shameful past. The real tragedy is reflected in the fact that Mr. Justice Ryan mentioned that simple gestures of kindness were vividly recalled. Perhaps many of us can contrast this with childhoods filled with kindness where a tiny unkindness is what is remembered because it was so far from the norm. For many of these victims the kindness is remembered because it was something unexpected and totally out of the ordinary in their lives.

This report is a litany of horror and abuse — physical, emotional, sexual — neglect, constant hunger, cold and fear. All this terror was suffered simply because one was poor, one's mother died or one had committed some small misdemeanour.

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The rules and regulations governing the use of corporal punishment were disregarded with the knowledge of the Department of Education. The harshness of the regime was inculcated into the culture of the schools by successive generations of brothers, priests and nuns and ignored by successive Department inspectors. For girls, corporal punishment was pervasive, severe, arbitrary and unpredictable. While the level varied among schools, almost all institutions used fear as punishment and as a means of discipline, and it was administered in a way calculated to increase the anguish and humiliation for girls.

The report's findings on sexual abuse make horrific reading. It is clear it was endemic in boys' institutions. While not endemic in girls' institutions the children were nonetheless subjected to predatory sex abuse by male employees, visitors and people in outside placements. What is most disturbing about the sexual abuse in boys' institutions is the fact that cases were managed not with a view to supporting the victim and punishing the perpetrator but to minimise the risk of public disclosure and save damage to the reputation of the institutions and congregations. In other words, they protected the perpetrator and their own institution at all costs. It is clear they knew sexual abuse was wrong because the report finds that when lay people were found to have sexually abused they were generally reported to the gardaí, yet when one of their own was found to be abusing, a different standard applied. It must be acknowledged that there is no excuse. Even then, sexual abuse, as it is now, was a criminal offence.

It seems the only real response by the congregations to sexual abuse was to move the offender to a new location which, far from being a punishment, simply provided him with a new group of children to terrorise. The documents prove they long understood the issue of recidivism. At all times the reputation of the congregation and the institution took precedence over the safety, welfare and dignity of children. In some cases — I will deal with this aspect later — offenders were not only transferred but were released from their vows and facilitated to work as lay teachers. They were permitted to take dispensation rather than be dismissed by the order.

Emotional abuse was clearly a way of life. There was no getting away from it, and it was bred into the institutions from the beginning. Chapter 15 on St. Conleth's reformatory school in Daingean proves that. Its establishment in Daingean caused considerable debate at the time because it involved moving more than 200 boys 60 miles to a building that the then Minister for Education described as "in such a bad state of repair it is very doubtful whether the present building can be brought up to a satisfactory standard". Concerns about the distances families would have to travel show clearly the lack of concern for the emotional development of children, with one priest contending that it would have the advantage of preventing undesirable visits and that parents would not mind travelling by bus from Dublin occasionally.

I raise a particular issue of concern to many victims and refer also to the Taoiseach's contribution earlier. Mr. Justice Ryan makes clear in his report that St. Conleth's was different from all the other institutions inquired into by the commission. It was a reformatory, and most of those in reformatories had been convicted by the courts of criminal offences. The premises were entirely unsuitable and the lack of any real education denied these young men basic opportunities. Minor offences that could otherwise have been dealt with resulted not only in being sent to a reformatory but in having almost every basic human right stolen.

The Minister for Justice, Equality and Law Reform is in the Chamber and he might be able to deal with that issue, but in his contribution earlier the Taoiseach stated that it is "now the law of the land, beyond any doubt, that no criminal record exists in such cases, nor in the case of those who were convicted and committed to a reformatory". I would have liked to see that fact reflected in the motion. The motion refers only to industrial schools, not reformatories,

and I believe the Taoiseach's comments must be clarified to ensure that reformatories are included. No crime — serious or petty — deserved the life sentence inflicted on those children. The State must contact every person involved, and in cases where they have died, their family should be contacted and it should be given to them in writing that no criminal records exist.

The real horror of all this is the fact that it is not something in our ancient past but something that is up to date and shows the reaction of our religious congregations when they further perpetrated hurt and pain their predecessors had committed by failing to revisit the deal.

The original deal was bad for everyone — the taxpayer, the victims, the Government who made the deal and the orders who did not take the opportunity to face up to their responsibility and the shame of their past. The failure to respond adequately in 2002, and having to be forced by public opinion to respond now with a belated attempt at redress, is shameful. Like many others, my experience of many religious has been positive. I know many who are hurt deeply by the pain their colleagues have caused, but living up to that, meeting their obligations and paying the debt due to these victims now may in some way help to heal the pain for everyone involved.

I wish I could call the Ryan report the final chapter on abuse in Ireland. Only the victims have a right to say when the book is closed but for me it cannot be closed yet. This report deals with institutional abuse and, as Deputy Flanagan outlined, abuse in day schools but the redress board has not been permitted by the State to go down that road. That must be addressed. I made that point in 2003 when we debated changes to the relevant legislation. I tried on that occasion, and many times previously and since in the House, to convince the Government of the importance of giving the victims of day school the same opportunity as has been given to those in residential care but always met the argument about the State not being *in loco parentis* to children in schools. I fail to understand how the impact of rape or any type of abuse is in any way lessened because one goes home to one's own family afterwards.

Those children suffered just as despicable a violation of their innocence. They faced the same concrete wall of having no one to tell, a society that protected the abuser and not the victim, and living with the shame that they were too young to know. That should rest with the abuser and not with them. Until this chapter is written and these stories are not only told but acknowledged, we cannot fully learn from the past or try to move on.

I give an example that highlights the importance of dealing with this now, once and for all. Deputy Flanagan has dealt with this issue also. I refer to the case of Donal Dunne whom I have named in this House previously and see no reason not to name him now. He taught in Marino, Mullingar and James's Street, Dublin, as a Christian Brother until 1957. Following that he left the Christian Brothers and taught in Lanesboro, Ballyfermot, Rath, in Laois, and Walsh Island, in Offaly. He then taught at second level in Castlecomer in Kilkenny and in the Sacred Heart in Tullamore. The man was able to move freely from school to school even when allegations had been made. He was eventually convicted on sample charges. However, the background and his ability to move from place to place has only now been adequately investigated.

One of his victims sent a detailed letter of complaint to the then Minister for Education in 1982. In the same year Deputies Michael Keating and John Boland questioned the Government on this issue. Twenty-seven years on no redress or compensation has been made to any of the victims of Donal Dunne.

In 2003 I raised in Private Members' business in the Dáil the need to introduce a system for vetting, which I appreciate has been put in place but we have yet to deal with the issue of soft information, despite a recommendation from a committee. It is a fact that nothing had been proven against Donal Dunne at the time he was moving from school to school. There is the

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issue of the allegations having been made but even with those and the Garda investigations, unless we move on the issue of soft information that could happen again.

In reiterating our apology as a State and as citizens of the State, we must facilitate the writing of this final chapter. I urge the Government to allow that to happen. If we are ever to make Irish society a safe place for children, we must take a long, hard look at how we proceed. If we had proper vetting with soft information, a referendum on children's rights, a proper functioning social work service that operates on a 24 hour, seven days a week basis and not from 9 a.m. to 5 p.m., a system that responds to special needs rather than putting them into pigeon holes, and a Department of Education and Science that has real responsibility for what happens in our schools, we might then be able to move on.

Deputy Jimmy Deenihan: I join with previous speakers in acknowledging the courage of many individuals who came forward to tell their stories and who are responsible for this report. I refer to people like Mary Norris, who was institutionalised with her sisters and brothers because her widowed mother formed a relationship with a local man. People like her had the courage to come forward and reveal to us the system that destroyed their lives.

This report represents a darker side of Irish life which many people in authority knew existed but decided to ignore. Within the institutions there was a culture of silence and outside them there was a culture of indifference. In most cases the children were placed in these institutions because of unfortunate family circumstances and, through no fault of their own, were subject to, in the words of Cardinal Brady, "a shameful catalogue of cruelty: neglect, physical, sexual and emotional abuse, perpetrated against children" in the name of Jesus Christ. Their plight was ignored by those responsible for their welfare such as the Departments of Education, Health, Justice and society in general. The report shows clearly, as many speakers have stated, that sexual abuse was endemic especially in boys institutions. As Deputy Enright noted, the report states that perpetrators of abuse were able to operate undetected for long periods at the core of institutions. Cases of sexual abuse were managed with a view to minimising the risk of public disclosure and consequent damage to the institution and the congregation. This policy resulted in the protection of the perpetrator.

The House and the country will be judged by the way in which we respond to the report. Although there are recommendations in the report, I would prefer if they were stronger. However, if we implement the recommendations suggested, we will have made some progress and, at least, we could say to the people who have endured such hurt and pain that we were responsible for changing the system, opening up the entire issue to the public and ensuring the same does not happen to others. The recommendations are fairly comprehensive in general and the recommendation on independent inspections is essential. However, I see no reference to a greater inter-agency, cross-departmental approach. Child care is not simply the responsibility of the HSE alone, but that of many Departments and there must be more of an inter-agency cross-departmental approach. I recall the former Minister of State, Mr. Austin Currie, was assigned roles related to several Departments to co-ordinate this approach.

A very comprehensive overview and review of child care services throughout the country was published today in *The Irish Examiner* by Jennifer Hough, who obviously went to immense trouble to put it together and it is worth examining. In County Kerry there are remarkable gaps in the provision of child care services and it is no wonder, apart from this discussion concerning our institutions, that gaps remain. If we are to be really committed to our children, we must consider the gaps throughout the country in protection services, foster care, residential care, including high support, and in search and reunion services.

An individual admitted to an institution in Tralee some 70 years ago is trying to trace her family. She has made remarkable efforts to trace her family and relatives. She was born in Tralee but is unable to make any progress because she cannot get information from either the religious orders, the HSE or any other source. Such cases and those of others placed in institutions should be reviewed and every effort should be made to facilitate these people in tracking their families. They should be helped in every possible way.

As with other speakers, I am grateful for the opportunity to speak on the report. I congratulate Mr. Justice Ryan on the report, which is most comprehensive, laid out in very simple language and accessible for all people. Everyone in the country should read the report, as there is a message for everyone. It should be distributed throughout the education system and should be made accessible to anyone who wishes to read it because there is a lesson here for all of us.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to share time with Deputies Ciarán Cuffe and Finian McGrath.

An Leas-Cheann Comhairle: I understand Deputy McGrath intends to share time, in turn, with Deputies Behan and Maureen O'Sullivan.

Deputy Dermot Ahern: I pay tribute to the report, prepared by Mr. Justice Ryan, on the work of the Commission to Inquire into Child Abuse. His report lays bare the full horrors faced by those committed to the institutions in question. Most important, his report is an official and incontrovertible statement of confirmation of the pain and suffering endured by so many children whose stories have up to recently either not been listened to or believed.

Along with the Taoiseach and other Ministers, I met with the survivors last week and it was a harrowing experience to listen to their accounts. It is deeply shameful for us that the abuse on the scale documented by the commission report took place in our country and that for so long it was not confronted. The State failed in its duty to protect the children involved causing untold harm and grief to them, their parents and families.

In the time available to me I will refer to two issues particular to my Department. One relates to the recommendation in the report that the lessons of the past should be learned such that steps can be taken to reduce the risk of repeating them. Before touching on this aspect, I first refer to another issue that continues to be a cause of some concern to survivors, that is, the question of the possibility that they may have criminal records. It is a question that has given rise to real fears and the fact that it continues to be raised can reinforce those fears. It cannot be denied that children committed to industrial schools were often treated in a manner similar to criminals, indeed possibly worse. As the Ryan report states, "Children were committed by the courts using procedures with the trappings of the criminal law".

There was a perception held by many that industrial schools were simply prisons for children. The records kept by some of the religious institutions and the way children were treated certainly add to that perception. It is not surprising, therefore, that many survivors went away with the view that they had a criminal record hanging over them. Let me be categorical and unambiguous: the State and our system of law does not regard any child committed to an industrial school as a criminal or as having a criminal record. All the relevant State agencies have been instructed of this and if any individual encounters a problem he or she should draw it to the attention of my Department and it will be dealt with.

Deputy Pat Rabbitte: Does that apply in the case of reform schools?

Deputy Dermot Ahern: It does, absolutely. I take this opportunity to clarify this point of law. Many well-meaning individuals have made different suggestions to address this concern.

[Deputy Dermot Ahern.]

However, if we are not careful, rather than solving the issue we may add to the problem and reinforce the perception that these children had criminal records.

The majority of children committed to industrial schools were committed by the District Court under section 58(1) of the Children Act 1908. The provision allowed any person to bring a child before the District Court to have that child committed to an industrial school on the basis the child was found begging, was homeless, had parents who did not exercise proper care, was destitute or was associating with criminals or prostitutes. In practice the applications for such committals were most frequently made by the ISPCC, the Garda, school attendance officers, the Society of St. Vincent de Paul, parish priests etc.

If the court decided to send the child to an industrial school, an order of detention in a certified school would be made out and signed by the Judge of the District Court. A record of that fact would be made by a handwritten entry in the court minute book. There was no criminal conviction. In most cases the Garda would not even have been aware of the decision. There are no central records kept by the State of these court orders. The entry in the court minute book would be just one of many other entries, such as liquor licence applications and so on, on the page recording the business of the District Court on the day in question.

The question of a pardon or amnesty has been raised on occasion. Immediately following the publication of the Ryan report, I asked the Attorney General to examine this issue. A pardon can apply only if a person has a criminal conviction recorded against him or her. Reference to pardons may serve to reinforce the perception that these innocent children were convicted of some crime.

The question of erasure of records has also been raised. As I have explained, there are no criminal records. The non-criminal records in the court minute books are not organised in any way that the relevant entries can be easily identified. In any event, I would be extremely cautious about destroying official records for both historical and practical reasons. Destroying these records might well be viewed as vandalism by future generations and an attempt to air-brush out a shameful aspect of our history. However, there may be individuals who wish for their records to be erased and destroyed and the matter is something we are prepared to examine on an individual basis. On a more practical level, destroying such records might undermine efforts by survivors who wish to take legal actions or simply to research what happened to them.

We examined the relevant legislation currently going through the Dáil and even in the case of spent criminal convictions, the actual records are not destroyed. Instead provision is made that the person shall be treated for all purposes as a person who was not convicted and when a query is made about a person's criminal record, it is treated as if there was never a criminal record. The State has already tried to give reassurance on this point. Section 35 of the Residential Institutions Redress Act 2002 was introduced by the Minister for Education and Children and provides that for the avoidance of doubt, a person who was detained in an industrial school as a child in circumstances where no criminal offence was committed by him or her, is not to be regarded as having a criminal record.

As a footnote to the question of industrial schools, in certain cases a judge could decide to divert a child away from the criminal justice system to an industrial school. Our understanding is that this power was used sparingly but we do not have any concrete figures because no central records were kept. Under the 1908 Act, a child charged with a criminal offence could only be committed to an industrial school if he or she was under the age of 12 or if he or she was 12 to 14, it was their first offence and there were special circumstances. However if this

procedure was availed of, it was on the basis that the charge was proved but that no conviction was recorded.

With regard to reformatory schools, children sent to industrial schools were not criminals and had no criminal convictions recorded against them. However, a number of children between the ages of 12 and 16 were charged with criminal offences and on conviction were sent to a reformatory school. For most boys this meant Daingean. The Ryan report makes clear that there were abuses committed there. However, I would emphasise that we are concerned here with a much smaller group of children. For example, in 1956 there were 4,925 children in industrial schools but only 172 children in reformatory schools. These children in the reformatory schools had a criminal conviction recorded against them. These criminal convictions could have continued to haunt these people until the Children Act 2001. Section 258 of that Act provides that any person convicted of an offence while a child shall be treated for all purposes in law as a person who has not been charged or found guilty of the offence provided he or she has not re-offended within a three-year period after the conviction. This does not apply to persons who are charged in the Central Criminal Court with murder or rape.

Officials of my Department gave evidence to the Ryan commission on the question of criminal records and to the best of my knowledge, the Ryan report does not make any recommendation for the introduction of any new measures to address this issue. However, the Government is conscious that individual survivors may still have concerns and as the Minister for Justice, Equality and Law Reform, I am open to considering any proposal from individual survivors or from a survivors' organisation that might provide comfort to such individuals. If an individual wishes to have confirmation that he or she does not have a criminal record, this can be provided and is provided for in the existing legislation.

The Ryan report emphasises that the lessons of the past should be learned and in particular there has to be an acknowledgement of the fact that the system failed the children, not just that children were abused as a result of occasional lapses. While practices changed significantly after the Kennedy report in the 1970s, the legal and institutional framework remained unchanged for some time. It was only with the enactment of the Children Act 2001 that the old legal framework in place since before the foundation of the State was replaced by comprehensive modern legislation. One of the fundamental principles of the Children Act 2001 is that the use of detention for a child is to be a last resort.

More recently, the Government decided in 2007 that responsibility for young offenders should rest with the Department of Justice, Equality and Law Reform. Up to then and during the period dealt with by the Ryan commission, the Department of Education had responsibility for providing residential schools for offenders under the age of 16 years. However other aspects of dealing with young offenders fell to the Department of Justice and this led to difficulties.

The Irish Youth Justice Service has been now been established as an executive office of my Department to provide one central point with overall responsibility for all aspects of youth justice. This has proved an important institutional reform and ensures that there is no confusion as to responsibility for the criminal justice aspects of dealing with young people. The service now has responsibility for running the four residential schools for young offenders. These schools have been subject to inspection by HIQA providing an independent oversight of these schools.

I refer to the motion before the House. We can never undo the damage that has been done. However, it is important that we fully acknowledge what did happen. We must accept our responsibility and do everything in our power to address the concerns of the survivors and ensure that the dreadful abuses inflicted upon them are never inflicted on a new generation of children. The motion before us makes clear what action is required. We have to implement all

[Deputy Dermot Ahern.]

the recommendations of the Ryan report but we must also call upon the congregations concerned to make full and transparent disclosure of their assets and to make a further substantial contribution that can be used for the support of victims. It is important that the Oireachtas speaks with one voice on this issue and the motion before us today offers the opportunity to do so.

Deputy Ciarán Cuffe: The content of the Ryan report chills me to the core. It challenges our beliefs and our views of history. It forces us to rethink our relationship with the church and our relationship with the State. It should make us humble and it remind us of our awesome responsibility to discharge duties to the children of the State.

On reading through aspects of the report, almost every second line makes the hairs on the back of one's neck stand up. Few things in politics chill one to the core but this report does. I refer to the experience of those who reported sexual abuse in institutions and the way in which these people were treated. The fact that those who had that awesome responsibility towards children treated those children who disclosed sexual abuse with disbelief and further abuse is one of the most chilling revelations in the report. Female witnesses describe at times being told they were responsible for the sexual abuse they experienced and this could only have caused greater psychological scars on the abused.

A second aspect of the report I found disturbing was the way in which the Christian Brothers in particular talked about retiring from the world and that there was a strong ideological wish to retire from the world and not to maintain any intercourse with externs without permission from their immediate superior. Brothers were not allowed to read newspapers, listen to the radio, visit friends or attend outside functions or sporting events without express permission. Walks had to be taken in the company of at least one other brother. This social seclusion and wish to push the world away must have been one of the most dangerous aspects of what went on in those institutions.

It is interesting to note that correspondence from lay people, particularly containing complaint or criticism, was treated with suspicion and hostility, thus perpetuating the problems within those institutions. Another aspect of the Christian Brothers' treatment was the attitude of the brothers towards women. The report shows that conversation with mothers or female friends of the children was to be kept to the minimum. One consequence of this was that the Christian Brothers' institutions became all-male worlds and this is a very dangerous place to retreat into. Numerous witnesses gave evidence to the investigation commission about the problems caused by the lack of female involvement in the day-to-day operation of the schools. The lack of this interaction with females was central and at the heart of the problem.

This should make us think again about our current education system where a significant section of secondary education is still segregated by sex. We should think again about same-sex schools and I believe we should push more strongly for the integration of male and female, of boys and girls in schools as there are many positive benefits.

Another aspect of the report was the reference to modesty and silence within the institutions. The subdued tone within these institutions is an aspect of the institutional life that comes up repeatedly in books and films about that time. Whatever the effects are of silence among adults, I can only imagine that children must have emerged from these institutions deeply traumatised by the push towards maintaining silence at many times during the day. There was silence during meal times into the 1950s and many recall there was a general rule of silence when moving through the buildings, in the dormitories and at night. The natural tendency of children is to communicate, to talk and chatter, to laugh and cry. To have that denied within an institution must have traumatised brutally the most vulnerable in society.

From meeting those who have been abused, whether on the streets or at the door, or, most recently, meeting people who simply come up to talk about their experiences, in my 18 years in public life I have never met people so traumatised as those who suffered abuse in institutions. I remember such meetings as long ago as the early 1990s, and within the past two weeks a man came up to me outside the Blackrock Shopping Centre. The lives of these people have been destroyed by the treatment they received through the neglect of the State and the effects of the religious institutions. That can only be a call for all of us to effect significant change and ensure that we provide the best possible protection to the vulnerable in society. That silence was intimidating and left those people in great danger.

Looking on and reflecting on institutions of the present day in Ireland, some of the largest of these are hospitals, both regular and psychiatric. We must think very carefully about the record-keeping within these institutions. We should think very carefully about how we treat the vulnerable today and whether what is talked and written about in these reports is something of the past. We should look again at the systems we have in place to address the needs of the most vulnerable in society. I am not convinced, particularly regarding the treatment of those who suffer from psychiatric illness, that we are doing enough to deal with the strong needs of those individuals.

This is a call for action. The recommendations are spelt out in detail and I believe there can be no excuse for inaction on moving swiftly to deal with what is in the report. Society can only benefit from all of that.

What I found disturbing in the report was the role of legal teams which acted on behalf of orders and institutions in denying aspects of earlier reports and there is a question there for the legal profession. It must reflect on the considerable amount of work that legal teams did to try to refute what was patently obvious, namely, that the State and the religious orders had failed deeply the most vulnerable in society. When one looks at the response of the Christian Brothers to the Mazars' report, there seems to be a very great weight of legal action to defuse, refute and destroy the facts that were staring us in the face.

I welcome the motion and trust that we will move quickly to take action on the recommendations.

An Leas-Cheann Comhairle: I call Deputy Finian McGrath.

Deputy Joe Behan: I believe I am to speak first, followed by Deputies O'Sullivan and McGrath.

An Leas-Cheann Comhairle: Very good. The first two Deputies have three minutes each, with four for Deputy McGrath.

Deputy Joe Behan: In the short time available to me I wish to associate myself fully with the agreed motion on this dreadful and horrific history of physical, sexual and emotional abuse and neglect perpetrated on children of this republic for almost 50 years. I welcome the attendance in the House today of representatives of survivors and join with the people of this country in offering my personal solidarity and support to them. I sincerely hope that this debate and the actions to flow from it will help in some small way to alleviate their pain.

The Ryan report presents us with a litany of abuse of the most helpless and vulnerable children in our country by those entrusted with their care. It will take many years to absorb fully the horror contained therein and I hope we will return repeatedly to its contents to remind ourselves how easy it was for power, absolute power, to be used as an instrument of unadulterated evil.

[Deputy Joe Behan.]

There are so many questions in my mind as I read even the executive summary of the Ryan report. In the case of the savage and grotesque litany of sexual abuse and depravity inflicted as a matter of course on so many children, we must ask and answer one fundamental question, as a matter of urgency. Why was it that those men and women entrusted with the care of innocent and vulnerable children, who proclaimed themselves to be followers of Jesus Christ, could become agents of unspeakable depravity towards those same children? Was it the case that religious life, with its power and authority, became a refuge for people with predatory sexual instincts, or was it that a life of compulsory celibacy led to the development of such instincts in some of these people? The answer to this question should inform the church authority's planning to prevent such atrocities ever occurring again.

I predict this question will arise again, even more forcefully, when the report on the Dublin archdiocese is published in the near future. I believe this report will shock us to the core all over again and will lead many Catholics to question in a very deep way whether the institutional church has betrayed the core values it hoped to espouse.

I endorse today's agreed motion and sincerely hope it will mark a significant turning point in the lives of the survivors of institutional abuse in this republic.

Deputy Maureen O'Sullivan: I commend the Taoiseach on his speech today and hope the recommendations in it, those in the report and the recommendations of the victims are followed.

How could our institutions — the State, the various Departments, the legal system, gardaí, judges and other institutions such as the religious orders — have failed so appallingly? As a teacher of history, I have taught about the Reign of Terror, the Holocaust and the killing fields of Cambodia. Now the history books will include chapters on our reign of terror, which was the physical, emotional and sexual abuse of children. As a teacher, I know what it means for a child to feel welcome in a school, to get the praise, the kind words and the encouragement. I know the difference that positive affirmation makes and how children learn and grow in that type of environment. However, the experiences of these children were all negative and hurtful. They suffered. That pain and anger have been very evident, particularly yesterday at the march.

Different types of help are needed. First, I find it offensive that the word “deal” can be used when talking about help. I feel also that when help is monetary it must not be swallowed up in bureaucracy or in legal fees.

I wish to mention a group of abused who do not wish to hear any more stories in the media because this is hurting them too much. They need a different type of help. As somebody who chaired the north inner-city drugs task force, I was constantly aware that those who were abused may turn to alcohol and drugs. I knew about the effects on their families as well as the other devastating effects of their having been institutionalised. Yeats wrote about a childish day being turned to tragedy. How many childish days were turned to tragedy in those years?

This is not a time for rhetoric, posturing or one-upmanship. This is a time for peace for those who have been hurt. However, they cannot have peace without justice and, therefore, I endorse the agreed motion.

Deputy Finian McGrath: I thank the Leas Ceann Comhairle for the opportunity to speak on the Ryan report of the Commission to Inquire into Child Abuse. This is a horrific report. When one reads chapter 7, particularly paragraphs 7312 to 73458 on sexual abuse, chapters 13 and 14, and, in volume II, chapters 1, 2 and 3, the evidence and facts contained therein speak for themselves. It was hell for these young boys and girls and it made my blood boil to see the nightmare of child sexual abuse.

I have friends who were abused and have met many others who were abused over the years. I am annoyed that even this week the State let them down by delaying the debate in the Dáil. Many of the survivors were hurt further by this. It is up to all Deputies to ensure the survivors get truth, justice, compassion and, above all, practical support. We owe it to the victims and survivors, and to future generations of children, to ensure they are protected with proper safeguards and support. Today in the House, I met Paddy Doyle and some other survivors. I now pledge them my total support. I welcome the statement made by the Taoiseach in the House and welcome the fact he met the survivors here face to face.

A particular aspect to the child abuse debate is the abuse of children with a disability. Page 14 of the executive summary deals with special needs and describes clearly the nightmare of these young children. Children with a learning disability, physical and sensory impairments, and children who had no family contact were especially vulnerable in institutional settings. They described being powerless against adults who abused them, especially when those adults were in a position of authority and trust. Impaired mobility and communication deficits made it impossible to inform others of the abuse or to resist it. Children who were unable to hear, see, speak, move or adequately express themselves were at a complete disadvantage in environments that did not recognise or facilitate their right to be heard.

Chapter 11 and sections of Chapters 13 to 18 of the report deal with the effect of abuse on people in later life. The confidential committee heard evidence both on childhood abuse and the continued effects of such abuse on witnesses. The enduring impact of childhood abuse was described by many witnesses who, while reporting that as adults they enjoyed good relationships and successful careers, had learned to live with their traumatic memories. Many other witnesses reported that their adult lives were blighted by childhood memories of fear and abuse. They gave accounts of troubled relationships and loss of contact with their siblings and extended families. Witnesses described parenting difficulties, ranging from being over protective to being harsh, and also commented on different issues related to child abuse. Approximately half of the witnesses have attended counselling services, either currently or in the past. Witnesses also described lives marked by poverty, social isolation, alcoholism, mental illness, sleep disturbance, aggressive behaviour and self harm. Approximately 30% of the witnesses described ongoing mental health concerns, suicidal behaviour, depression, alcohol and substance abuse and eating disorders, which require treatment — including psychiatric admission, medication and counselling. These are the realities for people who were abused.

On a more positive note, it is refreshing that in recent days we have seen some of the survivors and victims elected to Dublin City Council. I refer in particular to Councillor Damian O'Farrell, an independent councillor in my area, and to Councillor Mannix Flynn. It is refreshing that the survivors of abuse now have two voices on Dublin City Council and in City Hall. It is great that people here support them. It is important that people who lived through that bad experience have had massive public support to get elected to Dublin City Council. I commend both Damian O'Farrell and Mannix Flynn on their bravery in going forward, entering public life and declaring the background to their issues.

I give my commitment and support to all the survivors and victims of child sexual abuse. I say to them that the Independent Deputies of this House will give them their full support.

Deputy Michael D. Higgins: I wish to share my time with Deputy Joan Burton.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Michael D. Higgins: It is just about ten years since the three programmes that made up “States of Fear” appeared on television. When those programmes were broadcast, the reaction was entirely different from what we are witnessing this week in terms of the Ryan report.

[Deputy Michael D. Higgins.]

Much of the reaction then was to assemble the forces that had so successfully denied every assertion of abuse for decades. One could go back further. When the Kennedy report appeared, a special conference was held at which those who were involved in running the institutions where perpetrators lived and were sheltered decided they had been treated unfairly. It was said the Irish public had been insufficiently grateful to them for all they had contributed to society.

Therefore, there is something new about the universal apology that is appearing this week. It is of the utmost importance that the occasion of this debate should not be used as an opportunity for further evasion, an evasion that has been unjust and immoral and, if it were to happen again, would be a degradation of the parliamentary process.

It is interesting what has happened in the decades in between as the facts of the abuses in different institutions came out. It did not stop religious orders going to the market with their land. It did not stop an order, for example, from exhuming the bodies of 133 Magdalen women in order to clear the ground for it to be sold on the market because the order had lost money investing in shares in GPA. That information is included in the book “Suffer the Little Children”.

It is time for us to recognise the necessity of what exists in the historical record. We need a clear acceptance by all sides of the House of the importance of the record being set straight with regard to the opportunities that existed but to which no response was made. Reference has been made to Mannix Flynn. I do not recall an all-party consensus motion following the publication of his book “Nothing to Say”. I do not recall conservative politicians in this House, when they saw Patrick Galvin’s “Song for a Raggy Boy”, saying it was scandalous that should have happened. Even today, the universal apology is in danger of being diluted so thinly that it serves as a mask for something else.

What kind of assumptions create the notion that the body is sinful and that those who are celibate are uniquely better for caring for children than married people? Where do such assumptions lie as an assertion of an authoritarian religion that can defeat spirituality itself? We are not as far as discussing that yet, because of the abuse of authority and the notion that those in authority protect themselves at all costs. The first reaction is to protect the authoritarian abuse, then the property, then with hours or days left, when it is dragged out, the apology becomes available.

I am not conned by that, because 40 years ago next week I stood for election for the first time as a young person in my late 20s. In every election since, I have always been aware of the possibility of being accused of being simply anti-church. It is no credit to the former Taoiseach, Bertie Ahern, that just last week he was at it again, saying that those who wanted to revisit the proper contribution the religious orders should make were, somehow or another, anti-Catholic. Shame on him. That is a disgraceful suggestion to make.

Frankly, there is nothing new in the Ryan report. After I came into this House — most of which time I spent on this side of the House, but with a brief period on the Government side — I noticed that even good and decent colleagues were afraid of saying something that might upset the church. It was not just fear of upsetting those who were ordained, but also those people above the level of principal officer in the two Departments that mattered — the Departments of Education and Science and of Justice, Equality and Law Reform — and all of the others in authority dotted around through the system, in a country that did not respect the principles of a republic and had a deadly intersection of church and State. They were afraid very often to open their mouths lest they would get a belt of a crozier. They were seriously damaged as politicians by the fear inculcated in them by those who were abusing authority. Abuse it they did, and they did so systematically.

Two kinds of defence were suggested when we were coming up to the publication of the Ryan report. One was a curious suggestion that the whole country was “at it”, so that the cases dealt with by the commission were only a small proportion of the total. It was also suggested that we should only look at the cases for which the State was responsible. We have a responsibility to ask what quality of mind suggests, on a universal authority, that one’s body is dangerous. Let us hope in my lifetime that we will begin to be able to discuss that, and the damage those people who assert deadly notions about sexuality bring to bear.

4 o'clock
Mary Raftery’s and Eoin O’Sullivan’s book, “Suffer the Little Children”, deals with the comprehensive way in which the Department of Education set about covering its tracks. I was spokesperson for the Labour Party ten years ago when the commission was being established. It is to his credit that Deputy Micheál Martin, then Minister for Education and Science, read what files he could discover on Daingean. He described, for example, how Donogh O’Malley, who did not live to see it happen, pushed for the founding of the Kennedy committee. That committee of 11 members met 69 times but did not produce a very great report. However, it produced a file on Daingean, which contained an account of a child being flogged at midnight on a landing. The Departments of Justice, Health and Education each had a representative on the Kennedy committee. The young man who was taking notes for the committee became worried and asked the Secretary of the Department what he should do. The two Sir Humphries wrote to each other. One said he feared that including the account in the report would embarrass the Minister because it was something for which he had responsibility. He suggested that if there was agreement that the punishment had stopped in Daingean, the incident need not be included in the report. He went on, crucially, to add that the worst thing would be for the incident to go into the realm of public discourse and upset the public.

Not far from that time, the Secretary of the Department of Education, Dr. Ó Raifeartaigh, visited and had tea with Fr. McGonigle, who was in charge of the reformatory. Dr. Ó Raifeartaigh said, “Such is the spirit of dedication on the part of the staff, religious and lay, that one’s principal feeling on leaving is that it is good to know that such people exist”. He went on to say how enthused he was by the particular reform of regular visits of the Irish Countrywomen’s Association to teach dancing to the boys. The members of the ICA loved the lessons but, as Mary Raftery points out, the experience of the boys is not recorded.

The Departments of Justice and Education colluded comprehensively at the most senior level in the suppression of information which might have been in the public interest. This rolls on to the issue of the treatment of the survivors at the Redress Board. I remember going to the committee meetings and I watched carefully as they tailored the manner in which one could establish some kind of responsibility. It was proposed that evidence should be limited to the physical building of the institutions where abuse took place. It was proposed that responsibility should be confined to the person in charge of the institution, the person in charge on the actual day when abuse took place or the person who actually carried out the abuse. Later, in the court hearings, unless one was part of the goldmine industry which was making money over on the other side, a simple mistake in a person’s name could be used as a further source of trauma.

There is evidence of an institutional collusion that was deep, continuous and sinister in terms of its relationship between church and State. We must ensure that the construction of a form of collective apology is not used to dilute the responsibility of those who are perpetrators of sexual and physical abuse. It is important to bring to account those who were aware of such abuse and those who covered the perpetrators rather than bringing them to account.

I have sympathy for those working in the circumstances which existed in institutions. My argument, so far, is about cover up, secrecy and institutional collusion. General society was at

[Deputy Michael D. Higgins.]

fault. The people who had been through such institutions were at the back of the church and not at the front. They were treated differently in their parishes. They were pariahs. Dr. James Good describes, for example, how the allocation went. On page 211 of Volume IV of the Ryan report he says of Greenmount industrial school in mid-1955:

Babies born in the home for unmarried mothers at the Sacred Heart Convent, Bessborough, normally stayed there for two and a half years with their mothers. [He does not say if there was a screen between the mothers, as was the case in some institutions.] Between the age of two and a half and ten they lived in a junior industrial school, generally Passage for boys and Rushbrook for girls. On their tenth birthday, the boys were usually transferred to Greenmount or Upton. At age 14, they were out of books and usually worked in the bakery or at shoe repairs. At 16, they were released to farmers, for whom they worked as labourers, or to take up employment in the army, industry, domestic service or the trades.

It was much worse than that. Because of the stigma attached to their experience, which the State had made possible, they were now not participating normally as citizens. A tale related to me was of one such agricultural worker, working in the fields with other casual labourers. When the farmer's daughter was bringing milk to them at the end of the day in the field, she served the milk to everybody but threw it at him. His attempt to disguise his past in the school was being blown. I met these people in England. That is why it is important to eliminate all the obstacles to those who want to open up the Statute of Limitations or extend the remit of what should originally have happened.

The Ryan report states there was physical abuse in 90% of the institutions and sexual abuse in more than 50%. Yet, the Department used every resource it could, when we were establishing the legislation, to make sure that physical abuse could not be included. The suggestion was that there was a body of guidance on jurisprudence and law for the handling of sexual abuse but not for the handling of physical abuse. The truth is that it was all about money. That is why it is necessary to revisit this.

I have referred favourably to the former Minister for Education and Science, Deputy Micheál Martin, who made information available in May 1999. However, I disagreed with him when he suggested that the discovery of the independent rights of the child was late in Ireland. That is not true. Ireland ratified the European Convention on Human Rights on 26 February 1953. One of the Henchy judgments established as fact that Ireland was bound, on signature, by the principles of the convention. It did not enter municipal law until 2003. I expect this report to bring Ireland to Geneva to be questioned about breaches of the convention. Article 3, under which no one shall be subject to torture or inhuman or degrading treatment or punishment, was breached. Deputies should read the Ryan report and arrive at their own conclusions in this regard. It is also clear the convention was breached in the case of the rape of children. In every judgment under the convention rape is regarded as a form of torture.

With regard to the failure of states to fulfil their responsibility, the convention describes as torture any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as intimidating or coercing him. This occurred in the institutions. We should also note the importance of the special stigma attached to this issue, which returns us to events in the Daingean institution. When asked the reason for the approach adopted there, the head of the institution stated it was found to be more humiliating. This crime, involving an institution assisted by the State, is a special category under the convention.

Those of us who were on the streets yesterday heard about those who, through forced labour, made rosary beads and so forth. Did they have a choice about whether to make rosary beads? Did those in the Christian Brothers institutions have a choice about whether to put pieces of

metal into instruments that would be used to hit them? These practices also qualify under the convention. In signing the convention in 1953 the State clearly assumed responsibilities. It comprehensively failed to live up to the spirit of that to which it committed the Irish people.

Where do we go from here? My colleague, Deputy Burton, will speak of the amendments required in legislation. On the property side of the issue, let us have no evasion or fraud and let us not invoke any notion that there is some greater demand on the resources of any of the religious orders. Any older person in any religious order is entitled to the same treatment as any citizen of the State. While none of them should be short or in penury, none of the orders should stand in the way of the victims of abuse getting that to which they are entitled, namely, justice, be it in terms of the punishment of the perpetrators or the provision of an independent resource which will enable them to put their lives back together.

As a non-practising sociologist, I do not want to hear that therapy is a substitute for justice. Therapy, care, training and education are necessary but so too is compensation. We must review the law and the cases decided in the redress board to ensure people are treated fairly. If we had done so, Parliament would not have degraded itself. To issue a universal apology and then fail to deliver would be the worst outcome of all.

Deputy Joan Burton: As Deputy Higgins stated, I will speak on what Parliament needs to do. A number of issues need to be addressed and I hope the Government will agree to address them. The Residential Institutions Redress Act must be amended as soon as possible to remove the confidentiality and gagging clauses which hang over those who went before the board. While they may have received some compensation, a penal regime of secrecy applies with regard to everything that occurred before the redress board. I and many other Deputies have met and spoken to many people who went before the board who were traumatised — to the point of being almost suicidal — by the harshness of the adversarial system they experienced, which included cross-questioning by legal teams appointed by the State and, more specifically, the religious orders.

The gagging clauses must be removed. Some of those who appeared before the redress board wish to write plays and poems about their experience, while others would like to carry out academic research into their experience. They are effectively gagged by the penalties for breaking the harsh confidentiality clause, which are a fine of €2,000 or six months in jail on summary conviction in the District Court or €25,000 or two years in jail on indictment. These severe penalties must be removed. I am not a lawyer but gangs of lawyers inside and outside the House who work in the service of the State must find a way to lift the gag as soon as possible. Achieving this will help set free the adults who, as children, were placed in residential institutions. Many are still children in some respects because their experiences and suffering prevented part of them from being able to grow up. Removing the gagging clause is one aspect of providing recompense.

A second issue arises regarding the committal procedures people underwent. While I welcome the formal statement by the Minister for Justice, Equality and Law Reform that it is his belief that the committal orders and procedures and records in the District Courts do not amount to convictions, this is not the case in the minds of many people. Addressing this issue is not only necessary for the people in question but also for their children, grandchildren, wives and partners. The State must find a way to raise the bar by formally recognising that those committed to residential institutions were not criminals and do not carry any taint arising from committal proceedings. As the Minister indicated, this may tax the ingenuity of lawyers. The legal profession can, however, produce a solution and the Minister can go further than the statement he made today. The British, for example, spent 70 years or more finding a formula to expunge the stain that applied to the young soldiers who were shot at dawn because they

[Deputy Joan Burton.]

were deemed to be cowards during the First World War. We must find the imagination to do the same for those who believe they carry some taint or stain because of the committal procedures.

It has been suggested that the documentation acquired by the Ryan commission may be destroyed. The destruction of vital and irreplaceable records would deny information to future scholars, journalists, researchers and the victims and their families, including their children and grandchildren. We must also bear in mind those who victims who made lives for themselves abroad, whether in England, the United States or elsewhere, and whose families may wish to research their history. It would send the wrong message to victims of abuse that the Ryan commission report constitutes the end of the road and the State has done enough and wishes to draw a line in the sand and move on. Such a decision would do immense damage to Ireland's international reputation. How would we justify such an apparent cover-up at the end of a prolonged and tortuous investigation? Alternatives are available. The Ryan commission reports must be deposited within our archive structures, having due regard to those who wish to remain anonymous and those who wish to use the records available to the commission. The House must devise a means of settling this issue.

I will speak briefly on the financial settlement and what can and should be demanded of the religious orders. The estimated cost to date of providing redress is between €1 billion and €1.3 billion. These figures, which were provided on different dates by the Comptroller and Auditor General, have not been disputed by the Department of Education and Science. It has been widely agreed by all parties in the House, both in the initial discussions and subsequently, that responsibility should be shared equally between the religious orders and the State, which has a duty in this regard. This means the religious orders need to contribute a further sum of between €500 million and €700 million. This must not be done by means of counselling or other services run by the orders. The people who were in the institutions need to have the dominant say in how that money is distributed to help in their further healing and recovery.

Court settlements are running at the rate of approximately €300,000 to €350,000 for those who have gone to the High Court. The higher settlements in the case of redress, the amounts of which we are not aware exactly, seem to be approximately €65,000. People were the victims of appalling and serious crimes that have done them bodily and mental harm, that has lived with them all of their lives and in some cases has affected their children and grandchildren. The compensation must have regard to that.

On the question of impunity and immunity, Deputy Michael D. Higgins spoke about the international conventions. The principle of the International Convention on Crimes Against Humanity, which is what these crimes constitute, is that the international community never will recognise the notion of impunity, that is, that one can be safe to carry out certain crimes because the state or states will protect him or her. Equally, there can be no immunity from prosecution. There are some cases where those involved who were the perpetrators of these dreadful crimes are very old, but old age does not diminish or wither the crimes. This is another matter the State and its law officers must address.

On the responsibility and the guilt for savage cruelty and savage sexual abuse, what is so wrong about what is emerging from the religious orders under freedom of information and was outlined in "States of Fear" is that they sought all the time to look for indemnity, and indemnity carried over into a kind of immunity and into a kind of impunity from being legally attacked over what their members had done. That also needs to be addressed.

I hope this debate is part of an ongoing process of reparation and recall by everybody about what happened and what was done in the name of religion and government but lest we forget,

we still have no understanding as a society as to why so many children in this country were committed to institutions. People mark it as happening from after the Famine and because of a seed of Jansenism and extremity in the Catholic church that was probably only matched in recent times by people like the Taliban in Muslim countries.

Deputy Michael D. Higgins: That is true.

Deputy Joan Burton: We had what Senator Harris, in an article he wrote in the *Sunday Independent* some two weeks ago, referred to as a kind of toxic cocktail of nationality, land and religion, as described by Daniel Corkery. That produced a culture of cruelty, secrecy and denial. I hope we are moving away from it.

The children who were detained in adult mental institutions are not referred to in the Ryan report. Perhaps in some ways the only people who have captured the enormity of what has been done here have been our artists. I think of Sinéad O'Connor acting as the Virgin Mary in "The Butcher Boy", the notion of the appearance of Our Lady in accordance with, if I may term it, Catholic mythology and stories, appearing as a point of hope in an otherwise horrific life.

Yesterday I met Andy Smith, who was a Workers' Party councillor on Dublin City Council, who lives close to here. He now writes poetry about his experiences. One of his poems speaks of:

The Big Men in their Long Black Frocks,
Behind the High Dark Walls of Daingean.

It begins:

I still hear the cries of the beatings, the torture and the pain,
I still see the faces of the sorrowful young boys,
Behind the High Dark Walls of Daingean. ...
When they release us,
Back onto the Streets of Dublin — Illiterate,
Not able to read or write,
No confidence in ourselves,
All alone and no one to help us.

Many people made that journey and made something of themselves, their children and their grandchildren, and of that they must be very proud. Like many others who listened to what happened yesterday, I both cried and felt immensely proud of the people who were on the platform that they survived, and their survival will ensure that future generations will not forget this story.

Deputy Jimmy Devins: I understand I am sharing time with Deputy O'Rourke.

An Leas-Cheann Comhairle: That is agreed.

Deputy Jimmy Devins: I am pleased to be able to speak on this important report. It is probably the most important report that will come before the House in the lifetime of this Dáil or, indeed, many Dáilanna.

I offer my support and condolences to all the victims who have suffered as a result of time spent in institutional care in this country. It is very little in terms of what the victims have suffered, but like all Members, I want to state publicly that I am disgusted and annoyed by what I have read and learnt about the suffering which these victims underwent as a result of being incarcerated in residential institutions.

Yesterday I attended part of the march of survivors outside the Dáil, and to listen to what the victims had to say could not but move and affect one in the most profound way. I was especially struck by the spontaneous applause for various speakers when they spoke about their time in various residential institutions.

I spent the past week to ten days reading the Ryan report and the litany of physical, sexual and emotional abuse and overall neglect that the victims suffered is harrowing in the extreme. To perpetuate that sort of abuse on any human being is intolerable, but to have it done to children is vile. We must remember that this was done in institutions that were funded, and supposed to be supervised, by the State. Their lives were hell on earth. I am ashamed that such behaviour was carried out on defenceless children.

It is imperative that all of the recommendations and conclusions outlined in the Ryan report are implemented. The victims must be supported in every possible way, be it by counselling and emotional support, practical help in terms of housing and other methods of reintegration into society, and financial assistance, to help reclaim their lives. I am acutely aware that everything we must do will never make up for the damage inflicted through no fault of their own on those abused victims, but we must still do all in our power to help and support them.

I also want to look at how the State can learn from the litany of abuse that this report outlines and do the best we can to ensure that our children and those entrusted to the care of the State are protected. In this regard, I am particularly conscious that much of the residential care provided by the State is to people with intellectual disability.

People with intellectual disability are as vulnerable as children and as a general practitioner who worked in this area, I am conscious of this vulnerability. I am aware of the considerable strides that have been made in this area in recent years and I am also aware, from my travels around the country meeting front-line staff, of the tremendous dedication and support that is provided in institutions all over the country.

At present, nobody can be employed to work in a residential care setting without Garda clearance. This vetting procedure is vital and goes a long way to prevent paedophiles and physical abusers gaining access to the most vulnerable in society. However, this vetting will only show up people who have come to the attention of the Garda Síochána. The worry is that somebody will be employed who will have access to children or persons with intellectual disability and that such a person may have a latent propensity to abuse. Yesterday, we all learnt of the horrific case of the nursery worker in the UK who is currently in police custody for suspected abuse of children. The same could occur in Ireland because sick individuals with the propensity for abuse will always be with us. As a society, it is imperative that we be aware of this fact and take steps to prevent it.

The implementation of Children First, the guidelines on the protection and welfare of children, is essential. In all institutions that care for people with intellectual disabilities, two adults must always be present when the children and adults with intellectual disabilities are being cared for. This would have a cost implication but it must be implemented if we are to pay the report our full attention instead of just lip-service. Many residential institutions follow this

process, but all must do so if the most vulnerable are to be protected from the ravages of sexual, emotional and physical abuse. External vigilance must be the order of the day.

I commend the courage of every victim of residential institutional abuse. As a Deputy, I am sorry for what happened to them while they were in the State's care. Our country failed them at their moment of need. We must ensure we do not fail anyone currently in residential care.

Deputy Mary O'Rourke: I have listened to various speakers during the day. They have been universally apologetic and concerned that this situation occurred within a wider community in which people either did not shout "Stop" or were not heeded when they did. I am sure people tried to shout "Stop", but their voices were not heard.

A new Deputy discussed her role as a teacher and how, through her teaching, she has always known of how young people can be brought forward and helped through acclaim or words of encouragement. She spoke the truth. During my years of teaching, I would often encounter young pupils who, for one reason or another, had not had many chances in life. They arrived at secondary school and found coping or fitting in difficult. If particular care was provided to the young girls with which I dealt, however, or if a particular warmth was displayed, they would blossom as people. It was always a source of great delight to see young pupils advance in that way, pupils who could find strength in knowledge and eventually be glad they played games and made friends among their school fellows. It was encouraging for a teacher. Bright students will always advance because they not only have themselves to rely on, but they have warm and encouraging backgrounds. Other students, however, could find advancing extremely difficult.

Contrast this with young children. I was horrified to read about a child of nine months of age. Another child aged 18 months was sentenced. How could one sentence a child of that age? The child was taken from its mother. Perhaps she was a widow, could not afford to keep her children or so on. The child was sentenced to something that I do not know what to call. The child was brought up without a modicum of love or encouragement.

Only a few Deputies have not reared children. When one has reared children in a favourable background, one knows they respond and advance in their motor movements, intelligence and every character aspect because they have been given love. The institutions' children were sent into a large abyss without love, warmth, encouragement or self-pride. Day after day and night after night, there was no end to the misery. Often, the night brought further misery, as we know from the reports on sexual abuse. Children were huddled under blankets. I do not know how anyone survived. Like many Deputies, I spent 40 or 45 minutes listening to survivors outside Leinster House. I do not know how those men and women even had the courage to name their institutions, recount what was done to them or get through it all. Mr. Justice Ryan did a good job. There is no doubt about that, given that we are debating his report.

I taught for many years before entering public life. I will give credit to the INTO, which wanted to introduce a programme called Stay Safe when I was at the Department of Education. The INTO visited me at the Department. The scheme was a good one whereby young children in primary school would be alerted to things that could threaten them or be wrong for them. The Department responded and Stay Safe was introduced on a pilot basis before being rolled out to many schools. However, the programme is still not in every secondary school. After returning to the House, I tabled a question on this matter, but I was told the roll-out figure was 75%. Why is it not in every school? It should be, since it is a properly established and monitored scheme whereby young people are alerted in a non-threatening way to the dangers they may confront and for which they should watch out. I have discussed the matter briefly with the Minister for Education and Science, Deputy Batt O'Keeffe. The Department should go about its work and ensure the programme is introduced into every school.

[Deputy Mary O'Rourke.]

I will tell an aside, which tells its own tale in another way. After our agreement in May to introduce the Stay Safe programme and its initial implementation the following September, I met people at a clinic in my home office for a few hours one Saturday. I hate the word “clinic”, but that is what everyone calls it. Six buses drew up outside, from each of which a large contingent exited. They rang the doorbell and my late husband Enda — whom I dearly miss for many reasons, this included — met them, brought them in and so on. They told me they had come from County Cork to protest at my house about the Stay Safe programme. I have never forgotten that incident. Those people were parents. In my head, I could never come around to understanding why they did not want the programme. I see Deputy Stanton nodding. They painted me as a Jezebel of some kind or another, a red witch prepared to destroy children by introducing the programme.

In our discussions, we pay tribute to those who have gone through their own valleys of hell, but the issue is not over for young children. In 50 years' time, will Members of the House, in whatever shape it may be, discuss the lack of support for children in care or some other aspect of children's lives? Will they still be asking where is the referendum on the rights of the child.

This idea brings me around to a second phase of my life, one that has a bearing on our debate. Before I do so, however, I wish to discuss the Ryan report's chapters, which were particularly horrifying and distasteful. Women were incarcerated as forced labour in the Magdalene laundries. What was their sin? They became pregnant and had a child. That was their sin.

Can one imagine the situation? Women who perhaps had very deprived childhoods and found a measure of love in some shape became pregnant. Such women were taken into so-called Magdalene laundries and were made to work over steamy iron presses. Anybody who has collected clothes from a dry cleaners knows the smell of the chemicals used in them. Many women were incarcerated in such places and made to work in hot, fetid atmospheres because they had a child and were deemed, from then on, to be “dirty” women. Imagine the mentality which saw that as a heinous act and incarcerated women. This sort of thinking about sexual matters and women is prevalent enough in these times, even in echoes of past times.

I have the honour of chairing a committee on the constitutional amendment on children's rights. I am convinced that until the amendment is written in English and sent out to the people to vote on, we will not ensure children have their rights. In all countries of the world, there is always an opportunity for the powerful to subjugate the weak. There are revolutions in various countries and there are countries in which democracy does not flourish. Why is this the case? It is the case because a powerful elite has sought to subjugate a weaker group of people.

That is what happened in the lives of all the young children affected by this issue, that is, powerful people sought to subjugate them, by hardship, providing scant food, showing them absolutely no love and subjecting them to sexual and physical abuse. It happened because some people enjoyed the aphrodisiac of power and the ability to wreak power on a person who is weaker, in this case a vulnerable child who was much smaller than they. What mind took delight in that? It is very difficult for us to understand, but we have to.

We have a wonderful committee which is examining all of these matters. I foresee that, throughout the land, all of these horrors and many others, such as the Roscommon incest case which unfolded some months ago — I understand there is more to follow on that — and many others, some published and some not, will be revealed. One thinks of the children of the young family in Leitrim and what they had to do regarding incest by their own father.

Until we get the wording of the constitutional amendment correct and put it to the people, we will not address this issue. There will be many people, worthy by their own lights, who will seek to ensure that does not gain credence throughout the land. I started my political life in

dealing with children through the Department of Education and Science and schools. Now, in the ebb tide of my life, when I was so lucky to get back into the House — it was fortunate and took hard work and I thank the electorate — I will again be dealing with young children, and the most vulnerable of children.

Until we are able to say children have rights as individuals, and not just those already allowed for within a family or the right to education, which is proper, but the right to be respected for her or his own character, imagination and creativity, we will not address this issue. All of this must be acknowledged. The rights of children should be put into English which can be understood and this should be put to the people of Ireland.

I want to hear no comments from people who think children are now well looked after. In the main that is the case, and many have loving family backgrounds. We all know that. However, there are still opportunities for the powerful to prey on the vulnerable and that is what we must guard against. I hope out of all the words we will all say today and tomorrow in this House will come a sense of purpose that never again will we read a report such as the one we are discussing. That is my wish and aspiration.

An Leas-Cheann Comhairle: Deputy Denis Naughten wishes to share time with Deputies Andrew Doyle, David Stanton and Jim O’Keeffe. Is that agreed? Agreed.

Deputy Denis Naughten: Nothing could prepare one for the horror that lies in the volumes of the Ryan report, which, in institution after institution, list appalling accounts of destroyed lives. A whole generation of children experienced some of the most inhumane and barbaric atrocities perpetrated against human beings in the last century. This report shames us all, our society and those who were in charge of it during the period in question. The litany of abuse detailed in the report brings shame on us all and on our society. We must commit ourselves to ensuring it can never be repeated.

I have spoken on a number of occasions in the past on the role and functions of the Commission to Inquire into Child Abuse. I have spoken at length on the situation of those children who were in residential care during the years in question and have been ignored by the commission. Sadly, there has been no change in this regard.

There are two specific categories of children in residential care who remain in the shadows and the Government has sought resolutely to keep their experience out of the public domain. One group comprises those children in State residential institutions who were used as guinea pigs in vaccine trials without their consent. The Government has used the Commission to Inquire into Child Abuse as a fig leaf to ensure their experience is swept under the carpet and that we never receive answers to the questions raised about the prevailing medical ethos of the 1960s and 1970s.

Separate sets of trials were carried out on children in State homes, the first from 1960 to 1961 and the second and third in the early 1970s, which continued until at least 1976. I understand there may have been a later trial but I do not have the details. The first trial which took place involved 58 infants in institutions around the State, between December 1960 and November 1961, the report of which was published in the *British Medical Journal* in 1962.

The institutions involved include Bessborough in County Cork, St. Peter’s in Castlepollard, Dunboyne in County Meath, a mother and baby home, St. Patrick’s, on the Navan Road in Dublin, St. Clare’s in Stamullen in County Meath and Mount Carmel industrial school in Moate, County Westmeath, to name just a number. They were involved in the first clinical trial that took place.

[Deputy Denis Naughten.]

The background to subsequent clinical trials which took place in the late 1960s and early 1970s was due to a great upsurge at the time in the number of severe adverse reactions in children who received the three-in-one DTP Trivax vaccine, manufactured by Wellcome. The 1973 vaccine trial involved an institution and a comparative control group outside that institution. A total of 116 children were involved, comprising 59 from the community and 57 from two children's homes in the Dublin area. The children in the community were given the normal commercial vaccine and those in care were used as guinea pigs for the new trial vaccine that was being studied at the time.

The trials beg a number of questions which remain unanswered. To date, however, no answers have been forthcoming. The Government referred the issue to the Laffoy commission but it was subsequently challenged in the courts. As a result, no worthwhile information has come into the public domain on what occurred in those institutions, even though State employed medical personnel were involved in administering the vaccine trials. We are now told that there is a threat hanging over whatever records are available and were made available to the commission and that they might be destroyed. The Government, and numerous previous Governments, have turned their back on those children. Those who were used as guinea pigs have not received answers on why they were used, why consent was not sought, what type of concoction was administered and for how long that went on in State institutions.

The other group of children to which I wish to refer is one that is currently in the State's care. I refer to children who arrived here from outside the European Union. A shocking 23 unaccompanied children have gone missing from State care since 1 January 2009. Twenty of those children are still missing. It is a gross dereliction of duty by the Government and the State that has resulted in those children evaporating into thin air. Since 2000, some 486 children put into Health Service Executive accommodation were placed in care by the Department of Justice, Equality and Law Reform and the Garda Síochána. To date, 25 of those vulnerable children remain missing, yet the Government has failed to put measures in place to protect other such children. It is clear that some of those young children have been coerced or enticed from State care into lives of depravity and prostitution. There is strong evidence to suggest that HSE hostels are little more than grooming grounds for those seeking to prey on vulnerable children.

That is a child abuse scandal of tomorrow and clearly shows that nothing has been learned from the scandals of the past or from the litany of abuse outlined in the Ryan report. The Ryan report frightens us to the core. We must ensure that such abuse never happens again. We do not need any more words, we need action. The Government must act immediately to end the practice of placing children in hostels by the authorities of the State without proper care, supervision and standards. The lack of same in the past and the dereliction of duty by those working on behalf of the State allowed the exploitation and abuse of children in the past. We must ensure that does not happen in the future.

Joy Imifidon is one such child. She is a 17-year old Nigerian girl who the Garda picked up in a brothel in County Kilkenny last summer. She came before the courts last July and was charged with failing to produce a valid passport or other form of identification. Detective Garda Liam Maher told the court: "We are worried that she may be a minor and a victim of human trafficking." That was endorsed by Judge William Harnett who stated: "This is a young person who is very much at risk. I am not letting her out of custody while she may still be at risk and unless she has some chance of finding a safe place." She was remanded in custody to Mountjoy Prison. She came before Carlow District Court on 15 August and was placed in the care of the HSE on a 28-day interim care order. She subsequently disappeared from care and, to date, has not even appeared on the Garda's missing children's website. She is just one

example of those children who have been found in vulnerable situations and placed in care by the State who have subsequently disappeared from that care, only to be exploited again.

Deputy Andrew Doyle: I welcome the publication of the Ryan report, which investigated the catalogue of abuse that took place in institutions, not least because for the first time since being elected two years ago, I am aware of the sombre air among Members, our staff and the staff of the Houses. For the past two years we have had debates and arguments about the economy and other issues that are supposed to be important. It is heartening that we have agreed a joint motion. We have heard expressions of emotion from all sides of the House. What has been said must be taken in good faith and that will be the case if the recommendations are followed up.

I salute the people who have come out to insist once again that the nation, the church and its congregations, and the Government Administration, acknowledge the injustice perpetrated on them as children. It has taken almost 70 years to uncover, expose and put at the heart of Government business the catalogue of institutional cruelty, abuse and exploitation of vulnerable children placed in institutions where they should have been safe. The abuse was mostly ignored by the Department of Education and Science, the church and the people. Despite the vision of the men and women of 1916 who wrote the Proclamation of Independence to “cherish all the children of the nation equally” and despite the fact that so many of us have heard stories of abuse of children in care, we — the people, the church and State — failed to listen and speak out to ensure that those people in need of care were cherished, nourished and educated without terror or physical, sexual or emotional abuse.

The publication of the Ryan report brings with it an essential commitment from everyone involved, namely, the community, the church, the nation, and the Government to ensure that the truth is told of the reign of terror, exploitation and abuse that existed in Christian child care institutions for abandoned children and reformatories. We must take it in good faith. We must also ensure that people who have lived through those circumstances are given the support and justice they need to heal the past and create a better future. We must also ensure that from this day on the children and people at risk are minded, supported and protected from further abuse or exploitation.

Since the foundation of the State, it has been the responsibility of the Government to ensure that all vulnerable children are not abandoned when help is most needed. That has not been the case and is not the case. This week, as every week, there is a lack of support services, or inadequate services, for those children at night or at weekends. The social services are doing a good job. Today’s *Irish Examiner* focused on the report on the adequacy of child care. That does a service to the system, but unless the report is acknowledged and dealt with, it will have been futile. Most crisis calls are handled at night by the Garda because the HSE has decided for budgetary reasons against hiring the necessary social workers to provide 24-hour cover. Front line services are left to willing but untrained personnel in the Garda and an anonymously funded private holding centre that might be some distance away from where the crisis has arisen. In the spirit of the Ryan report, given that a poverty of resources is no longer an acceptable excuse, will the Department of Health and Children now put on the Cabinet agenda the commitment to a fully staffed 24-hour front line social service facility for at-risk children instead of the unsafe and anonymous arrangements that are in place currently?

One can get a fireman to put out a fire in one’s house. One can access an emergency doctor. One can call a plumber in an emergency. The Garda operate at night. However, if a child is in need of emergency help, the only solution is to go to the Garda station. Despite the best efforts of the Garda, they will never be able to cope adequately in such a situation. That is evidence of a poverty of the spirit.

[Deputy Andrew Doyle.]

I question the priorities of the Government. I do not want to do that but I have no choice. I also question the priorities of the Department of Health and Children, which puts the budget for front line services at the bottom of the list. The adequate funding of those services must be on the Cabinet agenda so that we, as a nation, do not leave the same legacy of abandonment of vulnerable children resulting in adults who are hurting coming to this House to seek justice in 20 or 25 years' time. If we have learned anything from the horrific catalogue of cruelty, tragedy and shame uncovered by the Ryan report, it must be to ensure that from now on, no call for help from a child will go unanswered.

We have seen the catalogue of denial by the institutions and the failure of the State and its agencies — the Department of Education and Science and the health boards. That failure has resulted in carnage of the bodies, hearts and minds of so many children. Today, we cannot allow this denial of the needs of our children at risk. We must have the political will and drive to ensure that the National Guidelines for the Protection and Welfare of Children are underpinned with legislation to ensure we leave a legacy for a new generation that children will not be at risk.

5 o'clock It has been stated that for whatever reason children were in the past not born equal. Can we say that today they are? I do not believe we can. While I do not wish to criticise the Ryan report or any of its recommendations, I believe a truth and reconciliation commission, on the lines of the model used in South Africa, should be established here. This would assist in the truth coming out and in our revisiting the legislation with regard to redress, compensation and the manner in which the trust is to be set up. This is hurtful process.

Members will be aware of the work of the Glencree Centre for Peace and Reconciliation. When chairman of the council, I opened an exhibition of the graffiti, art, advertising and slogans of both sides of the divide, an exhibition that went all over the world. The exhibition, which was silent, allowed people to confront their enemy in a gallery situation and was very effective. Some of the exhibits, paradoxically — not the most vilified or hateful ones — are now cherished as a reminder of a time no one wishes to go back to. I ask that a truth and reconciliation commission be established.

Deputy David Stanton: The Ryan report refers to a dark and dangerous time in our history, a time when our society was closed and when society, the Government and the Dáil of the day deferred to a dysfunctional church which was unquestioned and ruled completely. That, I put to this House was a dangerous situation, the results of which are known today.

The Dáil was weak at that time. I am not sure if this Parliament is much stronger today than it was then. We need to examine the role of the Dáil. No organisation — religious, State or private — should be above the law or beyond scrutiny. It is our job to scrutinise on behalf of the people. I believe this House is limited in terms of how it carries on its business and that we need to change that.

I have read only part of the report. I was sickened by what I read and could not finish reading of the unspeakable horrors, the stuff of nightmares, contained therein. I believe criminal charges should be brought against those involved, if possible. What happened has had a major impact on the people concerned and that such impact can continue for generations. While therapy and counselling services are important, therapy is not, as Deputy Higgins stated, enough. I agree also with him that justice is important.

I want to draw the attention of the House to the reaction of the Ombudsman for Children to the Ryan report. The ombudsman makes a number of points which I believe we should take on board, including that there is currently no independent inspection of residential centres for

children with intellectual disabilities in Ireland, which is not good enough. Deputy Naughten stated — this is repeated by the ombudsman — that children who have come to Ireland from other countries and who are here alone without a parent or adult to look out for them are accommodated in private hostels operated outside of the regular child care system. Known as “separated children”, they receive sub-standard services despite their vulnerability. It has been widely reported that more than 350 of these children have gone missing from care since 2000.

Deputy Michael D. Higgins: That is correct.

Deputy David Stanton: The ombudsman also maintains that boys aged 16 and 17 years continue to be detained in St. Patrick’s institution, a prison, despite the enactment of legislation in 2001 which committed the State to removing all children from the adult prison system. Conditions, the ombudsman maintains, in St. Patrick’s institution have been widely criticised by national and international bodies. That is the current position. This information was published only last week by the ombudsman by way of reaction to the Ryan report when published.

The ombudsman also points out that large numbers of children considered at risk have not been allocated a social worker; a significant number of schools in the country are not implementing the Stay Safe Programme, which aims to develop children’s ability to recognise, resist and report risk situations or abusive encounters. In many of these cases, it is the registrars that are preventing this from happening because they are afraid that the innocence of children will be somehow damaged, which is rubbish.

Deputy Michael D. Higgins: Hear, hear.

Deputy David Stanton: The ombudsman states that we still do not have an independent child death review mechanism in Ireland. When children in the care of the State die there is no independent review of the case outside of the coroner process. That is what the ombudsman had to say last week. I say to the Minister of State opposite that this demands urgent action. We need to listen to the Ombudsman for Children, one of the most important offices established in this State. That office needs to be resourced and listened to as it is the ombudsman who is listening to children, which is what did not happen in the past. Had it happened, we might not be here today discussing this report.

I would like also to refer to an issue raised by Deputy Naughten, namely, the vaccine trials. The Minister for Foreign Affairs, Deputy Martin, who was Minister for Health and Children at the time speaking on the issue in the Seanad stated: “We do not know whether your rights were protected all those years ago. We just do not know but we believe it is important for you and for the wider society to move Heaven and earth to find out and we want to do it in a forum which has the power to investigate, to compel witnesses and to publish its findings without fear or favour to ensure compensation is made, if that is required”. The Minister stated that the Government did not know who was responsible for safeguarding the rights of children at the time. That process did not go ahead. I have been contacted by a number of people concerned about this. While I assume that the pharmaceutical companies paid money to trial the vaccines on the children in these institutions, as we do not have the full facts we do not know if that is the case. The children were used as guinea pigs for vaccine trials, the consent for which was not, most of the time, sought from or given by their parents, which is another abuse that needs to be investigated. The Government appears to have lost the will to investigate this issue further.

Very often, when children are vulnerable they drop out of school. Youth and out of school services is the Cinderella of this sector. These are the children who need help most. I implore the Government to put more resources into youth services and out of school youth services

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which is an area where one often comes across children who are vulnerable and who need help right now.

Deputy Jim O’Keeffe: I have been a Member of the Dáil for more than 30 years. The Ryan report contains the saddest litany of shameful abuse ever debated during my time in this House. What we have before us is a catalogue of crimes against children to which our only reaction can be utter revulsion.

In many ways, we are discussing our domestic policy. While it is true that children were not consigned to the gas chambers, it is evident that they were condemned to exist for many years in institutions in which they were starved, beaten, abused, humiliated and, above all, treated as less than human beings. In many ways, that attitude resembles the Nazis’ approach when they established the gas chambers. We must ask how this was allowed to happen.

I am aware the representatives of each of the religious institutions and the Taoiseach on behalf of the State have said “*mea culpa*“. However, each of us, as representatives of society, must also expressly say “*mea maxima culpa*” because I do not think these events could have taken place without the knowledge of society. There is a danger in excoriating the religious congregations and the State for what happened while ignoring the responsibility of society as a whole. We cannot fob off to the religious orders and the Department of Education and Science our responsibility as a people who knew, or should have known, about what was happening but ignored or acquiesced to abuse. It is easy for us to shovel the orders and the Department into the dock and find them guilty without acknowledging the attitude of society. Why, for example, did girls go to the Magdalen laundries? They went because they had nowhere else to go.

Deputy Kathleen Lynch: They did not go to the laundries.

Deputy Jim O’Keeffe: I accept the Deputy’s correction; they were sent there. They were ostracised by society. The girls concerned had in general become pregnant. No middle class children were sent to reformatories or industrial schools. Those sent were the marginalised children of the poor and those who were regarded as sinners. In many ways, they were regarded as less than human by church, State and society.

It is interesting to note that these children were fought over. Quotas were established for these schools because payments accompanied the children. I discovered an interesting letter dated 10 September 1937 in which Bishop Casey of Skibbereen chides the Department of Education for discriminating against the industrial school in Baltimore. Four days later, a report was sent to the Secretary General of the Department by the official concerned, who wrote that he could not see how effect could be given to the bishop’s wishes to have Baltimore favoured to the extent indicated without inviting protest from other senior schools. He pointed out that, from 1 September to 31 October 1936, 21 transfers had been made from junior to senior schools in Cork city and county, of which 11 were sent to Baltimore, four to Greenmount and six to Upton. According to this official, the figures revealed that instead of being discriminated against, Baltimore had the best of the deal. These children were treated like cattle.

Deputy Michael D. Higgins: Headage.

Deputy Jim O’Keeffe: Exactly, they were accompanied by headage payments. In a letter dated 18 September, the Department apologised for the delay in responding to the bishop and expressed hope that its explanation would satisfy him it was faithfully observing the promises made on the occasion of his visit to deal as sympathetically as possible with the claims and

circumstances of the Baltimore school. This letter was written despite the criticisms against the school made by a doctor in the Department, Dr McCabe, who was a very good woman.

Deputy Michael D. Higgins: She was excluded from any committee.

Deputy Jim O’Keeffe: Dr. McCabe consistently reported that accommodation at the school was overcrowded and its equipment poor. At one time she noted that medical records were not kept and added the cryptic comment, “perhaps too revealing”. She reported that the children’s clothes were tattered and torn and that they lacked shoes except in winter. The Department knew about conditions at the school, therefore, but did nothing. Former residents of the school spoke about their hunger.

What are we going to do about the Ryan report? When will its recommendations be implemented and who will monitor them? Have we matured as a society in dealing with the vulnerable? What is our attitude to gays and lesbians, travellers, coloured people and other nationalities? Since 2000, 486 children have gone missing from asylum hostels, of whom 425 remain unaccounted for. Should we accept that? If they were Irish children I am sure there would be a stink and a storm but just because they are not Irish we accept the situation. These hostels are not properly examined and State inspections of accommodation in which unaccompanied migrant children are placed have yet to commence. According to a report by Shane Phelan in the *Irish Independent*, almost one in five foreign children placed in the HSE’s care goes missing and is never found. We must absorb the lessons of the Ryan report by ensuring the horrors it describes are never inflicted on anyone in our society again.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary): I wish to share my time with Deputy Margaret Conlon and the Minister of State at the Department of Finance, Deputy Martin Mansergh.

Acting Chairman (Deputy Charlie O’Connor): Is that agreed? Agreed.

Deputy Dara Calleary: The horrors outlined in the Ryan report and on the airwaves, as well as the events described by Deputy Kenny this morning, are wretched. One cannot imagine how hard it must have been for the children who suffered these nightmares. I agree with Deputy Jim O’Keeffe and others who have described what happened as a holocaust.

I reiterate the Taoiseach’s apology to every person who marched yesterday or who survived institutional abuse. I hope to gain strength from what they have experienced. We owe it to these people to ensure this abuse never happens again. For those who died without having their stories told, we must ensure the perpetrators of this abuse pay a price for the damage they have done. The systemic failures and the State’s co-operation in these events must be exposed and addressed. If necessary, we must investigate the records of this House for interventions by Members which may have supported this system.

I welcome the commitment made in the motion to review the Residential Institutions Redress Act 2002. The redress board has not satisfied survivors and has in many cases adopted a confrontational attitude. We must make it more co-operative. The Minister of State at the Department of Health and Children, Deputy Barry Andrews, has begun work on an implementation plan. Deputy Stanton’s remarks on the Ombudsman for Children and after-school services should be considered in the context of that plan. Lives and opportunities were taken from these people. The mental abuse they experienced in dealing with physical and sexual abuse can never be quantified. Their needs must be met through the implementation plan.

We will never see it again but we must ensure we have procedures in place across every institution of the State, in our care homes, hospitals, schools, youth clubs and every area in

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which we entrust the care of children. We must ensure that in 20 or 30 years there will not be a debate in this House exposing something happening now unbeknown to us. If it were to happen again or if anything reminiscent of the scale of this were to happen again then the words expressed in this House today and tomorrow would be untrue and would fail the survivors and the country.

Ireland has been considerably diminished by what has come out and by the activities of so many people so many years ago but which is having such an impact on peoples' lives today; by the cover-up to hide those activities and the systematic manner in which that cover-up was organised across so many pillars of the community. We owe it to the survivors to ensure that we listen to them and give those who did not tell their stories a chance to do so and provide them with a forum for their frustrations and annoyances. Many who did not get involved in the Ryan report deserve a chance and deserve to be heard. I hope that in the implementation plan the Minister of State will have ideas on that.

This House is often criticised for engaging in party politics but the manner in which this motion was agreed and will be passed on an all-party basis is a testament to the shared ambition of all of us here and in the other Chamber to ensure that this does not happen again and to ensure that the horror outlined in the report and more vividly by people speaking about it, does not happen again. The 166 of us here and the 60 Members of the Seanad owe it to the people in the Visitors Gallery and those they represent that as well as combining to vote on this motion we combine to ensure that everything in the motion is delivered, the resources are allocated, the laws are changed and a cover-up never happens again. This motion is only a start. We will be measured on how we progress and deal with it in the days, weeks and years to come. That is the true extent of our response as a Parliament. The people of the country whom we represent expect no less and we must give that united response and continue to do so.

Deputy Margaret Conlon: I welcome the opportunity to speak in the House on this very important issue and I welcome the support of all parties for the taking of this motion and the way we are united in dealing with it. As other speakers have said, I believe this is the worst atrocity ever visited on our country and in global terms it is probably the worst atrocity ever visited on children. It is a litany of horrific abuse visited on young innocent victims. No one heard their cries, felt their pain or listened to their pleas for help. Instead, many who tried to voice concerns were told that little children should be seen and not heard. Given this, children were afraid to speak. They were afraid of the consequences that might result from what they had to say and of not being believed. The State did not cherish them equally and the congregations and the State failed in their duty of care. For that we are truly sorry.

As a mother and a teacher I can fully appreciate the very vulnerable position in which children are placed while in the care of what we deem to be responsible adults. The fact that these victims had no responsible adult representing their needs at any stage is shocking and indefensible. To think that children were left without something as basic as food is horrifying, not to mind the countless other abuses directed at them on a daily basis. These people were entrusted with young children and they abused that trust at every level and at every opportunity. It cannot be denied that the Department of Education at the time overlooked glaring problems and deferred to church authority. This should not have been the case and the reason it was allowed to continue was down to the simple turning of the head approach taken by too many in a position to change these dreadful acts to care for vulnerable children.

With all the information in the Ryan report it is extremely important that we have learned from the disastrous mistakes made by institutions in the past. We must take the right steps to ensure that crimes of this nature cannot be overlooked or pushed to one side again. The

commission has carried out a thorough investigation and I want to salute the many courageous witnesses who came before it to tell their stories; for them it was a very difficult and traumatic experience but it was very necessary in allowing them to move on if they could do so.

I share the view of my colleague, Deputy Beverley Flynn, that all victims should be afforded the opportunity to tell their story. We owe them that chance to tell their personal story for their personal healing to begin. The victims in this report can never be forgotten and justice must be carried out at the highest level. The people involved in these heinous crimes must be identified and brought to justice like any other criminal would be and no one should be allowed to have the luxury of anonymity. They cannot be allowed to simply slide under the radar because crimes were not conducted today or yesterday. That is not an appropriate defence. The people we must continue to listen to are the victims, for these are people who for far too long were left without a voice.

As public representatives of the people, we must ensure that all of those responsible who are still alive are brought to justice. The religious orders also have a moral obligation to step up to the plate and ensure that they pay a substantial contribution as reparation for the heinous crimes committed because while the abuse may have stopped the memory and the scars remain. These children were robbed of the chance of living a normal life and for that we are all sorry.

I must pay tribute to the many good people who serve in religious life. They have a true vocation and have made and continue to make a real difference in the lives of many. These people should not be criminalised by the actions of some of their members because they too are suffering following the reign of terror and abuse visited on innocent children. Many of these children had suffered enough in their short lives through the loss of a parent or being separated from their families. They never asked to be born, they were brought them into the world and then we neglected and abused them.

Yesterday, outside the gates of this House I heard some of the contributions being made. They were distressing and heartbreaking but worst of all was the vision of the little shoes being left at the gates of the House with white ribbons and flowers. Anyone with a shred of feeling and emotion could not but be moved by the sight. We must never forget the wrong that was done and we must ensure that this is a watershed that is never allowed to happen again. The sight of grown men and women weeping on our streets yesterday will live with us forever. Many felt they had died in childhood as their innocence was taken away from them. Yesterday, we witnessed them finding their voice and they will not be silenced again.

Minister for Foreign Affairs (Deputy Micheál Martin): It is almost exactly ten years since I spoke in the House to outline the reasons behind the Government's decision to establish the commission to inquire into child abuse. I said then, "We want the commission to carry out its work without fear or favour and to go wherever it feels it must go to get at the truth". We committed to giving the commission the time, resources and powers it required to finally lay out for everyone in this society the comprehensive and irrefutable truth about how so many of our most vulnerable citizens were failed for so long.

This was to be a unique inquiry which could not fulfil its objectives if it attempted to operate like a traditional tribunal. Its work would be for nothing if it was distracted by endless legal technicalities or limited its findings to finely-balanced generalities. Now that the Commission has published its final report we can see that its work has not only been valuable and comprehensive but goes much further.

This is a report of major historical significance. It poses a great challenge to us all because one of the things we do worst here is history. The realities of adversarial politics and the

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constant desire to demonstrate superior empathy are bad routes through which to approach the need of every society to understand its history.

The sheer scale of this report, the stories it tells, the forensic detail with which it reconstructs a systemic nightmare, and the many ways in which society failed to intervene mean that it is neither possible nor desirable to try to address it all in one short speech within a limited debate. It is incumbent upon every Member of this House not only to read the report but to take time to understand it.

The proper role for this debate is to see it as a beginning of our work, with further significant time being required to consider both immediate and long-term issues raised in the report. I would like to concentrate, therefore, on the background to the report and its most important findings regarding the industrial school system.

Mr. Justice Ryan and all of the members and staff of the commission deserve our thanks. We should also thank Ms Justice Mary Laffoy for her defining contribution in the early years of its work.

There can be no doubt, however, who deserves the main credit — the survivors who would not let our society continue to ignore the inhuman abuse which has been inflicted on so many. In particular, I would like to acknowledge three people who were directly responsible for the decision by Government not only to acknowledge and apologise for the abuse but also to establish a forum for the full story to be brought out.

Christine Buckley, Bernadette Fahy and Carmel McDonnell-Byrne are remarkable people. In early May 1999 I met them in my Leinster House office as part of the work of a special Cabinet sub-committee on abuse, of which I was chair, which was preparing the package of measures later announced by the then Taoiseach, Deputy Bertie Ahern. The sub-committee, whose members included the current Taoiseach, was eager that we would hear directly from survivors.

What I will never forget about that meeting is their very first words: “Minister, we want you to believe that these things happened to us. Do you believe us?” It is still shocking to me that at the end of the 20th century, survivors of an institutional system so horrific that the word “abuse” is inadequate felt the need to ask to be believed.

We should never forget that the revelations of their treatment in Goldenbridge, contained in the programme “Dear Daughter”, were not only not properly accepted but were at times aggressively disputed. They sought and failed to receive the public acknowledgement to which they had a right. The official response was a disgrace and their treatment caused direct distress to the all too many survivors who shared their childhood experiences. The concern of survivors at that time was that the public outrage at the contents of the “States of Fear” documentary would be short-lived and that the culture of excuses and disbelief would return.

The Government did believe them, and I told them that very clearly. That was the reason the official apology was so important and also why we decided that a process was required which would ensure survivors never again had to struggle to be believed.

In the period immediately after the official apology there was a rush of survivors contacting counselling services. It was a very emotional and traumatic time for everyone involved. There were many cases of individual survivors coming to the Department of Education and Science offices and asking to talk to someone. That was often the first time they had told anyone about what had happened to them. Even their families did not know.

In the years since then the number of survivors actively involved in support groups has increased significantly. The culture of denial has been confronted head-on and, as we saw yesterday on the streets of this city, there is no question where public support lies.

As I have mentioned in the short time available to me, I am concentrating on the report in so far as it concerns the industrial school system. Of the many fundamental issues raised by the report I would like to address two particular questions which have great social and political significance: how this could have happened and, once the institutions were closed, why it took so long before the truth was acknowledged.

I do not propose to spend time repeating the findings of the report. The stories of the survivors and the substance of the record are powerful enough. What they show us is that this is not about occasional failings, rogue individuals, funding or the prevailing international standards of the time. The scale and nature of the abuse was systemic. It was unique to Ireland and our society and politics looked away rather than confront it.

In our culture we often like to spend our time finding someone else to blame but the full picture of this abuse is so horrific and the failure to stop it so inexcusable, it represents a great national shame. This was a system which actively sought to institutionalise children. It reflected a cold and inhuman approach to basic social difficulties and to the impact of poverty. Once the children were taken from society, they were confined to institutions which claimed the mantle of Christian charity but delivered a hellish reality. It is not just that the State and wider society did not show even a basic interest in the welfare of these children. Any attempts at oversight and accountability were aggressively opposed.

How could this happen? How could a republican state, which remained democratic at a time when so many others became totalitarian, allow this to go on for decades? The only reasonable way to interpret both the findings of the report and wider historical work is that a faith which was so important in former times to the protection of national identity became grossly distorted. It manifested itself in powerful pressure for institutional obedience and deference. This was damaging for society in general but was much worse when it came to the State abdicating its duty of care to thousands of children. The State was willing to stand back and essentially allow the orders free reign. It only rarely and generally as a result of the determination of an individual made any form of intervention.

The Church, as an institution, simply could not bring itself to admit error and time after time put the avoidance of scandal ahead of basic human rights. It actively resisted any attempt by the State to play a role beyond that of committing children and providing funds. How can anyone even begin to understand a mentality which once went as far as to complain that not enough children were being taken from their families and institutionalised?

The political system itself consistently failed as well. At no stage was the welfare of these children a major political issue for Government or Opposition, and the record of this House shows a general disinterest. There were no election debates about the industrial schools. There were no posters and no manifestos.

However, and this is a point which can often be missed, the biggest failure of all was a societal failure. It was a collective failure which put institutional interests above human rights. It was a collective failure to show no interest. It was a collective failure to refuse to shine a light on a dark corner of Irish society.

The report has brought an end to the excuses about resources or a few bad apples. This happened in our country because it was let happen. The individuals who abused children formed part of a wider system and society which allowed it to happen. The new State, created through the desire of many generations to shape their own future, achieved much of which we can be proud but we must also include within our history the harsh truth outlined in such detail in the commission's report.

That the full truth has finally come out is to be profoundly welcomed but it leaves behind the question of why it took so long to come out. The industrial schools system was effectively

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closed in the 1970s. While it was not closed because those involved accepted its failures, however, those failures were none the less evident. As the report shows clearly, literally thousands of people knew what had happened either because they were survivors or because they were involved in the system.

Why did we have to wait for survivors like Christine Buckley, Bernadette Fahy and Carmel McDonnell-Byrne to campaign in the face of disinterest and disbelief? Why did we have to wait for the work of Louis Lentin, Mary Raftery and Eoin O'Sullivan? Why was it not until 1999 that a Government was willing to apologise to the survivors? In trying to explain that it is worthwhile to examine the work of the Kennedy Committee, what it was trying to achieve and how its report was received.

The 1960s was a period of great change here and around the world. In public life a number of great innovators and reformers held office and overturned policies which were constraining our society and economy. Among these figures Donogh O'Malley stands out. Soon after he became Minister for Education he decided he would end the industrial school system. To achieve this he created the Kennedy Committee. While it was nominally a representative group, he principally chose members whom he could trust to propose major reform.

One of the constant questions over the years has been how a committee could have spent so long examining such a corrupt system and not have outlined the abuse or held people to account for their behaviour. In a meeting with the surviving members of the committee I asked that question and was told that their focus was on the future, not the past. More importantly, the act of questioning the system itself was viewed as radical and met constant opposition. They were generally faced with cold opposition when looking at existing institutions. At one point the newly appointed Minister, the late Mr. Brian Lenihan, had to personally intervene to ensure they had proper administrative support. When they demanded the end to severe physical punishment in one institution the response was slow, uncomprehending and hostile. When they published the report it was not welcomed by a system which was concerned only with its own status and resources. Once, at a meeting about the report in Kilkenny which some members of the committee were obliged to attend, it was made very clear that it was viewed as anti-religious. One contributor said, "we have been damned with the faint praise of secular administrators". Such incidents show that one of the main reasons there was no acknowledgement of abuse was that the underlying institutional arrogance was still very strong. It also shows why the change in child care policy, while very significant, did not go even further and took far too long to implement.

Two other factors were at play also. It is well known that a society which has participated in a great trauma can wait decades before confronting issues of fact and responsibility. At some point this becomes untenable and a new generation demands the right to know about its history, not with vague generalities but with hard truths. While there are no exact parallels, one may recognise similar factors today in former dictatorships such as those of Chile or much of former Soviet Europe.

Moreover, the most important part of exposing the truth, hearing the stories of survivors, was actively hindered. Countless individuals suffered in silence, believing that people would think worse of them if they were aware of what had happened in their childhood. The places to share and support were absent and the fear of being labelled a liar was constant. The damage imposed by being unable to discuss suffering often multiplies its impact and this, tragically, had an immense impact on survivors. It takes almost unimaginable strength to come through these ordeals and to be willing to discuss them.

In effect our society attempted to ignore the past and move on. It was not understood that this is simply impossible. There could be no moving on without confronting the past. It is not possible to build a society which vindicates the rights of its children without accepting how these rights could be violated on such a scale and for so long. This is why the commission was so necessary and why its report is so significant.

We will have much time in the months ahead to discuss the detailed policy implications of the report. As I have stated, I also acknowledge the finding of the report on other issues, especially more recent failures. For now, the most important thing we can do is understand what was allowed to happen in our country to so many of our weakest citizens.

When outlining the objectives for the commission a decade ago I stated to the House:

Throughout the work of the commission, and probably well beyond it, further horrific cases of abuse will come to light. More and more difficult questions will be asked and our concept of our society will be challenged. If we try, we can make this a healing process which will bring us closer to maturing as a society.

The commission has now completed its work and it is now down to us as a society to complete the healing process and to finally move on.

Acting Chairman: The next speaker is Deputy D'Arcy. I understand he will share time with Deputies Fergus O'Dowd, Ulick Burke and Bernard Durkan and that he will take seven minutes.

Deputy Michael D'Arcy: Coming from Wexford, unfortunately, I know more than I would ever wish about abuse. The levels of abuse and depravity have shocked even the most indifferent. The response of the 18 religious orders has not lent any sense that the remorse is genuine. The line, peddled by some, is that some people are claiming to have been abused because they are in it for the money. There is nothing more distasteful for those who have been violated by these unholy men and women. How could any person in charge of children do the despicable things that were done? Truly people can be evil but at what stage did the authorities say, "Stop"? At what stage did the State accept its responsibility for its action or lack of action to prevent what took place over many decades? I thank those who were brave and who exposed the criminality of the evil ones. Doing so eventually ensured these appalling acts stopped and other children were no longer abused.

I cannot imagine the damage, physical, emotional or psychological to so many people. It is hard enough to become a fair minded, rounded, good person within a loving family environment. How hard it must have been to finally leave the hideous State and religious environment and to move on and develop and evolve as adults and form relationships with others?

As a parent with two young children I can only commit to giving every support to ensure this abuse never takes place again. The State has abdicated its responsibility towards its citizens because the deal between the State and the 18 religious orders is, perhaps, the most corrupt in the history of the State. Given the meeting of tribunals for decades that is quite a statement. I am not anti-religious for stating as much; quite the opposite. The deal flies in the face of all Christian values ever preached. It must be scrapped totally and, whatever the outcome, the religious orders must accept it.

As a result of the actions of these monsters the finest citizens in the country who volunteer for many organisations throughout the land are in fear of being with a child on their own. It is no longer politically correct. Whatever one does, one should not get caught with a child on one's own. These monsters have also damaged the future bonds between children and adults.

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From time to time an image sticks in the mind. Yesterday, the image of so many people carrying small shoes will stay with many of us forever. The reason is those small shoes remind those of us who were not abused at what stage some children were first brutalised. I feel only shame for what has taken place. What can be done? The answer is to deliver justice for those violated. A criminal prosecution must take place for those who violated the young.

I refer to another matter of abuse, although not on the same scale as that referred to in the Ryan report. Nevertheless it is institutional abuse in our schools. Many exceptional members of the clergy have had a remarkable impact on children in sport, education and many other spheres. Sadly, evil flourishes when good men and women chose to do nothing. This silence enabled too many additional acts of violence and sexual abuse on children.

The current position ensures there is a gap between the State and the employer of teachers which continues the abdication of responsibility. The religious in our country have no confidence in the abilities of its flock. The vice grip upon the important decisions is nothing short of appalling. The structure of boards of management guarantees that the State is not liable and guarantees that the religious will maintain full control over important decisions. The Louise O'Keeffe case shows nothing has changed and that the Department still holds the mindset of keeping a gap between it and the people, and that if something takes place, someone else will be responsible. However, in the decades to come the State will be responsible.

The current *entente* between the unions, the Department of Education and Science, the Government and the religious must be amended. Allow the people freedom to participate in boards of management without shackles. Allow people of our country to decide on the vital issues within our schools. We must change the relationship between the State and the religious. It need not be cancelled but it must be changed and there must be a belief in the ability of the people to do the right thing.

My educational experiences are broad. I am a former chairman of Wexford Vocational Education Committee, a former member of the board of management of Gorey Community School, the largest school in Ireland, and a current member of the board of management of Ballythomas national school, which I attended as a child and which my children now attend. It is a school with fewer than 100 pupils. However, I have had a terrible experience with a national school, not the school to which I referred, where institutional abuse has occurred in recent years. This abuse was emotional and psychological. The board of management did its best but was blocked from doing anything. The Department of Education and Science which conducted a whole-school evaluation, swept everything under the carpet because that is what it does. The patron believed nothing could be done due to the employment rights of the person in question. Unfortunately, abuse continues. I have reported the matter to relevant authorities and still nothing has happened. My final advice to parents when I could do nothing was to remove their children from the school. Our children have our blood running through their veins; nothing should be left undone to ensure their safety. If the same standard that applied years ago had been applied then, so many others would not have been interfered with.

Deputy Fergus O'Dowd: Having attended yesterday's march outside the Dáil, listened very carefully to the speeches and witnessed at first hand the deep concerns, emotions, hurt, anger, wrongs and, as the Minister, Deputy Micheál Martin, said, the need for healing, which was so strong there yesterday, we are all at one as Members of the Oireachtas in seeking to resolve this issue and get justice for the people who have been so grievously wronged. The State must ensure that this can never happen again. The most important point is that the appalling lessons that have been learned must never be allowed to be forgotten.

I come from a family where three of my uncles were Christian Brothers. All of them entered the Christian Brothers at the age of 14 to 15. A car came to Kerry and off they went to Dublin to the novitiate. They taught all their lives as Christian Brothers and I always believed they were very fine people — which they are. However, the way the order dealt with the training of such young people led to calamity and the awful, evil lives led by many of the Christian Brothers and other religious. Taking young people into monasteries at such a young age meant they never had any proper social development. They never had normal friendships with members of the opposite sex and they never had proper emotional or sexual development. This led, in my view, to the deep and appalling frustration and evil that grew in many of those in the orders, who destroyed forever the good name of all those fine people who worked in the religious institutions and orders and gave their lives for their beliefs.

The findings of the commission into child abuse are appalling. It describes sexual abuse as “endemic” and that beatings were “pervasive, severe, arbitrary and unpredictable”. The institutions were a holdover from Dickensian times.

In Ireland, the schools’ inhuman conditions seem to have been something of an open secret. In *Angela’s Ashes*, Frank McCourt recalls with horror the prospect of being sent to the Christian Brothers’ school at Glin, whose staff was well known for “starving and beating” their charges. Such stories must have been just as well known in the halls of the Government. Throughout the 1930s and 1940s, numerous observers remarked on the neglect and abuse suffered by students. I have been reading the account on <http://www.paddydoyle.com/a-history-of-neglect/>. I wish to put on the record of the House some information from that website:

1944 — P. Ó Muircheartaigh, the Inspector of Industrial and Reformatory Schools reported that “the children are not properly fed,” which was “a serious indictment of the system of industrial schools run by nuns — a state of affairs that shouldn’t be tolerated in a Christian community”, where there was “semi-starvation and lack of proper care and attention.” The Resident Managers of Lenaboy and Cappoquin industrial schools, both Sisters of Mercy, were dismissed for negligence and misappropriating funds, despite Church resistance. However, there were no other changes to industrial schools.

1945 — Secretary to the Department of Education wrote to the Secretary of the Dept. of Finance to denounce the “grave situation which has arisen regarding the feeding and clothing of children in industrial schools” due to “parsimony and criminal negligence”.

1946 — Community pressure in Limerick, led by Councillor Martin McGuire, on the Dept. of Ed forces the release of Gerard Fogarty, 14, from Glin Industrial School after he was flogged naked with a cat of nine tails and immersed in salt water for trying to escape to his mother. A call for public inquiry into industrial schools was rejected by Minister of Education. Thomas Derrig because “it would serve no useful purpose”.

Other voices were raised too. From the international stage came a famous Irish priest, Father Flanagan who visited Ireland in 1946. I will quote what he said and the response he received:

He was dismayed at the state of Ireland’s reform schools and blasted them as “a scandal, un-Christlike, and wrong.” And he said the Christian Brothers, founded by Edmund Rice, had lost its way.

Speaking to a large audience at a public lecture in Cork’s Savoy Cinema he said, “You are the people who permit your children and the children of your communities to go into these institutions of punishment. You can do something about it.” He called Ireland’s penal insti-

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tutions “a disgrace to the nation,” and later said “I do not believe that a child can be reformed by lock and key and bars, or that fear can ever develop a child’s character.”

However, his words fell on stony ground. He wasn’t simply ignored. He was taken to pieces by the Irish establishment. The then Minister Justice Gerald Boland said in the Dáil that he was “not disposed to take any notice of what Monsignor Flanagan said while he was in this country, because his statements were so exaggerated that I did not think people would attach any importance to them.”

Fr. Flanagan was a devout Catholic, a man whom Catholics and non-Catholics world-wide had deemed a hero. He was the Mother Theresa of his day.

Despite that, the Irish Church and the Irish authorities felt comfortable ignoring Fr. Flanagan, ignoring the fact that he was considered to be an expert in the matter of providing for the education and upbringing of boys who were otherwise considered to be “lost causes.”

When he arrived back in America Fr. Flanagan said: “What you need over there is to have someone shake you loose from your smugness and satisfaction and set an example by punishing those who are guilty of cruelty, ignorance and neglect of their duties in high places. . . I wonder what God’s judgment will be with reference to those who hold the deposit of faith and who fail in their God-given stewardship of little children.”

There were plenty of voices then and plenty of strong voices at the top of the Department of Education and from those involved in child care in other countries who commented on what happened. Yet we allowed it to happen, and it continued to happen. Some of us worry that it may still be happening today in some institutions.

Today this House is showing that it is united on this motion and there is no political division. We have a purpose to ensure that this never happens again. The healing process is very important. I call on the Catholic Church, the Vatican, the Christian Brothers and the other congregations, to release their records of this time so that we can see exactly what was happening in these institutions. The whole truth must come out in the open and there must be total transparency. We must know why it was allowed to happen, why this evil was visited on these thousands of people whose lives have been marked forever. As a Parliament and a country all we can do is make reparation to them in a humble and a contrite way and make sure this never happens again.

Deputy Ulick Burke: This report is the most important report ever to be debated in this House. It contains the most horrific evidence of abuse of children throughout the country over a period of decades. It is important that the report brings into the open the terrible brutality of the monsters who perpetrated such horrible deeds of abuse on children who were sent into these institutions for what should have been care. It is worse still that the repeated failure of the State, which had responsibility for putting these children into these institutions, abandoned them without any further interest in their care. As a society that allowed such abuse as is recorded in the Ryan report, we must take a share of responsibility for the abuse perpetrated on the children in care in these institutions run by the religious orders and the Departments of State who had responsibility for the provision of care.

Were it not for the courage and honesty of the survivors of this institutional abuse, who came forward to tell their stories, many of these abused persons would have been remembered only as our disappeared children. We now must come to terms with this level of abuse. Although institutional care belongs to a different era, many of the lessons to be learned from what happened have contemporary implications for the protection of vulnerable people in

our society. There still is abuse of children in our country even if not to the same extent, or institutionalised.

We will compound the shame of past deeds if we fail to act now to ensure that no child can ever again be treated in the same way. We must be totally honest about situations in which many vulnerable children still find themselves; about the lack of family support in times of difficulty and about the inadequacy of child protection and services for children.

6 o'clock We must find the resources now to show we are serious about responding to children's needs. It is important that we ask the Minister to ensure that the assurances given by the Taoiseach today in the House are carried through. He stated:

The Government accepts all the recommendations of the commission and is committed to their implementation . . . I want to make it clear at the outset that the Government's priority is and will continue to be the needs of survivors.

It is important that this statement should offer a guarantee that funds and resources and personnel will be made available to those who need them.

With the experience of the past and the information now available, we must ensure that no future commission will find Ireland to be a place that fails to value childhood or to respect and protect children. We must adopt a response in which the survivors of abuse are recognised as having an absolute entitlement to properly resourced counselling and support services.

Many abused persons have clearly stated that their concern is not about compensation but about getting people to believe them in the first instance and then to believe their stories. It has been shown clearly that not being believed was the most hurtful experience of all for the abused person. These people must have access to proper services.

We must show our urgent commitment to have an immediate referendum on the rights of children. Why has the Government refused repeatedly to bring this about? The Government must also respond urgently to the call by the commission for the national guidelines on child protection be put on a statutory basis, and deal with all agencies, public and private, which fail to comply with the implementation of standards and responsibilities for all persons who work with children.

Furthermore, we must put in place immediately an inspection process which is independently operated and comprehensive in its application. At present we do not have such a facility although the Ombudsman for Children has repeatedly requested this. We have neither standards nor inspections. This lack was highlighted in the report and the failure of the Department of Education and Science in this area is a cause of serious concern.

In a summary of the conclusions, the system of inspection by the Department of Education and Science was found to be fundamentally flawed and incapable of being effective. One of the most serious findings was that inspectors rarely spoke to the children in these institutions. What kind of inspector would go into any one of the 50 institutions for which he or she had responsibility and not speak to one of the children inside it? In what frame of mind would such an inspector have been? This was the case despite the fact that inspectors must have been aware of the cruelty under which these children were living.

The position of the inspectors was compromised by a lack of independence from the Department. Here again, as a nation we must have shame. The Government of the time, its Ministers and the Department bowed to the church's authority. They were afraid to report and that is an indictment on all of us today. I still see evidence that this remains the case today.

The inspector was not supported by a regulatory authority which had the power to insist that changes be made. There was a statutory obligation that one inspector had responsibility for 50

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schools. Inspections were not random or unannounced. School managers were alerted in advance when inspections were due. Again, that situation is replicated today. Nothing has changed and I doubt it will unless there is a firm commitment by the Taoiseach — which he gave today — and by other Ministers. The very same practices are happening in institutions for the elderly. These are told in advance when there will be an inspection so that everything can look right. When the Minister for Health and Children, Deputy Harney, visited a hospital in Galway, all the people on trolleys were pushed aside and there was a clear gangway for the Minister. Things have not changed to any great extent and it is important that the undertaking given by the Taoiseach today is implemented in full and with total commitment to the guarantees he gave.

Acting Chairman: The Deputy's time has expired.

Deputy Ulick Burke: My last plea is that the Government, the Minister and the Taoiseach who gave those guarantees today will implement them in full and without delay in the interests of all the survivors in the country.

Deputy Bernard J. Durkan: It is said that stone walls do not a prison make nor iron bars a cage; the meaning being that the free spirit is never captured. However, reading these reports it is clear that is not the case. Children, adults, and people of all ages with special needs in this country were kept in institutional cages in the dark and were punished repeatedly and abused to an appalling extent. It is horrifying. It is even upsetting to read or to listen to accounts of what took place.

Can one imagine what it was like, if one had been the age of some of the children involved? They could see themselves as having done nothing wrong but, for one reason or another, they were institutionalised in a place in which they had no friends but very many enemies. Can one imagine what it was like for them to wait on a nightly basis for the predators and then to see some of those predators parade themselves afterwards in an exalted fashion, receiving recognition for what they appeared to embody? Can we imagine now what it was like for those children and young adults, having to go through that and then try to reconcile themselves with society and with life afterwards? It was appalling.

As a former member of the Eastern Health Board who was accustomed to making visits, as were other Members of this House, I am amazed that visiting committees and groups were not able to detect anything of what was going on, even without confirmation or corroborative evidence. It had to be visible and possible to detect. Of course, the old games did and do prevail. Hide everything at the moment of inspection. As Deputy Ulick Burke well knows, astute inspectors should be able to see past all that. All the tricks have been tried before. One thing is certain. Unless justice is done in a meaningful way, this kind of thing will continue. It will probably go on anyway but we must try to do something to bring it to a halt.

This is not purely an Irish phenomenon but, unfortunately, exists across Europe. This sadistic, appalling, sick, cynical and constant abuse of those who are under the power of those in authority continues — in our next-door neighbour jurisdiction, the UK, in more recent times and throughout Europe, in Austria, Belgium and various other countries. In our instance it spread across the country in a network. It appears it was accepted and acknowledged that this was the right way to treat people in care. It was a kind of Darwinism on the rampage.

What must happen now is that justice must be done and be seen to be done. It does not matter where the people are who committed these atrocities, they must be judged by our justice system on what they have done and must pay the price. We cannot hide from the fact that as long as these atrocities have been committed and the people who committed them are still

around — many are although some have passed on — justice must be done. Otherwise, we will be seen to have failed in our job. Once it becomes known that a particular situation prevails and once we know about it, but do nothing about it, we are culpable. It is as simple as that. Our entire system becomes corrupted by what follows denial of that nature.

There was a massive failure of our system in the past. Just the other day, I spoke to an elderly man who intervened in the case of a child in one of our industrial schools in the late 1940s or early 1950s when the child was being beaten mercilessly by a member of staff. This elderly man was a young man at the time and intervened, but for his trouble and pain he was prosecuted, fined and bound to the peace. That is how society dealt with the issue then. Unless we do something about the situation now and fine, prosecute and punish those who carried out abuse, we will have failed also. There is no use in condemning the system of the past unless we do something now to bring it to a halt.

Vulnerable people always seem to become victims, whether they are poor, young or old. When people entrusted with their care fail in that duty of care, those vulnerable people always seem to be abused. Whenever they attempt to stand up for their rights or raise their hands, nobody wants to believe them. The reason for this is it is more convenient to ignore them. Sadly, we do not seem to have learned from the awful mistakes of the past. The reports go back over years and decades, but the same thing is happening today. Children are being abused at this moment. There has been institutional failure in the cases of children who were being abused in the past three to seven years. I have raised this issue repeatedly with various Departments, but the first response is always a brush-off. Nobody wants to know or respond because it might upset some of the institutions and might be difficult to prove.

The issue of proof and the lack of or need for it is important. There have been situations where children have been taken away from their natural parents and been institutionalised on the basis of false information and have become victims thereafter. It is important that every case be investigated, but every effort must be made to ensure that proof is obtained and that justice follows.

Deputy Michael Kennedy: I wish to share my time with Deputies Michael Ahern and Chris Andrews.

Acting Chairman (Deputy Joe Costello): Is that agreed? Agreed.

Deputy Michael Kennedy: I appreciate the opportunity to speak on this issue. I regret we could not address the Ryan report in the format originally proposed yesterday. The postponement of the discussion from yesterday's business was regrettable because it served to render the victims of abuse once again in doubt as to this House's commitment to them. Let me state irrevocably, nothing could be further from the truth.

I am glad of the opportunity to discuss this issue because this report and scandal are a cancerous stain on Ireland's history. I join with the Taoiseach and the Deputies from both sides who spoke already in expressing my distress at the contents of this report and the unimaginable pain inflicted upon hundreds of children. I welcome the Taoiseach's and the Government's unqualified apology. As a Deputy, I wish to add my apologies to all the victims, especially any who currently reside in north Dublin.

A gesture must be made on behalf of all the Deputies and citizens of the State, a gesture that will illustrate for the survivors of abuse the depths of remorse and sadness we all feel for what has happened to them. The idea of a memorial as first mooted first by former Taoiseach, Bertie Ahern, could be a good way to illustrate the Government's further intention. A memorial would also allow the public to remember those victims who have since died through suicide

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or ill-health. It would forever remind us that, alive or dead, these people's lives were over on the day they were dragged into these institutions. However, the State's repentance must not stop at a memorial. Victims must know that the State will use every facility at its disposal to seek full justice for them.

Much has been made of the role of money in this whole process and in the original indemnity agreement reached following the establishment of the redress scheme. I do not believe that the 253 people who gave evidence to the redress scheme's confidential committee were motivated by money. To accuse victims of this now is to once again rob them of their dignity. In approaching the redress board, victims, above anything else, were looking for acknowledgement of their experience. There is no doubt the payment of monetary compensation was a helpful aid in the course of their lives, but I believe that first and foremost in the minds of survivors is relief that their experiences have now been laid at the feet of the religious orders.

This is not to say that the various orders involved in this appalling abuse should not continue to pay in financial terms for the crimes for which they are responsible. The State must continue to pursue the orders to seek more funding for it to use as it sees fit to help survivors. I welcome the idea of the establishment of a trust which will administer any funds recovered from the congregations. In addition, the State must and will continue to consult with survivors, who know more than anyone how best any additional funds can help them.

Once an assessment is made of the orders' assets, we must move quickly to determine what amount will be sought from them. We must pursue the orders through the correct channels and due process must be undergone. However, this should all be done while conscious of the struggle in which every survivor of institutional abuse is engaged every day. Simply put, we need to deal with this swiftly and satisfactorily, so that these people can get on with their lives in the full knowledge that every single option was explored and exploited for their benefit, to make up for what happened to them.

We need to move past apologies and quickly start making amends. So where do we go from here? The option is open to provide more compensation to victims. Funding should also be funnelled into a counselling service that is completely separate from the religious orders where survivors can be provided with unconditional support. We cannot imagine the litany of mental health problems with which these brave people have been left. Survivors were also left with a litany of physical complaints, arising directly and indirectly from their abuse, such as alcoholism, drug abuse etc. Funding could also be ring-fenced to provide general medical support for these complaints.

A major concern I have, which not been given much mention, is the new generation of people who have been indirectly affected by the vicious abuse suffered by survivors. I speak of the children of the children whose lives were ruined in the hallways of these institutions and schools. The children of survivors have also lived under the shadow of abuse that took place in Artane and Daingean etc. and it is naive to imagine that these children have not also been affected and damaged by the abuse suffered by their parents. Similar services should be offered to them.

Constructive services, such as literacy programmes and educational opportunities, should be offered to those whose education was crippled by the abuse they suffered. Every effort should be made to provide them with the opportunities of which they were robbed. Furthermore, we must reach out to those who have emigrated because the pain of remaining in this State is too painful. These people are living out their lives in agony in foreign lands, having been tormented throughout their childhoods.

We must also channel resources into ensuring that abuse of this level, or any level, should never be inflicted upon or suffered by our children again. I am assured that the Minister of State, Deputy Barry Andrews, is working hard to reform our child welfare and protection system. I welcome the intention to ensure the uniform application throughout the State of Children First: National Guidelines for the Protection and Welfare of Children 1999. Could I suggest any additional resources contributed by the orders be put towards the cause of ensuring this does not happen again? Perhaps the State could use these resources to provide an after-hours mental health service.

For my education, I was fortunate to be a day pupil at St. Vincent's CBS in Glasnevin, Dublin 9. There I was gifted with a wonderful education, a love of sports, in particular hurling and Gaelic football, and a healthy respect for men and women of the cloth. Since the publication of the Ryan report, I have searched my memory for any hints of abuse during my time in St. Vincent's. Like many of us who were taught at religious schools, I feel the inevitable guilt that I was not aware of, and therefore could not stop, any abuse which may have been suffered there. I comfort myself by remembering the decent and honest men who taught me and I pray to this day, that no abuse was conducted there. We will know, I suppose, if this is the case only in the fullness of time.

We must spare a thought for the many teaching clerics who have dedicated their lives to the education of Irish children, as well the priests and nuns working in the community today. I can only imagine that their disgust and shame mirrors that of every citizen in Ireland. As I stood yesterday in Molesworth Street among those who were marching in solidarity with the victims of this abuse, it struck me that any future contribution made by the religious orders must extend further than mere monetary terms.

Deputy Shatter was correct in suggesting that the orders must, without hesitation, submit all documentation to gardaí who are investigating these matters. The orders should not be concerned with issues of confidentiality and privacy. Their priority should be identical to that of this Government, justice for victims.

There is a moral obligation on the orders to be submissive to the State in this matter. The State, in turn, must use every tool at its disposal to bring to justice the perpetrators of these heinous crimes. As Deputy Beverley Flynn said earlier, neither age nor incapacity should protect abusers from being prosecuted and challenged. They have not been challenged to date. Quite the opposite, they were closeted and protected by their orders. On their actions becoming known, instead of informing the Garda and the Department of Education of cases of abuse, abusers were instead shuffled from school to institution and back again so their actions could remain undetected. They and their actions were hidden.

As Deputy Higgins stated passionately, there was a huge level of collusion perpetrated by the congregations and, to a certain extent, by the contemporary courts. There is evidence of institutions contacting judges to appeal to them to send children their way, so they could avail of the capitation funding available. Children were put to work mending shoes and doing laundry, often at the expense of their education. This was child labour and while orders may in some cases deny knowledge of abuse, they certainly made money off these children. It is time for them to pay up.

It offends me that the orders' initial reaction to the Ryan report was to close ranks, defending themselves and hiding behind the indemnity agreement. Like everyone else, I listened to the radio throughout the day many orders announced their intention to co-operate with the Government. As the stubborn resolve of religious order after religious order crumbled that afternoon, it occurred to me that the congregations could have done this earlier. What had they to gain by holding back their contrition? My disgust at the congregations' defensiveness

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was second only to my disgust at their actions. The attitude displayed in the aftermath of the report's publication has resulted in a new wave of disrespect among a generation of people for whom the institutional abuse was previously an abstract idea.

Similarly, co-operation must be given in the provision of documents to victims who remain uncertain about their family histories. It is difficult to imagine that there remain individuals who are unaware of basic information in relation to their families, their siblings' fates or their own place of birth.

I want to echo the Taoiseach's comments in relation to Mr. Justice Ryan. He has done the victims of abuse a great service. He and his teams need to be thanked, as do those who came forward to tell of their experiences. Mr. Justice Ryan has opened up this torrid history, not only to millions of Irish people but also to billions of people across the world. The ramifications of the Ryan report will be far reaching. Never again will the public doubt or deny the claims of victims of abuse. All preconceptions about the behaviour of those responsible for the care of children have been challenged and a new level of awareness of the potential for abuse has been adopted by our population.

I urge every citizen to cease trying to imagine the various acts of physical and sexual abuse inflicted on these children. Instead, I ask that everyone reflect on the idea that many of the victims mentioned in their evidence the "kindness" bestowed upon them by certain nuns and priests. This kindness did not come in the form of an innocent cuddle or a supportive chat. The kindness to which these children looked forward was not being beaten to a pulp, not being touched or not being left out in the snow and hosed down with freezing water. For them, kindness meant not being touched, just for one day. I find this idea more distressing than I can say and I remain thankful that my time with the brothers was one of innocence.

I will conclude by reading a poem written by an anonymous abuse victim under the pseudonym Jaker Ray, of Dundalk.

The Story of Me and Many More, A Child After the Before.

I am the day — whose light will not bright

I am the night — whose darkness will not light

I am the tree — whose root is dead

I am the flower — without a head

I am the fish — whose fins will not breathe

I am the bird — who will not eat seed

I am the scab — that just will not heal

I am the neural — that just cannot feel

I am a smile — that remains frozen

I am a choice — that horror had chosen

I am a year — without a season

I am a reason — without a reason

I am a whisper — that cannot vibrate

I am a scream — that cannot migrate

I am a prison — whose cell will not open
I am the cell — where inside it is so choking
I am a house — that has no foundation
I am a country — without a nation
I am the hell — that is my centre
I am the heaven — that has no banter
I am Christmas — without its infant
I am a gift box — without its present
I am the present — that is now past
I am the past — that is now present
I am a heart — without a soul
I am the secret — never told
I was lost — could not be found
I was frightened — no solace around
I am a curse — no man can swear
I am the abused — no one was there
I done no crime — I served a dictum
I done no wrong — I am a victim
I was the wrong — that never was right
I was defenceless — I could not fight
I was that child — who was un-nurtured
I am the man — who is still tortured
I was a brain — with little education
I was a being — with little validation
I am the love — that suffered rejection
I am a failure — under closer inspection
I am a tear — that does not cry
I am laughter — that does not fly
I am a face — that puts on a show
I am a body — I prefer no one to know
I have a secret — I have to hide
I am an expert — at all this and besides
I am

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A past child abused — a man confused
Just one of many — that were used
To those of you — who escaped this ordeal
If you were I — this is how it would feel
I was a happy child — once before
Till he took me behind “closed doors”
Scared me into keeping our secret
What he had done — to me in secret
Since then I just gave up hoping
That life’s door would ever again open
I am young — or I could be very old
I am but one — of this story told
Yes see, I was a child abused
& that’s a title I didn’t choose
& the man I walk around as today
Still hides his BIG secret away
In the recesses — of his being
Where it will be — never seen
Even if you get near me, real close
You’d never guess, I was a victim of “Child Abuse”
But like many more — I am and I was
Inflicted with this life virus — this curse
And there’s no disease in life that’s worse
Than being a victim of “Child Abuse”
PS Can I point out, just about here, that I really died in my ELEVENTH year! (RIP)

Deputy Michael Ahern: I join my colleagues from both sides of the House in expressing my revulsion and horror at the happenings outlined in such stark detail in the Ryan report. This report has opened the eyes of many people to what was not known to exist in such fearsome detail. The brave ladies who called on Deputy Micheál Martin’s office ten years ago deserve the thanks and praise of the nation. Their bravery and the bravery of those who have told their stories publicly in recent years is an example to our society of what matters. That is the whole truth and something one need not fear because the truth, which is always a cleansing agent, is important for the soul of the nation.

The scale of the abuse which took place was horrendous and unknown to us. Responsibility lies not only on the shoulders of those who perpetrated acts of abuse but also on the shoulders

of those in authority — church and State — who were aware for years of the wrongdoing of the perpetrators but chose to ignore it. That responsibility remains on all of those who are still alive, who should be made pay for their irresponsibility or criminal acts. The many perpetrators and their superiors who have died will have had to answer to their god.

At long last, the broader church, through the cardinal and the archbishop and other bishops, have acknowledged responsibility for what took place over years. I regret, however, that they did not take this step many years ago as to have done so would have saved the reputation of many good members of the religious orders, brothers, nuns and sisters, who have had to endure a great deal of unjust taunts in recent years. The religious orders consist of more good people than bad.

Those who chose to ignore abuse may have greater responsibility than those who perpetrated it. The State has finally accepted its responsibility in the matter, which was not one-sided. The State also has a responsibility to the survivors and must help to lift the psychological, financial and sexual burden they have borne for many years. The victims of abuse require counselling and other forms of assistance. It is incumbent on the Government and the entire machinery of the State to help the survivors, many of whom are in the late stages of life, to find peace before the end of their days. As has been noted, the repercussions of abuse percolate through society and the families which have been burdened by it. It is important, therefore, that all those affected receive help.

One of the lessons we must learn from the Ryan report is that human nature does not change. Abuse has occurred for centuries and we are all aware of cases from media reports of cases of children being abused by people in sports clubs, youth clubs and so forth. It is vital, therefore, that procedures, guidelines and safeguards are in place to ensure people, young and old, are aware of the dangers. As Deputy O'Rourke noted, the Stay Safe programme should be taught to young children in primary and secondary schools. Given that many children do not receive guidance at home, it is imperative that the State intervenes to ensure children are advised of the dangers in the world outside.

I commend the many brave people who brought into the public domain information about the horrendous physical, psychological and sexual abuse carried out in the not too distant past. Ireland has been consumed with materialism in recent years but having had our eyes opened to the scale of the abuse that took place, this knowledge may bring home to us the true priorities in life. I join colleagues in congratulating Mr. Justice Ryan on carrying out such detailed work.

Deputy Chris Andrews: I welcome the opportunity to contribute to this debate. It is difficult to adequately express in words the sadness and shame I felt on reading the Ryan report, which highlights one of the darkest and upsetting periods in our history. As a citizen, I feel ashamed that we, as a nation, could allow the perpetration of widespread, long-term abuse on some of our most vulnerable young people while in the guardianship of the State.

As Deputy Michael Ahern stated, great credit is due to those who were willing to speak about their personal experiences and bring information about them into the public domain. Given the private nature of their experiences, it must have been difficult for victims to speak out about such events in an open manner. In publicly discussing their experiences, they have, however, done the country a service in showing how people can set aside their humanity and behave in the most awful manner.

The Ryan report documents a shameful catalogue of physical, sexual and emotional abuse and neglect which was permitted to continue for decades. Earlier today, a man named Andy Smith related to me his experiences in the Daingean reformatory school. People descended to

[Deputy Chris Andrews.]

committing acts of depravity and while we would like to believe we are above such behaviour, I am not sure that is true. In the right circumstances people are able to set aside their humanity without difficulty.

The abusers were sheltered by a culture of silence and denial and children who spoke out were disbelieved and accused of telling lies. I listened to Mr. Michael O'Brien, a victim of abuse, tell his story on the "Questions and Answers" programme and was struck by his honesty and bravery. His account of the abuse perpetrated against him as a young boy drove home to me and the entire nation that there are people among us who still live with the horrors inflicted on them. Nothing can make up for the abuse suffered by Michael O'Brien, Andy Smith and many others like them. Nothing will ever take away the nightmares they have and the fear and emotional problems they endure. We must do everything in our power to ensure some measure of justice is granted to them.

While I understand the indemnity deal concluded in 2002 cannot be reopened, the religious orders must act on the commitment they gave to establish an additional fund to compensate victims of abuse. It was disappointing, to say the least, to learn that in some cases the religious orders had not met the funding commitment they gave in 2002. They must act without reservation to prove they are genuinely committed to helping those who were seriously mistreated in their care. Apologising is the easy part; apologies must be sincere, genuine and backed up by action.

The Government also has a pivotal role to play. We must show our commitment to the victims of abuse and future generations of young people by implementing immediately the recommendations of the Ryan report. Appropriate structures and resources need to be put in place to ensure the safeguarding of children and we must always remain vigilant in this regard to ensure that we do not come remotely close to allowing anything like this happen again.

My school days, like those of Deputy Kennedy, were pleasant. I have pleasant memories of Willow Park and of Newpark comprehensive school. All children should be entitled to happy school days and happy memories of school. It is essential that as a society we ensure that our children feel safe and happy going to and coming home from school.

We must accept that these abusers could not have acted as they did were it not for the systemic failures of the State and church in meeting their responsibilities. I would ask that we closely examine our care system to ensure that the needs of our children are the priority. Supervision, transparency and, as Deputy Michael Ahern stated, openness must be always at the forefront in our child care system.

It is a wonderful experience watching my children going to school happy. Education must be about the enjoyment of learning. They come home happy and they go to school happy.

I commend the Taoiseach and the other members of the Cabinet on their actions so far and I welcome the proactive approach they have shown by meeting with both the victims of abuse and the religious orders. These meetings were a step in the right direction but it is important that the momentum is not allowed to wane. We must maintain this momentum because this issue is just too important to be sidelined.

Trust in the religious orders has been severely eroded, not only because of this report but because of other reports of abuse that have come to light in recent years. However, I want to take this opportunity to put on record that while some individuals in the religious orders took part in this abuse and many others are just as guilty, in my opinion, as they allowed it happen by standing by and not intervening, we must recognise that there are good people who have dedicated their lives to making a difference for younger people and their community and it must devastate them to read this damning report on their peers. We cannot tar everybody with

the same brush. During the summer I was in the Gambia where I met with an Irish bishop of the Holy Ghost order who was continuing to make a significant difference to his adopted community.

Archbishop Martin stated this week that Pope Benedict XVI was visibly upset by accounts contained in the Ryan report. I am heartened to hear that the Pope has urged justice to be done for all the victims. I sincerely hope that these words will not ring hollow over the coming months and years. Both church and State now have an opportunity to right the wrong that has been done and if we act accordingly, we may also at least be able to hold our heads up in years to come and state we did all we could to make up for the horrors suffered by countless young people.

Yesterday's march of solidarity saw thousands of people gather outside to show their support for the victims of these abuses. The dignity with which they conducted themselves was astounding. I only hope that we can follow their example of honesty and bravery and ensure that the right action is taken now.

Deputy Kathleen Lynch: I wish to share time with Deputy Rabbitte.

Following on from the previous speaker, one positive action the Pope could take would be to instruct his flock that complaints of sexual abuse be automatically referred to the Garda or the relevant police authority. That is something that could be done immediately.

It struck me that the people who have been to the forefront of bringing this horror to our attention call this the Irish holocaust. I sat and thought about that for a while. Just after the Second World War a study was done in Germany on how people could allow such awful things to happen to their neighbours — the people they worked with, the people they went to school with, the people they met every day, in some cases, the people they were married to, and those their children played with.

The study concluded that it is quite easy to do this if people are dehumanised. First, one takes away a person's first name so that one addresses him or her with his or her formal second name and then one groups people as if the group has no personality, as, for instance, in the case of the Jews, but in this case the Irish poor. Once you start talking about people in those terms it is quite easy to do anything to them. They are less than human and, therefore, it is okay. Like the mangy dog, once one dehumanises someone one can simply do what one likes to him or her and it does not impinge on one's consciousness, and that is what happened here.

I listened to every speaker here today. They keep speaking about this awful thing that happened to all our children. It did not happen to all our children. It did not happen to the children of the middle classes. It did not happen to the children of the educated classes. It happened to the children of the poor.

On asking why did someone did not shout "Stop", who was there to shout "Stop"? I can still remember my mother telling me about the terror there was when the cruelty man came to the street. There was terror because this man had the power to take people's children. Despite the fact that one was poor and one's children may not have been dressed to perfection, they were very much loved, and we forget that sometimes. These children were taken from women who never got over it.

For a number of years, although not recently, I went on a Saturday morning, usually once a month, to the Daisy Café in Notting Hill in London to an afternoon meeting of people who had escaped from Ireland having been in institutions. How they escaped, and how they got through that hell of the boat and the train and did not get picked up by further perverts, and perhaps people who wanted to put them into prostitution and all sorts of things, always amazed

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me because they did not have an education, confidence or the wherewithal to protect themselves. What they had was the survival instinct because that is what they are — survivors.

All those people wanted to do was talk. One woman told me does not know when her birthday is. Imagine not knowing that. All I ever do when I think about these matters is close my eyes and imagine it happening to one of my children or grandchildren. That is all one has to do to know what it must have felt like. Those groups supported one another, and they did survive. Maybe they did not have the lives they could have had but they survived; they survived because they had one another and they clung together.

The niece of one of those involved in that group wrote to me. As I do not want to identify him, I will leave gaps. She wrote:

I am writing with regard to my nephew, . . . , to briefly recount my memories of the short time that he spent in the family household . . .

[His] mother . . . is only 11 months younger than myself. We were very close to one another, so I was terribly shocked, as were all the family, when she became pregnant at . . . [a very young] age. I never knew what had happened to her, or who the father of the child was. I just remember missing her during the two years that she went away . . . to have her baby.

Approximately two years later the girl returned with this woman's nephew and came to live in their house. The letter continues:

He was a lovely child and I was very relieved to see my sister. We loved her child, as I did all of my other siblings. I helped [her] to care for him. We were: a large family, but no child in our home was ever cold, hungry or unloved.

Although I do not know why it came about, I was actually at home the day that the police sergeant, accompanied by another official unknown to me, came in from [the town] to take [him] away from the family home. It was a heartbreaking moment, but in those days it was very hard to speak out against any authority. I felt desperate at what had happened, that he was taken away from all of us, while [his mother] was out of the house working. It just seemed that we had to accept the situation and get on with our lives.

Over the years I often wondered what had happened to [him], but as it was such a traumatic experience for [his mother], it was never discussed openly. Yet I often wished that I had tried to trace him while I was young.

Just before Christmas in 2005 I had the opportunity to meet [him] again, after more than half a century had gone by. To meet such a kind and gentle person was a true pleasure, yet I felt so sad and angry when I discovered the life that he had lived as a child growing up in the orphanages in Kilkenny and Cork. Also, to read certain comments recorded on documentation from those times, that the reason [he] was removed was because he was found wandering and destitute is particularly outrageous to me.

This story has been repeated time and time again. Were I to tell the Minister of State, Deputy Curran, the young girl's age when she had her baby, he and I would know that she is still alive. Certain people should be included in the redress scheme, namely, the women in the Magdalen laundries. Women still live in the one in Cork because they are so institutionalised that they cannot live independently.

Mothers and fathers, including those who are still alive, were deprived of their children. What we did was outrageous, but not all of us did it. Those parents had no part in institutionalising their children, nor did the poor, but people outside the religious orders played a definite part, namely, the local sergeant, the community nurse, the local magistrate of district justice, the local busy body——

Deputy Joan Burton: The ISPCC.

Deputy Kathleen Lynch: ——and the dreaded cruelty man, who came in and decided that the children of the poor were lesser beings than those of the middle class and the rich. We should be considering such people. An entire group of people outside the schools also had a responsibility.

I am struck by the at-risk register, which resulted from a case with which I was dealing. I would like to take a look at the current register to see who was on it. I could nearly guarantee the House that they would be the children of the poor. I know of no social worker who would be prepared to put his or her neck on the line and take someone on in court over the at-risk register.

Whistleblowers need to be protected more and we need to keep talking about women in the Magdalen laundries and the mothers, fathers and siblings of the children in question, people who were traumatised, as this letter makes clear. People who feel justified in complaining so as to ensure that children are protected should be protected by the law. The Government has buried the whistleblower legislation in committee and refuses to let it pass all Stages. We can do something.

We can be as sympathetic in the Chamber as we like, but we are still treating the children of the poor differently than we treat the children of other classes. We definitely treat Traveller children differently. In 20 years' time, will people knock on our doors and ask us whether, thanks to the Ryan report, we knew that other children were being treated badly? We know, but we choose to ignore the issue.

Deputy Pat Rabbitte: When opening this debate, the Taoiseach told the House that the report of the Ryan commission made grim reading. He stated:

The catalogue of horror and terror that was visited over many years on children in the care of religious congregations, placed there by the State, is appalling beyond belief. It is made even more appalling, if that is possible, by the fact that those who perpetrated the abuse had promised to uphold and practise the gospel of love and belonged to congregations founded to serve the very noblest ideals.

I agree with the Taoiseach's summary. That these crimes against helpless children occurred is appalling beyond belief. That they were committed by people dedicated to the religious life, that they could continue for several decades without intervention by the State is appalling beyond belief. That children were half-starved and driven to desperate measures because the religious congregations wanted to turn a profit is appalling beyond belief.

We are not dealing with individual instances of deviant and outrageous behaviour. As the Ryan report makes clear, abuse was the culture of these institutions, not the exception. In the boys' institutions, sexual abuse was endemic. As regards physical abuse, the Taoiseach stated: "Children lived with the daily terror of not knowing where the next beating was coming from". Whereas physical beatings were not systemic in girls' schools, girls suffered intolerable regimes and were subject to predatory sexual abuse. Where children mustered the courage to complain, they were at best ignored or, at worst, humiliated and told that they had brought it on them-

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selves. Where inspections took place, like those carried out by the Department of Agriculture, Fisheries and Food in our meat plants, the management was tipped off in advance.

If the rest of us feel shame, there must be people still alive who were alerted to these horrors when they were still serving in their professional lives and who did nothing. Similarly, some clerical authorities were told and did not want to know. Worse, it is plain that, in some cases, they were complicit in covering up. The Department of Education and Science has much to answer for. Its political masters who bent the knee with such alacrity to the ecclesiastical authorities of the day also have much to answer for. Irrespective of whether there was political collusion, it is clear from the Ryan report that the Department's officials did not investigate complaints, but sought instead to protect the religious congregations. As long ago as 1946 when Father Flanagan, an enlightened priest normally resident in the United States, did his famous tour of this country, his outspoken criticisms were condemned in the House as intemperate and unfounded.

In his address the Taoiseach properly highlighted the “disturbing level of emotional abuse by religious and lay staff in institutions”. He stated: “Witnessing abuse of co-residents, seeing other children being beaten, seeing the humiliation of others and being forced to participate in beatings had a powerful and distressing impact, while separating siblings and restrictions on family contact were profoundly damaging for family relationships”.
7 o'clock There are depraved people in every society, but they are not put in charge of children in every society. In Ireland, we put them in charge of our most vulnerable children and then we forgot about them.

How did church and State in the land of saints and scholars collude to leave little children at the mercy of the monsters who ran these residential institutions? At a minimum, there was wilful neglect. At worst, in Joyce's phrase, Christ and Caesar were hand in glove to rid society of a problem that we did not want to address. As Deputy Kathleen Lynch mentioned, no one shouted “Stop”. Virtually no one even asked questions. We did not want to know. We turned a blind eye to the slavery and worse in the Magdalen laundries. We turned our backs on the residential institutions that housed problems about which we did not want to know.

Debate adjourned.

Revised Estimates for Public Services 2009: Messages from Select Committees.

Acting Chairman: The Select Committee on Finance and the Public Service has completed its consideration of Votes 1, 5, 6, 7, 8, 9, 11, 12, 15, 16, 17 and 18 for the year ending 31 December 2009; and the Select Committee on Health and Children has completed its consideration of Votes 39, 40 and 41 for the year ending 31 December 2009.

The Dáil adjourned at 7.10 p.m. until 10.30 a.m. on Friday, 12 June 2009.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Employment Support Services.

1. **Deputy Tom Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of jobs clubs nationally; the number of clients they have dealt with individually for each of the past three years; and if she will make a statement on their role in tackling unemployment. [23371/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): FÁS Job Clubs were introduced in 1999 to assist people who were actively seeking employment by providing support for the job search process and an environment in which it could be carried out. Independent Sponsor Groups are contracted by FÁS on a year to year basis to run the programme. Job Clubs are seen as an important resource and intervention for those who have recently completed training programmes or have recently become unemployed. They provide both a formal and structured input as well as a drop-in resource facility. They also help the individual in overcoming the personal effects of unemployment by providing a mutual support forum from people in a similar situation.

56 Job Clubs nationwide provided formal programmes to the following numbers of clients for the past three years: 2006 — 6,400; 2007 — 7,100; 2008 — 8,600. I understand that the number of “drop-ins” would be approximately double these figures. During 2009 it is proposed to increase the number of Job Clubs to over 60.

Environmental Levies.

2. **Deputy Brendan Kenneally** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a fairer deal will be negotiated for the importation of stones from Northern Ireland and the UK; and if she will make a statement on the matter. [23400/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The question appears to relate to the Aggregates Levy which is in operation in the United Kingdom. I understand that the levy was introduced for environmental purposes and is applicable to the extraction of virgin aggregate in the United Kingdom and to imported virgin aggregate on its first use or sale in the United Kingdom. I understand further that in 2004 the European Com-

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mission decided that a modified exemption to the Aggregates Levy in Northern Ireland was compatible with state aid rules in the EC Treaty.

Vetting of Personnel.

3. **Deputy Frank Feighan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason for the delay with FÁS before submitting applications for vetting clearance to the appropriate Garda section in respect of workers in the health care sector; and if her attention has been drawn to the fact that those applicants are left for months without a job waiting for vetting procedures to be completed while in many cases they have not been submitted for weeks. [23462/09]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Recruitment for all Community Employment posts that allow applicants substantive unsupervised access to children and/or vulnerable adults requires Garda vetting. Fully completed and documented Garda vetting application forms are sent by FÁS to the Garda Central Vetting Unit within 10 working days. Delays may occur in cases where the vetting application forms are not correctly completed or the required documentation is omitted. In the case of correctly completed documentation and satisfactory vetting checks the whole process generally takes around 8 weeks. Relevant project sponsors are advised by FÁS of this time line and advised to apply well in advance where vetting is required.

Tax Code.

4. **Deputy Brian O'Shea** asked the Minister for Finance if he will review the situation of confining mortgage interest tax relief to the first seven years of a mortgage in view of the number of families whose mortgages are falling behind in repayment; and if he will make a statement on the matter. [23363/09]

Minister for Finance (Deputy Brian Lenihan): I believe that in these times of scarce resources support should be targeted at those most in need. Mortgage interest relief has therefore been limited to the first seven years of a mortgage from 1 May 2009. The relief is now targeted at those who bought their home when prices were at their peak while also supporting those who wish to move, improve or buy for the first time.

5. **Deputy Brian O'Shea** asked the Minister for Finance if he will abandon his proposal to either tax or means test child benefit from 2010; and if he will make a statement on the matter. [23364/09]

Minister for Finance (Deputy Brian Lenihan): The position in relation to Child Benefit is as set out in my Supplementary Budget on 7 April 2009. The Government does not believe that it is fair to pay the same level of benefit irrespective of the level of income of the recipient. In times of scarce resources the Government believes support should be targeted at those most in need. My Department, together with the Department of Social and Family Affairs and the Revenue Commissioners are considering how best to achieve this policy objective. The tax treatment of child benefit is also being considered by the Commission on Taxation. I will be informed by its proposals on this matter.

6. **Deputy Seán Power** asked the Minister for Finance if he will clarify that income from the carer's allowance awarded by the Department of Social and Family Affairs is taxable; and if he will make a statement on the matter. [23413/09]

Minister for Finance (Deputy Brian Lenihan): The position is that, in line with many other social welfare allowances, pensions and benefits, the carers allowance awarded by the Department of Social and Family Affairs is taxable.

Court Accommodation.

7. **Deputy Brian O'Shea** asked the Minister for Finance the position regarding the proposed extension to Waterford Courthouse; and if he will make a statement on the matter. [23417/09]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The provision of Court accommodation is, in the first instance, a matter for the Courts Service. The Commissioners of Public Works, acting on behalf of the Courts Service, have appointed an Architect as Design Team Leader for this project, and are arranging for the appointment of the other members of the Design Team. Consultations have taken place with local Court users, and it is anticipated that planning of the refurbishment and extension of Waterford Courthouse will commence shortly. I understand that further consultations with Court users will be undertaken by the Courts Service, as the project progresses.

Financial Services Regulation.

8. **Deputy Brian Hayes** asked the Minister for Finance if he will investigate if section 35 of the Credit Union Act 1997 is proving restrictive regarding the renegotiation of over five years; and if he will make a statement on the matter. [23430/09]

Minister for Finance (Deputy Brian Lenihan): I refer the Deputy to his similar Parliamentary Question 108, Ref No: 22371/09 for answer Tuesday, 9th June, 2009. As stated in answer to that question, I have asked my Department to reconvene the Group, representative of stakeholders, the Regulatory Authority and my Department, which successfully reviewed the Section 35 lending limits in 2006. The mandate for this Group will be to find a solution to this complex issue.

Tax Code.

9. **Deputy Frank Feighan** asked the Minister for Finance the reason, in the case of persons (details supplied) who are residing together for 18 years and who are jointly assessed for job-seeker's benefits, the partner is not allowed to transfer their tax credits. [23464/09]

Minister for Finance (Deputy Brian Lenihan): Cohabiting couples are expressly recognised for the purpose of social welfare law but are not recognised for the purposes of income tax law. Although this may appear contradictory, the main aim of both the welfare code and the tax code is to uphold the constitutional right of married couples not to be treated less favourably than unmarried couples. The basis for the current tax treatment of married couples derives from the Supreme Court decision in *Murphy vs the Attorney General* (1980) which held that it was contrary to the Constitution for a married couple to pay more tax than two single people living together and having the same income.

The treatment of cohabiting couples for the purposes of social welfare is primarily a matter for the Minister for Social and Family Affairs. However, it is also based on the principle that married couples should not be treated less favourably than cohabiting couples. This was given a constitutional underpinning following the Supreme Court decision in *Hyland v Minister for Social Welfare* (1989) which ruled that it was unconstitutional for the total income a married couple received in social welfare benefits to be less than the couple would have received if they

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were unmarried and cohabiting. In the particular circumstances outlined, where a couple are co-habiting rather than married, it is not permitted under existing legislation to transfer tax credits between the individuals.

Departmental Agencies.

10. **Deputy Willie Penrose** asked the Minister for Finance the reason the Revenue Commissioners are taking steps to close the Revenue Commissioners office in Mullingar, County Westmeath; if this decision will be reviewed and reversed; and if he will make a statement on the matter. [23466/09]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that their office in Mullingar is not a public office and therefore its closure will not have any service implications for the people of Westmeath. Service for the people of Westmeath is and will continue to be available through the Athlone office, the VRO in Tullamore and via the local 1890 service. Revenue's Border Midlands West Region has the largest geographical spread of all Revenue regions. The number of small offices located in this region is a legacy of the prior existence of small Customs and Excise stations or Vehicle Registration Offices, which are no longer needed in the context of Revenue's modern service delivery. Generally, only limited services are delivered from these small offices and, in the case of Mullingar, these services are not specific to the town. The functions can be carried out equally well at our other larger offices without any diminution of service.

Revenue has an obligation to address the question of the proper use and management of resources, particularly given the current economic circumstances. In that context, the functions carried out in the Mullingar office have been reviewed and it has been established that there is an overriding business case to integrate these functions into other nearby Revenue locations. The decision has therefore been taken that the reasonable option is to close the Mullingar office and to move the functions and the small number of staff concerned to the Athlone office. I am satisfied that in the context of managing with reduced numbers and of making effective use of resources, the consolidation of the Mullingar office into Athlone is reasonable, represents more efficient use of staff resources and office infrastructure and will not cause any difficulty for customers in the county.

Child Care Services.

11. **Deputy Paul Gogarty** asked the Minister for Health and Children if correspondence has been received from an association (details supplied) outlining the concerns regarding the proposed scheme for a free pre-school year; if the concerns expressed in relation to top-up, regulation, sessional care versus full day care, parental information provision, administration, payment and quality assurance are being examined; if the scheme will be adjusted to take into account these problems; and if she will make a statement on the matter. [23404/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) which will be introduced from January next. The association referred to by the Deputy wrote to me on 28 April 2009 welcoming the announcement of the scheme, which will allow qualifying children to avail of a free pre-school place in the year before they commence primary school, and suggesting a number of amendments which they felt would enhance the scheme.

A comprehensive response was issued to the association on 11 May 2009. I also met with representatives of the association at that time and discussed the issues raised in their letter at some length, including the question of rateable charges being collected from many pre-school services. I have since raised this issue with my colleague, John Gormley T.D., Minister for the Environment, Heritage and Local Government and am awaiting a response. I understand that the association wrote to me again on 4 June 2009 on this matter and I hope to be in a position to respond to them very shortly.

12. **Deputy Paul Gogarty** asked the Minister for Health and Children if she will clarify the situation as to whether child care providers can charge more than €240 a month if they sign up to participate in the one year free child care scheme; and if she will make a statement on the matter. [23410/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy will be aware, I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) which is being introduced from January next. The scheme will allow qualifying children to avail of a free pre-school place in the year before they commence primary school. The scheme is open to all private and voluntary pre-school services which are notified to the Health Service Executive (HSE) or registered with the Irish Montessori Educational Board (IMEB). Sessional playschools will, normally, participate in the scheme by providing the pre-school year for 3 hours a day, 5 days a week over 38 weeks while full or part-time daycare services will, normally, participate by providing the pre-school year for 2 hours, 15 minutes a day, 5 days a week over 50 weeks.

An annual capitation fee of over €2,400 will be paid to participating services in return for the provision of a free pre-school year to each child. This is equivalent to approximately €276 per month where a service is participating for 38 weeks and approximately €207 per month where it participates for 50 weeks. Services will be paid in advance at the start of each term. It is a condition of the scheme that the pre-school year is provided free of charge to parents in return for the capitation fee. However, services may charge for additional services, including additional hours, dance, etc or snacks, provided these are offered to parents on an optional basis and provided children not availing of an additional service continue to receive appropriate pre-school provision. It is a matter for each participating service to manage its overheads including the costs of meeting the statutory entitlements of employees to holiday pay, etc.

Adoption Services.

13. **Deputy Deirdre Clune** asked the Minister for Health and Children her views on the provision of alternative routes to assessing prospective adoptive parents in view of the delays experienced by many such parents; and if she will make a statement on the matter. [23361/09]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): Requests for assessment for inter-country adoption are continuously increasing. The 'Study on Inter-country Adoption Outcomes in Ireland', undertaken by the Children's Research Centre, Trinity College, between December, 2004, and April, 2007, revealed that Ireland has one of the highest rates for inter-country adoption in Europe. It is against this background that the Office of the Minister for Children and Youth Affairs is continuing to work to create the appropriate legislative, policy and administrative frameworks that will ensure a well regulated

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regime of adoption. Its aim is to support the children for whom adoption services are devised and provided and to protect prospective parents.

A family that wishes to adopt should be recognised beforehand as being able to promote, safeguard and support the development and well-being of a child in need of adoption in a lasting manner. However, it is acknowledged that persons applying for inter-country adoption are experiencing delays as regards waiting times for assessment, and that there are also concerns regarding the standardisation of the service across the country.

It should be noted that the increasing numbers of children adopted from abroad create additional pressures on inter-country adoption teams within the Health Service Executive. This is because these same teams provide post-adoption reports to the sending countries, at the request of those countries, and with the agreement of the adoptive parents. This is an important component in the willingness of countries to consider Irish applicants for adoption. It must also be acknowledged that the Health Service Executive's Child Welfare and Protection Services must continue to be the priority in managing the overall resources available to the Executive in respect of all of these services.

It is also important to note that, following the assessment process, if successful, applicants must then wait before receiving a referral for a child from the sending country. The waiting times for referral are outside the jurisdiction of both the Health Service Executive and the Adoption Board and are dependant on the regulations that each individual country has with regard to inter-country adoption.

At a practical level, the development of standards for the assessment of applicants for inter-country adoption has been advanced through the conjoint working of the Adoption Board, the Office of the Minister for Children and Youth Affairs and the Health Service Executive. This work was based on a report commissioned by the Department of Health and Children and submitted to Government in June, 1999, entitled "Towards a Standardised Framework for Inter-country Adoption Assessment Procedures". The standardised framework which emerged from that process in 2000 was founded on evidence-based practice and developed with the assistance of international agencies in the field. The implementation of this framework is continually under review by all parties as inter-country adoption practice and experience continues to evolve and with particular regard to the new statutory framework likely to emerge from the recently published Adoption Bill, 2009.

The Bill, which has now passed all stages in the Seanad, provides for a new regime for the accreditation of a range of agencies providing adoption services. This modernised regime more fully recognises the phenomenon of intercountry adoption and makes provision for the accreditation of agencies to provide both assessment services or mediation services. The Bill also proposes changes to the regulation of the activities, management and financial arrangements of such agencies. If enacted, there will be opportunity for the development of new agencies to assist in the reduction of waiting times in those areas where the waiting times are longest.

Medical Cards.

14. **Deputy James Reilly** asked the Minister for Health and Children the average time it takes to process an over 70s and under 70s medical card application per local health office; and if she will make a statement on the matter. [23373/09]

16. **Deputy James Reilly** asked the Minister for Health and Children the reason it takes between four to six weeks to print and post a medical card; and if she will make a statement on the matter. [23375/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 14 and 16 together.

The information sought by the Deputy is not provided as a matter of routine by the Health Service Executive (HSE) to my Department. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to address these matters and to have a reply issued directly to the Deputy.

15. **Deputy James Reilly** asked the Minister for Health and Children the number of medical card appeals; the average time it takes to process a medical card appeal; the percentage of medical card appeals upheld; and if she will make a statement on the matter. [23374/09]

Minister for Health and Children (Deputy Mary Harney): The information sought by the Deputy is not provided as a matter of routine by the Health Service Executive (HSE) to my Department. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to address these matters and to have a reply issued directly to the Deputy.

Question No. 16 answered with Question No. 14.

Health Service Staff.

17. **Deputy James Reilly** asked the Minister for Health and Children if the three additional consultants in emergency medicine posts added in 2009 have been filled; if not, when they will be filled; and if she will make a statement on the matter. [23376/09]

Minister for Health and Children (Deputy Mary Harney): The HSE has advised that interviews for one of these positions are due to be held shortly. Advertisements for the other two posts have not as yet been published. My Department has asked the HSE to reply directly to the Deputy on the specific issue he has raised.

Social Services.

18. **Deputy James Reilly** asked the Minister for Health and Children the number of social workers assigned to areas (details supplied) in County Dublin within office working hours and out of hours; and if she will make a statement on the matter. [23379/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Health Services.

19. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if dental treatment will be provided for a person (details supplied) in County Louth; and if she will make a statement on the matter. [23380/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Ambulance Service.

20. **Deputy James Reilly** asked the Minister for Health and Children the amount the national ambulance office has spent on procurement in each of the past three years; and if she will make a statement on the matter. [23402/09]

23. **Deputy James Reilly** asked the Minister for Health and Children the details of the Health Service Executive audit of spending in its national ambulance office; the scope of this audit; the reason it was instigated; the person who is responsible for it; when it will be completed; and if she will make a statement on the matter. [23408/09]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 20 and 23 together.

As these are service matters, they have been referred to the HSE for direct reply.

Health Service Allowances.

21. **Deputy Seán Sherlock** asked the Minister for Health and Children if she will expedite a decision on an application for the backdating of a domiciliary care allowance payment to a person (details supplied) in County Cork; and if she will make a statement on the matter. [23405/09]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Medical Aids and Appliances.

22. **Deputy Seán Sherlock** asked the Minister for Health and Children if she will expedite the provision of a wheelchair to a hospital (details supplied) in County Cork; and if she will make a statement on the matter. [23406/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Question No. 23 answered with Question No. 20.

Food Safety Authority.

24. **Deputy Denis Naughten** asked the Minister for Health and Children when the Food Safety Authority of Ireland will furnish funding to Roscommon County Council for the inspection of abattoirs; and if she will make a statement on the matter. [23409/09]

Minister of State at the Department of Health and Children (Deputy Trevor Sargent): Local Authority Veterinary Inspectors are responsible for the inspection of abattoirs. These Veterinary Inspectors are employed by County Councils and their food safety activities are funded by the Food Safety Authority of Ireland (FSAI). The FSAI determines the amount to be paid for this service each year and each Council submits claims to the FSAI for this payment at the end of each quarter. I am informed by the FSAI that all valid claims received by the FSAI from Roscommon County Council have been paid. At this time, no claims in relation to quarter one of 2009 have been received by the FSAI. As soon as these claims are submitted to the FSAI and validated, they will be paid.

Nursing Home Subventions.

25. **Deputy Denis Naughten** asked the Minister for Health and Children the steps she is taking to address the situation whereby County Roscommon is the only county which is not providing enhanced nursing home subvention to hardship cases; and if she will make a statement on the matter. [23418/09]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards.

26. **Deputy Michael Ring** asked the Minister for Health and Children when an application for an over 70s medical card in respect of persons (details supplied) in County Mayo will be processed. [23427/09]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services.

27. **Deputy Brian Hayes** asked the Minister for Health and Children the reason Tallaght Hospital, Dublin, is losing breast cancer specialised services and patients are being referred to different hospitals; and if she will make a statement on the matter. [23429/09]

Minister for Health and Children (Deputy Mary Harney): Under the National Cancer Control Programme (NCCP), there are four managed cancer control networks and eight cancer centres. These centres were designated by the HSE following a recommendation from the Advisory Group set up under the NCCP. The designation of cancer centres aims to ensure that patients receive the highest quality care while at the same time allowing local access to services, where appropriate. As Deputy Hayes will be aware, it is within this framework that the progressive transfer of cancer diagnostic and surgical services from Tallaght and other non-designated hospitals to the designated centres is taking place. Symptomatic breast disease services are the first to be transferred to the eight centres.

The Health Service Executive (HSE) has designated St. James's Hospital and St. Vincent's University Hospital as the two cancer centres in the Managed Cancer Control Network for the HSE Dublin Mid-Leinster region. The general catchment area for Tallaght Hospital incorporates both St Vincent's University Hospital and St James's Hospital, and the transfer of services from Tallaght will take place in a coordinated way to these two designated centres. The resources that will be transferred have been identified and the designated centres have completed a capacity equipping plan that ensures they are able to receive additional referrals from GPs in the Tallaght catchment area. Only initial diagnosis and surgery are transferring from Tallaght. Medical oncology services will continue to be provided at Tallaght as part of a regional network of medical oncology for the Dublin-Mid Leinster area. The oncology day ward opened by me in June 2006 will continue to operate.

Parliamentary Questions.

28. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a reply will issue from the Health Service Executive to Parliamentary Question No. 269 of 6 May 2009. [23440/09]

Minister for Health and Children (Deputy Mary Harney): My Department has made inquiries of the Health Service Executive (HSE) regarding the status of its reply to the Deputy's Parliamentary Question No. 269 of 6th May 2009 and the Executive reports that a reply issued to the Deputy on 15th May 2009 in this matter. My Department has asked the Parliamentary Affairs Division of the HSE to arrange for the reply to be re-issued to the Deputy.

29. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the reason for the continuing failure of the Health Service Executive to reply to Parliamentary Question No. 113 of 7 April 2009, which according to Parliamentary Question No. 249 of 12 May 2009 was due to issue. [23442/09]

Minister for Health and Children (Deputy Mary Harney): My Department has made inquiries of the Health Service Executive (HSE) regarding the status of its reply to the Deputy's Parliamentary Questions No. 113 of 7th April 2009 and No. 249 of 12th May 2009. The Executive reports that a reply issued to the Deputy on 14th May 2009 in this matter. My Department has asked the Parliamentary Affairs Division of the HSE to arrange for the reply to be re-issued to the Deputy.

Departmental Reports.

30. **Deputy Thomas P. Broughan** asked the Minister for Transport if he will implement the recommendations of the Deloitte report; if so, the timeframe for the implementation of the report's recommendations; and if he will make a statement on the matter. [23420/09]

Minister for Transport (Deputy Noel Dempsey): Both Bus Átha Cliath and Bus Éireann have commenced work on the implementation of the Deloitte report's recommendations. Furthermore, implementation of recommendations in the report relating to bus priority, integrated ticketing, demand management measures, bus licensing and the move to PSO contracts are already being pursued by my Department, in conjunction with Bus Éireann, Dublin Bus, the relevant local authorities and the DTO, as appropriate.

Rail Services.

31. **Deputy Thomas P. Broughan** asked the Minister for Transport if he will bring forward a new national rail strategy to encourage the provision of passenger and freight rail services; and if he will make a statement on the matter. [23421/09]

Minister for Transport (Deputy Noel Dempsey): The Transport 21 capital investment programme for rail is the strategy for the development of our rail network. Under this programme, Iarnród Éireann have already delivered and are continuing to deliver projects to significantly increase the frequency and capacity of rail services throughout the State. These include:

- A new fleet of trains including new Intercity trains on all lines, and many more Commuter and DART railcars allowing service expansion on these routes
- Infrastructure expansion, with projects such as the Kildare Route Project and Dublin area resignalling expanding the capacity of the existing network
- The reopening of former railway lines, including Clonsilla-Navan, Cork-Midleton and the Western Rail Corridor

- The DART Underground Project, which is the most significant rail project under Transport 21 which will deliver major capacity increases and the integration of the suburban rail network.

These projects will enable Iarnród Éireann to deliver an increase in rail passenger journeys from 44 million per annum currently, to over 100 million on completion of the Transport 21 programme.

In terms of the rail freight business, Iarnród Éireann is committed to delivering a commercially strong freight operation, with expansion in certain existing traffics, and the introduction of further new flows to be confirmed in the near future. I also propose to establish a forum on the movement of goods, as set out in the SMARTER TRAVEL policy paper. The forum will address both economic competitiveness and environmental sustainability matters associated with the movement of goods by air, sea, rail and road. The realistic potential for rail freight and its role within an integrated freight transport strategy will be among the matters explored by the forum.

Air Accident Investigations.

32. **Deputy Finian McGrath** asked the Minister for Transport if he will support a matter (details supplied). [23426/09]

Minister for Transport (Deputy Noel Dempsey): On 21 April 2009, following consultation with all interested parties, the Air Accident Investigation Unit (AAIU) of the Department of Transport published a Synoptic Final Report into a Serious Incident concerning an MD-83 aircraft near Dublin Airport on 16 August 2007. The Investigation of this Serious Incident was conducted in accordance with the Annex 13 provisions to the Convention on International Civil Aviation, Aircraft Accident and Incident Investigation. Consequently, the AAIU is satisfied that all significant factors relating to the occurrence were addressed in the Report. The warning system referred to by the Deputy's correspondence was in fact considered by the Investigation and was not a factor in the occurrence. I am advised that the AAIU responded to the correspondent within 24 hours of his initial query and will respond further to him in writing when required information becomes available.

Ministerial Appointments.

33. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform when the legal services ombudsman will be appointed; and if he will make a statement on the matter. [23403/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The position remains, as indicated in my response to Questions No. 532 and 549 of 24 March 2009, that the necessary arrangements are being made to facilitate the appointment of a Legal Service Ombudsman. The intention is to make the appointment as soon as possible.

Sexual Offences.

34. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if the Carrigan commission in 1930 drew attention to the increase in recorded sexual abuse; and the reason action was not taken by his Department at that time. [23407/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Carrigan Committee, established in 1930, considered whether criminal law then in force relating to sexual

[Deputy Dermot Ahern.]

offences was adequate or required modification. As part of its deliberations it considered the level of sexual abuse, but did not specifically consider residential institutions. Its report was completed in 1931, but was not published. The report ultimately led to enactment of the Criminal Law Amendment Act of 1935, which strengthened the relevant law, particularly as regards the protection of young girls and against prostitution and brothels.

The Government has accepted all the recommendations of the Commission to Inquire into Child Abuse, including the recommendation that it admit that abuse of children occurred because of the failures of systems and policy, of management and administration and of senior personnel who were concerned with industrial and reformatory schools. The Government is committed to the full implementation of the recommendations, and the Minister for Children and Youth Affairs is developing a plan for their implementation. Criminal investigations are continuing in respect of a significant number of people, and an Assistant Garda Commissioner has been appointed to examine the totality of the report in relation to other possible criminal proceedings.

Criminal Assets.

35. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the value of assets seized by the Criminal Assets Bureau in 2005, 2006, 2007, 2008 and to date in 2009; and if he will make a statement on the matter. [23422/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my reply to Parliamentary Question number 63 of 27 May, 2009.

Garda Operations.

36. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if he will report on Operation Archer; the number of persons arrested and charged to date under Operation Archer; the number of gardaí involved; the cost of the operation to date; and if he will make a statement on the matter. [23423/09]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that, following an analysis of crime trends in Finglas Garda sub-district, local Garda management commenced Operation Archer in August 2008 to prevent and detect crime, by restricting and disrupting the movement of criminals in the Finglas South area using overt and covert policing. Garda personnel from Finglas Garda Station are supported by District and Divisional uniformed and plain-clothes personnel, supplemented as necessary by armed and other specialist units from the Special Detective Unit, the Organised Crime Unit, the Emergency Response Unit and National Support Services. Additional armed detective patrols are also provided at certain times.

I am further informed that to date there have been 1,094 incidents recorded related to Operation Archer, including 509 searches and 259 traffic-related incidents. The provision of details of arrests and costs would require a disproportionate use of Garda resources. Local Garda management is satisfied with the results of Operation Archer to date and keeps the situation under ongoing review.

Passport Applications.

37. **Deputy Bobby Aylward** asked the Minister for Foreign Affairs the reason a person

(details supplied) in County Kilkenny was refused their application for an Irish passport in May 2008; and if he will make a statement on the matter. [23414/09]

Minister for Foreign Affairs (Deputy Micheál Martin): At the outset, it might be helpful to explain that in line with international requirements my Department has included, since October 2006, a biometric feature in passports. This feature, which is stored on a microchip in the passport, uses facial characteristics generated from photographs submitted with passport applications. In order to meet international standards, it is necessary to use high quality photographs. Details of the requirements for passport photographs are set out in guidelines supplied with each application form.

In this case, the applicant applied for a passport on 8 April, 2008. The documents submitted with his application established that he was an Irish citizen and thus entitled to an Irish passport. However, a passport could not be issued to him because the submitted photographs did not meet the required standard. The Department wrote to him on 15 April, 2008 to explain that the submitted photographs could not be accepted because he was positioned too close to the camera when his photographs were taken. The placement of his head in the photographs made it impossible to capture his correct biometric details which are necessary to allow for the issue of his passport. The letter requested the submission of a second set of photographs. The guidelines for passport photographs were enclosed with that letter.

A second set of photographs was received on 21 April, 2008. Unfortunately, these did not meet the required standard either. On 22 April, 2008 the Department wrote to the applicant, explaining again the problem with his photographs, and requesting the submission of another set of photographs. No further photographs were received. Instead, the applicant contacted the Department on 14 July, 2008 and requested the cancellation of his application. This was done and his passport fee was refunded to him on 21 July, 2008. It is open to the applicant to submit another application. My Department will ensure the prompt issue of a passport to him on receipt of a properly completed passport application form, suitable photographs and the payment of the relevant passport fee.

Sports Capital Programme.

38. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism if he will confirm that a grant is still available to a club (details supplied) in County Roscommon; and if he will make a statement on the matter. [23367/09]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The allocation in question which was made in 2005 remains available subject to compliance with the terms and conditions of the Sports Capital Programme. Allocations cannot be held over indefinitely and, under the Guidelines, Terms and Conditions of the programme, a “sunset clause” provision exists whereby my Department can fully or partially withdraw grants in the absence of satisfactory progress being made by the grantee, for any reason, in drawing down the grant. The grantee in question should provide regular updates to my Department on the grant assisted project. Where my Department is of the view that satisfactory progress is not being made, the allocation may be considered for withdrawal.

Security of the Elderly.

39. **Deputy Michael Creed** asked the Minister for Community, Rural and Gaeltacht Affairs if funding is available in respect of an application by a person (details supplied) in County

[Deputy Michael Creed.]

Cork in respect of a socially monitored alarm; and if he will make a statement on the matter. [23415/09]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): The Deputy will be aware that the Scheme of Community Support for Older People was suspended on 7th April 2009 with a view to affording my Department the opportunity to review the Scheme's operation and address concerns raised in respect of same. Although, applications received prior to the suspension of the Scheme are being processed and approved in accordance with current eligibility criteria, applications received after this date are being returned to the respective community groups pending relaunch of the Scheme in mid-September. My officials have been in contact with the appropriate community groups in Co. Cork and have been informed that an application has not been submitted to the Department on behalf of the individual in question. As the Scheme is suspended the Department is not in a position to accept applications until the Scheme is relaunched later this year.

Social Welfare Benefits.

40. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs when a person (details supplied) in County Cork can expect to receive payment; and if she will make a statement on the matter. [23381/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned was put on a reduced working week and claimed jobseeker's benefit. A decision will be made on his claim within the next week and he will be notified of the outcome.

41. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and awarded jobseeker's benefit. [23383/09]

42. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a person (details supplied) in County Mayo will qualify for the back to education allowance. [23384/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 41 and 42 together.

The person concerned has been awarded jobseeker's benefit at the maximum weekly rate of €204.30 with effect from 1 June, 2009. His first payment issued to him on 8 June 2009. The person concerned has not applied for a back to education allowance payment. However, it is open to him to do so and a form for this purpose has been issued to him.

Social Welfare Offices.

43. **Deputy Joanna Tuffy** asked the Minister for Social and Family Affairs the reason for the delay in finalising the lease on accommodation in an area (details supplied) in County Dublin for the temporary social welfare office; and if, in view of the increased numbers on the live register for the area, she will give the matter the priority it deserves. [23419/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I understand that the Chief State Solicitor's Office has confirmed to the Office of Public Works (OPW) that the lease on the premises in question will be executed on or before next Friday, 12th June. Negotiations on the lease were protracted as this is a subletting arrangement and there are two firms of solicitors

involved in the transaction. The OPW has been asked to make every effort to expedite the fit out of the premises in order that it can be opened for business at the earliest opportunity.

Social Welfare Benefits.

44. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs if she will support a person (details supplied) in Dublin 9. [23425/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme provides for a supplement to be paid in respect of mortgage interest to any person in the State whose means are insufficient to meet their needs. The scheme is administered by the community welfare division of the Health Service Executive on behalf of the Department. The purpose of mortgage interest supplement is to provide short term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only.

Mortgage interest supplement is normally calculated to ensure that a person, after the payment of mortgage interest, has an income equal to the rate of supplementary welfare allowance appropriate to their family circumstances, less a minimum weekly contribution of €24, which recipients are required to pay from their own resources. Many recipients pay more than €24 because they are required, subject to certain income disregards, to contribute any additional assessable means that they have, over and above the appropriate supplementary welfare allowance rate, towards their accommodation costs.

Under social welfare legislation, a person is not entitled to a mortgage interest supplement where that person or his/her spouse is engaged in remunerative full-time work i.e. working 30 hours a week or more. The Executive has advised that there is no record of an application for mortgage interest supplement from the person concerned. If he wishes to make an application for such a supplement then he should contact the community welfare officer at his local Health Centre.

The person concerned is receiving jobseeker's benefit at the maximum weekly rate of payment. If he requires further information on his entitlement to job seeker's benefit or other benefits that he may be entitled to, he should contact his Social Welfare Local Office. Each Local Office has officers who are dedicated to providing information and are available to explain supports and services to people. The Department also operates a LoCall information line (1890 66 22 44) which people may call for information and guidance on their entitlements and information is available on the Department's website www.welfare.ie and the website of the Citizens Information Service at www.citizensinformation.ie.

45. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the breakdown of claimants eligible for free schemes by category; and if she will make a statement on the matter. [23428/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): A breakdown of the customers benefiting from the household benefits and free travel schemes by payment type for the last five years is set out in the tables.

[Deputy Mary Hanafin.]

Type of Payment 2004	Electricity Allowance	Television Licence Allowance	Telephone Allowance	Gas Allowance	Free Travel
State Pension (Contributory)	52,217	52,217	56,076	5,831	92,097
State Pension (Non Contributory)	43,904	43,904	42,996	1,020	83,538
State Pension (Transitional)	51,028	51,028	54,097	6,133	81,296
Widow/er's Pension (Contributory)	49,204	49,204	53,196	4,949	66,298
Widower's Pension (Non-Contributory)	9,609	9,609	9,659	233	12,976
Invalidity Pension	18,837	18,837	18,098	1,884	47,811
Deserted Wife's Allowance	331	331	352	29	537
Deserted Wife's Benefit	481	481	561	89	839
One Parent Family Payment	69	69	56	7	432
Occupational Injury Benefit	243	243	266	30	304
Free Fuel	1,788	1,788	1,786	27	1,720
Blind Pension	681	681	651	34	1,916
No Active Pension	23,185	23,185	27,968	2,412	121,431
Carer's Allowance	9,495	9,495	10,342	695	21,940
Disability Allowance	19,516	19,516	16,359	1,210	81,969
British Pension	3,294	3,294	4,316	138	5,203
Others	1,298	1,298	1,188	96	4,038
Total	285,180⁽¹⁾	311,134	297,967	24,817	624,345

⁽¹⁾Does not include 2,433 Group Account Electricity customers.

Type of Payment 2005	Electricity Allowance	Television Licence Allowance	Telephone Allowance	Gas Allowance	Free Travel
State Pension (Contributory)	53,512	59,595	57,940	6,083	94,571
State Pension (Non Contributory)	45,515	45,515	43,764	1,123	82,917
State Pension (Transitional)	52,374	58,893	56,050	6,519	82,895
Widow/er's Pension (Contributory)	42,469	58,161	57,205	5,692	69,581
Widower's Pension (Non-Contributory)	9,508	9,757	9,590	249	12,551
Invalidity Pension	20,299	22,444	19,706	2,145	50,971
Deserted Wife's Allowance	347	382	376	35	556
Deserted Wife's Benefit	527	630	608	103	925
One Parent Family Payment	39	40	34	1	132
Occupational Injury Benefit	256	284	279	28	319
Free Fuel	1,574	1,596	1,580	22	1,503
Blind Pension	695	729	672	34	1,878
No Active Pension	23,741	26,168	28,618	2,427	120,089
Carer's Allowance	10,912	11,712	11,564	800	23,758
Disability Allowance	21,483	22,943	17,841	1,460	88,098
British Pension	3,004	3,134	4,044	130	5,132
Others	1,176	1,273	1,482	97	3,961
Total	296,308⁽¹⁾	323,256	311,353	26,948	639,657

⁽¹⁾Does not include 2,610 Group Account electricity customers.

Type of Payment 2006	Electricity Allowance	Television Licence Allowance	Telephone Allowance	Gas Allowance	Free Travel
State Pension (Contributory)	54,305	54,305	59,040	6,247	95,610
State Pension (Non Contributory)	54,722	54,722	53,575	1,573	95,685
State Pension (Transitional)	52,862	52,862	56,783	6,736	83,650
Widow/er's Pension (Contributory)	53,424	53,424	58,485	6,192	70,385
Widower's Pension (Non-Contributory)	244	244	227	15	195
Invalidity Pension	16,795	16,795	15,635	1,764	45,768
Deserted Wife's Allowance	10	10	7	1	24
Deserted Wife's Benefit	579	579	675	133	1,009
One Parent Family Payment	41	41	21	3	75
Occupational Injury Benefit	258	258	289	35	322
Free Fuel	1,544	1,544	1,535	21	1,448
Blind Pension	444	444	427	31	1,375
No Active Pension	35,005	35,006	37,339	4,127	119,985
Carer's Allowance	12,236	12,236	12,356	999	25,984
Disability Allowance	23,475	23,475	17,652	1,735	92,337
British Pension	2,479	2,508	3,457	112	4,664
Others	1,027	1,027	1,265	86	2,799
Total	309,450	309,450	318,828	29,810	641,315

Type of Payment 2007	Electricity Allowance	Television Licence Allowance	Telephone Allowance	Gas Allowance	Free Travel
State Pension (Contributory)	119,239	136,125	129,019	15,548	198,634
State Pension (Non Contributory)	55,256	58,263	53,989	1,758	96,486
State Pension (Transitional)	89	107	104	17	199
Widow/er's Pension (Contributory)	54,484	61,793	59,657	6,674	71,790
Widower's Pension (Non-Contributory)	244	252	245	7	182
Invalidity Pension	17,933	20,076	17,372	1,960	48,161
Deserted Wife's Allowance	20	23	21	3	26
Deserted Wife's Benefit	706	888	831	178	1,220
One Parent Family Payment	140	173	167	28	379
Occupational Injury Benefit	289	328	320	63	357
Free Fuel	1,577	1,611	1,543	78	1,490
Blind Pension	522	569	500	43	1,420
No Active Pension	23,649	25,799	13,871	2,044	97,994
Carer's Allowance	15,008	16,640	15,627	1,437	31,591
Disability Allowance	27,045	29,686	22,378	2,089	86,744
British/E.U/Bilateral Pension	28	539	528	5	Nil
Others	495	545	457	156	639
Total	316,724	353,417	316,629⁽¹⁾	32,088	637,312

⁽¹⁾Does not include 10,707 customers in receipt of Mobile Phone Allowance.

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Type of Payment 2008	Electricity Allowance	Television Licence Allowance	Telephone Allowance	Gas Allowance	Free Travel
State Pension (Contributory)	124,443	142,782	136,730	17,109	209,443
State Pension (Transition)	154	172	157	16	479
Other*	206,718	229,198	215,037	19,141	454,845
Totals	331,315	372,152	351,924	36,266	664,767

*A comprehensive breakdown by scheme type is not readily available for these customers.

Social Welfare Code.

46. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs her proposals in regard to the guidelines used by her Department in policy documents to prescribe disabilities (details supplied); and if she will make a statement on the matter. [23432/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The issue raised by the Deputy relates to the medical qualifying conditions associated with social welfare schemes and in particular the position of people within the deaf community as regards entitlement to Disability Allowance. Disability Allowance is a weekly payment made to persons who are substantially restricted by reason of their disability in undertaking work which would otherwise be suitable having regard to the person's age, experience and qualifications and whose means are insufficient to meet their own needs and those of their dependents.

The position is that, while the circumstances of individuals will vary and each application for Disability Allowance will be treated on its own merits, deafness or hearing impairment does not of itself constitute a condition which would automatically satisfy the medical qualifying conditions associated with the scheme.

Social Welfare Benefits.

47. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Galway will be approved and awarded farm assist. [23434/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned applied for farm assist on 21 May 2009. His claim is currently with a Social Welfare Inspector who will examine his case as soon as possible. On completion of enquiries a decision will be made and he will be notified of the outcome. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Pension Provisions.

48. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will award contributory old age pension credits to carers who have provided care for ten years or more; and if she will make a statement on the matter. [23448/09]

51. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the position regarding the qualification for retirement or old age pension for persons who gave up work to care for a person with special needs with particular reference to the allocation of credit contributions for the period of care; and if she will make a statement on the matter. [23451/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 48 and 51 together.

In order to qualify for the maximum rate of the state pension (contributory) a person must, amongst other qualifying conditions, achieve a yearly average of at least 48 contributions paid or credited on his/her social insurance record over their working life. Reduced pensions are paid to those with yearly averages as low as 10 contributions. The contributory pension entitlements of those who leave employment to care for children or incapacitated people can be protected in a number of ways. People who qualify for payments such as carer's allowance or carer's benefit may, subject to conditions, qualify for credited contributions.

If a person does not qualify for credits through the carer's allowance or benefit schemes they may be able to avail of the homemaker's scheme. This was introduced from 1994 and allows up to 20 years spent caring for children or incapacitated adults to be disregarded when a person's social insurance record is being averaged for pension purposes. Any person, including a carer, may pay voluntary contributions once they satisfy certain qualifying conditions. A person may choose to pay voluntary contributions, provided they are no longer covered by a PRSI scheme on a compulsory basis in this country or on a compulsory or voluntary basis in any other EU country. Voluntary contributions provide cover for long-term benefits, such as pensions.

To become a voluntary contributor a person must have paid at least 260 PRSI contributions in either employment or self-employment and apply within 12 months of the end of the contribution year during which they last paid compulsory insurance or were last awarded a credited contribution. The person must agree to pay voluntary contributions from the start of the contribution week that follows the week in which they left compulsory insurance. From June 2006, the number of hours a person can engage in employment, self employment, education or training outside the home and still be eligible for carer's allowance, carer's benefit and the respite care grant was increased from 10 to 15 hours per week. Where a carer remains in employment he or she will continue to pay the appropriate social insurance contribution.

Overall, I am satisfied that adequate arrangements are in place to protect the pension entitlements of people who leave employment to provide full-time care. There are, of course, people caring who cannot benefit from these measures. The position of these, and others who are at present not receiving support through the social welfare pension system, is discussed in the Green Paper on Pensions and decisions in relation to them will be made in the context of the framework for future pensions policy which I expect will be published in the near future.

Social Welfare Code.

49. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will introduce further improvements in respect of the level of payments under family income supplement; and if she will make a statement on the matter. [23449/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Family Income Supplement (FIS) scheme, which provides income support for employees on low earnings with families, is designed to preserve the incentive to move from welfare to (or remain in) employment in circumstances where the employee might only be marginally better off than if he or she were claiming other social welfare payments.

Qualification for payment under this scheme requires that a person must be engaged in insurable employment for a minimum of 38 hours per fortnight or 19 hours per week. A couple may combine their hours of employment to meet the qualification criteria. FIS is calculated on the basis of 60% of the difference between the income limit for the family size and the assess-

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able income of the person(s) raising the children. The combined income of the couple is taken into account. Improvements to FIS in recent years include the change of assessment from a gross income to a net income basis, the increase to €20 per week in the minimum payment and, the re-focusing of income thresholds to include additional gains for larger families.

An integral part of the scheme is that once the level of FIS payments is determined, it continues to be payable at that level for a period of 52 weeks provided that the person remains in employment. Budget 2009 provided for an increase in the income limits for FIS by €10 a week in respect of each child. These new thresholds gave increases ranging from €6 to €48 per week depending on the family size, from January 2009. These increases will preserve the incentive for employees on low earnings with families to move into or remain in employment. Any further improvements in the level of payments under FIS would only be considered in a budgetary context.

Social Welfare Benefits.

50. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of persons currently on disability allowance; the number who have been disallowed in the past four years; and if she will make a statement on the matter. [23450/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Disability Allowance is a weekly Allowance paid to people with a specified disability who are aged over 16 and under 66. The disability must be expected to last for at least one year and the allowance is subject to a medical assessment, a means test and a habitual residency test. There were 97,652 persons in receipt of Disability Allowance at the end of May 2009. A total of 27,639 applicants were disallowed Disability Allowance over the last four years 2005 to 2008.

Question No. 51 answered with Question No. 48.

52. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of applications for invalidity pension rejected in the past 12 months on the grounds of insufficient insurance contributions; and if she will make a statement on the matter. [23452/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): In the past 12 month period a total of 422 Invalidity Pension applications were refused on the grounds of insufficient insurance contributions. The PRSI contribution conditions for Invalidity Pension require that the claimant must have a total of 260 contributions paid at the appropriate rate (class A, E or H) since entry into insurable employment and 48 paid or credited contributions in the governing contribution year, which currently is the 2008 tax year. Where a claimant has no reckonable contributions paid or credited for two consecutive years, he/she is not entitled to the payment of Invalidity Pension until 26 qualifying contributions have subsequently been paid.

If a person does not satisfy the PRSI conditions for Invalidity Pension based solely on their Irish social insurance record and they have worked in another country covered by EU regulations, periods of insurable employment in that country can be taken into account to help satisfy the qualifying conditions. Periods of insurance in a country with which Ireland has a Bilateral Social Security Agreement can also be taken into account to help qualify for an Invalidity Pension.

53. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will ensure adequate funding to meet the requirements of carers in 2009; and if she will make a statement on the matter. [23453/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): In Budget 2009, I increased the rate of carer's allowance for those aged 66 or over by €7 to €239 per week and for those aged under 66 by €6.50 to €220.50 per week. These increases took effect from January 2009. Recipients of carer's allowance are also eligible for household benefits and free travel and the respite care grant. Income support schemes administered by the Department are demand driven and are allocated on the basis of qualifying criteria. If a person meets the criteria for a scheme, including those schemes that provide income support to carers, they will receive a payment. The Department estimates that combined expenditure on carer's allowance, carer's benefit, the respite care grant and half-rate carers will be €650 million in 2009.

International Agreements.

54. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she has made overtures to countries with which Ireland has a bilateral agreement with a view to speeding up the process of applications; and if she will make a statement on the matter. [23454/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department currently has bilateral social security agreements with 9 countries:- Australia, Austria, Canada, The United Kingdom, New Zealand, The United States of America, Switzerland, Quebec and Korea. Liaison procedures to ensure the secure transfer of personal data have been established with each country, and are kept under constant review. Regular contact is maintained by the Department with each agency to ensure the timely and accurate provision of the required information. The processing time for claims that fall to be examined under bilateral agreements can be longer than that for standard Irish entitlements, reflecting the added complexity that arises in determining entitlements under these agreements, and the necessity to obtain the relevant insurance details from overseas social security institutions.

Delays in processing applications can occur where a person has had a varied employment history in a number of countries over their working life, and this can lead to some difficulties in completing their full insurance record. Where particular delays occur in the exchange of information, every effort is made to minimise such delays, having regard to the need to ensure that people receive their full and correct entitlements. It is important to note that there is no financial loss to the pensioner as payments are made from the due entitlement date. Overall, I am satisfied that the current arrangements and procedures are working effectively and efficiently.

Social Welfare Code.

55. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will ease qualification requirements for back to education allowance in view of the current economic situation; and if she will make a statement on the matter. [23455/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Since its introduction, the underlying objective of the back to education allowance (BTEA) scheme has been to equip people on social welfare payments with qualifications that will enable them to obtain employment in the labour market. It is a second chance educational opportunities scheme for people on welfare payments who wish to participate in full time education and who would not otherwise be able to do so. Improvements to the scheme were announced in the recent supplementary budget. The qualifying period has been reduced to three months for access to the second level option. Also, jobseekers who engage with the Department's facilitator programme can access the third level option at nine months on the recommendation of a facilitator.

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In general, to qualify for participation, an applicant must be at least 21 years of age prior to commencing an approved course of study. However, lone parents and recipients of jobseekers' payments who are out of formal education for at least 2 years can qualify at 18 years of age. In addition, an applicant must be in receipt of a relevant social welfare payment for 3 months if pursuing a second level course or 12 months if pursuing a third level course. In response to the current economic circumstances, the qualifying period for the third level option is reduced to 9 months for those who are participating in the National Employment Action Plan process or engaging with a departmental facilitator. Also, people who are awarded statutory redundancy may access the scheme immediately, provided an entitlement to a relevant social welfare payment is established prior to commencing an approved course of study.

The requirement to be in receipt of a social welfare payment for a minimum period has always been a feature of the scheme. A waiting period is considered essential to confer entitlement to income support for an indefinite period and is considered necessary in the context of targeting scarce resources at those who need it most. The back to education allowance has an important role to play in enhancing the employability skills of jobseekers and the qualifying conditions of the scheme will continue to be monitored in the context of the objectives of the scheme and changes in the economic climate.

56. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will put in place procedures to speed up the process of applications for unemployment assistance with particular reference to the need to alleviate hardship, anxiety and stress caused by delays; and if she will make a statement on the matter. [23460/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department is committed to providing a quality service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are made as expeditiously as possible. The staff and other resources available to the Department are regularly reviewed having regard to the workload arising and other competing demands. The average processing time for claims processed in May was 3.68 weeks for jobseekers benefit and 6.35 weeks for jobseekers allowance.

During the period May to December 2008 an additional 158 staff were assigned to local offices to deal with the increased volume of claims. Also 32 additional temporary staff were recruited with effect from 2 March 2009 to support the offices with a particularly high volume of claims awaiting a decision. In addition, 16 Social Welfare Inspectors were allocated and 15 of these staff have been assigned to date, to various locations throughout the country to undertake means testing and other work associated with processing claims for the jobseekers allowance.

As many local offices are very close to capacity as regards accommodating further staff, the Department has established a number of central decision units around the country. Five such units have been set up in Dublin, Sligo, Finglas, Carrick-on-Shannon and Roscommon, which will comprise of a total of 57 staff. Currently 49 of these staff are in place. Work has recently commenced on setting up further units in Tallaght and Wexford. Since early 2008 we have been examining all aspects of the work associated with the processing of claims and streamlining them wherever possible without, of course, compromising our scheme controls. Examples of process improvement initiatives introduced recently include:

- A streamlined process for people who had a claim in the previous 2 years

- Application forms for the jobseeker schemes are now available on the Department's website. This means that anyone who wants to make a claim can print the form at home and bring it to the local office completed. This helps reduce queuing times.
- More straight-forward procedures for providing evidence of identity and address have been introduced
- A more streamlined procedure for claimants moving to jobseekers allowance when their jobseekers benefit expires.
- We have introduced an appointment system for taking claims in 16 offices and plan to extend this to other offices over the coming months.

The Deputy will be aware that anyone suffering hardship can apply for Supplementary Welfare Allowance. The supplementary welfare allowance scheme (SWA) is administered on behalf of the Department by the community welfare division of the Health Service Executive (HSE). SWA provides a safety net against poverty in that it gives a statutory entitlement to a minimum weekly income, based on criteria set out in legislation. The majority of SWA claims are processed within a matter of days. SWA payments are divided into two main categories:

- those who have income needs that cannot be met from mainline social welfare payments, and
- those awaiting a social welfare payment.

Rural Transport.

57. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will offer assistance to the development of rural transport in areas where public transport does not exist; and if she will make a statement on the matter. [23461/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The free travel scheme provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as Luas and services provided by over 80 private transport operators. The vast majority of private contractors providing services under the scheme operate in rural areas.

I am always willing to consider applications from licensed private transport operators who may wish to participate in the free travel scheme. However, while the Department pays transport providers to operate the free travel scheme, it is not in a position to provide transport services where none currently exist or to compel operators to participate in the scheme. The issue of access to public transport in rural areas is being addressed at present through the Rural Transport Initiative, which is being managed by Pobal, on behalf of my colleague the Minister for Transport. The Department of Social and Family Affairs contributes annual funding of €1.5 million to this initiative to ensure that free travel passholders continue to have access to community based transport services.

Social Welfare Benefits.

58. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs the way the value of a second house which has been left to the spouse of a person who is seeking jobseeker's allowance is valued and computed, in terms of capital values, in the context, where this house

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will be lived in by the family and they are giving their home place to a member of their family; and if she will make a statement on the matter. [23468/09]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Jobseeker's allowance is paid to unemployed persons who satisfy certain conditions set out in legislation that require among others, that the person is unemployed, is capable of work, is available for work and is genuinely seeking work. To qualify for jobseeker's allowance a person must also satisfy a means test. The means test for jobseeker's allowance involves an assessment of the person's means which includes any property they or their spouse/partner may own, apart from the family home.

Where a person owns a second property, any outstanding mortgage on this property is disregarded from the current market value of the property and the balance is assessable as follows. The first € 20,000 is disregarded and the next €10,000 is assessed as weekly means of €2 per 1,000, and the balance is assessed as weekly means of €4 per 1,000. Where a person moves to a new family home and transfers ownership of their former family home to a member of their family, the former family home is not assessable provided the Department is satisfied that the property was not disposed of in order to qualify for a higher rate of payment.

Building Energy Rating.

59. **Deputy Liz McManus** asked the Minister for the Environment, Heritage and Local Government if, in relation to building energy rating certificates, his attention has been drawn to the fact that law agents are not involved in the majority of commercial lettings and that this is the area that is lacking in compliance; if he will ensure that Sustainable Energy Ireland and local building control authorities are more proactive in auditing property owners and their agents for BER compliance when selling and leasing property; the number of BER contractors listed; if his attention has further been drawn to the fact that non-compliance of BER certificates will result in hardship for the many BER contractors; and if he will make a statement on the matter. [23368/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 343 of 19 May 2009, which comprehensively addressed the situation in relation to Building Energy Rating (BER) requirements and compliance in all categories of buildings other than dwellings i.e. sales and lettings of both new and existing buildings other than dwellings. I understand that 183 persons are currently registered with Sustainable Energy Ireland (SEI) as BER assessors for buildings other than dwellings and the number of BER certificates issued in respect of such buildings to date this year has risen to 891. My Department, in conjunction with the Department of Communications, Energy and Natural Resources, SEI and all building control authorities will continue to ensure that owners, landlords and agents of all categories of buildings are aware of their statutory obligations in relation to BER certificates, and act accordingly.

Planning Issues.

60. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the role he envisages for local authorities in dealing with developers who have failed to complete residential developments, or where serious defects are found which threaten the long-term sustainability of these developments, and their liability; and if he will make a statement on the matter. [23370/09]

63. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government his views on whether the system in which a bond is given by a developer to a

local authority is sufficient to ensure a local authority will not have to use its financial resources to complete a development, in the event that the developer folds; and if he has developed policy to protect home owners who purchase dwellings which suffer from serious defects; and if he will make a statement on the matter. [23399/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 60 and 63 together.

Developers are required to build residential developments in accordance with the terms of the relevant planning permission and the requirements of the Buildings Regulations. Non-compliance with a planning permission or the Building Regulations is an offence and a developer who is not in compliance may be subject to enforcement action by the relevant local authority. Certification by a competent professional that a property is in compliance with the planning and building codes is required for conveyancing purposes. Also, the solicitor for a prospective purchaser will normally request that a survey be carried out by a competent professional before completing the conveyance of a residential unit.

I understand that most developers of residential estates are members of an insurance scheme which offers a time-limited protection to purchasers in respect of structural defects: it would be a matter for a prospective purchaser to ascertain whether the developer of the estate in question is a member of such a scheme.

In relation to bonds, my Department has advised planning authorities that it is essential that planning permissions for residential development are subject to a condition under which an acceptable security is provided by way of bond, cash deposit or otherwise so as to secure satisfactory completion. The amount of the security, and the terms on which it is required to be given, should enable a planning authority, without cost to itself, to complete the necessary services in a residential estate (including roads, footpaths, water mains, sewers, lighting and open space) to a satisfactory standard in the event of default by the developer.

The purpose of a bond is to ensure that the planning authority has access to sufficient funds to provide or complete requisite services in the event of default. However, it is not envisaged or intended that a local authority would actually engage in the construction or completion of housing units in an unfinished estate. My Department's advice in relation to bonds was most recently stated in the June 2007 Development Management Guidelines for Planning Authorities and in the February 2008 policy guidance in relation to the Taking in Charge of Estates. This guidance emphasised the desirability of imposing planning conditions in relation to phasing of larger residential developments to the effect that a developer must complete the provision of roads, public lighting, open spaces, etc. which are necessary for, or ancillary to, the completed residential units in a particular phase, before commencing the next phase of an overall development.

Housing Adaptation Grants.

61. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government if a local authority (details supplied) has applied for further funding; and if he will make a statement on the matter. [23377/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): €1,870,000 has been allocated to Kildare County Council in respect of the grant schemes concerned in 2009, an increase of almost 14% on the initial allocation of €1,642,680 in 2008. While the Council has advised my Department of its intention to request additional funding under the schemes in 2009, no formal application has been received to date. At this stage I do not envisage making further allocations to local authorities in respect of the

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operation of these schemes in 2009. However, I will review the funding position later in the year, in the event of under spending by local authorities of their allocations for the grant schemes or other allocations under the wider social housing investment programme.

Election Management System.

62. **Deputy Mattie McGrath** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 354 of 19 May 2009, the exact location in Clonmel, County Tipperary at which the electronic voting machines were stored in South Tipperary, before being moved to a central storage facility located at Gormanston Army Camp, County Meath. [23378/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The electronic voting machines for Tipperary (North and South) were stored at Unit 6, Gortnafleur Business Park, Gortnafleur Road, Clonmel, County Tipperary prior to their removal to the centralised storage facility at Gormanston Army Camp in 2007. Based on information provided to my Department by the returning officer, the owner of the storage premises at the time was Mr. Nicholas Delehanty.

Question No. 63 answered with Question No. 60.

Motor Taxation.

64. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government the amount of revenue generated through motor tax in each county in 2007, 2008 and to date in 2009; and if he will make a statement on the matter. [23424/09]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The amount of motor tax, which includes driving licence duties and other related charges, collected by each local authority and through the online motor tax service for the years 2007 to date in 2009 is set out in Table below.

	2007	2008	2009 (to end May)
Carlow	10,809,172	11,466,519	5,000,926
Cavan	11,798,100	12,211,054	5,410,326
Clare	19,913,424	20,940,921	9,086,019
Cork	74,932,968	77,016,232	32,928,154
Donegal	26,196,446	27,392,402	12,414,026
Galway	37,255,683	39,100,195	17,056,314
Kerry	23,124,460	24,003,652	10,341,460
Kildare	26,123,729	26,736,199	11,070,049
Kilkenny	15,461,876	16,236,157	7,201,542
Laois	12,009,466	12,785,390	5,472,684
Leitrim	5,386,598	5,673,433	2,497,203
Limerick Co	22,360,620	22,920,947	10,013,199
Longford	6,642,905	7,046,160	3,231,019
Louth	16,553,568	17,544,242	7,886,871
Mayo	21,245,387	22,398,214	9,804,954
Meath	27,566,483	27,797,372	10,937,618
Monaghan	11,511,238	12,081,119	5,427,655
Offaly	12,098,956	12,609,361	5,352,785

	2007	2008	2009 (to end May)
Roscommon	11,273,022	10,745,562	5,348,495
Sligo	10,649,476	11,353,315	5,080,007
N.Tipperary	12,983,524	13,535,808	5,757,987
S.Tipperary	16,615,964	17,301,248	7,457,771
Waterford Co	11,222,445	11,963,712	5,241,916
Westmeath	14,370,754	15,389,595	6,841,571
Wexford	25,531,000	26,413,451	10,808,560
Wicklow	19,923,480	20,360,629	8,729,892
Dublin City	130,380,228	132,532,166	54,625,105
Limerick City	6,631,423	7,915,230	3,734,687
Waterford City	7,128,288	7,566,163	3,309,833
On-line	309,030,717	387,568,684	196,997,953
Total	956,731,400	1,058,605,132	485,066,581

Local Authority Mortgages.

65. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government when the European Central Bank interest rate cut of 0.25%, announced on 7 May 2009, will be passed on in full to local authority mortgage holders; and if he will make a statement on the matter. [23435/09]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): As stated in replies to Questions Nos. 53 of 8 April and 223 of 13 May 2009, in general, following consideration by the Board of the Housing Finance Agency (HFA), the rates charged to local authority borrowers are normally adjusted in line with movements in European Central Bank (ECB) rates. However, given that the correlation between ECB rates and interbank rates (i.e. the rates at which the Agency itself borrows) is atypical and volatile at present, the Agency, in responding to movements in ECB rates, must give careful consideration, on each occasion, to the fluctuating relationship between its lending rates and the cost of funds.

I understand that the Board of the HFA is due to meet shortly and will consider the appropriate response to the most recent ECB rate change at that meeting. In the meantime, rates charged to local authority borrowers offer exceptional value by comparison to rates charged by commercial lenders, with the local authority rate currently running at over .85% lower than the market average variable rate. Historically, this differential has been narrower, with the rate charged to local authority borrowers more typically running at around .5% lower than the market average.

Grant Payments.

66. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment under the farm waste management scheme; and if he will make a statement on the matter. [23411/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. I have also announced that a special ex-gratia payment not exceeding 3.5 per cent of the value of the

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deferred amount will be made to farmers whose Farm Waste Management grants have been partially deferred. This payment will be made in January 2011 along with the final instalment. My Department is currently processing the application concerned and a decision will be made as soon as possible.

67. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food if the plans with the REP scheme application submitted by a person (details supplied) in County Tipperary have been investigated; and when payment will issue to the applicant. [23436/09]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment issued to the person named on 19 May 2009.

Schools Building Projects.

68. **Deputy Charles Flanagan** asked the Minister for Education and Science the position regarding the provision of a new school at Nurney, County Kildare; and if he will make a statement on the matter. [23365/09]

Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to inform the Deputy that the revised Stage 2B (Detailed Design) submission is currently being examined by the Department’s Professional and Technical Unit. When this process is complete my Department will be in further contact with the Board of Management.

Teaching Qualifications.

69. **Deputy Brian Hayes** asked the Minister for Education and Science his plans to recognise and sanction a conversion course in respect of Montessori trained teachers who are currently teaching within the school system, in order that they can gain full recognition as primary teachers; and if he will make a statement on the matter. [23369/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy may be aware, the recognition of teacher qualifications is now a matter for the Teaching Council, the body with responsibility for establishing and maintaining standards in the teaching profession. I understand that they are currently examining a submission for recognition for a new Montessori award and that this process is near completion. I have no plans to establish a conversion course at present.

Schools Building Projects.

70. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a school (details supplied) in County Dublin will have its sketch design for a new school building approved; if his attention has been drawn to the fact that the school has been waiting for this building for ten years; and if he will make a statement on the matter. [23372/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers was included in my announcement in February of 43 major building projects to proceed to tender and construction. A stage submission (developed sketch design) for the project was recently considered by my Department and was returned to the design team in April with substantial comments which need to be addressed. My Department is now awaiting additional information from the design team relating to the current stage of the project and will revert to the school when this information has been received and considered.

Higher Education Grants.

71. **Deputy Brendan Kenneally** asked the Minister for Education and Science if a grant application for a person (details supplied) in County Cork will be reviewed; and if he will make a statement on the matter. [23401/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The decision on eligibility for student grants is a matter for the relevant assessing authority — i.e. the Local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required. If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the assessing authority, and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department. No appeal has been submitted to date in this case. My Department understands that the candidate referred to by the Deputy pursued a FETAC level 5 course for the academic year 2007/2008, and is currently pursuing a further course at FETAC level 5. Under the provisions of the PLC Scheme the candidate in question is ineligible to receive any funding for the current course as it does not offer progression from the course previously pursued.

Special Educational Needs.

72. **Deputy Denis Naughten** asked the Minister for Education and Science when a special needs assistant will be appointed for a person (details supplied) in County Roscommon; and if he will make a statement on the matter. [23441/09]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to primary and post primary schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on www.ncse.ie. I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their direct reply.

School Transport.

73. **Deputy Frank Feighan** asked the Minister for Education and Science if he will ensure a student (details supplied) in County Leitrim will be provided with school transport. [23463/09]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Under the terms of the School Transport Scheme for Children with Special Needs a child is eligible for transport if s/he is attending the nearest recognised: mainstream school, special class/special school or a unit, that is or can be resourced, to meet the child’s special educational needs under Department of Education and Science criteria. The pupil referred to by the Deputy in the details supplied is not eligible for transport to the school in question as this school is not the nearest recognised special school or unit, that is or can be resourced, to meet the child’s special educational needs under my Department’s criteria.

School Accommodation.

74. **Deputy Deirdre Clune** asked the Minister for Education and Science if a grant will be provided to a school (details supplied) in County Cork for a prefab and play facilities as previously indicated; and if he will make a statement on the matter. [23465/09]

Minister for Education and Science (Deputy Batt O’Keeffe): The school recently confirmed to the Department that it was unlikely to reach the enrolment level envisaged when they made the original application for additional temporary accommodation. The related issue of the replacement of play area that would have been occupied by that additional temporary accommodation will not now arise. The Department is continuing to work with the school authority with regard to its accommodation requirements.