

Vol. 684  
No. 4



Friday,  
12 June 2009

DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

*Friday, 12 June 2009.*

# DÁIL ÉIREANN

---

*Dé hAoine, 12 Meitheamh 2009.*

*Friday, 12 June 2009.*

---

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

---

*Paidir.*

*Prayer.*

---

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

**Deputy Pat Rabbitte:** I wish to give a couple of minutes of my time to my colleague, Deputy Costello, if he joins us.

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

**Deputy Pat Rabbitte:** Before I moved the Adjournment last night I commented that it was unusual that in the debate so far no attention had been paid to the indemnity deal made between the Government and the religious congregations. I wish to avail of the few minutes available to me to comment on that.

To continue the point I was making last, to some extent or another, all of us in this society are to blame. The State must be indicted on the most grave charges, but Ministers did not savagely beat the children. Ministers did not sexually abuse the children. Members of the religious congregations did all of those things and committed crimes against little children with bestial delight. Then they lied. They covered up. They were still lying five days before Mr. Justice Ryan published his report. Today's Government was still defending the religious and shielding them from making appropriate restitution right up to Michael O'Brien's powerful intervention on "Questions and Answers".

Even after the religious congregations themselves collapsed in the face of public opinion — if they have collapsed — Deputy Michael Woods, like the Japanese soldier who emerged from the forest 40 years after the war was over, was still defending them. It has been a most inglorious chapter in our history. Our carefully constructed self image is in tatters. How could it have happened? Why did the clerical authorities allow it to happen? Why did Deputy Bertie Ahern's Government move to protect the religious from making other than minimal restitution and denigrate those of us who fought to make the religious accountable? Deputy Bertie Ahern's apology, which emerged coincident with the "States of Fear" programmes, I take at face value and compliment him on responding so positively on behalf of us all. At the time his apology and the principle of the subsequent redress Bill had the support of all sides of the House. The indemnity deal was never brought to the House. It was concluded in secrecy by Deputy Michael Woods on his last day as Minister for Education and Science. He excluded even the Attorney General and his staff. The Cabinet nodded it through at its final meeting. The deal imposed on the taxpayer unlimited exposure but capped the contribution of the religious congregations at £100 million punts. That sum could be made up in part by property transactions, some of

[Deputy Pat Rabbitte.]

which had already taken place. In return, the religious congregations, whose members had perpetrated the abuse, were indemnified from any costs that might arise from court actions against the perpetrators.

My colleague, Deputy Róisín Shortall, was the first to expose the terms of the sweetheart deal. The record shows that she raised the critical questions in an Adjournment debate on 20 June 2002, immediately on the new Government taking office and three weeks after the deal was done. Time after time thereafter I used Leaders' Questions to highlight the woeful deficiencies of an unorthodox secret deal that was more concerned with protecting the religious congregations than the taxpayer. For example, on no fewer than 13 occasions in 2003 I pursued the matter in the face of obfuscation, misinformation and downright untruths. My argument was straightforward; there must be accountability — the religious congregations were getting away with murder and their assets were not even subjected to audit, the exposure of the taxpayer was unknown and could be as much as €1 billion, the indemnity was drafted in the offices of Arthur Cox at the direction of the religious congregations, the Attorney General was excluded and the Department of Finance had recommended a 50:50 apportionment of costs. The then Taoiseach either denied each and all of those charges or muddied the waters in his own inimitable way.

It is now established that the “Woods deal” was suspect and is in any case a lousy deal morally, legally and politically. The Department of Finance had indeed sought a 50:50 sharing of costs. The indemnity was drawn up by Arthur Cox solicitors for the religious. There was no audit of the assets of the religious congregations. The Attorney General was excluded. The cost to the taxpayer will exceed €1 billion. The Comptroller and Auditor General found:

While the teams of negotiators were meeting, in the series of meetings which reached an impasse in October 2001, the State's team included representation from the Office of the Attorney General. However, from October, 2001, to April, 2002, the Office of the Attorney General was not represented at meetings with the congregations and had no contact with those negotiating on behalf of the State.

In several replies to me in this House, Deputy Bertie Ahern denied that the Attorney General was excluded and as recently as the week of publication of the Ryan report, Deputy Michael Woods was still denying it in this House. Both Deputy Bertie Ahern and Deputy Woods could be relied on to muddy the waters by claiming that the Dáil discussed the approved deal. They knew it was easy to confuse the public as between the redress Bill and the indemnity deal. The Dáil debated the Residential Institutions Redress Bill but the Dáil did not debate the entirely separate, non-statutory scheme entered into between the State and 18 religious congregations. According to that scheme, the State was now underwriting any possible future liability of the contributing congregations arising from court claims, regardless of whether those claims had been notified to the redress board and an award offered and accepted.

Day after day I pursued the issue with the then Taoiseach, Deputy Bertie Ahern, in this Chamber. The record shows that even in the year 2003 I was alone in doing so. The reason the Labour Party was alone was the same old reason what happened was allowed to happen, namely, that Members of the House did not want to be accused of challenging a still influential church. The record shows that Deputy Bertie Ahern answered my reasonable questions by claiming that my purpose was to bankrupt the religious orders. The same charge was repeated around the country and on several occasions I directly encountered it in various places. It is that excessive deference and submissiveness to the Catholic Church that allowed the culture of abuse in the residential institutions to fester for decades.

The religious superiors were confident in their power. Senior politicians and senior civil servants were submissive or worse. As former Deputy Liz O'Donnell told this House: "The phone calls between All Hallows and Government Buildings must stop." Deputy Ahern, for his part, made plain, in an untypically sharp response to Liz O'Donnell that, as far as he was concerned, the calls would continue.

Perhaps for the first time in our history, public opinion wants an end to the deference and a separation of church and State. Even in this debate, it has been noticeable that there has been so little crow thumping. There has been a nod in the direction of the good done by some religious, which is only fair because some religious have made an incomparable contribution to our society. However, the congregations must be told in no uncertain terms by the elected representatives of the people that they are not above the law, and they must pay for the crimes of those in their ranks exposed in such a measured way in the Ryan report. We, in this House, cannot ignore the conclusion that when complaints were brought to their attention "they chose to protect the institution and the reputation of the congregation rather than the children".

That we were a poor country, even an impoverished one, was no excuse for the brutalising of our children. They were, of course, as Deputy Lynch said last night, the children of the poor. The respected theologian, Dr. Enda McDonogh, made a similar point when he noted the class nature of the provision made by different categories of the religious for the education of the young. Senator Eoghan Harris was essentially in the same territory in his thesis on land, nationality and religion.

Have we left the era of horrors behind us? I do not know. There are still very serious questions about child protection today. I do know it was only in the very recent past that a young woman civil servant, who believed she had tripped across the abuse of children in State-run institutions, was effectively forced to resign her job. I refer Members to an article in the *Sunday Independent* of two weeks ago. I have raised the case of this young woman, Loretta Byrne, in this House on a number of occasions. She was a civil servant in the Department of Education who believed she had uncovered a matter that was deeply disturbing. She ended up in the Department of Finance and was subsequently dismissed from that Department.

We have a lot to answer for. I complimented the Taoiseach last night on a fine speech. I agree with him on its conclusions and the wish that it should never happen again. In the interim, however, it is the task of the Minister for Education and Science and others to ensure there is a dedicated trust through which the religious congregations are required to make a proportionate contribution so that the sum of the injury and damage done to the people in these institutions can be redressed.

**Deputy Joe Costello:** The involuntary committal of tens of thousands of innocent children to godless institutions run by religious congregations was a crime against humanity. That the State, the founding fathers of which had pledged to cherish the children of the nation, should be complicit in this inhumane treatment of its young within a few short years of its foundation is a shocking reflection on how high ideals can become corrupted. In a strange way, the writing was on the wall when, after the 1918 election the Provisional Government was established in 1919, the Deputies established in the Mansion House decided not to appoint a Minister for Education but to leave the portfolio to the churches; instead, they appointed a Minister for the Irish Language. The subservient role of the Irish State to the church in the area of the care of education of the young was set in stone from the very foundation of the State.

The Government and the religious orders have apologised to the victims but neither the Department of Education and Science, which had direct care for the education of children, nor the Garda Síochána, which was charged with their protection, have done so. I believe both

[Deputy Joe Costello.]

should do so and that the Minister for Education and Science should immediately open a book of condolence in the Department of Education and Science, Marlborough Street, Dublin.

The destruction of so many young lives constituted countless personal tragedies. It dysfunctioned and institutionalised the inmates of the reformatories and industrial schools, and often impacted negatively and violently on the body politic in a way that filled our criminal courts and our prisons. A survey of 200 prisoners conducted by the Prisoners' Rights Organisation in 1979 for the commission of inquiry into the prison system revealed that some 75% of those surveyed had been inmates of reformatory or industrial schools. The negative impact on Irish society in the 20th century was colossal and this impact remains today.

I wish to put on the record of the House two cases in which I have been involved. A Dublin man who is now in his 60s and is present in the Visitors Gallery spent 12 years in Marlborough House in Glasnevin, Upton in Cork and Daingean in Offaly in the 1950s and 1960s. He escaped from Upton and went to the Garda station in Cork to complain about his treatment, but was promptly transported back to Upton. Eventually, his mother took him bruised and battered to the Department of Education in Marlborough Street. She refused to leave until the Minister for Education came out of his office and met her. The Minister came out eventually and agreed that if the boy went back to Marlborough House for two weeks, he would be released. The boy did go back and every day for those two weeks he was badly beaten for complaining to the Department of Education. His confirmation clothes were taken and his ragged clothes put on him. He was duly released after two weeks.

The second sad case is that of Marion Howe, a baby of 11 months who was entrusted to the care of the nuns in Goldenbridge orphanage in Inchicore in 1955. She entered the convent as a healthy child on 17 May but was dead four days later, having sustained serious visible physical injuries. There were large holes in the bone in both of her knees. The family went to the Garda Síochána but got no satisfaction. In the words of the doctor's report, she had died of acute dysentery. There are so many question marks about this case that I want to support the call by the family that the remains be exhumed so we can find out precisely what happened on that occasion in those sad circumstances.

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I wish to share time with the Minister of State, Deputy Martin Mansergh, and Deputy Mary White.

**An Leas-Cheann Comhairle:** I understood Deputy Tom Kitt was also sharing time. Is that agreed? Agreed.

**Deputy John Gormley:** The findings of the Ryan report are appalling and devastating, so much so that any words spoken in a political debate like this can seem hollow and empty. There is an enormity to the crime that was perpetrated in our industrial schools. It spanned close to a century and blighted thousands of lives through abuse, neglect and violence. This debate comes decades too late and I feel a great sense of regret and sorrow for that. It is nearly 40 years since most of these institutions closed and it has taken until now for the true nature and extent of the abuse to be laid bare by the Ryan report. The great shame on this House is that this debate did not take place while these abuses were going on, when we could have at least saved some of our children from the unspeakable horrors they endured.

When faced with such a great evil — that is what it was — there is a natural inclination to find culprits and apportion blame. Yes, we can blame individuals for their crimes against children in their care. We can blame their superiors for turning a blind eye or, worse, covering up and

moving them on. We can blame whole groups of religious for neglecting and assaulting those they were supposed to care for. We can blame the orders for creating, sustaining and protecting a system whereby children were incarcerated simply to keep numbers up and the capitation money flowing. We can blame the hierarchy for sitting in their palaces while this system grew up and prospered in their dioceses. We can blame the Department of Education for failing to inspect these places in any proper way. We can blame that Department for ignoring and dismissing individual complaints without even a cursory investigation.

We can blame the ISPCC for being part of the system and its inspectors, who were chillingly called “cruelty men”, for committing to care children who could and should have remained with their families. We can blame the judges for signing orders incarcerating children as homeless or delinquents and the gardaí for enforcing those orders. However, we must remember that the system could not have grown, flourished or survived without the acquiescence of the general public. What occurred in Ireland is without precedent in 20th century western democracies. We managed not only to institutionalise but also to industrialise child abuse and neglect so that it became systemic and systematic. Children’s homes became factories producing broken people. Edmund Burke once said that for evil to triumph, all it takes is for good men to do nothing. As with many of the evils we have seen in this world, such as the police state in post-war East Germany, a compliant populace was necessary. These schools were located in the hearts of our towns and cities. We saw the children as they trooped out to mass. We threatened our own children with names like Artane, Letterfrack or Newtownforbes if they were bold.

Yesterday I met a group of survivors led by Michael O’Brien and including Tony Deeney and Christopher Heaphy. Christopher, who is here today, told me that what really got to him was the apathy about and sheer indifference to his plight. These institutions are a stain on Irish society which can never be washed away and, as a society, we must accept the blame. We must also pay tribute to those whose bravery and perseverance led to the establishment of the Commission to Inquire into Child Abuse. We should recognise the bravery of survivors like Christine Buckley, Paddy Doyle, Bernadette Fahy and the late Pat Tierney, who came forward to tell their stories publicly in the 1990s. We must also recognise the role of investigative journalism and academic research by individuals such as Mary Raftery and Eoin O’Sullivan.

Following the State’s apology in 1999 we thought we had turned a corner. We believed that the religious orders accepted and acknowledged the hurt and wrong done and were committed to truth, reconciliation and restitution. The redress board and the commission were intended to be non-adversarial but they ended up causing further abuse and undermined the survivors. The religious orders adopted an intractable line during the negotiations on their contribution to the redress scheme and, yet again, the State allowed the orders to minimise their exposure to compensation. The redress scheme was supposed to minimise the distress caused to our survivors but in many cases it added to the hurt. Some felt further trauma because the abuse they suffered was not sufficiently recognised. They felt pushed into accepting settlements they believed to be insufficient and were then legally gagged from talking about the matter. They were further traumatised through the commission. Certain orders approached the commission in the harshest manner imaginable. They trampled over the survivors by challenging, denying and obstructing the process. Protecting the orders was put before the abuse of the victims. The abuse, neglect and disregard of our survivors must end now. I hope the orders have turned a new leaf in their approach and I want to believe them. Their engagement with the Government in the coming weeks will be a measure of that.

The Government must ensure that the additional funds paid by the orders are used to provide proper redress and support to the survivors. Yesterday Michael O’Brien told me of the ongoing problems experienced by survivors who are now entering middle and old age. Many are living

[Deputy John Gormley.]

in poverty in Ireland, England and elsewhere and suffer serious psychological, emotional and addiction problems. Their families have also been traumatised. We must work to ensure that resources are provided to meet their housing, health, educational and occupational needs. We must also address the legal status of their incarceration. The existence of court records has caused serious problems for many. We must find a legal mechanism of providing complete and unambiguous clarity to each survivor in respect of these records.

We can never undo the beatings, abuse and lost childhoods or the broken lives and shattered families that flowed from these institutions. However, we can do all in our power to ensure that the needs of the remaining survivors are met in full and the Green Party as part of the Government is committed to achieving that end. We must act on all of the recommendations contained in the Ryan report on future child protection. A national monument and day of commemoration are needed but the greatest monument we can leave is to enshrine children's rights in the Constitution through a constitutional amendment. We have been debating this issue for more than four years in this House but the time for debate has concluded. I urge all parties in the House to find consensus through the work of the Joint Committee on the Constitutional Amendment on Children, which is due to report in September.

In the debate on institutional abuse both within this House and in the wider media, the voices of the survivors have not been sufficiently heeded. For that reason, I would like to rehearse the words of Christopher Heaphy, who gave me a copy of an open letter he had written. Christy spent seven and a half years in Greenmount industrial school in Cork, where he was violently abused. He now has a degree in electrical engineering but the scars will remain with him for life.

Christy writes of his experience:

Life for us children was to become one long hard struggle, trying to overcome the enormous disadvantage bestowed on us by being institutionalised. Our education was totally deficient — so much so thousands left the institutions illiterate.

We left the institutions with little or no conversation skills whatsoever, having had it beaten out of us, and therefore had to spend a large proportion of our lives in solitude and loneliness being shunned by 'normal people because we could not converse'.

We had to overcome our ignorance in every aspect of a normal life. Being very naive we were cripples, emotionally and educationally.

Many of us have lost sons, daughters and families through our inability to give and accept love. We were unable to respond to any form of affection or compassion because of the callous indifference bred and beaten into us in the industrial schools.

We have inflicted suffering and pain on other human beings through our inability to show little or no emotion or love. Because of our ignorance we have been used, abused and manipulated by people in privileged positions. Externally we look and behave normally but internally every day is a constant struggle.

How does one measure the cost of a lost childhood? Those formative years when family values, moral values, bonding with siblings, education, and all the social skills and graces are learnt as the basic building blocks for life. Where a child learns through fun and play how to get the most out of life.

We on the other hand had to perform tasks like emptying animal cesspools and we were being sexually abused as children. One of the greatest crimes committed against us — apart

from the many forms of abuse inflicted upon us — was the total ignorance we had which deprived us of even a fighting chance of making our own way in the world.

We were put to work as babies and we were beaten and flogged if we didn't perform the tasks assigned to us.

How could the Government and the people of our country ever repay the debt they owe us through their indifference to our cries for help? How can you repair the mental damage caused or stop the nightmares when they occur?

We were the lifeblood of this country, precious, and we were totally neglected. We were thrown to wolves to be savaged, abused and treated like animals. When we cried no one could hear us because we were locked up behind great walls and doors, our tears eventually stopped and we became like them animals in thought and act.

There are no second chances to re-live a life. Therefore the memories of our childhood in the Industrial School system will always be ones of terror and anxiety, loneliness and fear.

We believe that the Redress Bill is another cruel pretence of token atonement. We have had to relive vividly the horrors suffered in the industrial schools to total strangers. We have had to confront our most hideous nightmares. We feel totally defiled again.

To date we have had to recount to the following list of people the horrors of our childhood — all of these people have to be paid substantially for their time and none of them come cheaply; Judges, barristers, solicitors, psychiatrists, medical doctors, counsellors. From the above list the privilege of an education is a prerequisite in obtaining a profession.

Thousands of us are paid unemployment assistance by the State. Many many of us survivors have very little hope of building careers or of living happy homes and stable family lives. There is no restitution that can give us back our childhood. There is no restitution that can take away the nightmares when they occur or relieve the fear and anxiety attacks as they frequently happen. There is no restitution that can undo the harm done to us.

We would do well to heed the words of Christopher. Indeed there can be no restitution but while we cannot undo the violence and abuse of the past, we can at least listen to their pleas and attempt to restore their dignity by providing the support and services they so rightly deserve.

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** What is documented in the Ryan report was a catastrophe, above all for the inmates of industrial schools and reformatories but also for the religious orders concerned, church, State and society. Systematic cruelty leaving lifelong scars, aggravated in some cases by appalling paedophile abuse, took place. Redress by way of apology, financial compensation or other forms of help and counselling or memorial, though all these are necessary, are bound to be pathetically inadequate.

We should be careful to describe what happened accurately. I deprecate Nazi death camp analogies or even Soviet gulag ones where large numbers were executed or perished. Nevertheless, there were a number of unexplained deaths in the Irish situation. How could these things happen in a country both Christian and that had recently won its freedom? Where was the gospel of "suffer the little children" or the proclamation's ideal of cherishing the children of the nation equally? What happened to the spirit of Pearse's indictment of teaching methods under British rule which he called the "murder machine"? How could these things happen and how could denial, cover up and suppression last for so long?

Michael O'Brien, even if mayor of Clonmel, confessed that these things could not be talked about unless one wished to be treated as a social outcast and ridiculed and I believe him. Intellectual and religious minorities, with rare courageous exceptions, kept their heads down.



[Deputy Martin Mansergh.]

It has often been said that the church is not a democracy but this is perhaps also an exemplification of Lord Acton's dictum that absolute power corrupts absolutely. It was a lack of accountability that allowed this to happen and fester for so long.

Unfortunately, Christianity for much of its history has been punitive and repressive and more old than new testament in its severity. Very different to what we are familiar with today, at that time those in religious orders did not value the worth of every individual or regard everyone as God's creatures or have a special care of the marginalised or give people the affection and love that they need. The sexual abuse is incomprehensible in the terms of vocation and religious rules. One cannot but contrast the severity of punishment for things like bed-wetting with the mild reproof and sidelining of people who were caught or known to be involved in very serious acts of sexual abuse, even crimes. The tragedy for the church has been compounded through the mishandling of these cases until relatively recently though we should acknowledge that the spirit and ethos today is almost wholly different.

The compensation deal negotiated in 2002 was at best a first step but inadequate today. Assets not worth as much as they were a couple of years ago are still very substantial. Moral responsibility requires in this as in many other cases going much further than minimal legal obligation. The role of the churches in teaching and caring institutions is much attenuated and more residual than in the past. Like in situations of disaster that have befallen Christianity in other times, many people remain attached to their religion and church and are conscious of the much good that was done in other spheres and that can still be done.

This is also a failure of State and society. The country was poor and the social conditions for the majority of people 50 years ago were bad, even very bad. There is less documentation about the level of abuse outside of institutions but it undoubtedly occurred. State and society were content to abdicate their responsibilities and did not really want to know about sharp divergences from the ideal society or what was going on behind closed doors. Concerns were expressed privately, including by Archbishop McQuaid, and some actions taken but only very occasionally publically and then swept under the carpet.

I remember being told by a senior member of my party — not the leader — as late as the mid 1980s that two institutions one should never criticise were the church and the Garda. A strong authoritarian ethos discouraged questioning about allegations seen as improbable, implausible and defamatory and much of the evidence was mislaid or destroyed. As a sometime historian I regard the deliberate destruction of papers as an abomination that should not be tolerated no matter what the legal pretexts, even if they have to be held back. Any whistleblowing legislation that is introduced should contain a clause attaching severe penalties to the unauthorised destruction of documents other than of the most routine character.

It is interesting reading back on the history that the approach of EEC membership in the late 1960s and early 1970s led to the winding up of many of these institutions; it underlines, which is still relevant today, the benefits of international norms that do not, of course, have to be accepted uncritically. Most countries have events, periods or episodes of which they are rightly deeply ashamed. Institutional abuse was not confined to this country but our slowness in reacting appropriately to it and recognising that it was taking place is our shame. We must be extremely vigilant to ensure we allow nothing equivalent to develop.

Reading this report one is tempted to say, with Kant, that out of the crooked timber of humanity, nothing straight can be made but having fallen down we must pick ourselves up again or, as Christ said, rise, take up thy bed and walk. A combination of the two would be as the philosopher Gramsci said, "Pessimism of the intellect, optimism of the will".

**Deputy Tom Kitt:** Those Members who read the *Irish Examiner* yesterday will be aware that at the march of solidarity to Dáil Éireann on Wednesday boy No. 117 met boy No. 146. They had not seen each other for 40 years and they recalled their memories of St. Joseph's Industrial School, Salthill, County Galway. I read the moving report of that meeting by the journalist, Caroline O'Doherty, yesterday and thank her for writing about this encounter because I know survivor No. 117 who lives in my constituency and is now 59 years of age.

In their exchange of memories boy No. 117 said he remembered when boy No. 146 took his last bit of bread. Boy No. 146 told boy No. 117 that he remembered him having got such a beating from the Brothers he thought he was dead. Sadly, after 40 years these two men do not feel comfortable in making their identities public. Boy No. 117, as he says himself, was born out of wedlock. He had been cared for in a loving environment in Drogheda by the nuns as a tiny child but was treated brutally and savagely when he went to Salthill. When he left that institution at the age of 15 he inquired about his mother and was told by the Christian Brother, "You are a bastard. Your mother does not want you". Those words still affect him psychologically. He did meet his mother and he was rejected as he refused to go to London with her. He was placed in a psychiatric hospital. He went on, at the age of 17, to work on a farm at Roscrea College where his life, as he said, turned for the better. He said that his crucifixion had ended but he has suffered ever since.

I join with Deputy Bertie Ahern, the Taoiseach, Deputy Brian Cowen, and all Members in apologising to boy No. 117 and all the children who were horrifically abused in this State during the dreadful dark period of our history covered by this report.

The report highlights societal attitudes of the time towards illegitimate children and single mothers. Illegitimate children were not to be spoken of but hidden away. I feel a sense of shame, having lived through that period as a young boy. That so-called Christian Brother who told boy No. 117 that he was a bastard has sullied the name of many good men and women of the Church whom I have met and known in my lifetime, especially the many selfless missionaries I came to know in Africa and elsewhere overseas during my time as Minister with responsibility for overseas development aid.

This is an historic debate. We must hope this report puts an end, once and for all, to that era of denial where blind loyalty to the Church superseded everything else, even the infliction of pain and suffering on vulnerable children. We must kill off forever a view that even suggested these were events of their time. Out of respect for all of those who suffered in these institutions, we must ensure we will never again turn a blind eye to the abuse and suffering of children whether it happens here or anywhere throughout the world.

We must create structures that will provide a safe environment and systems of care for our children and allow and encourage people in authority, at whatever level, to speak out if there is a threat to the safety and well-being of those under their care. The children in these institutions had nowhere to turn when they were abused. They had no parents to which they could turn. They were truly alone.

It is clear from this debate, and we have had an honest conversation in this Chamber, which I listened to throughout the day yesterday, that there is no doubt about our determination and ability to monitor abuse and negligence in our institutions in the future. There is no doubt about our ability to legislate and regulate to ensure there is accountability to the Oireachtas. The people on the streets have spoken, and in this Chamber the Parliament has responded with a comprehensive agreed motion.

Society is now prepared to believe what we are being told. The Ryan report allows us to take collective ownership of this history, yet society is constructed in such a way that money

[Deputy Tom Kitt.]

seems to be the only way to acknowledge people's hurt and pain. We must examine broader societal issues in the course of this debate, something we might do in the months ahead.

It was the society of the time that sent young women to Magdalene laundries and other institutions. We now must implement, with a sense of determination and urgency, the recommendations of this commission, which are comprehensive. We must deal with the genuine concerns of the victims regarding the redress board. My constituent, boy No. 117, felt he was still being treated as a number when he engaged with the redress board. I share the views of Deputy Burton and other colleagues on the gagging order.

We must deal with the issue of repatriation. Many of the abused fled the country for fear they would ever meet their abusers on the street. We should establish an annual day of remembrance and atonement, with events organised throughout the country from Artane to Salthill and from Tralee to Letterfrack. We need to revisit those locations to celebrate the fact that these victims have survived the pain and to commit ourselves to not letting it happen again. My hope is that in Salthill we could shout out from the rooftops the names of boy No. 117 and boy No. 146.

I thank Mr. Justice Ryan and his predecessor, Ms Justice Laffoy, the members of the commission and their staff for their work. We must now get on with implementing the recommendations while continuing to engage with the people and the organisations. I refer to people like Christine Buckley and others who marched and spoke with such dignity outside Dáil Éireann on Wednesday. We owe it to them to do everything possible to protect our children, not just here in Ireland but throughout the world.

I am a former Minister with responsibility for overseas development aid. We have an Irish Aid budget which is rightly supportive of organisations dealing with child protection, child labour and child prostitution internationally. It would be fitting if a section of that aid budget dealing with the protection of children and their human rights abroad would be dedicated to the memory of those children who suffered here in our institutions over such a long period of time.

**Deputy Phil Hogan:** I wish to share time with Deputies Catherine Byrne, Frank Feighan and Kieran O'Donnell.

**An Leas-Cheann Comhairle:** Agreed.

**Deputy Phil Hogan:** We could offer sympathy to the survivors of the physical, sexual and emotional abuse outlined in the Ryan report. We could say we found the abuse to be disgusting, unbelievable or use any one of numerous other adjectives but such an approach would be inadequate.

Individually and collectively, we must ask for forgiveness for our failures to do much more to prevent this abuse and our failure to listen properly to the evidence put forward in earlier times. We must humbly applaud the courage of those who have spoken out and listen to them as they outline their experience of the full spectrum of this appalling abuse.

The desire for vengeance is understandable. Where prosecutions are warranted they must be taken. Prosecution of the perpetrators is one thing but we must also consider what action should be taken against those who looked the other way and who failed to carry out the responsibilities for which they were being paid. People who failed to act on evidence of abuse are just as guilty of abuse as those who pulled down the pants of young boys and girls and raped them. They too must be held to account.

As a schoolboy I knew many boys who were in residential care. At one time Kilkenny had the largest orphanage in the country. In 1979 there were 115 children in St Joseph's orphanage in Kilkenny. It included a nursery for pre-adoption babies. St Joseph's was about three times the size of the next tier of centres. There was a general sense of pride at this caring institution in our midst. How innocent we were. Local people gave financial support, and many local families took children into their homes at holiday time. Our home in Kilkenny was one of them.

Apart from their hairstyles and the quality of clothing there was nothing to distinguish the boys, who played with us during the summer holidays. There was no outward sign of abuse. We did not understand emotional abuse and we certainly had no knowledge, much less any understanding, of sexual abuse. It was not until the 1990's that the whole area of sexual abuse, including clerical sexual abuse, came into our consciousness.

The befriending scheme, which had widespread support among local families, also had its darker side. The Ryan report deals with the case of a girl who was released to two people, known in the report as Mr. and Mrs. Lacey. They seemed quite old to her and they were introduced to her as her uncle and aunt. She went out for day trips initially and then she spent a couple of weeks over Christmas before going to stay with them permanently. She testified to the commission that, when she was released into the care of the Laceys, things changed. She was sexually abused by Mr. Lacey. He built a corrugated shed in the garden which he used solely for the purpose of raping her. He told her it was a playhouse. She believed Mrs. Lacey knew what was going on as, after being raped, she told her to have a bath. It happened two or three times a week in various places, wherever they were living at the time. They moved around the country to various counties and outside the country in England and Wales.

She now knows that the Laceys were not in fact married. They were of different religions and, although one of the conditions for them to be allowed to foster her was that they would protect her religion, they never brought her to mass or church when she was with them. I believe that none of the local people, who were involved in befriending, knew or suspected that such actions were even remotely possible. The survivors to whom I have spoken have very pleasant memories of their annual holidays with local families. Many of them have maintained enduring friendships.

There has been a good deal of debate about physical abuse. Many people have tried to compare the corporal punishment they endured in their school days with the hardship and abuse meted out to children in residential care. It is like comparing the waves which hit the Cliffs of Moher with the tsunami which hit Indonesia and killed up to 170,000 people. There is simply no comparison.

It is accepted that over the years many children were put into residential care because of neglect, poverty, poor housing, disability, parental separation, desertion, parents' inability to cope and abuse. This does not tell the full story. Some children were transferred to psychiatric institutions which were never investigated by the Ryan commission and should be. Not all children were neglected or abused. "Cruelty" officers of the ISPCC took some children into care. Reflecting back on their work some would acknowledge that rather than protecting children from cruelty they were often used to enforce the moral code of the Catholic church. Children were taken away from unmarried mothers and from widows who had begun to establish a second relationship. The message to the wider community was that children were being rescued from cruel and incompetent parents. It was portrayed as a caring and charitable service for children in need. It was also a reminder, to others, of the need to adhere to the prevailing moral code.

Many children in the orphanage in Kilkenny were from other counties. As Kilkenny had become their home many continue to live locally. As a public representative I meet some of

[Deputy Phil Hogan.]

these people regularly. Many are people I got to know in childhood. Even when they had grown into adulthood and had taken up employment victims did not have the vocabulary or the courage to disclose the abuse they endured. While in care they had quickly learned to keep their emotions in check and that they could not trust any authority figure.

Like many other people they occasionally asked public representatives to make representations on their behalf regarding housing or other matters that might be termed as ordinary issues. When they talked about their childhood experiences, as some occasionally did, they did so in whisperings. Like a friend who whispers something in one's ear there were certain norms attached to these conversations: they were not to be repeated; the information was not to be attributed to the teller; and they were a sign of friendship and trust. In hindsight many of them were a plea for help or at least a plea to be believed.

A substantial amount of the Ryan report deals with events between the 1930s and 1970s. I would like to refer to the abuse which continued into, or which emerged, in the 1990s. In early 1993 graphic accounts of a court case involving incest appalled the nation. An inquiry was set up jointly by the Minister for Health and the South Eastern Health Board. Its recommendations were accepted and the process of implementation began immediately including implementation of the Child Care Act. This put a statutory obligation on the health board to promote the welfare of children in its area who were not receiving adequate care and protection.

As a health board member I became well acquainted with child care issues. New policy proposals came before the board almost on a monthly basis. There was some external resistance to change. While the opposition to the introduction of the "Stay Safe" programme had, by then, largely gone away there was some lobbying in opposition to other policy proposals. One which comes to mind was the opposition to the plan to reduce the number of residential places from 120 to 40. This involved the closure of a number of centres. It was in the course of discussion on this proposal that information on abuse in residential care began to emerge. I and other board members quickly learned of the horror of child abuse in residential centres and of the need to prioritise family support schemes as an alternative method of addressing problems.

One of the recommendations of the incest investigation report was that there should be much greater liaison between gardaí and health board staff. In 1994 during discussions between gardaí and health board staff regarding children abused by a clerical person in the county it transpired that there was a possibility that some children who had been in residential care in St. Joseph's may have been at risk because of contact with this person. At an earlier stage I had made contact with the diocese regarding this person's behaviour which was of concern to people in his parish. Gardaí interviewed a large number of people who had been in St. Joseph's. Information emerged regarding abuse which took place between 1972 and 1990. Hundreds of witness statements were taken. Eventually three former staff members, two men and a woman were given lengthy jail sentences for the abuse.

It is to the eternal credit of some of the local gardaí in Kilkenny that they believed the victims and carried out such a painstaking investigation which was followed by a successful prosecution. Sergeant John Tuohy, and gardaí Eddie Geraghty and John Dirrane are the names which come to mind. There had been few, if any, similar investigations prior to this and not many since that time. At about the same time as the Garda investigation into St. Joseph's was taking place, an investigation by health board staff revealed evidence of systemic abuse in Cappoquin, County Waterford. A nun in charge of the centre was the focus of this investigation. The matter was reported to the Garda. The main allegation was that children in the centre had been made available to local men. Aspects of this allegation have been dealt with in the Ryan report.

I have taken a continued interest in this case and others. I raised matters relating to the role of the State in these matters as far back as 24 April 2002. In a motion on the Adjournment I sought an investigation by the then Minister for Education and Science, Deputy Michael Woods, into the role of the head the inspectorate of reformatory industrial schools in giving a clean bill of health to some housemasters and convicted paedophiles like David Murray and Myles Brady in Kilkenny. The Department of Education and Science was at the centre of the matters that were coming to the attention of public representatives and officialdom in the Garda Síochána. It stood idly by while this individual was allowed to roam free. The response I got from the then Minister for Education and Science was a request for me to give him more information rather than to investigate the complaints I had made. I agree with Deputy Rabbitte. I also met Loretto Byrne, a Department official from Dublin, who was treated as a crank and dismissed. However, the officials from the Department of Education and Science involved at the time were promoted.

**Deputy Catherine Byrne:** We have all heard the land of saints and scholars being mentioned during this debate. I want to know where the saints were while the little children threaded wire until their fingers bled to make rosary beads and where the scholars were, doubtless locked up in their ivory towers behind closed doors. Why did they not use their wisdom and knowledge to cry “Stop”? Instead they allowed the children to suffer at the hands of Satan. These landmark buildings, which were institutions of terror, should all be wiped from the landscape forever. People have suffered enough and should not be constantly reminded of what has happened to them when they pass these monuments of cruelty.

One would need to be subhuman not to be outraged and appalled by the contents of the Ryan report. It sickens me to the core to think I live just three minutes’ walk from the gates of one of these institutions where such depravity was part of everyday routine. Now I know why my grandfather before he died begged my grandmother not to put their children into an industrial school. He had on occasions maintained the washing machines and had witnessed the children’s workload and the conditions under which they performed their duties. Owing to family circumstances, mainly poverty, young defenceless children were abandoned to a life of extreme cruelty in these institutions. Corporal punishment was the norm and the children lived in constant terror for decades. Catholic priests and nuns terrorised thousands of boys and girls while Government inspectors failed to stop the chronic beating, rape and humiliation.

Children’s safety and self-preservation should be to the forefront of our education system but, sadly, this was never a priority in the network of industrial schools. In reformatories, orphanages and hostels, children were demonised from the 1930s until the last facility closed down in 1990.

Although the Ryan report has been published, we must accept that nothing can compensate for the damage done to small defenceless children. Many were trying to cope with the loss of a parent or a separation from siblings, or had committed petty crimes in a time of desperation. St. Vincent’s Industrial School in Goldenbridge opened its doors in 1880, run by the Sisters of Mercy order. When the first allegations of abuse emerged in 1992, the country was in a state of shock. My community of Inchicore was saddened and horrified at what had happened on our doorstep. In the years that followed, two documentaries broadcast by RTE, “Dear Daughter” and “States of Fear”, further depicted the horror endured by young innocent children in Goldenbridge. The official silence about the schools, held by the State, the Department of Education and Science and the Catholic Church, was finally broken but the road to truth and justice was a long one for those people who had suffered at the hands of so-called figures of authority and respect.

[Deputy Catherine Byrne.]

Young girls in St. Vincent's Industrial School in Goldenbridge were held in conditions of neglect and near-starvation, and were subject to repeated beatings. One testimony revealed the horror and the long-lasting psychological impact and cruelty experienced by the children: "The screaming of children in Goldenbridge will stay with me for the rest of my life. I still hear it and have not recovered from hearing children crying and screaming. It was endless. It did not stop for years in that place."

The extent of abuse in industrial schools in this country outlined in the Ryan report deeply saddens me. The report and the details of abuse sicken me. How could it happen? How did people stay quiet, turn a blind eye and bow to the power of the clergy? They had the power to put a stop to the misery and suffering of children but did not act. This is our greatest failure. Given my own experience of growing up in Inchicore, coming from a family where love was in abundance, in a community where the Oblate Fathers and the Sisters of Mercy played a vital role in the well-being and education of my community, it saddens me all the more to think of all the good people who have been let down by the sins of the past. Let us not forget those members of religious orders who have done good work but are now forever tarnished by the terrible scandal of abuse in industrial schools.

We must also remember the ill-treatment of children who were in places other than these schools. The classrooms of fear existed everywhere. In my own school children were subject to strap beatings on the knuckles or with the cane and were made stand on tables when they could not repeat the "Our Father" in Irish. Often their ears were pinned to the walls.

The Commission to Inquire into Child Abuse interviewed 1,090 former residents of 216 schools and reformatories, 90% of whom said they had been physically abused, with over 500 abused sexually. After nine years of hearings and the publication of five volumes containing 260 pages of horror, have the victims really seen justice? Have those who committed the crimes outlined in the report been justly punished? They have not. The secrecy surrounding the identity of those who committed these horrible crimes is very troubling. Why should they be allowed hide behind faceless names, escaping criminal proceedings with no accountability for their actions?

We know that those——

**Acting Chairman (Deputy Charlie O'Connor):** The Deputy has one minute remaining. I am sorry.

**Deputy Catherine Byrne:** I shall finish. We know that for those who have spoken out about their experience money is not the main issue, but I agree with their claims that the religious orders have got off lightly in terms of compensation.

I wish to spend the last part of my contribution to this debate in a moment of silence to remember those who are not here today to tell the tale of what happened to them, and the many children who were murdered in these institutions.

*Deputies observed a minute's silence.*

**Deputy Frank Feighan:** Seeing so many people on the streets of Dublin a few days ago and reading this report of endemic rape and abuse of Irish children in Catholic care has left most Members of this House numb and cold, and with a sense of shame. The nine-year investigation found that Catholic priests and nuns terrorised thousands of boys and girls in the Irish Republic for decades while Government inspectors failed to stop the chronic beatings, rape and humiliation.

The Ryan report unveils 2,600 pages of fine reporting by the Commission to Inquire into Child Abuse. It draws on testimonies from thousands of former inmates and officials from more than 250 institutions run by the State or the church. More than 30,000 children passed through these schools. They were deemed to be petty thieves and truants, or from dysfunctional families — a category that often included unmarried mothers. They were sent to the industrial schools, reformatories and orphanages from the 1930s until the last facilities closed in 1999.

My mother's uncle was a Christian Brother. Many years ago when my brother became 12 or 13 years of age, it was considered that it might be ideal for this young man to go to Dublin to the school where this Brother taught. In a coded word to my mother, the Brother said, "Your son may not be safe in this school." All along, we felt the meaning to have been that he would not have been safe from the other pupils. Little did we know that the Christian Brother was saying he would not be safe from the teachers and his associates.

This country has grown up and woken up for the first time since the foundation of the State. As a country, we always aspired to a united Ireland but failed to unite our people. We blame Britain for most of our ills but for this we can only blame ourselves. The founding principles of the Irish Republic, as mentioned in the House several times, was to cherish the children of the nation equally. This country has never been equal, not since the foundation of the State. In the church people sat up at the front, in the middle or at the back. There was a hierarchy in this country. We had deference towards the church but also towards intellectuals, doctors and solicitors. Often we heard it said: "God, he is a complete alcoholic and a boor but he's a great doctor." We needed to grow up.

Over the years we had the Irish solution to divorce, namely, the husband living in the UK. We exported all our difficulties to the UK and Australia. On the record, I wish to thank the people and the Governments of the UK for treating equally the Irish people who went there to work. We failed to do that in this country.

It was said that times were harsher and poorer but what happened was unacceptable. It was out of sight and out of mind. Society was at fault, as were our Governments over the years. We must question the whereabouts of State assets that were misappropriated over the years by institutions. People were obviously on the take. Children were put into care and financial assistance was claimed from the State for their welfare. The commission interviewed 1,000 people, mainly aged between 50 and 70. I pay tribute to their courage and to the several hundred who travelled back to Ireland, from the US, England and Australia, to describe their childhoods of terror and intimidation. They are angry and bitter and feel cheated and deceived.

The church must live up to its obligations. The contrition expressed by the 18 congregations is too little and too late. No sum of money can ever adequately compensate for what was done. The church has moved on in recent years and much good work has been done. I would like to believe that what has happened will not affect the liberalisation of a Catholic church which for too long had too much influence in the matters of the State. We must listen to the victims and act.

**Deputy Kieran O'Donnell:** Today is a day we as a nation are growing up and acknowledging that what happened in these institutions was wrong. We are shamed by what happened and owe the victims and their families a huge apology. It is critical we get something positive from this debate. We must agree and state that all the recommendations of the Ryan report will be implemented in full. I welcome the fact the Government is meeting with the religious orders and that it will seek to implement the recommendations in full.

When we look back on what happened, we see we must question and investigate how we got to that stage. Nobody is above or beyond reproach. For too many years the word of the



[Deputy Kieran O'Donnell.]

religious was taken as their bond, but now politicians, the religious and people in all walks of life must be open to question. That is the essence of democracy.

I want to focus on two areas. I read the section of the Ryan report that referred to St. Joseph's Industrial School in Glin, which was in my region. No doubt, what happened in Glin mirrors what happened in many other industrial schools. The average age of boys committed to Glin was nine years and ten months. These were very young children and their average stay in Glin was five years and eight months. They were put into a prison type environment for that period. I have met constituents who had a family member who was sent to this school. Mr. Justice Ryan states in the report that even if crimes such as larceny, truancy and housebreaking — which may well have been motivated by poverty — are excluded from the list of offences directly attributed to poverty, it is clear that over 48% of the boys were committed to Glin as a direct consequence of their impoverished backgrounds. People are aware of the level of poverty that existed, as described in Frank McCourt's book "Angela's Ashes". People had large families and little or no education, yet young boys who were supposed to stay in school until the age of 16 were sent to Glin.

People should read the general conclusions of the Ryan report. We must acknowledge what happened before we can move forward. The report states that Glin had a severe systemic regime of corporal punishment. It points out that the Christian Brothers congregation sent two brothers to Glin despite the suspicion that they had sexually abused boys in another institution under the control of the order. It protected the congregation of brothers, but endangered the boys in Glin. The report points out that the problems affecting the standards of care in Glin persisted, despite being reported by both visitors and Department of Education inspectors. It states the Department failed in its supervisory duties, its role was protective of the institution and its response to serious complaints was cursory and dismissive. Not only were the institutions and religious orders derelict in their duty, we — the State and overseeing bodies — were remiss in our duties.

**Deputy Michael D. Higgins:** When Jim Kemmy raised the issue he was abused for his trouble and attacked by the activists and frontliners who set about attacking those of us who raised all these issues over 30 years.

**Deputy Kieran O'Donnell:** That is the reason it is important we raise these matters now.

I want to move on to a current issue. Children with physical and intellectual disabilities are extremely vulnerable. Currently we have no independent inspectorate for institutions with children with intellectual and physical disabilities. Inspections only take place where a child is committed under a court order. We must introduce standards on a legislative basis so that institutions with children with physical and intellectual disabilities will be independently inspected.

National standards were published on 11 May for institutions with adults with intellectual and physical disabilities. However, the standards came with a rider, that it would cost up to €10 million to employ 50 inspectors. I do not want to hear any more of this. The Government must provide the €10 million. We need an inspectorate for both adults and children in these institutions. These people are vulnerable and we must be proactive and do something positive for them in memory of past and current victims. I want a commitment from the Government today that it will put an inspectorate in place for institutions with children with disabilities. There are over 400 of them in full-time care and 500 in part-time care. The Government must also put the resources in place to implement the standards published by HIQA on 11 May 2009

for adults with intellectual and physical disabilities. Until that is done, I will continue to raise the issue in this Chamber.

**Deputy Michael Woods:** There has been a great deal of poorly informed comment on the agreement the Government made with the religious congregations in 2002. I wish to place on the record of the House the facts regarding that agreement. It was my privilege as Minister for Education and Science to bring through the Oireachtas, in the timescale set by the Government and requested by the victims, two seminal and historic pieces of legislation — the Commission to Inquire into Child Abuse and the Residential Institutions Redress Act.

The Government and the Oireachtas did not have to wait for this extensive and searching report to know what to do. We knew enough and we knew that in the interests of the victims we would have to act with speed. The policy of the Government on the Residential Institutions Redress Board was informed first and foremost by the consideration of what would be in the best interests of the victims of abuse in residential institutions. This dictated that the compensation should be provided to them on a basis which would be generous, expeditious and involve the minimum of stress to them in progressing their claims. In other words, anything that involved them in an adversarial court process should be avoided if at all possible.

To understand the context in which the Government decided, once and for all, to address the pain and lifelong suffering of children who were abused in the State's residential institutions and reformatory schools, we need to examine the sequence of events that began in 1967. In that year the Government established a committee chaired by Ms Justice Eileen Kennedy which, in 1970, produced the Kennedy report. The report found that the reformatory and industrial schools were inadequately staffed; the institutions were housed in old buildings which were unsuitable for use as residential homes; an institutional approach pervaded the care of children — an approach harmful to their development; the system of inspection was totally ineffective; financial provision was totally inadequate; and the system of payment to the school on a capitation basis should be discontinued and payment should be made on a budget basis.

There was little evidence prior to the 1960s of any understanding of the issues of abuse of children. Neglect and deprivation due to poverty or lack of education were the key areas of concern. Up to the 1970s the focus of child protection was on familial neglect. The Kennedy report led to the closure of the industrial schools and reformatories.

In 1996, RTE broadcast "Dear Daughter" which dealt with abuse in Goldenbridge industrial school. In 1998, the Minister for Education and Science, Deputy Micheál Martin, brought the issue to Government for the first time with the focus on counselling for victims. The Department of Education and Science employed a social historian from Trinity College to examine the Department's archives to see what evidenced there was of past abuse, how much the Department knew about it and what it did about it. The Minister also gave access to these files to Mary Raftery who, with Eoin O'Sullivan, made the "State of Fear" series broadcast by RTE in 1999.

Meanwhile, the Cabinet had set up a sub-committee to deal with the issue of child abuse and a working group of secretaries-general and officials. I was a member of the Cabinet sub-committee. This working group reported on 28 April 1999 with the report on measures to assist victims of childhood sexual abuse. They proposed a proactive approach to the needs of victims of abuse, rather than relying solely on a reactive response to litigation. They also proposed changes in the statute of limitation, funding for counselling and related services, and funding for research. They suggested a commission where those who were abused could tell their story to a sympathetic panel. In this way they could be assured that the abuse they suffered was wrong and is utterly condemned by Irish society.

[Deputy Michael Woods.]

On 10 May 1999, the Government agreed these proposals and decided to set up a commission chaired by Ms Justice Mary Laffoy. The next day, 11 May 1999, the then Taoiseach, Deputy Bertie Ahern, announced the proposals and made an apology to the victims, in effect accepting moral and social responsibility on the part of the State for past abuse in these residential institutions. While a full investigation and review was still to take place, the initial departmental examination had shown that children were incarcerated for flimsy reasons, for example, unfit mothers, children born out of wedlock, absence from school, or petty theft such as taking an apple from a shop. Many were orphans or from homes which were too poor to care for them. Many children were wards of court sent into the care of the Department of Education. The State had a duty of care, supervision and inspection, and a moral responsibility. The State sub-contracted that duty.

There were reports on the record of various serious physical and sexual abuse, but they were buried and hidden at the highest levels in the Department. There was correspondence from a bishop stating that serious abuse was occurring and this was denied in writing by the then Minister on the advice of officials. There were letters from Daingean reformatory stating that children were starving and dressed in rags, and begging for some extra funding. The letter of reply said, "Make do with what you have".

Similar institutions in England got ten times the allowance *per capita*. It was clear that a full examination, eventually known as the Ryan Commission, would show an appalling neglect by the State and so it did. The Government at this stage decided to establish the Commission to Inquire into Child Abuse on an administrative basis and when that had completed its work to then look at the question of compensation. This was a logical approach, but it was not tenable.

Some reporters and members of the Opposition have been asking why this was not done and criticised me for not waiting. The answer is very simple: it would take too long. In practice, we now have the Ryan report eight years later. This would not have been acceptable because victims were suffering in the meantime and some died. They begged me to press ahead urgently with the establishment of the redress board and not to delay the legislation.

On 27 January 2000, I assumed office as Minister for Education and Science. On 2 February, I published the Commission to Inquire into Child Abuse Bill 2000, accepting the recommendations of the interim administrative commission presented by Ms Justice Mary Laffoy. On 9 March, the Bill began its Second Stage reading in Dáil Éireann. Representatives of the victims followed the Bill every step of the way. Meanwhile, three schemes of payment of legal costs for solicitors were proposed. Each was rejected by solicitors acting for the victims and then by the commission. I pressed on with the Bill as urgently as possible and it finally passed all Stages. By June, the Bill had passed into law and became an Act.

At that stage it seemed that the Commission to Inquire into Child Abuse was under way but, alas, this was not to be. On 20 July, the commission indicated to me as Minister that solicitors for the victims would not co-operate with it unless a compensation scheme was established. Work on a compensation scheme was already under way and on 7 October the Government approved in principle the draft proposal. On 24 October, I agreed to meet the solicitors regarding the compensation tribunal and assured them of our bona fides.

Meanwhile, on 10 November, senior officials from the Department of Education and Science, the Department of Finance, and the Office of the Attorney General first met with CORI regarding what was termed the "meaningful contribution" which they wished to make to the compensation scheme. They met on nine further occasions. Work on the compensation scheme had been progressing and on 27 February 2001, the Government approved the proposals for the child abuse compensation scheme. It would be open-ended and the Government would

provide such moneys as needed, with a contribution from the 18 religious organisations involved if that could be agreed. This was consistent with the Government's approach from the day the Taoiseach apologised to the victims on behalf of the nation.

Problems were still ongoing with the solicitors with regard to their participation in the commission. A fourth legal expenses scheme was accepted by the commission, but lawyers for the victims and for the congregations also rejected this legal expenses scheme. Meanwhile, lawyers for the victims refused to attend the commission thus delaying its progress.

On 13 June 2001, the child abuse compensation scheme was published. Its title was the Residential Institutions Redress Bill. This allowed time over the summer recess for the contents of the Bill to be considered before it was taken in the autumn. On 5 July, the proposed contribution of the congregations made on 26 June was rejected by the negotiators and by me as Minister for Education and Science. On 16 October, the negotiating team, comprising officials from the Department of Education, the Department of Finance and the Office of the Attorney General, with ministerial clearance from the Department of Education and Science and the Department of Finance, proposed a 50-50 contribution with a cap of €127 million together with an indemnity. This was not accepted by CORI. At this point the negotiations broke down. Furthermore, a leak to the media resulted in a breach of trust between the parties to the negotiations. Thus the full negotiating team was out of the loop for some months. I decided in the interim to press on with the Residential Institutions Redress Bill and leave CORI to consider its position if it did not make any contribution to the Government's scheme of redress.

In line with the Government's commitment to have both the commission and the redress board up and running during the life of the Government, which was into its final year, the Residential Institutions Redress Bill commenced its Second Stage in Dáil Éireann on 7 November 2001. On the same day, together with the Secretary General of the Department of Education and Science, who is also the Accounting Officer, I met  
12 o'clock with the representatives of CORI. This was simply to say that the Bill would be concluded early in the new year and that they must now decide whether they wanted to be in or out of the legislation. Everyone wanted to know. I was being pressed by Deputies in Dáil Éireann, and by representatives of the victims, to say what the position would be. I said that unless they agreed to the minimum contribution which the negotiating team had put to them in a package, they could not be included and they would not have any indemnity. They also wanted to get credit for properties given to the State over the past ten years. I told them that the day the Taoiseach made the apology, 11 May 1999, was the implementation date for the whole scheme, and that I would bring their request for credit to apply from that date to the Government, but I would not consider the ten years' request. The representatives of CORI agreed to go back to the 18 religious orders to ascertain if they would agree to a figure of €127 million as the minimum acceptable to the negotiating team and Government. This meeting lasted only 20 minutes because it related solely to a policy decision.

On 22 November 2001, Second Stage of the Residential Institutions Redress Bill concluded in Dáil Éireann. This was a long debate and once Second Stage was passed, the Bill could go to the Select Committee on Education and Science. I explained that we were awaiting news from CORI as to whether it would be included in or excluded from the legislation and that it could be included before Committee Stage concluded if it met the minimum requirements.

The Labour Party tabled a motion which would have delayed the conclusion of Second Stage from 22 November until the end of January when the House was due to resume. The motion was to see and discuss the report of the compensation advisory committee chaired by Seán Ryan SC. The Fine Gael Party stated it would oppose taking Committee Stage of the Residential Institutions Redress Bill until after the compensation advisory committee report was avail-

[Deputy Michael Woods.]

able. This greatly upset the victims of abuse and their representatives. I pointed out that the delay was unnecessary as I had included provision for regulations and that Fine Gael and the Labour Party, if they were not satisfied with the report of Seán Ryan SC and his expert committee, could bring the report before the Dáil for debate. However, the motion was moved by the Labour Party and had to be put and voted on at the conclusion of the Second Stage debate. In the event a voice vote was taken and the motion was defeated. The Bill then moved to Committee Stage, much to the relief of the victims present.

The compensation advisory committee reported early in January 2002, having studied schemes in Canada, the United Kingdom and Australia. Its report set out criteria and levels of compensation based on physical, sexual or psychological injury and increased the levels of compensation to reflect the higher awards given by the Irish courts. The Government accepted these levels of awards, as did Deputies and Senators, and delay was avoided.

On 7 January 2002, CORI met me, as Minister for Education and Science, and the Secretary General of my Department. It confirmed its acceptance of the package proposed by the negotiating team, agreed to the inclusion only of properties transferred or being transferred since 11 May 1999, the day of the apology, and agreed to be bound by the indemnity, as proposed by the Government on the advice of the Attorney General. Detailed discussions on the indemnity would follow, involving the negotiating team and Office of the Attorney General. I agreed to take this proposal, which involved a package valued at €128 million, to Government for approval in principle. On 30 January 2002, the package was agreed in principle by the Government. The final agreement was to be prepared, including the indemnity and a list of properties, for the approval of Government and signatures of the Ministers for Finance and Education and Science.

At a meeting of the Joint Committee on Education and Science held in public session on 12 February 2002, I outlined the details of the Government's decision regarding the whole package as well as the inclusion of the indemnity and list of properties, some of which were known at the time. The meeting was attended by 15 Members, myself and my officials. No one was in any doubt about the inclusion in the Bill of the indemnity and the list of properties.

**Deputy Róisín Shortall:** No one knew it was an indemnity up to June 2002.

**Deputy Michael Woods:** On 20 February 2002, the Final Stages of the Residential Institutions Redress Bill were taken in Dáil Éireann. The CORI package and indemnity were discussed again. It was estimated at the time that the overall cost could be up to €500 million. However, since neither the number of victims who were abused nor the extent of injuries was known, the figure could be considerably higher.

**Deputy Joan Burton:** The Deputy is rewriting history.

**Deputy Michael Woods:** I am not and Deputy Shortall will find much of this information in the Ryan report.

The Bill passed its Final Stages with the stated agreement of all parties. Deputy Michael Creed, on behalf of the Fine Gael Party, and Deputy Róisín Shortall, on behalf of the Labour Party, thanked me, as Minister, and my officials for the work done on this complex Bill and both Deputies regretted that day pupils in ordinary schools were not included.

**Deputy Róisín Shortall:** The Deputy has the dates wrong. No one knew it was an indemnity or what were its terms at that point.

**Deputy Michael Woods:** While I understood the Deputies' concern, I stated we were only dealing with the residential schools and reformatories which were under complete, 24-hour control of the Department of Education.

On 8 March 2002, the CORI package was outlined in Seanad Éireann and fully discussed and approved by the House. The Bill was finalised in Seanad Éireann on 22 March 2002 and in Dáil Éireann on 28 March. It became an Act at the beginning of April.

Further meetings involving officials of the Departments of Finance and Education and Science took place on 7 May 2002, at which issues relating to the property transfer part of the agreement were discussed. At a meeting on 16 May 2002 between officials from the Department of Education and Science and Office of the Attorney General, changes to the draft text of the indemnity were discussed and subsequently carried through.

The agreement was finally approved by Government for signature by the Ministers for Finance and Education and Science on 5 June 2002 and then completed on the direction of the Government. This enabled the Residential Institutions Redress Board to begin its work. At last, those who had been abused and injured would be compensated by the State for this horrible period for children in the history of our young nation. This generation of Irish men and women can be proud that they made amends in some small way to those who, as children, were injured and abused in the State's residential schools and reformatories, mainly from the 1930s until the 1970s.

I trust the sequence I have set out will be helpful to any genuine person who is anxious to understand what was done and why. The Ryan report greatly expanded on our knowledge of how child victims were treated in the State's residential schools and reformatories. The Government knew in 1998-99 the nature of these abuses and injuries but not the full extent of the awful crimes committed against incarcerated children. Mr. Justice Ryan and his predecessor, Ms Justice Mary Laffoy, and their teams of experts and officials have done the State a great service.

Some commentators stated and still state that we should have had a full inventory of all the lands, schools, hospitals, care centres and other facilities before accepting the contribution of religious congregations who ran most of the institutions on behalf of the State. This would have resulted in delay and more pain and suffering for the victims. The scheme was based on taking a no fault, no quibble, no legal context approach. We knew that few cases would succeed in court and, accordingly, the cost of the scheme would be much greater than if cases were contested in court. It was the State's decision to behave at last in a magnanimous manner to those whom it had offended by its actions in placing children in horrific circumstances, grossly neglecting them and ignoring all warnings and reports. The system, which the State ran, was the cause and opportunity for these grievous offences against children.

Others argue we should have taken time to allocate blame to all the parties involved. This, too, would have involved delay and adversarial court proceedings. It would also have placed victims under renewed stress, which the Government was not prepared to do. The Government determined that the redress scheme be provided regardless of the involvement of anyone else. This was done by the State paying full compensation. The issue was regarded as one for society to be dealt with fully and firmly and once and for all. The most effective way the Government could achieve this outcome was to take responsibility for the matter, which is what it did. The scheme was to be fully funded by the State — that was the starting position — and full awards were to be paid.

It has been alleged repeatedly by some Deputies that a sweetheart deal was done with the religious congregations. The Committee of Public Accounts chaired by Deputy Michael Noonan examined this allegation and concluded:

[Deputy Michael Woods.]

The Minister had set up a meeting with the Congregations where he wanted to move the agenda forward, re-establish a position of trust and see if an agreement could be reached. He only asked the Secretary General to come along with him and was aware that the Secretary General worked closely on this issue with the Legal Adviser. Suggestions have been made of a sweetheart deal at the meetings with the Minister. The Committee is satisfied that this is not the case.

The reports of the Committee of Public Accounts of March 2001, the Comptroller and Auditor General on the 2002 accounts and the Joint Committee on Finance and the Public Service all found there was no collusion with anybody, no sweetheart deal was made and every step taken was in line with the Government's commitments.

I will address two allegations made by Deputy Gilmore on 26 May 2009 in this House. Deputy Gilmore stated:

In the case of Deputy Woods, he has explained why he did not include the Attorney General in discussions because, as he put it, the legal people had fallen out with the religious. [I did not say that.] Therein lies a clue as to why the blind eye was turned over decades. There was an unhealthy deferential relationship between the State and its institutions and the Catholic Church and its religious orders.

The Deputy omitted to refer to the strong rebuttal of the article he cited. It was in the next issue of the *Sunday Independent* dated 19 October 2003. I refer to a letter which I sent to the newspaper to make quite clear that what they said was wrong. It read:

Dear Editor

Your article published in last Sunday's *Independent* October 12th 2003 concerning the agreement between the State and the 18 religious congregations, was a fabrication and a misrepresentation designed to suit a preset agenda. In discussion with your journalist I never mentioned my faith nor my religion nor did I suggest that they influenced me in any way in the manner in which I conducted the negotiations. Throughout the long negotiations involving many meetings from November 2000 until May 2002, all the officials, Ministers and the Attorney General acted with probity and in a fair and objective way. They did this in the full knowledge that the Government, on behalf of the nation, wanted at long last to make amends to those who had suffered injury in residential institutions and to allow the orders to make a meaningful contribution to that process. At all times I acted as an experienced Minister and not on the basis of my religion, as your article implies. Whether I was a Protestant, Catholic or Dissenter, it would have been my duty to do the same. Finally, may I say that your article highlights the need for an independent press council to prevent such irresponsible journalism.

They left that last line out when they published the article.

The second allegation by Deputy Gilmore is contained in the Official Report dated 26 May 2009 at 16.50 p.m.:

It is a pity that in 2002 he [Dr. Woods] did not bring the indemnity deal before the House for approval. What he did was to bring before the House the Residential Institutions Redress Bill, which enjoyed cross-party support at that time as the appropriate way of dealing with this issue. However, the indemnity deal which apportioned the various liabilities and which capped the contribution of the religious orders was never brought before the House.

There is a bit of confusion in that but I will leave that aside.

**Deputy Pat Rabbitte:** What confusion?

**Deputy Michael Woods:** It is his confusion, not mine. Once again, the Deputy is wrong. The indemnity was before the Dáil and Seanad committee and it was fully and openly discussed——

**Deputy Róisín Shortall:** That is not true.

**Deputy Michael Woods:** ——and had the benefit of the advice of the Attorney General——

**Deputy Róisín Shortall:** The indemnity never came before the committee.

**Deputy Michael Woods:** ——of his office and of the experts in the Department of Finance, the Department of Education and Science and others.

**Deputy Pat Rabbitte:** No, it did not.

**Deputy Róisín Shortall:** On a point of order, Chairman.

**Acting Chairman:** Deputy Woods, I am obliged to take a point of order.

**Deputy Róisín Shortall:** The Deputy is misleading the House. The deed of indemnity never came before the Joint Committee on Education and Science.

**Acting Chairman:** The Deputy's comment is noted but I am advised it is not a point of order. I ask Deputy Woods to continue and he has five and a half minutes remaining.

**Deputy Michael Woods:** The indemnity is in the legislation. What the Deputies are referring to is the final details which the Attorney General ——

**Deputy Róisín Shortall:** Those are the important details.

**Deputy Michael Woods:** That can be got any time; all those things are done by the Attorney General and the Chief State Solicitor all the time.

**Deputy Pat Rabbitte:** They were not done and that is the whole point.

**Deputy Michael Woods:** The Deputies are caught out now, they are on the bounce, they have their press release out, trying to tie Fianna Fáil in with the church. I know that is what they are at; that is the preset agenda that they have.

**Deputy Michael D. Higgins:** No, it is not.

**Deputy Róisín Shortall:** It was done in secret.

**Deputy Michael Woods:** That is being driven by the former Sinn Féin-Workers' Party and by Deputy Rabbitte in particular.

**Deputy Michael D. Higgins:** There was no hidden agenda. That is the kind of cheap comment we would expect.

**Acting Chairman:** Order, please. I ask Deputy Woods to speak through the Chair.

**Deputy Michael Woods:** Once again the Deputy is wrong. The indemnity was before the joint committee of the Dáil and Seanad. It was fully and openly discussed and had the benefit



[Deputy Michael Woods.]

of the advice of the Attorney General. Incidentally, the Deputy did not use the opportunity to use any of the regulations to have a discussion on it at the time which could have been held separately after the Attorney General had completed his side of it.

Of his office and of the experts in the Departments of Finance and Education and Science and others, it did not, as the Deputy says, apportion various liabilities because that was not its function.—

**Deputy Joan Burton:** It was to cap liability.

**Deputy Michael Woods:** In addition, the capping of the contribution was brought before the House. I notice that from March of this year there have only been three cases which had to be covered fully through the courts. There were 23 in all and 20 of those were settled separately. Why is all that going on? It is because the Deputies are trying to use the victims for political purposes—

**Deputy Liz McManus:** That is an outrageous statement.

**Deputy Michael Woods:** It worked and it worked well.

**Deputy Róisín Shortall:** The Deputy used the victims' groups throughout.

**Deputy Liz McManus:** Deputy Woods is scraping the bottom of the barrel.

**Deputy Michael Woods:** In addition, the capping of the contributions was brought before the House. It is time now for Deputy Gilmore to withdraw the statements he made in the House last week. At all times the Government was guided by the interests of the victims of child abuse and ensuring that no extra burden was placed on them by the State. The redress board was set up to enable survivors to be compensated without having to go through the pain of the court process.

**Deputy Michael D. Higgins:** The Deputy should ask them how they got on.

**Deputy Michael Woods:** Now that the full extent of child abuse has been revealed in the Ryan report, the Government and Dáil Éireann rightly support a call for additional contributions from the religious congregations. This could be provided in substantial support for a foundation for the future education and welfare of the victims and their families. I welcome the publication of the Ryan report and agree with the Taoiseach that now we must implement all the recommendations, establish a fitting memorial to the victims, establish a trust or foundation to assist the children of the victims in their educational welfare, and arrange for the Garda Commissioner and the Director of Public Prosecutions to actively pursue any criminal proceedings.

In conclusion, I congratulate the Taoiseach on his very fine speech yesterday.

**Deputy Dan Neville:** I wish to share my time with Deputies Perry and Reilly with the agreement of the House.

At the outset I regret that this situation has been somewhat politicised.

I want to deal with a very sensitive subject relating to child sexual abuse, the issue of suicide and the higher levels of suicide among those who survive institutional sexual abuse. Studies examining the relationship between childhood trauma and adult suicidal behaviour have reported evidence that the two are frequently linked. A total of 12 out of the 100 young people

who were abused in children's homes in Clwyd, north Wales, have since taken their own lives. The average figure is 12 per 100,000.

My contribution is based on consultation meetings with people who experienced child sexual abuse in industrial schools. The research, which was carried out by the National Suicide Research Foundation in Tralee, Limerick, Waterford, Enniscorthy, Galway and Cork, involved 90 survivors of institutional child sexual abuse. Some of the survivors had numerous insights themselves with regard to risk and protective factors for suicidal behaviour among people experiencing institutional abuse. Many refer to alcohol abuse, depression, lack of education, difficulty obtaining employment and social isolation as being risk factors. A frequently reoccurring theme was the belief instilled in them by those in charge of the institutions that nobody else wanted them and that they would never be successful in life. Much of the abuse took place at night in the institutions and thus many survivors find it very difficult to sleep even now. Protective factors against suicide mentioned by survivors included relationships, children, contact with survivor groups and being able to secure steady employment and obtain an education after they had left the institution. Survivors who had attempted to take their own lives or who had considered doing so spoke about their situation around this time. The emerging themes included not having support of their partner, feeling depressed or experiencing a sense of hopelessness, being under the influence of alcohol or the commencement of counselling and the opening up of the past. The feeling there is no one to talk to who would understand is also frequently mentioned as an issue around the time of suicidal ideation. Those who did not go ahead with their plans to take their own lives frequently refer to their children as being a protective factor. A large number of survivors who participated in consultation meetings had experienced the death of either a friend or a family member through suicide.

The situation around the time of considering taking their own life sometimes reflected a detachment from the world where a depressed individual seemed happier in the weeks running up to their suicide than they had been for some time. Redress was a particularly traumatic time for survivors who had not yet attended counselling. The experience of telling one's story for the first time to a panel of strangers with whom one had built up no rapport and who were only interested in the facts of your case was a terrible ordeal. Many survivors have experienced mental and physical health difficulties in adult life. Depression, bipolar disorder and post traumatic stress disorder were evident. Psychosomatic effects such as migraine and diarrhoea were mentioned by some of the survivors. Survivors are concerned about the apparent overuse of medication as a treatment, particularly by general practitioners, GPs. Many feel that the professionals do not understand their unique situation as survivors of institutional abuse and that greater awareness is necessary.

Transgenerational mental health issues also needed to be addressed. There have been some examples among survivors who are anxious for their adult children who are perhaps struggling with addictions or appear to be depressed or suicidal. With no parenting models themselves, survivors are often unsure about how to deal with these issues or even what services are available for their children and how to access them.

A recurring theme at the consultation meetings was that, previously, survivors did not speak about the abuse they suffered because of fear that they would not be believed. In fact, despite the extensive media coverage in recent years of cases of abuse in institutions, some survivors have still not told their partners what they experienced in childhood. Reasons for not wishing to explain this part of their lives include not wanting to upset their partners with full disclosure of abuse or being afraid that their partners would be unable to deal with the knowledge and, thus, their relationships may suffer.

[Deputy Dan Neville.]

Much of the abuse occurred in the institutions and, thus, many survivors find it difficult to sleep even now. Often, it is at night when they need someone to talk to and the lack of a 24-hour helpline apart from the Samaritans was mentioned by a number of survivors. Upon leaving institutions at the age of 16 years, survivors took various pathways in adult life. Many found the outside world too difficult to cope with, especially when they were used to large, self-contained institutions with big dormitories, strict routines and hundreds of other people around. Consequently, a recurring theme was a return to institutional life, such as joining the Army.

Survivors recalled the difficulty of adjusting to life outside while trying to avoid drawing attention to themselves. Many went to England, where one could ask for advice about simple things, such as taking a bus, and excuse one's lack of knowledge by saying that one was in an unfamiliar country. Others spoke of trying to understand that they had to pay for food in supermarkets or learn to go to bed at night in a room on their own with no noise or people around them. Trying to "fit in" socially on the outside was difficult, given the sense of shame of growing up in an institutional school. Survivors explained how they would invent a story to tell their new work colleagues or friends of where they grew up and where their families were now. They recall being on the "outside" of their circle of friends, lacking in confidence and being careful not to be caught out in their stories.

Relationships were a particular difficult issue for survivors, given the fact that industrial schools for older children were also single sex. Given the prevalence of sexual abuse in the industrial schools, survivors did not have a comprehension of what constituted normal consensual sexual behaviour between adults. Furthermore, the nuns made a particular point of warning girls to stay away from men without giving them any sex education. For many, there is a sad sense of missed opportunities for the relationship they did not get to experience in their younger days.

Marital disharmony or separation arose frequently in discussions with survivors. For many, this related to when they told their spouses about the experience in the institutions. For others, it resulted from the pressures of long periods of unemployment or alcohol abuse. Furthermore, growing up in an institutional environment meant that survivors had a lack of experience of forming lasting relationships and had no models from which to learn. Those who had children outlined the difficulties in parenting, since they had no role models of their own. Some recalled giving their children everything they wanted without establishing boundaries and others were unsure of how to be affectionate with their children in an appropriate manner. Others worried about being too regimental with their children, as the strict regime of the institution was the only parenting model they had experienced.

Finding employment was difficult for many, as they left the institutions with low levels of literacy. Some felt institutionalised in their employment. Frequently, concern was expressed about patients being discharged from psychiatric wards too soon. While they understand the capacity problem concerning crisis beds, they feel that the circumstances of some of their fellow survivors should necessitate keeping them in for observation for a longer period.

**Acting Chairman:** The Deputy has one minute remaining.

**Deputy Dan Neville:** Some of these people have nowhere to go when they are discharged. There was some discussion about the usefulness of a nursing home or halfway house for survivors who have to leave hospital but are not well enough to return to independent living in the community.

I will quote from a professional who identified suicidal behaviour among survivors. Speaking about a married woman, the professional stated:

I do not think she will ever tell him because when he hears the [television] programmes, he says “look at all those dreadful people lying just to get money”, so of course she is never going to. “That never happened,” he says, so she will never tell him now. Well, she says she will not. So, all her life this was a piece kept away. Her deepest friends do not know ... and her husband knows nothing.

**Deputy John Perry:** From 2002 to 2004, which covered the period in question, I was Chairman of the Committee of Public Accounts. We began our consideration of the matter by examining Chapter 7.1 of the 2002 report of the Comptroller and Auditor General. The committee under Deputy Noonan examined Chapter 9.1 of the 2003 report. During its deliberations, the committee also met the representatives of the religious congregations involved, with officials from the Department of Education and Science and the Office of the Attorney General. The committee considered the matter five times. I received the record in question from the committee yesterday, but it is important to put it on the House’s record in the aftermath of Deputy Woods’s contribution.

The committee first met the Secretary General of the Department of Education and Science, his officials, a Second Secretary General of the Department of Finance and his officials on 2 October 2003, a meeting that I chaired. Following the first meeting, the Department made available to us a large set of documents supporting the negotiation of the agreement with the congregations. In light of this additional information, a second meeting was held with the Secretary General of the Department of Education and Science, his officials, a Second Secretary General of the Department of Finance and his officials on 4 March 2004, a meeting that I also chaired. To achieve a full consideration of the accountability issues involved, the committee held an in-depth all-day meeting with a delegation from the congregations on 8 July 2004. The delegates appeared as voluntary witnesses.

The committee considered Chapter 9.1 of the 2003 report, itself a consideration of Chapter 7.1 of the 2002 report, and Vote 13 — Office of the Attorney General on 25 November 2004. This meeting was chaired by Deputy Noonan. The consideration of the accountability issues was achieved through an in-depth examination of the three audit objectives covered by the Comptroller and Auditor General’s office. The Laffoy inquiry, which had powers of compellability, was running in parallel to the committee’s inquiry.

The specific accountability issues covered by the then Comptroller and Auditor General, Mr. John Purcell, followed the chronological sequence of events. They were the State’s potential financial liability arising from the redress scheme, the negotiation of the agreement with the congregations, the mandate and the negotiating position, the early negotiations, the agreement in principle, the finalisation of the agreement, the role of the Attorney General’s office, the involvement of the Department of Finance, the implementation of the agreement and its concluding perspectives.

The committee’s findings and recommendations regarding redress were important. It found that a significant contingent liability existed in respect of victims of child abuse, suffered in institutions where the State had a regulatory or inspection function, who sought compensation through the courts. On 11 May 1999, the Taoiseach issued a public apology on behalf of the State to the victims of such abuse. A redress scheme was launched to facilitate the compensation of victims. The final cost of the redress scheme must be viewed in the light of the substantial costs that would have been incurred in any event if no such scheme had been established and if the cases had been processed in the normal manner through the courts.

The Government’s decision on the establishment of the redress scheme was informed by estimates of the scale of the likely claim load by the Department. However, it did not use all

[Deputy John Perry.]

the data available in estimating the potential ultimate liability from the scheme and did not update its estimate of the liability as new information came to light. Mr. Purcell was vigorously challenged in committee in 2004. The latest estimate of the final cost of the redress scheme was €800 million, a figure given by the Comptroller and Auditor General. The initial estimates were prudent and sought to take account of the ultimate number of claims that might be filed and the appropriation accounts of the Department for 2002 and 2003, which were certified by the Comptroller and Auditor General. The Department stated, “The amounts involved cannot be determined at this point”, yet at the time it was aware of the position.

A mandate, which was approved by the Minister for Education and Science for pursuing an agreement for a contribution from the congregations, was drawn up by the Department, in consultation with the Department of Finance and the Office of the Attorney General. The mandate was to provide to congregations contributing to the scheme an indemnity in respect of all civil actions arising from acts of abuse against people who were eligible to make a claim to the compensation scheme. In return, a minimum contribution of €128 million towards the costs of the redress scheme was expected from the congregations.

The mandated minimum contribution bears little relation to the negotiating position that was favoured by the Department of Finance. Insufficient use was made by the Department of the information held about the likely final liability in establishing the mandate and the negotiating position. The underestimation of the final liability had implications for the negotiating mandate adopted by the State side.

The State negotiating team had no prior knowledge of the ability of the congregations to pay the contribution expected and should have pressed for contextual information about the extent of available assets. It is acknowledged that pursuit to a negotiation strategy based on ability to pay would have had implications for the likely time required for the finalisation of the agreement. The State adopted a negotiating position to seek a 50:50 sharing of the ultimate cost of the redress scheme. The congregations viewed this position as unfair.

The initial offer of the congregations of €50 to €60 million, made in June 2001, was considered unacceptable by the Minister and was not taken to Cabinet. In October 2001, the State’s negotiation team believed the negotiations had stalled and underestimated the desire of the congregations to be part of the scheme. Media coverage of the negotiations affected the trust and confidence of the congregations in the State’s negotiation team.

A letter issued by the Department on 6 November 2001, supported by two meetings between the congregations and the Minister and Secretary General of the Department, enabled agreement in principle to be reached on all main issues, in particular, the amount of the contribution to be made, the extent to which property already transferred could be included and the indemnity.

Written documentation of the original negotiation mandate of April 2001 exists. The documentation of the meetings with the Minister in November 2001 and January 2002, when agreement in principle was reached, was not good. No contemporaneous minutes were kept by the State. The congregations wrote to the Department in January 2002 to ensure a record of its understanding of what had been agreed was available.

Regarding the question of indemnity, a Government decision in principle to approve the Minister’s proposals for a deal with the congregations was made on 31 January 2002. When the Government reached this decision, the detailed terms of the proposed indemnity or the value of the previously transferred properties were not known. Formal documentation of policy positions and the progress of the negotiations left a lot to be desired, as reflected by the uncertainties raised by the Office of the Attorney General. There was a considerable difference of under-

standing over the agreed extent of the indemnity on the State's side. Between January and March 2002, the Attorney General wrote two letters seeking details of the agreement. Officials in the Attorney General's office were not sufficiently aware of the original mandate agreed in April 2001. This was only clarified by a letter from the Minister to the Attorney General in April 2002.

While resort to the indemnity has been low to date, the court award of €370,000 on 1 March 2005 could lead to a change of approach by some claimants, which would favour recourse to the courts rather than the redress board. A substantial change of this kind could have implications for the ultimate cost of the redress issue. The State's power to enter into such indemnity agreements has been based on the premise that the Executive branch of Government has exclusive powers to do so. The Department of Finance was satisfied that the original mandate for reaching agreement with the congregations was met.

Regarding implementation, the full cash element of the contribution has been paid. The Department has been diligent in pursuing the transfers of property and in following up the counselling and education fund elements of the agreement.

It is important to discuss the recommendations, which is where the real problems arise. The strength of the State's negotiation team should be equal, at all times, to that of those with whom they are negotiating. Departments involved in significant negotiations that commit large amounts of money should provide appropriate training and development for staff expected to serve on negotiation teams.

The Civil Service should aim to ensure its capacity to negotiate on significant issues is maintained at a sufficiently high level to match the negotiating strength of the opposing side. Where required, the facility to import the required specialist skills and expertise should be available. To remove any potential doubt about the State's authority to enter into indemnities of this nature, the committee considered that there may be merit in having the law officers of the State review the appropriate measures, statutory or otherwise for authorising indemnities or material financial commitments of this kind.

The Department of Finance accounting procedures for contingent liabilities should be reviewed and brought into line with good practice. The general approach to identifying, recognising and measuring contingent liabilities should be reviewed and updated in light of the experience of the redress scheme. Guidance on suitable approaches to estimating contingencies should be developed so that departments can estimate and report on contingencies in a more realistic way.

A statement of good practice for the formal documentation of policy positions, negotiating positions and mandated positions should be developed by the Department of Finance. There should be a practice note regarding the involvement of the Office of the Attorney General in major negotiations with a legal dimension, particularly where the legal dimension is complex and where large amounts of money may be involved. Further guidance on negotiation strategies should be developed where more than one department is involved. This should include appropriate standards for the documentation of meetings and key decisions and of the information to be provided to Cabinet. The report of the Comptroller and Auditor General of 2002 details the appalling deal which was negotiated and the lack of accountability, such as notes not being taken by the Secretary General of the Department. It has had an impact on many people, regardless of the transfer and value of the assets of the religious to the State. It was poorly done, there was a lack of knowledge and we are now dealing with the current situation.

**Deputy James Reilly:** I welcome the opportunity to participate in this debate. I welcome the Ryan report as the first meaningful exposure of a system that inflicted systematic abuse on

[Deputy James Reilly.]

generations of children in this country. I hope today can be the start of the healing process, for us as a nation and for the victims.

The abuse was sexual, emotional, psychological and physical and was endemic. The report confirms the culpability and failings of the State, of the congregations, of gardaí, of professionals, of educators and our broader society. As the report points out, surely people knew what was happening and could see the state of these children as they supplied whatever goods or services were needed to the institutions, and yet nothing was done and any attempt to do anything was stifled.

The fact that religious orders allowed their Christian ethos to be so savagely subverted that they could inflict such cruelty and then go on to protect those who had inflicted that cruelty is mind-boggling. The report reflects a terrible shame on a nation that turned its back on its children and allowed a system evolve where a mini industry could exist, where capitation payments were made and the more heads in beds, the more money the orders got.

A stark reminder is stated in one chapter of the report. The committee concluded that large, mainly boys schools, with big productive farms and industrial training geared to the needs of the school rather than the children, and sufficient numbers to allow economies of scale to apply were well-resourced. It also states these schools should have been able to provide a good standard of care, however the evidence indicates that the children in these schools were some of the most poorly provided for. This was noted by the Department of Finance, but the resident managers association did not and would not co-operate, and, thereby, condemned many children in the less well-resourced institutions to needless poverty.

I wish to read one case of the many that struck me. It relates to the Rosminians. There was a pattern of systematic, severe, physical and sexual abuse of the boys in Ferryhouse extending over many years. Perhaps the worst effect of gratuitous and capricious punishment was its unpredictability. No matter what the boys did, a punishment was still a possibility. The result was a climate of fear. A witness who was in Ferryhouse in the late 1960s vividly described the kind of fear he experienced every day. He told the Investigation Committee:

I cried most days in that school. I was so scared when the next beating was going to come, whether it would be me. I mean I cried for my friends, my friends cried for me. We didn't deserve this stuff, we really didn't deserve this...It was the beatings that was given and dished out in there was savage, man, savage...I was a child you know, a child. I've walked landings with hard men in the Joy [prison], in Cork, wherever. I was never afraid. I would stand eye to eye with people that killed people. I wasn't afraid. But I was afraid when I was in that school, every day of my fecking life. That is what I want you to understand.

We need to understand that. Let us look at the inspectors and their position, which was compromised by a lack of independence from the Department and a statutory obligation to inspect more than 50 residential schools. That was clearly too much for one person. Inspections were supposed to be carried out at random, but they were well flagged and the institutions could prepare for them. The inspector rarely spoke to the children in the institutions. The appalling emotional hardship that was virtually universally applied is underscored by the line in the report which says "more kindness and humanity would have gone far to make up for poor standards of care."

The report is damning of the Department of Education and Science that knew that violence and beatings were endemic within that system and the upsetting truth that children who ran away were subjected to extremely severe punishments. Schools that were known to have very high rates of absconding associated with chronic sexual or physical abuse were ignored. Com-

plaints made by parents and others to the Department were not properly investigated. Some laypeople who were accused of abuse were reported to the Garda but members of congregations were protected and moved elsewhere to continue their barbaric ways.

Sexual abuse was endemic and the recidivist nature of sexual abuse was known to the religious authorities but the danger to children was never taken into account, only the risk to the order, the institution and its reputation. Often children were beaten and punished severely for reporting sexual abuse even where it was acknowledged that it happened. The victims were viewed as corrupted by the orders. In more recent times the fact that the religious orders sought to protect themselves all the way down the line and used the legal niceties of law to fight their case is something that can no longer be tolerated. In summary the report is a damning indictment of the religious orders, of the Department of Education and Science and of broader society. It is the clearest evidence ever to support the contention of Edmund Burke that, "All that is necessary for the triumph of evil is that good men do nothing".

Having suffered humiliation, hardship and abuse those victims went to a redress board where they were re-victimised by barristers who browbeat them. I met many victims on Wednesday, including Michael O'Brien, Christine Buckley and many others who might not want their names mentioned. They all felt belittled and dehumanised by the redress board and the manner in which its adversarial approach demeaned them. The only authority any church has is a moral authority and until it acts in a moral fashion it has no authority. Those religious congregations did not do that, but I hope they have now turned the corner. They now wish to atone in a meaningful way. As State legislators and leaders of our community we must atone as well for the dreadful shame and stain that is on our nation.

All this is meaningless if it does not bring change, if the culture of secrecy is not removed. That culture still lives strong in many parts of Irish life. On the same day we began this debate there was a press conference across the road in Buswell's hotel. Patients 4 Dignity outlined how a medical consultant abused young men for 30 years, yet was found innocent in a court of law, but subsequently guilty by the Medical Council. The fact that man could operate for 30 years without being stopped is another black mark against society and against my profession in particular. There is a common theme here, namely, that perverts, abusers and psychopaths will be always with us, but what we must do and what must come of the debate today is a system that catches them early, punishes them and protects the vulnerable, whether they be children in institutions or any other area of State care.

Three principles must underline everything we do, namely, transparency, accountability and fairness. Even as we speak, there is no independent inspectorate for approximately 450 children with disability who are in institutional care. How ironic it would be if, having had this great national outpouring, we allow that situation to continue and find that in five years' time those children too were left unprotected. Further, the abuse of intellectually disabled children in the Brothers of Charity residential home in Galway has not been properly investigated. That must be done.

I wish to finish by saluting the bravery of all those such as Michael O'Brien, Christine Buckley and the thousands of others who have exposed the deep, dark wound at the heart of Irish society. I thank them for giving us the opportunity to correct the wrongs and to ensure it cannot happen again. If there is a bright light that shines, it is theirs. I salute them. I commend the motion to the House.

**Minister for Health and Children (Deputy Mary Harney):** I wish to share my time with Deputy Mary White.

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



**Deputy Mary Harney:** The publication of the report of the Commission to Inquire into Child Abuse, under Mr. Justice Seán Ryan, is the most important social event in Ireland in recent decades. It is a truly profound moment in the life of the nation. It confronts us with an awful truth, the fact that we should be ashamed of our past when it comes to our treatment of children. It is tempting to believe that our shame relates to events long ago, but the sad and disturbing truth is that the hurt inflicted on the survivors of abuse has continued to this day. In the ten long years since the then Taoiseach, Deputy Bertie Ahern, apologised for the abuse of the past, we have, until now, collectively failed to fully appreciate the injustices of the past. Nothing less than a full appreciation must now be displayed by society and must inform the actions of the State.

The Ryan report forces us to confront the true scale of the savage inhumanity that has devastated so many young lives, and the awful inertia and neglect of people in authority that allowed the abuse to continue when it should have been rooted out. For too many decades we chose to turn away from this hidden misery. But now we have a solemn duty to face it, to digest its significance and to act in a manner that provides justice to the survivors and protection against such abuse ever happening in the future. While there have been many scandals, and reports on scandals, on child abuse and other evils — some yet to come — this time, it is different, and it will be different. This report is our truth commission.

We owe a great debt to Mr. Justice Ryan and the many people who have served on the commission. Without flinching, the report covers the worst of human depravity and abuse of children. The terrible truth that this report unveils, in the most thorough, judicious, and razor-sharp analysis, calls for the deepest, sustained reflection, so that all that can be learned from it will be learned. It raises profound issues of justice, redress, crime and punishment, the ethos underlying the laws we enact, questions of good and bad authority, the hideous corruption of the values and ideals of founders of religious orders, and the failures and neglect of the State, and agents of the State, purporting to act in the name of the people. In recounting the testimony of the abused children, it finally gives voice to the truth of their suffering. In so doing, it recognises the injustice and hurt of this truth having been suppressed in their childhood, and for most of their lives.

In all the darkness, there are points of light, that final recognition of the truth for those who were abused, the clarity and balance shown in the report, the acknowledgement of good done by some people, even where abuse was institutionalised and systemic, the understanding it helps us reach of what did go on, and of the need for vigilance to prevent such abuse ever occurring again.

**An Leas-Cheann Comhairle:** I know people are very deeply involved in this debate but I ask that Members could be heard without any interruption from the Gallery. I understand how deeply people feel about this matter but it is important that what is being said is heard.

**Deputy Mary Harney:** Most importantly, this report is compelling because it puts the abused children of decades past, and the vulnerable children of today, at the very centre of its concerns and compels our entire society to do the same. It is fundamentally about their story and their welfare, and it demands that we, as individuals and particularly as public representatives in Dáil Éireann, ask ourselves the hard questions and deliver a response that fully meets the challenges.

For so many victims of abuse set out in this report, there has been and can be no real balancing of the scales for lives lost, psychological trauma and childhoods starved of human warmth, love and trust. The survivors live in Ireland, England and right around the world. I hope that wherever they live, and in whatever circumstances, whatever their status, health or well-being, they hear the message the Irish people and this House is sending today — you are

not forgotten and we are determined to do justice, to repair damage as far it can be repaired, and to honour your lives and your human dignity.

We are determined to ensure that survivors of abuse are provided with full access to the entire range of health and social services they need. Many have ongoing and particular needs in the areas of housing, health care, education, counselling and support services, areas which cut across a number of public service providers. Our job is to align our services so that we are proactive across public services in meeting their needs. Nor will we forget those who live outside the jurisdiction whom we can also help with better services.

We are also determined as a House and as a Government, as the Taoiseach has said, to ensure Ireland reaches the highest standards of child protection. I am confident the Minister of State, Deputy Barry Andrews, will present the Government with a comprehensive set of practical measures needed to implement fully the recommendations of the report. That work is already well underway. The Minister of State, Deputy Andrews, set out yesterday some of the challenges that this will pose for him and for all of us involved in the design and implementation of public services. The challenges presented to us are nothing to the suffering of the survivors. Our challenge is to make sure we put the survivors first in designing the public services they now require.

Redress and compensation is one small part of justice, and an entirely appropriate part. However, our response as a society also demands a greater financial contribution from the religious orders involved to right the wrongs of the past and to take all possible measures to prevent abuse now and in the future. The Government is reflecting the interest of our society in requiring far more from the religious orders, and the Government and the House expect they will meet their responsibilities, which are grave indeed.

We are all thinking again about the agreement on redress in 2002 and the capping of the legal liability of the orders involved. They might well reflect that, while it sought to limit the damage to their finances, it has had the effect of causing immeasurably more damage to their reputations. It is a lesson for all organisations and institutions that catastrophic reputational damage is caused by allowing injustice to persist and by failing to act, and that damage is only exacerbated by legal or financial moves to deny or evade full responsibility. Reputations are much more difficult to repair than balance sheets. Lest there be any doubt, damaged lives are the hardest thing of all to repair.

Criminal prosecution and punishment is another necessary part of justice and redress. Our response as a society to evil and injustice includes criminal sanction; that is what our laws provide. There cannot be any reason the due process of criminal law should not take place in regard to those who have a very serious case to answer. There is every good reason it should.

In 1999, the Taoiseach, Deputy Bertie Ahern, rightly and unreservedly apologised on behalf of the State for the failures over decades to protect children. Often, when we mention “the State” in these matters, it can sound like a cold, legal construct, an entity we all own but that somehow is above, beyond and detached from us as individuals. The State is all of us, and in a particular way those of us who are now, or were in the past, Members of the Oireachtas. In this debate we can recount all the horrors and the appalling incidents of abuse, reading out parts of the Ryan report. However, the public, and more importantly, the abused, can rightly ask of those of us speaking today, “What about you? Your institutions? Your role?” Let us address this. The failure of the State included our failure. Let us acknowledge that fully. The elected representatives of the people, ourselves, even in this generation, and our predecessors, did not adequately scrutinise, question and call to account the system that caused this abuse of children. The institutions of the State — the Oireachtas, this House and Departments — all failed.

[Deputy Mary Harney.]

For example, year after year, Estimates for the Department of Education were proposed, analysed, discussed and passed. That process provided an opportunity for a closer scrutiny of the workings of the industrial schools, in particular of the financial incentives underlying them. How often did we and our predecessors raise the question of abuse or the system of industrial schools? Clearly, nowhere near enough.

The report comments tersely on what happened in the 44 years between the Cussen commission's report into reformatories and industrial schools in 1936 and the Kennedy report in 1970. It states:

The Cussen Report endorsed the system contingent upon the implementation of its 51 principal conclusions and recommendations, but the implementation of these recommendations by the Department of Education was inconsistent and intermittent. Consequently, the system continued largely unchanged until the late 1960s. By the time the Kennedy Report was published in 1970, the system had greatly declined and the report itself was more of an obituary than a death sentence. The events that led to the ending of the system had little to do with policy decisions by the Department of Education, and that also is part of the story.

One of the many lessons in this is surely that we should question more and better, not less or superficially. Whether as Ministers or TDs, we must be constantly vigilant to allow the possibility that there can be another truth other than the traditional line or that which supports the *status quo*. By this, I mean responsible, considered, deep and balanced questioning. As we know from some parliamentary inquiries, it is only a high standard of questioning and a high standard of ministerial and administrative response and accountability that will ensure scrutiny actually works to prevent failures, including what are often called systemic failures. A lesson of this report is also that any institution, be it religious, political, administrative or professional, can — indeed, will — end up being self-serving and abusive of power if it does not question itself and is left without effective external accountability.

What we mean by “the State” is also all those who run and administer the institutions and arms of the State. Many people advise and act in the name of the State and, ultimately, there is political control. However, there is no small measure of administrative responsibility either. In fairness, the report records the statement of the Secretary General of the Department of Education accepting its failures. However, as important as recognition, acceptance and apology is to learn and fully apply the lessons as quickly as possible.

High standards of public sector management must mean the public service carries within itself the ability to question its own methods and processes so that failures and deficiencies are addressed, not suppressed. The challenge of this report is not just about the past, but about the ability of an administrative system now and in future to question and improve itself constantly. Otherwise, self-preservation, the *status quo* and even illegality and deep injustices can become institutionalised. The price of not doing so may be hidden in the short term but the long-term consequences can be appalling for individuals.

There often can be unsettling and deeply challenging new facts, or new legal or financial advice, presented to Ministers and Departments. We must listen and apply considered judgment to what we hear. As Ministers, we must never abandon our critical faculties. In this case, the damage to children and the liability of the State simply accumulated over decades. It never went away because not enough people listened, heard and acted. Had we acted earlier, we would have saved both. So, it is a lesson for public administration, Government, Ministers and the Oireachtas to deal with issues when they arise, no matter how awkward, difficult or

revealing they are. It is about the courage to speak the truth, as well as the courage to listen and to act. As the report states, "...openness would probably have reduced the level of abuse: sunshine is the best disinfectant".

The report also offers lessons on what it calls "agency capture", that is, organisations funded by the State which dictated terms even though one would imagine that he who pays the piper calls the tune. These agencies argued that they were unable to meet standards because they were not receiving sufficient funds. They claimed, for example, they did not have the money to provide meat to children. This turned into a form of blackmail against the State and a means of excusing injustice, wrongdoing and the failure to meet standards. Echoes of these arguments can be heard today. To avoid this danger, a clear and accountable governance system is needed for agencies and organisations which receive substantial State funding so that resource limitations are not used as excuses for bad practice or management.

The Commission to Inquire into Child Abuse was a truth commission for Ireland. It revealed a truth that is both disturbing and shameful but it is infinitely better that the truth be told and the lessons learned for the sake of the abused and all our children, particularly vulnerable ones. If we could give to the born the level of care and concern rightly shown in some quarters to the unborn, we would serve this country better.

As a pupil of the convent in Goldenbridge, I was treated very well and had a good experience. However, I went home to my parents every evening. Many of my teachers were the same people who inflicted such awful pain and suffering on those held in their care. It is difficult to understand how these teachers could treat two students so differently simply because one went home every evening.

**Deputy Mary Alexandra White:** Today's debate addresses a truly horrific chapter in our country's history and the lessons we must learn as a nation, a country and a human race. The Ryan report documents systemic abuse in industrial schools, reformatory schools and other institutions spanning a period of decades. It chronicles shocking physical and emotional abuse, a climate of fear in the institutions concerned, the endemic sexual abuse of boys by abusers who were protected by their congregations and a catalogue of crimes against the most vulnerable of children, including the emotional abuse that disadvantaged, neglected and abandoned children suffered at the hands of staff in these institutions.

Children with learning and other impairments were even more powerless in the presence of those in authority. The report states:

Children with intellectual, physical and sensory impairments and children who had no known family contact were especially vulnerable in institutional settings. They described being powerless against adults who abused them, especially when those adults were in positions of authority and trust. Impaired mobility and communication deficits made it impossible to inform others of their 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.

Neglect and emotional abuse were widespread but the Department of Education took a deferential and submissive attitude to the religious orders and failed in its duty to inspect or regulate them. There was a lack of response to the complaints of those who were abused from either the congregational authorities or the Department. Complainants were not heeded, secular authorities were not alerted to cases of abuse by members of the religious orders and the Department generally dismissed or ignored their complaints.

[Deputy Mary Alexandra White.]

Two industrial schools were located in my constituency of Carlow-Kilkenny, St. Patrick's and St. Joseph's. The report states in regard to St. Patrick's that men who were employed in the school appeared to have ready access to small boys and that awareness was lacking about the risks posed by this. In St. Joseph's, two periods of serious sexual abuse were not adequately addressed. In the first period, the perpetrator was not reported to the Garda even though the Department confirmed the cases and no comfort was offered to the girls who were abused. In the second period, the Sisters of Charity were found to have failed to deal decisively with two abusers of boys. Both men went on to abuse again after leaving St. Joseph's.

I cannot help contrasting my own happy childhood in County Wicklow, sitting on haystacks beside my brothers and sister or doing my homework at the kitchen table in the expectation of cocoa and Marietta biscuits with the butter oozing out the little holes, with the horrendous beatings, floggings, sexual abuse, lack of love and lives full of terror experienced by the children in these institutions. The contrast is grotesque but this happened at the hands of the so-called guardians and pillars of the church who wore the soutane and the biretta and wielded the cane to abuse their positions of power and destroy lives.

However, we must recognise the parallel failures of the State during the period in question. The 1936 Cussen report, which recommended integration into the community of those in industrial schools, was not implemented until the 1960s. The Ryan report states that the industrial training afforded served the needs of the institutions rather than the children. This failing was only one of many.

The Ryan report's recommendations on child care policy and methods of evaluating the success or failure of services are all the more important when we consider that the Government is in the process of reforming early child care policy and provision. The findings of this report confront us with an enormous challenge in terms of examining the relationship between church and State both then and now. The report's final recommendation on the implementation of national guidelines for the protection and welfare of children is crucial. While I welcome the Government's commitment in this regard, it must also engage the Catholic church on its currently inadequate child protection guidelines. Guidelines which offer no input from the victims of abuse cannot be deemed adequate. Finally, I suggest that a day of remembrance be called by the Government. This would be an important occasion for us to remember what happened and to listen without interrupting and learn from those who for so many years never had a voice.

**An Leas-Cheann Comhairle:** This is a very important debate. I ask people in the Gallery to allow Members to make their contributions in this national Parliament on this most important issue without applause.

**Deputy Róisín Shortall:** I am glad to have several minutes to make a short contribution on this motion. Unfortunately, the limited amount of time allocated to the debate means that many Members who would have liked to make contributions do not have opportunities to do so.

I hope the publication of the Ryan report heralds an honest and sincere response from the State and the religious congregations which were responsible for the gross depravity and savagery inflicted by many of their members on the most vulnerable in our society. I am not sure, however, whether the current debate on this all-party motion is the correct way to deal with the issue. A lot of breast beating is going on, accompanied by talk that I find difficult to stomach. We should have dealt with the issue differently and I would have liked more honesty in the debate.

Regrettably, we continue to await a full acceptance of responsibility on the part of the State. The rewriting of history which Deputy Woods engaged in this morning is not helpful. Time does not allow me to provide the details but I utterly refute many of the Deputy's assertions. The agreement reached with the 18 congregations was grubby in the extreme. It entailed the State stepping in and taking on legal responsibility for clerical abuse not just in the distant past but up to 5 June 2002. Essentially, it was a cheap insurance policy for the perpetrators of criminal abuse and the fact the State was party to that is a disgrace. It flew in the face of modern day thinking on the need for those perpetrators to take responsibility for their actions and it is not until this requirement is satisfied that people can begin to recover. How can the survivors of abuse ever start to move on if the perpetrators of abuse continue to refuse to take responsibility for their actions?

The State, in reaching this deal with the 18 congregations, facilitated that avoidance of responsibility on the part of the congregations. The religious fought tooth and nail to limit their financial liability for this open-ended indemnity provided by the State. They succeeded in including in the deal many properties that had nothing whatsoever to do with redress. They put a €10 million price tag on their counselling services and that is a measure of the hard-nosed approach they took to this. This was not about atonement or seeking forgiveness or facing up to responsibility; this was about striking the toughest bargain they possible could. They had the State and the then Minister, Deputy Michael Woods, over a barrel and God did they strike a tough deal.

Seven years after that deal in the middle of 2009 they have yet to honour it. Incredibly, many of the properties have not yet been transferred and as of December last year less than 50% of those properties had been transferred. I am glad to say the Committee of Public Accounts continues to monitor this issue and we are seeking six-monthly reports from the Department of Education and Science to ensure the congregations live up to their responsibility and to ensure the Department ensures they live up to their responsibility. We will continue to do so until each and every one of those properties is fully transferred. Worst of all, the congregations are still more concerned with saving their own faces than in honest atonement. As recently as two weeks ago, some of those orders were still apologising "if" they caused hurt; in spite of all the money they spend on public relations and all of the spin in which they are engaged, they are still talking about apologising "if" they caused hurt. This country has serious questions to ask itself on the morality and legal liability of continuing to allow our education services and large parts of our health services to be controlled by organisations which have been proven to be systematically and systemically abusive, depraved, criminally violent and which have not yet faced up to that culpability.

We know that down through the years at political and senior official level in some Departments too many people were prepared to turn a blind eye. Worse than that, some senior officials facilitated and were complicit in the abuse. This was not just in the distant past; up to very recent years certain officials with responsibility in this area were moved around by more senior and political figures in those Departments, much in the same way as abusing priests and other religious were moved around by their superiors. Will the Taoiseach undertake to carry out an investigation into the manner in which senior officials in the Department of Education and Science in particular, but also within the Department of Justice, Equality and Law Reform, handled complaints about systemic abuse in our education and health services over the years up to the present? People who are still alive, some of them still in positions where they are paid by the State and others who have recently retired, have serious questions to answer in this regard. If we are serious about dealing with this, the Taoiseach will be determined to get to the root of it and to find out who are those officials responsible for facilitating this abuse. This is not something that happened in the long and distant past; it continued up to very recent

[Deputy Róisín Shortall.]

years and there is an onus on the Taoiseach to take responsibility to root out that attitude at certain levels in certain departments of the Civil Service. Will the Taoiseach give a commitment to ensure this happens?

I will ask three questions which members of the survivors' groups in the Gallery asked me to pose and they relate to an entirely different aspect of the issue. They are very anxious to find out the answers to them. Who decided to add a gagging clause to the redress board scheme? Who decided to add the threat of imprisonment if people spoke about their experience after having been before the redress board? Was it the former Attorney General, Michael McDowell, who was responsible for adding those two provisions? He is not in a position to make a statement in this House but I call on him to make a public statement on those provisions.

**Minister for Education and Science (Deputy Batt O'Keeffe):** As Minister for Education and Science, I want to apologise unreservedly for the way the Department of Education and Science failed children in residential institutions.

**Deputy Róisín Shortall:** What will you do about it? That is the question. It is not the apology; it is what the Minister will do about it now.

**An Leas-Cheann Comhairle:** Please allow the Minister to make his contribution.

**Deputy Batt O'Keeffe:** The report clearly shows how the Department failed to protect these children for whom it had a duty of care. Had the Department done its job properly, thousands of children would not have suffered the way they did. We failed them. We are all united in our abhorrence at the findings of this report and the sheer scale of the abuse which children experienced in these institutions over a long period of time. The then Taoiseach apologised in 1999. My Secretary General acknowledged the Department's failures at the commission's public hearings in 2006. I unreservedly reiterate that apology today.

I can only imagine the frustration of survivors up to this point when they tried to speak out and their claims were rejected or denied. This report unequivocally supports the stories told by those who were abused and highlights the pain, suffering and abuse to which they were subjected for most of their young lives. For many, the continuing pain has remained with them and blighted their lives to this day. The report lays bare the reality of life in these institutions and the neglect, fear, and abuse experienced daily in an environment which, in the main, did not even provide them with their most basic needs.

I commend all victims on their bravery in coming forward to the commission and divulging the most painful and traumatic events of their lives.

**Deputy Róisín Shortall:** For goodness sake spare us this. What are you going to do about it?

**Deputy Batt O'Keeffe:** I commend them on their persistence in ensuring the story was told, heard and, most importantly for the victims, that it was believed. Without them, this report would not have been possible nor could we have ever hoped to learn from the mistakes of the past. Their bravery and determination is a lasting tribute to those former residents who are no longer with us and whom we should remember at this time.

Today, above all other days, we must be humbled and contrite for the wrongs that have been inflicted on innocent lives. The American author, James Baldwin, once said, "Not everything that is faced can be changed but nothing can be changed unless it is faced". We have now faced the reality that thousands of young people lived in a regime that was harsh, severe and abusive. There is no denying it——

**Deputy Joan Burton:** It was savage.

**Deputy Batt O’Keeffe:** —but now, as a society, we will be judged on how we respond to this reality, learn from the mistakes of the past and ensure our children are protected and cared for.

**Deputy Michael D. Higgins:** And how we can reform the Department that covered it up.

**Deputy Batt O’Keeffe:** The Taoiseach, together with myself and other Ministers, met representatives of the survivors of abuse on 3 June during which the Taoiseach reiterated the Government’s full acceptance of all the recommendations in the commission’s report and that it is committed to their implementation. The groups were also advised that the Minister for Children and Youth Affairs will develop an implementation plan to be brought to Government by the end of next month.

In respect of my own Department, the erection of a memorial dedicated to all survivors, living and dead, has been already the subject of discussions with survivor groups and of consultation with the Office of Public Works.

**Deputy Róisín Shortall:** The Minister still does not get it, just like the religious orders.

**Deputy Batt O’Keeffe:** It is proposed to hold further discussions with the survivor groups to advance the implementation of this recommendation.

The report also made recommendations relating to education, counselling and family tracing services. Funding for education grants is available from the Education Finance Board which is funded by €12.7 million of the religious orders’ cash contribution. At the end of last year, some €7.35 million of this remained to be spent on education for former survivors and their families.

Funding has been provided to some survivor groups primarily for information and referral during the commission and redress processes.

**Deputy Róisín Shortall:** Put a price tag on that too.

**Deputy Batt O’Keeffe:** Last year, the Department provided funding to these groups as follows: Irish groups — €143,239 and UK groups — €428,312.

**Deputy Róisín Shortall:** That is an insult to the people in the Gallery.

**Deputy Batt O’Keeffe:** They will continue to be funded by my Department in the current year. Barnardos is being funded to provide a family tracing service for former residents, which is highly valued by them.

My Department will continue to consult with the survivor groups on the recommendations relating to education, counselling and family tracing services.

At the meeting on 3 June, the survivor groups paid tribute to the residential institutions redress unit of my Department. That unit will continue to be available to them as a point of contact as we pursue implementation of the report’s recommendations.

**Deputy Joan Burton:** Many people do not have trust in that.

**Deputy Batt O’Keeffe:** Deputies have raised the issue of the commission’s records. While, under the Act, decisions on the commission’s records are a matter for the commission, the commission has assured my Department that no action will be taken on these documents for some time. I assure the House that the Government supports the desirability of preserving, in so far as possible, these records for posterity.



[Deputy Batt O’Keeffe.]

A range of issues were raised by the survivor groups including contributions by the congregations, redress, future needs of the former residents, criminal records, counselling, therapy services and a memorial. Some of the issues raised by the survivor groups have been also raised——

**Deputy Róisín Shortall:** What about responsibility?

**Deputy Batt O’Keeffe:** ——by Deputies in the course of this debate. These and all of the other issues raised by them will now be given further consideration.

I do not want to move from focusing on the needs of the survivors. However, a number of comments were made by Deputies relating to my own Department with which I must deal.

**Deputy Michael D. Higgins:** That is right.

**Deputy Róisín Shortall:** Good.

**Deputy Batt O’Keeffe:** In a recent “Questions & Answers” programme on RTE, Michael O’Brien, a former resident, implored all of us to stop making a political football of this issue. I ask the same of Deputy Ruairí Quinn. Deputy Quinn has every right to engage in robust debate about current policies and structures and changes he considers are desirable. I would welcome such a debate. Deputy Quinn also has every right to express his views in this House on my performance as Minister or that of my Department. Deputy Quinn is right to point to areas where improvement is needed. I and my Department would agree with him in regard to some of that.

I accept it is a problem that the information sought by the Deputy is not readily available because of information technology and database inadequacies. I have already asked my Department to go through individual school files and compile the ownership information for all schools into an accessible format for presentation. However, I do not accept that Deputy Quinn has the right to use the privilege of this House to impugn the personal integrity and motivations of civil servants working in my Department or any other Department. His language and personal allegations about those civil servants would be risible if it were not for the serious context in which they were made.

**Deputy Michael D. Higgins:** But in the past senior civil servants hid this abuse. The Minister knows that.

**Deputy Batt O’Keeffe:** I want to put on the record of the House that in my year as Minister——

**Deputy Michael D. Higgins:** A former Secretary in the Department of Education said everything was wonderful in Daingean.

**An Leas-Cheann Comhairle:** Deputy, allow the Minister make his contribution.

**Deputy Batt O’Keeffe:** ——dealing with my Department’s civil servants, I have always found them to be motivated by a strong desire to make the best choice in the public interest.

**Deputy Róisín Shortall:** What does the Minister intend to do about the problem in his Department? Will he ask any questions?

**Deputy Batt O’Keeffe:** Far from the laziness and destructiveness Deputy Quinn alleges, I have found a huge commitment to their work and willingness to go the extra mile but I will not dwell on that matter today.

The focus of this all-party debate is on the serious issues covered in the Ryan report——

**Deputy Michael D. Higgins:** That is right.

**Deputy Batt O’Keeffe:** ——and our responsibilities to those former residents whom we failed in their childhood.

**Deputy Róisín Shortall:** What about the Minister’s responsibility and the role of his Department?

**An Leas-Cheann Comhairle:** Please Deputies, allow the Minister to make his contribution.

**Deputy Batt O’Keeffe:** However, I could not let such an unprecedented attack on the personal integrity of my staff lie unchallenged on the record of this House.

**Deputy Michael D. Higgins:** And nothing about the past.

**Deputy Batt O’Keeffe:** Deputy Brian Hayes suggested that my Department’s failure to co-operate with the commission in its early stages somehow contributed to the perceived delays in the commission publishing its report.

I will acknowledge that prior to 2003 some difficulties were encountered in my Department’s dealings with the Commission——

**Deputy Aengus Ó Snodaigh:** Some?

**Deputy Batt O’Keeffe:** ——especially in regard to complying with a small number of discovery directions. However, in this regard, the commission’s third interim report of December 2003 acknowledges some of the difficulties that were caused or contributed to by the committee, in that, for example, there was not sufficient clarity about what was sought or insufficient time was being allowed for compliance.

Furthermore, I would point out that in December 2003, in order to ensure that criticism of the Department’s responses to the commission was fully explored, the then Minister for Education and Science, Deputy Noel Dempsey, appointed an eminent QC and former chairperson of the Bar Council of England and Wales to conduct a review of the Department’s interaction with the commission. That report reached the conclusion that the difficulties over discovery were not due to obstruction or concealment but rather to poor historic record storage systems and misunderstandings about what was required. In all cases, my Department fully complied with the discovery directions. The issue of including day schools in the redress scheme was also raised.

I want to address the rationale behind the setting up of the redress scheme which was that children in institutions were separated from their parents and dragged from their homes while other family members watched on. Others spent years in these institutions, their only crime being that they had a single parent or a parent who could not feed them or look after them. They woke up in institutions, spent their full day in institutions and went to bed at night in the institutions. They had nobody to whom to talk or tell their stories nor did they have the benefit of the care and protection which children living with their families usually enjoy. In the case of abuse which occurs in day national schools, my Department has been found not liable for

[Deputy Batt O’Keeffe.]

such abuse by the Supreme Court judgment. This is not to say that the abuse suffered by persons in this setting is in any way less serious or abhorrent.

**Deputy Róisín Shortall:** However, the Minister is washing his hands of it.

**Deputy Batt O’Keeffe:** It simply means that the plaintiff is suing the wrong party in taking an action for damages against the State.

**Deputy Michael D. Higgins:** The Minister should put that on a memorial.

**Deputy Batt O’Keeffe:** Of course, for the State to accept liability in all such cases where it does not have a legal liability would be irresponsible in light of its duty to the taxpayer. A further consequence would be to distract from where that liability might lie. There have been some cases where my Department was made aware of allegations of abuse but did not take appropriate action. As a result, my Department accepted partial liability in those cases even though the abuse occurred in ordinary national schools.

I again reiterate the Government’s commitment to ensuring that the recommendations of the report are implemented in full and the needs of survivors are fully considered. I again reiterate the State’s apology. I commend the work of Mr. Justice Ryan, Ms Justice Laffoy before him and the members of the commission.

I hope that the full support of the House for this motion will be another acknowledgement of the acceptance by the people of the shameful manner in which these children were treated and that it demonstrates our united determination and commitment to ensuring that such appalling events will never be repeated.

Question put and agreed to.

The Dáil adjourned at 1.35 p.m. until 2.30 p.m. on Tuesday, 16 June 2009.