

Chapter 1

Establishment of the Commission to Inquire into Child Abuse (CICA)

1.01 On the 11th May 1999, the Government apologised to victims of child abuse and the Taoiseach, Mr. Ahern, announced the establishment of a commission of inquiry and other measures. In the course of a special statement, he said:

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

1.02 Mr Ahern went on to outline a number of measures, including the setting up of a Commission to Inquire into Childhood Abuse, chaired by Ms Justice Mary Laffoy, Judge of the High Court. Other measures that were announced included the establishment of a national counselling service for victims of childhood abuse, and the amendment of the Statute of Limitations, to enable victims of childhood sexual abuse to make claims for compensation in certain circumstances.

1.03 The Commission was initially established on a non-statutory, administrative footing, with broad terms of reference given to it by the Government, which had as its primary focus the provision of a sympathetic and experienced forum in which victims could recount the abuse they had suffered. The Commission was required to identify and report on the causes, nature and extent of physical and sexual abuse, with a view to making recommendations for the present and future.

1.04 The Commission made two reports to the Government, in September¹ and October² 1999, outlining how these terms of reference could be implemented, and its recommendations were embodied in the Commission to Inquire into Child Abuse Bill, 2000 which was published in February of that year. The Commission was established on 23rd May 2000 pursuant to the Commission to Inquire into Child Abuse Act, 2000 as an independent statutory body. This Act was subsequently amended by the Commission to Inquire into Child Abuse (Amendment) Act, 2005 (the Act of 2005).³ The Act of 2000 is referred to as the 'Principal Act'.

1.05 The principal functions conferred on the Commission, as laid down in section 4(1) of the Principal Act of 2000 and as amended by section 4 of the 2005 Act, were:

- (1) (a) to provide, for persons who have suffered abuse in childhood in institutions during the relevant period, an opportunity to recount the abuse, and make submissions, to a Committee,
- (b) through a Committee—
 - (i) to inquire into the abuse of children in institutions during the relevant period,

¹ Commission to Inquire into Child Abuse, Initial Report on Terms of Reference, 7th September 1999.

² Commission to Inquire into Child Abuse, Report on Terms of Reference, 14th October 1999.

³ Amendments were also made by the Residential Institutions Redress Act, 2002: See Section 32.

- (ia) to inquire into the manner in which children were placed in, and the circumstances in which they continued to be resident in, institutions during the relevant period,
- (ii) to determine the causes, nature, circumstances and extent of such abuse, and
- (iii) without prejudice to the generality of any of the foregoing, to determine the extent to which—
 - (I) the institutions themselves in which such abuse occurred,
 - (II) the systems of management, administration, operation, supervision, inspection and regulation of such institutions, and
 - (III) the manner in which those functions were performed by the persons or bodies in whom they were vested,

contributed to the occurrence or incidence of such abuse,

and

- (c) to prepare and publish reports pursuant to section 5.

(2) Subject to the provisions of this Act, the inquiry under subsection (1) shall be conducted in such manner and by such means as the Commission considers appropriate.

(3) The Commission shall have all such powers as are necessary or expedient for the performance of its functions.

- (4) (a) The Government may, if they so think fit, after consultation with the Commission, by order confer on the Commission and the Committees such additional functions or powers connected with their functions and powers for the time being as they consider appropriate.
- (b) The Government may, if they so think fit, after consultation with the Commission, amend or revoke an order under this subsection.
- (c) Where an order is proposed to be made under this subsection, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made unless a resolution approving of the draft has been passed by each such House.

(5) The Commission may invite and receive oral or written submissions.

(6) In performing its functions the Commission shall bear in mind the need of persons who have suffered abuse in childhood to recount to others such abuse, their difficulties in so doing and the potential beneficial effect on them of so doing and, accordingly, the Commission and the Confidential Committee shall endeavour to ensure that meeting of the Confidential Committee at which evidence is given are conducted

- (a) so as to afford to persons who have suffered such abuse in institutions during the relevant period an opportunity to recount in full the abuse suffered by them in an atmosphere that is sympathetic to, and understanding of, them, and
- (b) as informally as is possible in the circumstances.

1.06 The term 'abuse' was defined by the legislation:⁴

- (a) the wilful, reckless or negligent infliction of physical injury on, or failure to prevent such injury to, the child,
- (b) the use of the child by a person for sexual arousal or sexual gratification of that person or another person,

⁴ Section 1 of the Principal Act, as amended by section 3 of the 2005 Act.

- (c) failure to care for the child which results, or could reasonably be expected to result, in serious impairment of the physical or mental health or development of the child or serious adverse effects on his or her behaviour or welfare, or
- (d) any other act or omission towards the child which results, or could reasonably be expected to result, in serious impairment of the physical or mental health or development of the child or serious adverse effects on his or her behaviour or welfare.

The legislation governing the Commission is set out in the Appendices at Vol V.

The structure of the Commission

- 1.07** The Commission comprised two separate and distinct Committees which were required to report separately to the Commission as a whole: the Confidential Committee, and the Investigation Committee. Members of the Commission were assigned to one or other Committee. They could not be members of both.
- 1.08** The principal functions of the Confidential Committee,⁵ as laid down in section 15(1) in the Principal Act as amended by section 10 of the 2005 Act, were:
- (a) to provide, for persons who have suffered abuse in childhood in institutions during the relevant period and who do not wish to have that abuse inquired into by the Investigation Committee, an opportunity to recount the abuse, and make submissions, in confidence to the Committee,
 - (b) to receive evidence of such abuse,
 - (c) to make proposals of a general nature with a view to their being considered by the Commission in deciding what recommendations to make and
 - (d) to prepare and furnish reports.⁶
- 1.09** The specific mandate of the Confidential Committee was to hear the evidence of those survivors of childhood institutional abuse who wished to report their experiences in a confidential setting. The legislation provided for the hearings of the Confidential Committee to be conducted in an atmosphere that was as informal and as sympathetic to, and understanding of, the witnesses as was possible in the circumstances.⁷
- 1.10** The Confidential Committee heard from 1,090 witnesses who applied to give oral evidence of abuse they experienced in Irish institutions. Volume III contains the part of the Report that is based on evidence received by the Confidential Committee.
- 1.11** The principal functions of the Investigation Committee,⁸ as laid down in section 12 of the Principal Act, which was amended by section 7 of the Act of 2005, were:
- (a) to provide, as far as is reasonably practicable, for persons who have suffered abuse in childhood in institutions during the relevant period, an opportunity to recount the abuse and other relevant experiences undergone by them in institutions,
 - (aa) to inquire into the manner in which children were placed in, and the circumstances in which they continued to be resident in, institutions during the relevant period,
 - (b) to inquire into the abuse of children in institutions during the relevant period,
 - (c) to determine the causes, nature, circumstances and extent of such abuse, and

⁵ Section 15(1) of the Principal Act, as amended by section 10 of the 2005 Act.

⁶ Section 16 of the Principal Act as amended by section 11 of the 2005 Act.

⁷ Section 4(6) as substituted by section 4 of the 2005 Act.

⁸ Section 12(1) of the Principal Act, as amended by section 7 of the 2005 Act.

- (d) without prejudice to the generality of any of the foregoing, to determine the extent to which—
- (i) the institutions themselves in which such abuse occurred,
 - (ii) the systems of management, administration, operation, supervision and regulation of such institutions, and
 - (iii) the manner in which any of the things referred to in subparagraph (ii) was done,⁹ contributed to the occurrence or incidents of such abuse,
- and
- (e) to prepare and furnish reports pursuant to section 13.

1.12 The powers of the Investigation Committee¹⁰ were, inter alia:

- to direct the attendance of witnesses,¹¹
- to direct the production of documents,¹² and
- to give such other directions that appear to be reasonable, just and necessary.¹³

1.13 The Investigation Committee also had the power:

- to require the discovery of documents,¹⁴
- to furnish interrogatories (or questions) which must be replied to,¹⁵ and
- to require parties to admit facts, statements and documents.¹⁶

1.14 The evidence obtained was presumed to be prima facie evidence of the matters to which it related.¹⁷ Finally, the Investigation Committee also had the power to take evidence of a person's conviction for abuse of a child as evidence before the Committee of that abuse.¹⁸

1.15 The Principal Act also provided penalties, similar to those applying to contempt of court provisions, for failure to comply with directions of the Committee.¹⁹

1.16 Section 13 of the Principal Act, as amended by section 8 of the 2005 Act, dealt with the report of the Investigation Committee, and provided that the report:

- (a) may contain findings that abuse of children, or abuse of children during a particular period, occurred in a particular institution and may identify—
 - (i) the institution where the abuse took place, and
 - (ii) the person or, as the case may be, each person who committed the abuse but only if he or she has been convicted of an offence in respect of abuse,
- (b) may contain findings in relation to the management, administration, operation, supervision and regulation, direct or indirect, of an institution referred to in paragraph (a), and
- (c) shall not contain findings in relation to particular instances of alleged abuse of children.

⁹ Section 12(1)(d)(iii), as amended by section 7(c) of the 2005 Act.

¹⁰ Section 14, as amended by section 9 of the 2005 Act.

¹¹ Section 14(1)(a) of the Principal Act.

¹² Section 14(1)(b)–(d) of the Principal Act.

¹³ Section 14(1)(e) of the Principal Act.

¹⁴ Section 14(8) of the Principal Act, as inserted by section 9 of the 2005 Act.

¹⁵ Section 14(9) of the Principal Act, as inserted by section 9 of the 2005 Act.

¹⁶ Section 14(11) of the Principal Act, as inserted by section 9 of the 2005 Act.

¹⁷ Section 14(10) of the Principal Act, as amended by section 9 of the 2005 Act.

¹⁸ Section 14(14) of the Principal Act, as inserted by section 9 of the 2005 Act.

¹⁹ Section 14 of the Principal Act, as amended by section 9 of the 2005 Act.

- 1.17** The importance of the 2005 Act was that it amended Section 13²⁰ of the Principal Act so that the Investigation Committee could no longer identify a person it believed had committed abuse unless that person had been convicted by a court.
- 1.18** The term ‘institution’ was defined by the legislation to include:
a school, an industrial school, a reformatory school, an orphanage, a hospital, a children’s home and any other place where children are cared for other than as members of their families.²¹
- 1.19** The ‘relevant period’ of the inquiry was from 1940 to 1999, but the Commission had power to extend it in either direction. The Commission exercised this power for the Investigation Committee by extending the beginning of the period back to 1936, by a decision of 26th November 2002. The relevant period for the Confidential Committee was determined to be between 1914 and 2000, being the earliest date of admission and the latest date of discharge of those applicants who applied to give evidence of abuse to that Committee.
- 1.20** The Third Interim Report set out the history of the Commission from its inception as a statutory body in 2000 to the suspension of the operations of the Investigation Committee and the resignation of Ms Justice Laffoy which was announced in September 2003. Ms Justice Laffoy stood down on 12th January 2004 (see Appendix II).

Appointment of new chairperson to the Commission

- 1.21** On 26th September 2003, the Minister for Education and Science announced the appointment of Mr Sean Ryan S.C. as chairperson designate of the Commission to succeed Ms Justice Laffoy. The Government requested Mr Ryan to undertake his own independent review of the Commission and to make all necessary recommendations having regard to:
- the interests of victims of abuse
 - the requirement to complete the Commission’s work within a reasonable timeframe, which would be consistent with the needs of a proper investigation so as to avoid exorbitant costs.
- 1.22** Mr Justice Ryan furnished his review of the workings and procedures of the Commission in November 2003.
- 1.23** In summary, he concluded that there were major problems facing the Investigation Committee. If it were to continue unchanged, there would be no prospect of its work being completed within a reasonable time and at an acceptable cost. He suggested a number of changes that were needed to overcome the problems:
- (a) Amendments to the 2000 Act so as to focus the Investigation Committee on its core function, which was to inquire into abuse of children in institutions.
 - (b) Changes to procedures which would enable allegations to be heard in logical units for hearings (Modules).
 - (c) Publication of interim reports as the work proceeded.
 - (d) Establishment of ‘trust’ between the parties as to the fairness of the hearings.
- 1.24** The work of the Investigation Committee was suspended from September 2003 until March 2004. Judgment was awaited in a High Court action brought by the Christian Brothers. This case sought

²⁰ Section 13 of the Principal Act, as amended by section 8 of the 2005 Act.

²¹ Section 1(1) of the Principal Act.

judicial determination, inter alia, of the constitutionality of the Investigation Committee's approach to making findings of abuse against elderly or deceased Brothers or those who could not properly answer the allegations.

1.25 The work of the Confidential Committee continued throughout this time.

The work of the Investigation Committee post-2003

1.26 The Investigation Committee began in March 2004 to engage in widespread consultations, to see if an agreed way forward could be found. The aim was to accommodate the 1,712 complainants who had come forward by that time, together with respondent witnesses, within a reasonable timeframe.

1.27 The Investigation Committee's legal team met with representatives of over 20 special interest groups representing complainants, and no consensus emerged.

1.28 The legal team explained to the groups the practical and logistical problems the Investigation Committee would face if every single person who complained to it were to be heard. The representatives were opposed to any form of selection of witnesses, even though they had no solution to the problems that the requirement to hear every witness imposed.

1.29 The Investigation Committee also met the solicitors representing complainants. A further complicating factor was that not all firms of solicitors were willing to communicate with the legal team as a collective group. This may give some idea of the difficulties that the Investigation Committee faced in trying to get the Inquiry restarted.

1.30 The Committee also had meetings with different groups representing respondents against whom allegations of abuse had been made, to apprise them of the situation, to seek agreement, and to invite their suggestions.

1.31 There was no agreement or any realistic proposal acceptable to all of the stakeholders as to how to proceed. However, these meetings revealed a general acknowledgement of the difficulties that had to be overcome. There was consensus as to the problems, even if the solutions were elusive. The various stakeholders expressed goodwill towards the Committee and its efforts to make progress. They were, in addition, reconciled to the fact that they were not going to achieve all that they wanted, and that the Investigation Committee would be obliged to decide on a way forward if no agreement emerged. The majority of the representatives recognised that the Committee had gone to considerable lengths to explore possible solutions and agreement on how to proceed with the Inquiry.

The Investigation Committee Policy Paper – May 2004

1.32 At a public meeting held in the Shelbourne Hotel in Dublin, on 7th May 2004, the Investigation Committee announced its intention to make significant changes to deal with the obstacles to its work. The chairperson set out proposals for hearing selected witnesses in the investigation of institutions that had the largest number of complaints made against them; however, the larger institutions had far more complainants wishing to give evidence.

1.33 At that point in May 2004, the length and form that the hearings would take was difficult to assess. It was not known what, if any, objections were going to be raised. These uncertainties gave rise to some concern in the Investigation Committee, particularly in relation to larger institutions, and whether all hearings could be completed within a reasonable time. This would leave other potential witnesses out of the investigative process.

- 1.34** For most of the smaller institutions (i.e. those against whom a small number of complaints had been made), the Investigation Committee believed it could hear all those who had notified the Committee of their intention to give evidence and who had then followed up with statements.
- 1.35** At the meeting on 7th May 2004, the Committee published and circulated a position paper on the question of ‘naming and shaming’ abusers, which stated that the Inquiry was not going to be able to complete its work if it proceeded on the basis of naming abusers. The document suggested that, because of difficulties of proof, there would probably be many abusers in respect of whom the evidence fell short. There were risks that people not guilty of abuse could be named. A further point was the disparity that would exist between people who were named – necessarily, a limited number – and the larger cohort of people who had indeed committed abuse (as a matter of probability) but who were not named. These and other points were made in proposing the policy that the Investigation Committee would not name abusers in the report, and would proceed with the investigation on that basis.
- 1.36** Time was allowed for submissions to be made, and all parties were asked to assist the Investigation Committee with suggestions that would allow the process to move forward. No substantial submissions were received in respect of the policies outlined above.
- 1.37** At a further meeting in June 2004, the Committee announced its decision to proceed on the basis of selection of witnesses for the hearings. This applied only to the larger institutions, which were Artane, Letterfrack, Ferryhouse, Upton and Daingean. The policy of not naming abusers was applied generally.
- 1.38** The Commission sought amendments to the legislation to incorporate these changes, and these were set down in the Act of 2005.
- 1.39** The Investigation Committee at this time wrote to all complainants/solicitors to ascertain the number of complainants who wished to proceed with their application to be heard. As a result of this, 143 complainants withdrew their request to give evidence to the Investigation Committee, while 174 other complainants transferred to the Confidential Committee.
- 1.40** The Investigation Committee then proceeded with the work of the Inquiry.

The Emergence hearings

- 1.41** The Emergence hearings began in June 2004. They were held in public at the Distillery Building, Church Street, Dublin 7. The function of these hearings was:
- to re-commence the work of the Investigation Committee,
 - to place the work of the Investigation Committee in historical context,
 - to understand the reasoning behind the Government’s public apology,
 - to understand the Government’s decision to institute a Scheme of Redress,
 - to understand the reason why the Religious Congregations came to contribute to the Redress Scheme, and why some of them had also issued public apologies,
 - to understand the reasons why support/survivor groups were set up, and how they were organised.
- 1.42** The Commission wanted to assure the public and the various stakeholders that the work of the Commission was resuming in full. The hearings were scheduled for June and July 2004, and took place over a period of about four weeks.

1.43 In advance of the Emergence hearings, the Investigation Committee's legal team wrote to representatives of the State institutions, the Religious Congregations, and to survivor groups, setting out the types of questions that the Investigation Committee wished to explore. In the case of the State and Religious Congregations, the Investigation Committee asked questions on the following issues:

- (a) insofar as the body concerned has ever issued a public apology in respect of child abuse, the reasons for issuing such an apology;
- (b) the reasons why the body contributed to the Redress Fund;
- (c) the timing and manner in which allegations of child abuse emerged as an issue in respect of institutions under the management or regulatory control of the body;
- (d) a brief account of the protocols or procedures, which were in place from time to time within the body which were designed to prevent, investigate or deal with allegations of child abuse;
- (e) the extent to which the body made enquiries as to how other similar institutions, whether in Ireland or abroad, dealt with such matters and, if so, the result of such enquiries; and
- (f) the extent to which any enquiries carried out within the organisation (concerning whether there was child abuse within the institutions managed or regulated by it) led to it forming a view that such abuse did occur, together with the extent to which any such view may have contributed to (a) and (b) above.

1.44 In the case of the survivor groups, the Investigation Committee asked questions on the following issues:

- (a) the timing and manner in which allegations of and knowledge of child abuse emerged as an issue in Ireland;
- (b) how the group was formed;
- (c) by whom the group was formed;
- (d) when the group was formed;
- (e) who were the group's members (in general terms without any individuals being named);
- (f) how did the group's members come to join the group;
- (g) what the group had done since its formation; and
- (h) how the group was funded.

1.45 There was a very positive response to these questionnaires, and the Committee received comprehensive statements from the various State agencies, the Religious Congregations, and the survivor groups. Statements were received from the Department of An Taoiseach, the Department of Finance, the Department of Justice, Equality and Law Reform, the Department of Education and Science, and the Department of Health and Children. Statements were received from all of the 18 Religious Congregations that contributed to the Redress Fund, and statements were received from 10 survivor groups.

1.46 In order to place the emergence of child abuse as an issue in Irish society in its historical context, the Investigation Committee invited Dr Eoin O'Sullivan, Senior Lecturer in Social Policy at the Department of Social Work and Social Policy, Trinity College, Dublin, to give evidence, and this is included in the historical overview.

State evidence

- 1.47** In order to explore the State's response to the emergence of child abuse as an issue, the Committee called the Taoiseach, Government Ministers and senior department officials to give evidence.
- 1.48** In his evidence at the Emergence hearings, Mr Tom Boland, who was then Head of Legal Affairs at the Department of Education and Science, provided a chronological account of the manner in which the issue of child abuse was dealt with in his Department from 1998 to 2002. He stated that institutional abuse first came to the attention of the Department of Education and Science as an issue that they would have to deal with, as a result of the increase in the number of legal cases being taken against the Department. There was also an increase in the number of Freedom of Information requests coming into the Department from former residents seeking access to their records. More generally, the Department was also aware of the fact that institutional abuse had become a major public issue, following the broadcast of television programmes such as 'Dear Daughter'²² and 'States of Fear'.²³
- 1.49** Mr Boland said that the then Minister for Education and Science, Mr Micheál Martin, brought the issue of institutional child abuse to Cabinet for the first time on 31st March 1998, and the issue of litigation by former residents of reformatories and industrial schools. There was a general discussion at that meeting as to how the State might best respond to the emerging question of institutional child abuse. There was some discussion of the possibility of dealing with the issue through a Commission process, but at that stage the focus was on establishing a scheme that would provide counselling for the victims of abuse. The matter was not significantly progressed during 1998, but it was raised informally at a number of Cabinet meetings throughout that year.
- 1.50** In December 1998, the Government decided to establish a Cabinet Sub-Committee to deal with the issue of child abuse in institutions. The Committee was chaired by the Minister for Education and Science and was composed of the Tánaiste, the Ministers for the Marine and Natural Resources, Health and Children, Social, Community and Family Affairs, Justice Equality and Law Reform, the Attorney General, and the Minister of State at the Department of Justice, Equality and Law Reform.
- 1.51** Mr Boland said that the Cabinet Sub-Committee's remit '*was to bring forward proposals to Government on how to deal with the issue of sexual abuse*'. However, according to Mr Micheál Martin, the then Minister for Education and Science, its remit was wider and '*not just sexual abuse, but the, I suppose, the broad abuse of children*'.
- 1.52** The Cabinet Sub-Committee immediately established a Working Group composed of the Secretaries General and related officials from all of the Departments involved. It furnished its report to the Cabinet Sub-Committee on 28th April 1999. The report was entitled 'Measures to Assist Victims of Childhood Abuse'. On 10th May 1999, the Government agreed the following proposals:
- Establish a Commission to Inquire into Child Abuse.
 - Legislate within the then Dail session to extend the concept of disability under the Statute of Limitations to victims of child sexual abuse who, because of that abuse, were unable to bring claims within the normal limitation period.

²² 'Dear Daughter' was a dramatised programme broadcast in 1996 by RTE which featured Goldenbridge Industrial School.

²³ There were three programmes broadcast by RTE in 1999 in the 'States of Fear' series: 'Industrial Schools and Reformatories from the 1940s–1980s', 'The Legacy of Industrial Schools', and 'Sick and Disabled Children in Institutions'.

- Immediately refer the issue of limitation periods as they applied to non-sexual childhood abuse to the Law Reform Commission.
- Establish, over as short a timescale as practical, a dedicated professional counselling service.
- Provide for an effective programme of publicity for these services.
- Prepare and publish as soon as possible a White Paper on mandatory reporting of sexual abuse of children.
- Prepare the legislation for the establishment of a sex offenders' register as a matter of high priority.
- Apologise to victims of childhood abuse.
- The Cabinet Sub-Committee to meet regularly, to review the implementation of the different elements of this decision.
- Accept the principle of the Labour Party Private Member's Bill to amend the Statute of Limitations, but in the context that the Government was progressing its own comprehensive programme of measures, including legislation, in relation to child sexual abuse.

1.53 Mr Boland explained the policy basis for the various child abuse measures adopted by the Working Group:

A point had come where there was a general acceptance in political and administrative circles that that process was not acceptable anymore, and that society and Government needed to engage with this problem in a much more proactive way. In the interests of the survivors of abuse themselves very definitely, but also in the interest of Irish society, that the boil of past abuse, if you like, would be lanced and we would find some answers as to what happened and explanation as to what happened.

1.54 He said that this view was informed by 'a folk memory, if I could use that word, that industrial and reformatory schools were very harsh places', and also by the report of the Kennedy Committee, the media and, in particular, the 'Dear Daughter' RTE television programme. Mr Boland's view was further informed by meetings with former residents and, to a limited degree, the work done by Dr Gerry Cronin, a social historian appointed by Minister Martin to review the Department's files.

1.55 On 11th May 1999, the Taoiseach, Mr Ahern, announced the Government measures relating to childhood abuse, as set out above. At the same time, he stated that '*the starting point for this is simple, but fundamental. We must start by apologising*'.

1.56 In his evidence to the Investigation Committee, the Taoiseach described the thinking behind the apology:

Well, it was the State has let you down, the State should have done better. There were reasons why it didn't, but they weren't in our view justifiable. While times were different and it is never a good thing to try to put policy today to what policy would have been on another day, we still felt in this case that we had left a section of our community, who were vulnerable, exposed in a way that would affect their lives. While all of the other measures in the report were measures of guidance, help, assistance and therapeutic and all of the rest, that sympathy wasn't just the only thing we could do, we actually had to express it in a way that the State does not normally do. These were our people, these were issues that were perpetrated against them and while not giving a judgment on any of the institutions or what people in the institutions were trying or trying not to do, obviously there were circumstances, circumstances of staff and resources and God knows what, and mentality of people. The reality is we were dealing with a group of victims who were

decent honourable people, who had suffered and deserved the State's best apology the State could give. The best way of doing that, whether it is always accepted or not in life, is to do what you do in your own life, you would say sorry, and that is what we set out to do.

1.57 Mr Micheál Martin, the Minister for Education and Science at the time, said:

Basically, I felt at the time that if we stopped short of issuing an apology from the perspective of the survivors it would have been a devastating blow. The package for a lot of them would have been meaningless if there wasn't that State recognition that what was done to us was wrong and do you please believe us.

1.58 The Taoiseach, Mr Ahern, told the Investigation Committee that the apology was his and Minister Martin's idea:

Yes, in fairness to the Working Group, I don't think they ever discussed the issue of the apology. The apology, Chairman, I remember how the apology [came] around very clearly, because while all of the issues that we were talking about; professional help and caring and trying to assist these people back who had been badly dealt with by the State in our view, the hurt was not going to be removed unless you said sorry. It was my view and Minister Martin's view, we made the decision.

1.59 This was borne out by the evidence of Mr Tim Dalton, former Secretary General to the Department of Justice, Equality and Law Reform. Mr Dalton said that the apology did not emanate from the Working Group, it was a political decision:

It emanated at Cabinet level subsequently ... While the apology was very much in line with what the working group was saying the apology, as a matter of fact, arose later. Yes.

1.60 He continued:

I mean the Committee's working group's report emphasized the need for what was described as a proactive approach, a sympathetic approach, and an apology would have been very much in line with that. Although as a matter of fact the apology came up subsequently.

1.61 The Taoiseach and Minister Martin described meetings they had with former residents of reformatory and industrial schools at this time. The Taoiseach told the Investigation Committee:

I had met a number of the individuals, individuals who lived in my own constituency and elsewhere as you travel around who made me aware of what they hoped and the concerns they had and, obviously, wanted to see us taking action, and I think were happy to see that we had set up a Cabinet Committee and that we had set up a Working Group that was representative of our most senior public servants ... They wanted to see a Government do something about it, they wanted a forum where they could express themselves if they wished to do, some of them did, some of them didn't, and where they would be able to put forward what had happened in their lives, what had happened in institutions that they were sent to, as they saw it, totally as a matter of State action. They wanted to see us do something about correcting the hurt that they suffered.

1.62 He continued:

I met a number of these groups and met a number of individuals. I think I can say without exception, they struck me as being entirely genuine, entirely trustworthy and asking me for help, asking for assistance and wanting us to do it because many of them, it had been a long time since they left these institutions and their lives had been affected. Even those of them who had moved on and where their life was together, they believed that this was a hurt that had not been corrected and they were urging us to deal with it comprehensively.

1.63 Minister Martin said that he first became aware of the issue of institutional abuse in his ministerial capacity in early 1998. Prior to his appointment, he had watched the two television programmes 'Dear Daughter' and 'States of Fear', and these programmes, particularly 'States of Fear', had a profound impact on him. He told the Committee that, having viewed this programme, '*... I was left with the view they can't all be wrong, they can't all be false stories*'.

1.64 Mr Boland explained the factors that led to the establishment of the Commission to Inquire into Child Abuse in 1999:

First of all, I think of primary concern for the sub committee would always have been the victims themselves. The objective of a Commission would be that it would provide a place where they could tell the account of their lives to a sympathetic panel. That element of having a sympathetic panel was always very important in the whole process of the Commission. The hope was that in this way victims of abuse could be reassured that the abuse they suffered was wrong and was utterly condemned by Irish society. There was a very strong demand for that kind of listening forum from the victims themselves.

In addition then it was felt that a Commission could begin a process for victims of abuse whereby they would feel more able to approach the institutions that were there for professional help so that they could work through their pain and trauma.

For Irish society the idea was – and this is rather like a truth Commission – that it would establish for Irish society precisely what happened and establish as complete a picture as possible of the causes, nature and extent of childhood abuse including why it happened and also who was responsible. It was very much an important factor that the Commission would establish at least at an institutional level what institutions were responsible for what happened. It was also felt that this kind of process would help Irish society to come to terms with a very negative, very black period in our history. And it would also give to those who were involved in running the institutions, primarily the religious congregations, an opportunity to put their side of the case and show that in some cases, and maybe even in many cases – that is a judgment for the Commission – that in fact they did good service for the State too.

Perhaps this might have been a bit naive, but nevertheless it was an opportunity for perpetrators of abuse, particularly those who felt appalled by what they had done, to come forward and to give them an opportunity to relieve themselves of their burden. Very, very importantly then a Commission would make recommendations for the future as to how to prevent this happening again and what to do for victims of abuse going on into the future.

1.65 Later in his evidence, Mr Boland went on to discuss how the issue of compensation came into consideration. He said that '*a compensation scheme was very much in policy minds from a very early time*', but the Government had taken the view that they would deal with it once the Commission had concluded its work. On 20th July 2000, the chairperson of the Commission informed the Department of Education and Science that a number of solicitors representing clients who alleged having suffered abuse as children had adopted a position, whereby they would advise their clients not to cooperate with the Commission until the issue of compensation was dealt with. The chairperson expressed the view that this would have serious implications for the Commission's ability to carry out its task, and asked the Government to make a decision in principle in relation to the setting-up of a compensation scheme as quickly as possible. On 27th September 2000, the chairperson criticised the lack of action in relation to the issue of compensation at a public sitting of the Commission. On 3rd October 2000, the Government decided to agree in principle:

- to set up a compensation scheme,
- that the definition of abuse for the purposes of the scheme would be the same as in the Commission legislation,

- that compensation would be paid on an ex-gratia basis, without establishing liability on the part of State bodies, but subject to the claimant establishing to the satisfaction of the body that he or she had suffered abuse and resulting injury, and
- that the amount of compensation would be broadly similar to that which would be awarded to a claimant had he or she pursued successfully a claim for damages in the courts.

1.66 Mr Boland outlined the policy basis for the compensation scheme:

I suppose there were a number of reasons ... Allowing cases to proceed to litigation from a survivor's point of view and from a social point of view was simply the wrong thing to do in the view of Government. It would negate any real sense of meaning from the apology on behalf of the Irish Nation if then people who wanted to get compensation for the abuse they had suffered had to go through an extraordinarily lengthy process in the High Court. There was also of course the fact that many of those cases would fail not because they didn't suffer injury and not because they had not been injured, but because of what might be regarded as technical rules of evidence. And that was not acceptable to Government either. There was a pure operational issue for the courts. 800 cases at that stage, maybe a couple of thousand. Now we think maybe a few thousand. The effect it would have had on the administration of justice or from the court system would be enormous.

1.67 Mr Boland pointed out that, in developing a policy on the compensation scheme, the Government carried out a comprehensive review of the practice in other jurisdictions.

1.68 Following a consultation process, the Minister for Education and Science returned to Government with a set of proposals for legislation, which subsequently became the Residential Institutions Redress Act, 2002 (the Act of 2002).

1.69 Mr Boland discussed the indemnity agreement²⁴ with Religious Congregations and issues of apportionment of liability. He said that the Government's action in setting up the scheme was not motivated to any significant extent by considerations of legal liability or culpability:

the Government determined upon a redress scheme with an approach that said this was to be done regardless of the involvement of anybody else. And it was to be done by the State paying for full compensation. This was seen as an issue for Irish society. It was an issue that had to be dealt with fully and firmly for once and for all. Therefore, the most effective way in which Government could achieve that was that to take responsibility for it, and that is what it did. So the scheme was to be fully funded by the State. That was the starting position. And full awards were to be paid.

1.70 He explained to the Committee how the Congregations became involved in making a contribution to the scheme:

Clearly there would always be a difficulty in the minds of many people, not least those who had suffered abuse, if the Congregations had no involvement at all in the compensation scheme. Therefore it was felt as a policy objective desirable that they would be involved. And in fairness to them they said quite early on that they would like to make a meaningful contribution to the scheme. That was finally decided with them and Government made a decision on that basis. But the scheme was going ahead in any event.

²⁴ Under the terms of the indemnity agreement reached with the Religious Congregations on 5th June 2002, the Congregations agreed to make a contribution of €128 million towards the redress scheme. This was broken down as follows: cash contribution €41.14 million; provision of counselling services €10 million and property transfers €76.86 million.

1.71 The indemnity agreement between the State and CORI provided for the 18 Religious Congregations to make a contribution of €128 million to the Residential Institutions Redress Fund. In return, the Government agreed to grant an indemnity to the Religious Congregations that were parties to the agreement. However, the indemnity agreement of 5th June 2002 was not based on any apportionment of responsibility for abuse.

1.72 Dr Michael Woods was appointed Minister for Education and Science on 27th January 2000, at which stage the Taoiseach had issued his apology and the decision had been taken to establish the Commission to Inquire into Child Abuse. During his time as Minister for Education and Science, Dr Woods was responsible for bringing proposals to Government regarding the Redress Scheme, subsequently the Act of 2002 and the indemnity agreement with the Religious Congregations.

1.73 Dr Woods gave evidence at the Emergence hearings, where he noted that Mr Boland had dealt comprehensively with the Redress Scheme in his evidence but commented briefly on the matter himself. He told the Investigation Committee that the more he became involved in the process following his appointment as Minister for Education and Science, the more he became *'acutely aware of the issues and the problems which were faced by the victims'*. Dr Woods said *'that the early establishment of the scheme was seen as (a) greatly reducing the stress of survivors of abuse and, (b) it was to facilitate the progress of the Commission'*. He said that the involvement of the Congregations was seen by the State as a desirable policy objective but stressed:

as far as the State was concerned it was very firm in its decision that the State was going ahead in any event with the Redress Scheme. That it was the right way to go.

1.74 Dr Woods said that part of the Government's desire to get the Congregations to contribute was to bring about a situation where there was closure to the whole issue of past institutional abuse.

Religious Congregations' evidence

1.75 The two major topics for the Religious Congregations at the Emergence hearings were the contributions they made to the State Redress fund of compensation to victims and the apologies that many of them issued. Contributions to the State fund posed much less of an issue or a problem for them than the question of apology. They were largely in agreement on compensation. Negotiations were carried out on their behalf by the Conference of Religious of Ireland (CORI), which is an umbrella organisation for the various Religious Congregations in Ireland. The agreement reached was favourable to the Religious Congregations, but the Investigation Committee was not concerned with the wisdom or reasonableness of the agreement reached.

1.76 It might have been thought that Congregations who contributed to the fund were in effect conceding that there had been some abuse in their institutions. The agreement did not require them to do so, but the mere fact of payment into the fund, in return for an indemnity in respect of any actions that might be taken, could have been regarded as an expression of some kind of admission or acknowledgement, but it was said not to be the case.

1.77 The position with regard to apologies was more complicated. Some Congregations issued apologies and some did not. Those that issued apologies used a variety of different expressions. Through their spokespersons, they testified to the good intentions that lay behind the apologies. Some of the apologies were more effective than others in meeting the needs of survivor groups.

1.78 Congregations were fearful that what they said in order to assuage the feelings of victims of abuse might be used to damage them, as they saw it. Their words might be taken as concessions or admissions as to events that were alleged to have happened. The aims of acknowledging past wrongs and assuaging feelings of victims are at odds with the desire to avoid admissions and

concessions about abuse. Most of the apologies reflected tension between these objectives, and were largely unsatisfactory as a result.

1.79 The attitude of many of the Congregations was conditional. If their members committed abuse, they expressed regret for it. They did not accept Congregational responsibility for any abuse that happened. As to whether abuse had actually happened, they said they were leaving that to the Commission to establish, because that was the function of the Commission, and because they had contradictory information on the claims of complainants and in the responses of their own members.

1.80 On 31st January 2002, CORI issued a general apology on behalf of its members:

We accept that some children in residential institutions managed by our members suffered deprivation, physical and sexual abuse. We regret that, we apologise for it. We can never take away the pain experienced at the time by these children nor the shadow left over their adult lives. Today the congregations with the State are giving a concrete expression of their genuine desire to foster healing and reconciliation in the lives of former residents.

1.81 The Investigation Committee at the Emergence hearings heard evidence from representatives of the following Religious Congregations that had contributed to the Redress Fund:

1. The Rosminian Institute of Charity
2. The Dominican Order
3. The Sisters of Mercy
4. Our Lady of Charity of the Good Sheperd
5. The Presentation Brothers
6. The Religious Sisters of Charity
7. The Christian Brothers
8. The Daughters of Charity of St Vincent de Paul
9. The Sisters of Our Lady of Charity of Refuge
10. The Brothers of Charity
11. The Daughters of the Heart of Mary
12. The De La Salle Brothers
13. The Sisters of St Clare
14. The Presentation Sisters
15. The Sisters of St Louis
16. The Hospitaller Order of St John of God
17. The Sisters of Nazareth
18. The Oblates of Mary Immaculate.

1.82 These representatives were examined as to the reasons underpinning the decision taken by the Congregations to issue an apology, if they did so, and the reasons they contributed to the Redress Fund, if they did so. The Investigation Committee also heard evidence during the Emergence hearings from representatives of Congregations involved in the management, care and control of institutions that were not the subject of its investigations into individual institutions.

The Rosminian Institute of Charity

1.83 The Rosminian Order operated two industrial schools, one at Upton in County Cork and the other at Ferryhouse in County Tipperary, as well as a School for the Blind at Drumcondra in Dublin.

They had two post-primary schools, one in Omeath and one in Dublin. They also developed a retirement home for blind men in Drumcondra, and a centre in Cork for adults with learning disabilities.

1.84 In 1999, the Rosminians issued a public statement:

The members of the Rosminian Institute are saddened and shamed that young people in our care were abused by members of our Order. We deeply regret not only the abuse but also the shadow cast on the lives of those abused. We abhor all mistreatment of children and we wish to express our profound sorrow.

1.85 Fr Joseph O'Reilly, giving evidence on 30th June 2004, said that the Order made that statement because they felt it was the right thing to do:

Fundamentally we felt it was simply the right thing to do and it was something over which we had no option to do.

1.86 The Order was aware that children had been abused in at least one of their institutions in 1979:

That was one of the reasons why we obviously felt that we would have to apologise.

1.87 Fr O'Reilly told the Committee that the Order contributed to the Redress Fund because:

We believed it was the right thing to do, it was the just thing to do, it was the natural thing when you recognise that you have been part of something that has caused hurt and pain to people in the past, that's fairly inescapable. I think there was a recognition on our part that to go another route that seemed to be the only other route available at the time in terms of litigation and going to the High Court, we felt that that would be disastrous for all concerned.

1.88 He continued:

I mentioned that we felt that the option of going through the High Court and denying -- I am not sure of the technical word -- denying complaints against us and being involved in that process, we felt that would not be the right way to go and it would be disastrous for all concerned. We felt it would be a hurtful, harmful way for all concerned ... We were advised it would have meant years, maybe a lot more years than anybody knew at the time ... Years of having to appear in court and putting people through questioning and cross-examination, and trying to provide proof on this, that and the other ... From our end we don't have the personnel to do that. We didn't have the inclination to do that. We felt also that we didn't have the finances to do that in a way. We also felt that it would not be at all consistent with what we had said by way of apology. It would not be consistent with the type of relationship that we had with many past pupils. Not with all admittedly. We did not want people to have to suffer on through that type of system ... It seemed that it would have been cruel to consider those type of things. We wanted to be involved in the process and we perceived the Redress Board as process that would offer a degree of healing, you know. Because it offered the opportunity for things to be dealt with in a short enough period of time in comparison to other options, and in a process that wasn't adversarial. So we felt it offered much more of an opportunity for healing and, perhaps not reconciliation, but certainly we would have been guided by the maxim of do no more harm. Do no more harm.

1.89 The Rosminian Institute approached this issue, conscious of the obligations and of the difficulties, but also believing in the benefits that would accrue to victims, its own members and to the Order. In adopting this approach and pursuing it throughout the Inquiry, the Rosminian Institute was unique, and its senior management and its members deserve acknowledgment and appreciation in that respect.

The Dominican Order

1.90 The Dominican Fathers have a long tradition in education in Ireland. They operate a number of schools throughout the country. They had one institution, an orphanage at Dominic Street, Dublin known as St Xavier's Boys Home. It closed in 1993, and the Order received their first complaint in relation to this institution in 1995. Two further complaints emerged later that year and, in 2001, legal proceedings were instituted by six former residents.

1.91 The Dominicans did not make a formal apology:

No, we didn't make a formal apology ... We didn't feel that a kind of a general apology in terms of our small group of people would be of any great benefit, but if I were to meet them I would be more than happy to do so.

1.92 Despite their decision not to make a general apology, the Order contributed to the Redress Fund.

The Sisters of Mercy

1.93 The Sisters of Mercy played a significant role in the industrial school system, as they had been responsible for the management of 26 industrial schools. This is discussed fully in the General Chapter on the Sisters of Mercy. They were also involved in numerous primary and post-primary schools.

1.94 The Sisters of Mercy issued an apology in 1996, following the broadcast of the 'Dear Daughter' programme in 1995, which characterised a Sisters of Mercy Industrial School, Goldenbridge, as having been abusive. The apology was as follows:

In the light of recent revelations regarding the mistreatment of children in our institutions we the Mercy Sisters wish to take this opportunity to sincerely and unreservedly express our deep regret to those men and women who at any time or place in our care were hurt or harshly treated. The fact that most complaints relate to many years ago is not offered as an excuse. As a congregation we fully acknowledge our failures and ask for forgiveness.

Aware of the painful and lasting effect of such experiences we would like to hear from those who have suffered and we are putting in place an independent and confidential help line. This help line will be staffed by competent and professional counsellors who will listen sympathetically and who will be in the position to offer further help if required. In this way we would hope to redress the pain insofar as that is possible so that those who have suffered might experience some peace, healing and dignity.

Life in Ireland in the 40s and 50s was in general harsh for many people. This was reflected in orphanages, which were under funded, under staffed and under resourced. It was in this climate that many Sisters gave years of generous service to the education and care of children. However, we made mistakes and irrespective of the passage of time as a congregation we now openly acknowledge our failures and ask for forgiveness.

Regretfully we cannot change the past. As we continue our work of caring and education today we will constantly review and monitor our procedures, our personnel and our facilities. Working in close cooperation with other voluntary and statutory agencies we are committed to doing all in our power to ensure that people in our care have a protective and supportive environment.

We were founded to alleviate pain, want and misery. We have tried to do this through our work in health care, education, child care, social and pastoral work. Despite our evident failures which we deeply regret we are committed to continuing that work in partnership with many others in the years ahead.

1.95 Sr Breege O'Neill, then Congregational Leader of the Sisters of Mercy, told the Investigation Committee that the Congregation hoped that the apology would ease the pain and trauma of

former residents, and help to restore their relationship with the Congregation. She said that the apology was not successful, because it was perceived as being conditional or incomplete. After the apology, the amount of litigation involving the Congregation increased, and the Sisters felt that this inhibited them in their dealings with former residents.

1.96 On 5th May 2004, the Congregation issued a second apology, the circumstances of which are discussed in full in the General Chapter on the Sisters of Mercy.

1.97 Sr Breege O'Neill also discussed the reasons the Congregation became involved in the Redress Scheme:

Our decision to become involved in the Redress Scheme, it came out of, I think, all of what I have said up to now. Out of the experience for four years of trying to respond in the different arenas to what was coming to us. I am talking about the litigation. I am talking about the Commission. But also knowing that in some way those of themselves were not going to bring closure ... Our decision was also informed by a pragmatism in relation to the litigation. The sense that long drawn out litigation proceedings would be what we would be putting our energy into for years and years and years.

Our decision to become involved in the Redress was not informed by an assessment of the potential outcome of each individual case. It was a scheme the Government announced. They invited our contribution or our involvement in it and we welcomed that ... But it wasn't an easy decision for the Congregation to take at the time because there were many voices holding different views and we had to in some way come to our own place of resting with it as being the best way forward at this time. That we did. Out of that the decision was taken that we would contribute.

Our Lady of Charity of the Good Shepherd

1.98 The Good Shepherd Sisters had four industrial schools in Cork, Waterford, Limerick and Wexford, as well as a reformatory school in Limerick.

1.99 The Congregation did not issue a public apology:

We have not issued a public apology, no, but when we have met ex-residents and talking to them and listening to how it was for them and how they experienced it, you know, it has really saddened us a lot and we, like, we would always say, well, look, we are really sorry that these are your memories, that this is how it is, that this was your experience, we are really sorry about that.

1.100 The Congregation took the view that the public apology issued by CORI covered all of the 18 Congregations involved in CORI:

we agreed with the publication of the apology, as we see it as conveying our regret and our sorrow that those who were in our care have painful memories and have been upset by their time there.

1.101 The Congregation also contributed to the Redress Fund. Sr Claire O'Sullivan, a designated spokesperson for the Congregation, outlined the reasons why as follows:

Well, firstly, we decided in principle in October 2000 that we would make a contribution and, like, we did it for a few reasons. In response to the Government's invitation to Congregations to contribute to the scheme was one of the reasons. Also, it was a combination of our pastoral and practical considerations ... Practical considerations were because of the financial restraints. If we went down the road of litigation, it would have cost a huge amount of money and would have gone on for years, as we would see it ... Also, we just didn't want to get ourselves into confrontation with our ex residents at all.

There was also the practical thing, that it would lead to a better use of the resources that are available to us, resources that could otherwise be used to help us to assist former residents and for other charitable works, rather than expending resources on preparing for litigation, as I would have said there. It would also, instead of members being very much involved in court cases, it would free up people, our Sisters, to spend time assisting former residents and meeting with them and engaging in other charitable works. So that would have been another reason for us. Also, we were glad to be able to get the indemnity, that we could obtain indemnity from the State, as it is better to contribute to the scheme, rather than processing, as I would have said, down the very costly road of litigation.

The Presentation Brothers

1.102 The Presentation Brothers operated one industrial school, St Joseph's Industrial School, Greenmount in Cork. The Presentation Brothers are currently involved in numerous primary and post-primary schools in Ireland.

1.103 The Anglo-Irish Province of the Presentation Brothers has not issued a public apology, but the Congregation issued the following statement on its website, which was referred to at the Emergence hearings:

It was along the lines of, "we apologise for any wrongdoing or any abuse that occurred to any person while in our care". That was done for two reasons. First of all to give our regret. Secondly, to encourage anybody out there who is hurting to come and make that complaint.

1.104 The Congregation also contributed to the Redress Fund:

Well, we were members of CORI and in 2000 when this came up first we were participating in the Faoiseamh²⁵ help line and we contributed to the Faoiseamh help line. We were a member of the 18 Congregations and when the question of the contribution came up we felt that especially because of our 1955 incident²⁶ that we would feel very exposed if all this went to litigation. We felt that it was prudent management to make a contribution to the Redress Board.

The Religious Sisters of Charity

1.105 The Sisters of Charity operated five industrial schools, including St Joseph's and St Patrick's in Kilkenny and a group home, Madonna House in Dublin. The Religious Sisters of Charity also operate 19 primary schools and eight post-primary schools, and provide special needs education to a small number of schools.

1.106 The Sisters of Charity have never issued a public apology in respect of child abuse. However, the Congregation has issued three specific apologies relating to the criminal convictions of three of its staff, one in Madonna House and two in St Joseph's, Kilkenny.

1.107 The apology in relation to Madonna House was issued in 1994 and read:

The Religious Sisters of Charity are deeply concerned and saddened by what has happened to the children at Madonna House. We offer our heartfelt apology to each and every person who has suffered in a situation where we tried to ensure that they would experience warmth, care and support.

²⁵ An organisation funded by the Congregations that provides counselling for persons who have been abused by religious Orders and Congregations.

²⁶ This is dealt with in full in the chapter on St Joseph's Industrial School, Greenmount.

1.108 The second apology was issued at the sentencing of a male childcare worker in St Joseph's in 1997, and Sr Úna O'Neill, Superior General of the Religious Sisters of Charity, stated in respect of it:

While other Orders might have found that the "States of Fear" programme or other publications or broadcasts was their moment of realisation, I think it was the criminal conviction of that childcare worker that was a very significant moment certainly for me and those other Sisters who attended and for the Congregation subsequently. For us it was a brutal initiation into the reality of sexual abuse of the most depraved kind. While I would have read the Garda statements that the children made against this childcare worker, it became very real when the boys were asked to speak in Court and they described a most horrific litany of terror and hurt and humiliation and pain and powerlessness. It was at that moment I think for us as a Congregation it became real. I am not saying we accepted it or understood it, but it became real for us then.

1.109 The third apology was issued when another childcare worker from St Joseph's, Kilkenny was convicted:

We are appalled that a care worker employed at St. Joseph's for 9 months from '76 to '77 abused children in his care and we are offering counselling services etc.

He came to St. Joseph's as a qualified care worker, had excellent references from his former employees in the UK, and was interviewed by representatives from St. Joseph's and from the Department of Education ...

Peter McNamara's²⁷ abuse of the children at St. Joseph's has caused untold misery for the men involved. Nothing can make up for what happened to them and we deeply regret their suffering.

1.110 Sr Úna O'Neill's evidence on the background to these apologies is dealt with in detail in the chapter on the Sisters of Charity.

1.111 Sr Úna O'Neill said that the Congregation contributed to the Redress Fund because:

we had a number of civil cases before the Court at that time ... We had had the experience, I had the experience of attending these court cases and I had seen what that process had done particularly to the men who had taken the cases against us. I had spoken to them about the experience with both of them. I saw what it did with both the volunteers and the staff who had to testify. There was a strong pastoral reason for us not subjecting anybody to that kind of process if we could avoid it.

We also felt the definition of abuse was so broad that it would invite many more cases against us and in fact that has proved to be the case. There has been a very, very significant increase in the number of cases that have come in from 2000 up to today, very significant increase for those that had come in beforehand.

We also felt that if we didn't contribute to the scheme, maybe we were wrong in this, we felt that perhaps the Redress scheme would give a partial payment to the children and then they would seek the rest from us through legal means and that would have been the same reason as I have given beforehand.

The Christian Brothers

1.112 The Christian Brothers were involved in six industrial schools and one residential school for deaf boys, as well as numerous primary and post-primary schools throughout the country. This is discussed fully in the General Chapter on the Christian Brothers.

²⁷ This is a pseudonym.

1.113 The apologies issued by the Christian Brothers are dealt with in full in the General Chapter on the Christian Brothers. On 29th March 1998, the Christian Brothers issued the following apology:

Over the past number of years we have received from some former pupils serious complaints of ill-treatment and abuse by some Christian Brothers in schools and residential centres. We the Christian Brothers in Ireland wish to express our deep regret to anyone who suffered ill-treatment while in our care and we say to you who have experienced physical or sexual abuse by a Christian Brother and to you who complained of abuse and were not listened to we are deeply sorry.

We want to do much more than say we are sorry. As an initial step we have already put in place a range of services to offer a practical response and further services will be provided as the needs become clearer.

1.114 The Christian Brothers told the Committee that they welcomed the establishment of the Redress Scheme. Br Gibson stated that:

We would have welcomed it because, I suppose, fundamentally we, ourselves, had tried to set up a mediation process and when the Government approached CORI and asked CORI would they be prepared to donate a sum to that fund, we were happy to be involved in doing that.

1.115 He continued:

And, of course, the most important thing, I suppose, was it was going to be set up on a statutory basis, which we hadn't been able to do. Maybe, just to say also we were aware that because of the serious nature of the complaints that had come, it was very difficult to make a judgment about these. The Redress Scheme was not going to make a judgment on those. We found particularly ourselves that a lot of the people being accused were dead ... And a lot of people that had complaints against them were denying them vigorously, Brothers were denying them vigorously. We were in the middle with an allegation and a person who was saying this did not happen. We had many Brothers who had spent, say, three or four years in institutions and then subsequently had spent, maybe, 30 to 40 years teaching outside the institutions. During their time in the schools, there had been no complaints against them, but subsequent to the apologies, allegations had come. So we felt that long drawn-out process of legal litigation would not help anyone. So because of that, we were quite happy to join with the Congregations in supporting the Government scheme. When the Taoiseach in October of 2000 announced in principle anyway that he was going to establish a body to compensate people, quite quickly we got an additional 380 complaints. By the time the Agreement was signed, we had roughly about 800 complaints, 791 potential complaints ... So we felt that the Redress Scheme was an opportunity to assist those who had been in institutions to come to closure in a difficult experience that they had had ... Also, that it wasn't making a judgment because – judging something that took place 40, 50, 60 years ago was very difficult to judge. So, in a sense, what we would feel is that from the very beginning of child abuse coming to our attention in 1990, we have tried to be proactive in setting in place structures that would assist people to come forward and would help them to come to terms with the experience of abuse that they have suffered. We also put in place supports for people who were accused of abuse, who were traumatised by the allegations of abuse and the fact of setting up independent advisory panels and child protection services helped us in doing that.

The Daughters of Charity of St Vincent de Paul

1.116 The Daughters of Charity of St Vincent de Paul operated one industrial school, four orphanages, five centres for people with intellectual disability, an orthopaedic residential children's hospital, and a mother and baby home.

1.117 Sr Catherine Mulligan, a former Provincial Leader of the Congregation, stated that the Congregation did not give a public apology for the following reason:

that was a considered stance on our part, again because of what we considered to be the lower number of cases against any particular institution and ... having gathered the information that we gathered, we could not say that we ran an abusive system.

1.118 However, the Congregation did contribute to the Redress Scheme, and Sr Mulligan gave reasons for this. She said:

I think there was a general feeling that we should become part of that insofar as we could. We were invited by the Government to become part of it and I don't think there was any sort of hesitancy about becoming part of it.

The Sisters of Our Lady of Charity of Refuge

1.119 The Sisters of Our Lady of Charity of Refuge operated an industrial school in Drumcondra in Dublin, and a reformatory school at St Anne's, Kilmacud, Dublin.

1.120 Sr Lucy Bruton gave evidence on behalf of the Congregation, and reiterated that they wanted to be associated with the CORI apology of January 2002, which stated:

We accept that some children in residential institutions managed by our members suffered deprivation, physical and sexual abuse. We regret that, we apologise for it. We can never take away the pain experienced at the time by these children nor the shadow left over their adult lives. Today the congregations with the State are giving a concrete expression of their genuine desire to foster healing and reconciliation in the lives of former residents.

1.121 She added that:

At that time this expressed for us the feeling we had for people, complainants, and for people who felt they had been abused or badly treated and we associate ourselves positively with that statement today. We also welcome the reconciliation aspect of the Commission and we hope that this would help us to move forward and move on.

1.122 Sr Bruton gave a number of reasons why the Congregation decided to be part of the Redress Scheme:

First of all, CORI invited us to be part of the group of 18 Religious Orders who were involved in childcare and the Government invited that group to participate and contribute to the Redress Fund and in solidarity we decided to participate in the scheme ...

We were conscious of the five litigation cases that were pending against us at that time and obviously we felt I suppose because there were some that we might hear of others. We felt that it would be easier and quicker and less adversarial than the court process. We would have indemnity following on the litigation which would mean that funds that would be contributed would be directed towards former residents rather than in legal costs and in long trials. We felt that it would give a measure of closure and that we would be enabled to move forward without the long process of legal trials which are hard to prove either way and particularly with so many of the people involved not actually being there.

The Brothers of Charity

1.123 The Brothers of Charity operated two schools for children with learning disabilities: Our Lady of Good Counsel, Lota in Cork, and Holy Family School in Renmore, County Galway. They also ran an adult psychiatric hospital in Belmont Park in Waterford, which included an adjacent service for adults with intellectual disabilities. A similar service for adults with learning disabilities was established in Clarinbridge in Galway, and another in Bawnmore in Limerick. Today, the Congregation is the largest provider of services for people with an intellectual disability in Ireland.

1.124 The Brothers issued a public apology in 1995. Br John O'Shea, the Regional Leader in the Congregation, gave evidence at the Emergence hearings:

We offered an apology and we offered counselling to people who had been abused while in our services, and we encouraged that other people who had been abused would go to their local Garda Station or whatever, and make their allegations known there ... I feel for us that 1995 was the watershed in the sense of our awareness that we had a fairly significant issue with abuse. I suppose because the thing came to light, there was obviously a public interest in it, and I think while I wouldn't have the exact wording for 1995, but the general sense that we had was look, this has happened. It was quite a shock to us really because it wasn't something we were prepared for, and certainly the individual incidents we would have known of previously didn't add up to a comprehensive picture, if you like, of widescale abuse. I think when we became aware of this and the fact that it was a significant issue, our apology and, again, as I say, it was in the context of maybe responding to what was at this stage in the public domain and, I suppose, maybe articulating our response to it, that was to be one where we wanted to be open about it, we wanted to encourage people who had complaints to make that it was better to get them out in the open and that there were proper channels for doing this, and we particularly encouraged people to report their allegations to the Gardaí. Because the service we provide would have resources in counselling and so on, we encouraged people that felt they needed that to look for support, if you like.

1.125 Explaining why the Congregation contributed to the Redress Scheme, he stated that, prior to the Redress Scheme, the Congregation was facing approximately 50 civil claims:

I suppose one of the things we felt if we were to go down a legal route, that it would be a very long and complex thing and very difficult, and maybe particularly again for people that were abused, it would be putting them through extra trauma and confrontation. Certainly our approach was that we wanted whatever we were doing to be as least confrontational as possible ... Redress would have provided an opening to us that would have many advantages that the legal route wouldn't have. I suppose taking the population that we are dealing with again, that it would be difficult for people with a disability to maybe articulate their case, particularly if it had been done in a confrontational setting ...

Redress offered the more acceptable forum, if you like, for dealing with the issues that we had to deal with. I suppose another issue would be where people are denying that any abuse took place, that it also affords the person making allegations, that if they feel that they are entitled to compensation for maybe the general institutional atmosphere that they lived in or whatever hardship or deprivation might go with that, where it mightn't be a specific allegation of a particular misdemeanour by anyone.

The Daughters of the Heart of Mary

1.126 The Daughters of the Heart of Mary operated one institution, St Joseph's Orphanage, Dun Laoghaire from 1860 to 1985. The Sisters also operated a school, a retreat house, and two guest houses for retired women.

1.127 The Congregation had not issued a public apology. Sr Anne Boland, Provincial of the Daughters of the Heart of Mary, gave evidence to the Emergence hearings that, in 1971, a resident of one of the schools disclosed to the Sisters that she had been sexually abused by a man who, along with his wife, took some of the girls out for weekends. The Sisters reported the matter to the Gardaí. In 1997, a former resident instituted legal proceedings alleging abuse against a visiting priest. The Sisters believe that this priest was convicted of charges relating to the abuse.

1.128 The Congregation contributed to the Redress Fund. Sr Boland stated:

when the Redress Scheme was being drawn up, at that time we had one set of allegations against us, and we also had a number of records or requests for records, small in number, asking for records. In view of the fact that we had over 2,000 children in our care down through the years, we felt more claims could come in. But I would have to say also we found there were very few. At that point, there was only one allegation. Since then, two other allegations have come to us and we felt the best way to compensate, even though we realise the care was good, and, you know, that would be from talking to the Sisters and, indeed, from the past children, that it was a place that they were happy in. But, nonetheless, we felt we could not meet their needs in a way that an ordinary family would. So in order to redress that or compensate, we felt it would be better to go down the line of entering the Redress Scheme. It would be less adversarial or conflictual to them and to us for them to have to come or to put a claim for money to us individually. So that is really why we entered the Redress Scheme.

The De La Salle Brothers

1.129 The De La Salle Brothers had significant experience of residential care in England. They first became involved in residential care in Ireland in 1972, when St Laurence's School in Finglas in Dublin was opened. They were involved in the school until 1994. The De La Salle Brothers also operate numerous primary and post-primary schools throughout the country.

1.130 The De La Salle Brothers considered issuing a public apology but decided against it, preferring instead to issue individuals apologies. Br Pius McCarthy, the Provincial Secretary of the Order, gave evidence at the Emergence hearings:

After the Christian Brothers made their apology, we thought about something similar, we questioned whether we should do it or not, but we decided against it, we decided to deal with each case individually, because at the time there was the Garda investigation going on and we weren't quite sure what the outcome would be. We felt that by making an apology, we might be indicating or influencing one way or the other. So we have apologised in individual cases where somebody has come to us and said that they were abused. We just decided that it would be better not to go down the road of a public apology.

1.131 The Order contributed to the Redress Scheme for the following reasons:

In April 2001, we were invited by CORI to become part of the group of congregations who were then negotiating with the State with regard to making a contribution to the compensation scheme that had been announced in October 2000. The Congregations who were negotiating had agreed in principle to make a contribution to the scheme and details of the same were being discussed. We were approached, because there was at that time litigation in existence relating to Finglas Children's Centre, and even though we didn't own the centre nor did we manage it in the strict sense, the Resident Manager was a De La Salle Brother throughout the years and we had an involvement in administration and also De La Salle Brothers had worked in it ...

We were also aware that some of the complaints made were specifically directed towards members of the Congregation. At the time we were approached by CORI, we were aware of eight claims arising from the centre. Really we were made aware of them by CORI, they got the information for us. We were advised that any contribution made by the Congregations would be in consideration of an indemnity from the State and this would bring some certainty with regard to future litigation. We were also aware of the ongoing Garda investigation into St. Laurence's which began in 1995 ... Also, we had come into

the negotiations at a late stage and accordingly we were guided to some extent by what the other Congregations had done and we also wanted to show solidarity with them.

The Sisters of St Clare

1.132 The Sisters of St Clare, or the Poor Clares as they were also known, operated two institutions, an industrial school in Cavan and a private orphanage at Harold's Cross, with a primary school and a commercial school attached.

1.133 They did not issue a public apology. Sr Patricia Rogers, Congregational Leader, outlined the reasons for this as follows:

We have not issued a public apology, but we have associated ourselves with the CORI apology, because we would accept that for many years the daily routine in the institutions, they just didn't take account of the needs of children. The life was too regulated and too disciplined to allow for differences in their physical and emotional development. While Sisters and the lay staff who worked in the institutions made attempts to improve the physical surroundings in which the children lived, it seems clear that there was less understanding of the children's need for affection and emotional support ... The State provided very little at that time by way of support services, and access to psychologists and social workers was very limited. I think as a result of that, both the children and their carers suffered.

1.134 Sr Rogers stated that the Congregation contributed to the Redress Scheme for the following reasons:

... we felt that we would be assisting people who had been in our care during their childhood and who are now experiencing difficulties in their lives. We believe that the Redress Scheme presented an opportunity for ending litigation in a quicker and in a less adversarial manner than would be the case in court. We wanted at all costs to avoid a confrontation situation if that were possible.

We also believe that the money expended by the Congregation would go directly to the residents rather than be absorbed by legal fees.

We were aware that the Redress Scheme was going to have a far lower threshold of proof than the courts in that no blame was going to be apportioned to any individual or institution as a result of that.

The Presentation Sisters

1.135 The Presentation Sisters operated two industrial schools, St Francis's Industrial School, Cashel, County Tipperary, and St Bernard's Industrial School, Dundrum, County Tipperary, which later moved to Fethard in County Tipperary. The Presentation Sisters in Ireland continue to have strong links with both primary and post-primary schools.

1.136 Sr Claude Meagher, Provincial of the South East Province of the Congregation, informed the Committee that the Sisters decided to contribute to the Redress Scheme because:

CORI invited the Congregations to participate and, I suppose, there was quite a lot of discussion and reflection went into that, and we made a decision because we had those two industrial schools and we were aware that claims were now being initiated by former residents, those made over the phone and those who had looked for records. We were aware too that in one of the institutions certainly, the regime might have been described as harsh, but the building and all about it prior to 1954, it wouldn't meet present standards or anything near present standards, but renovation was done there in 1974. I suppose our own enquiries and reading records would lead us to believe that the School wasn't adequate, so we feel that people would have suffered there, they may have suffered ... I

suppose we believe too that protracted litigation isn't in anybody's interest and we know there would be huge difficulty, on the advice of our legal advisers, in following cases that are dating back to the past, particularly where the Sisters who may have been involved are dead and it is difficult to establish what happened. So in that sense we would feel it is important we would be part of the Government Redress Scheme. I suppose there would be considerable expenses involved in that, and that it is better to maybe direct the money to the Redress Scheme rather than maybe trying to pursue legal issues in court.

The Sisters of St Louis

1.137 The Sisters of St Louis operated one industrial school, St Martha's Industrial School in Bundoran, County Donegal. Sisters from the Congregation also worked at St Joseph's Orphanage in Bundoran, which was under diocesan management. The St Louis Sisters are involved in primary and post-primary education in Ireland.

1.138 The Sisters of St Louis have not issued a public apology.

1.139 Sr Noreen Shankey, Regional Leader for Ireland, outlined the reasons why the Congregation contributed to the Redress Scheme:

central to our participation in the Redress Scheme was a desire to prevent the ordeal of past residents and ourselves having to go through the courts. As I mentioned, we had no cases against us until after the Taoiseach's apology and the redress had been announced. We also felt that the way of redress was a more humane way and that it would lead in the direction of healing and reconciliation, and I welcome this emphasis with the present Commission and the approach you are taking.

We were also advised by our legal people of the difficulty of prosecuting cases of this nature before the courts, we could have long drawn out cases. Because the events happened so long ago and with the Statute of Limitations, most of the people are dead, in fact all except one person. We felt that the money would be better spent on redress than in legal fees.

There was also an element of support from the other congregations because these discussions were already underway when we joined in, there were already 12 Congregations, so we came in late in the day, but there was a supportive element being with the other Congregations as well as learning from their experience.

There was also the advantage that if people went to redress, we would be indemnified against other claims in the courts.

The Hospitaller Order of St John of God

1.140 The Order of St John of God operated a day and residential school for children with learning disabilities at St Augustine's in Blackrock, County Dublin and other institutions. In Ireland, the Order provides mental health services, care for older people, and services for children and adults with disabilities.

1.141 Fr Fintan Whitmore, Provincial of the Order, said that the Order had not issued a public apology:

No, no. We have not been able to establish as a fact that what was said has actually happened. Therefore, we have no way of corroborating that. There have been no convictions, there have been no proceedings that have arrived at any court processes and so on in relation to that, and nobody has come forward with a confession that these things have happened or that they were perpetrators of these acts within our own organisation.

What we would say though, and I think what we have said in most cases, in all cases I would say if it were true that abuse had taken place, then it is a most regrettable thing

and we would regret that any such happening could have happened or, indeed, that anything could have happened to people that would leave them disturbed as a result of being in treatment or in care with us or during their time with us.

- 1.142** However, the Order did contribute to the Redress Fund. Fr Whitmore outlined the reasons why, as follows:

There are a number of reasons. One is the way in which we felt a lot of this could go without something like the Redress Board was that it could get into litigation that would be an adversarial system, that the people who were coming forward with accusations were vulnerable people who had difficulties with life in general, and neither for themselves nor for ourselves or anyone else would a long process involving court appearances and denials and statements and so on and so forth have been beneficial to anybody, so we felt that a process which would try to ascertain the truth without going through what could have been very difficult processes for all concerned would have been a better way to go. We also felt that we should act in solidarity with other religions at the time. The indemnity was also an attractive proposition. They would be the principal reasons.

The Sisters of Nazareth

- 1.143** The Sisters of Nazareth provided services for children and the elderly in Ireland. The Sisters of Nazareth operated a residential home for boys and girls, called the Nazareth House, which was situated in County Sligo.

- 1.144** The Sisters of Nazareth have not issued a public apology.

- 1.145** Sr Cornelia Walsh, Sister Superior of the Congregation, outlined the reasons why the Congregation contributed to the Redress Scheme:

Yes, we did, we joined. As a congregation we are a member of CORI and have been for many years. And as such we were aware of and involved in the contacts between CORI and the government representatives, which culminated in the setting up of the scheme. As I said, we are one of the contributing Congregations. We welcome the Government's initiative and have been dismayed at the obvious pain felt by so many of the country's citizens recalling a period in their lives when the pain of poverty, abandonment and loss was worsened. We consider that the Government's initiative in recognising the shared involvement of the State and those who sought to supplement and provide care which the State could not, was a very worthy one, particularly as it offered a non-adversarial and speedy avenue for those seeking and needing redress. We felt that the desire to heal and provide help was defeated by the necessary rigours of the adversarial process which was neither in the interests of the genuinely hurt and also the elderly and sick Sisters who would have been required to attend hearings. And it is for that reason that we joined the scheme.

The Oblates of Mary Immaculate

- 1.146** The Oblate Order operated Daingean Reformatory School in County Offaly [formerly Glenree] and a detention centre at Scoil Ard-Mhuire in Lusk, County Dublin.

- 1.147** The Oblates issued a press statement following the broadcast of 'States of Fear' on 28th April 1999. It read:

We are asked to comment on the programme "States of Fear". We would firstly say that the abuse of young people is always abhorrent and abuse of young people in confinement is doubly so. The Oblates of Mary Immaculate deeply regret that any young man was mistreated while in their care and offer sincerest apologies.

At the same time we cannot accept certain of the assertions made by the programme particularly in relation to funding. However, before commenting further, a more detailed study of the available records would be required. We are glad the point was made that many boys did experience kindness. This programme has lifted a veil on the way that disadvantaged children have been treated in Irish Society. Hopefully it will prove to be a step in a continuing work of research and healing.

1.148 Fr Tom Murphy, a member of the Order, said that the Oblates contributed to the Redress Scheme because:

We felt that the redress procedure was best for the claimants and that it was better that the money should go to them rather than for legal expenses. We also felt very strongly that this would be and should be a pastoral reaction, a pastoral action if you like, in relation to the whole question of abuse. We also saw a certain value in being one in solidarity with other religious Congregations who were supporting the contribution. It would also save surviving members, now elderly, and staff members from the trauma of maybe long, litigious lawsuits. And it would also sort of avoid any excessively adversarial modes of civil courts which would give rise to further alienation of claimants. In addition we hope that it would speed up and facilitate a process of closure around this whole question. We also needed to justify pledging funds that we held for our mission for this special purpose of contributing, and after legal advice which we felt we had to have, we made the contribution.

Evidence from representatives of the survivor groups

1.149 Ten groups representing survivors of child abuse were invited to attend the Emergence hearings. These were:

- (1) The Irish Deaf Society
- (2) Irish SOCA
- (3) SOCA UK
- (4) Right to Peace
- (5) One in Four
- (6) Right of Place
- (7) Alliance Victim Support
- (8) Irish Survivors of Institutional Abuse International
- (9) The Aislinn Centre
- (10) The London Irish Women's Group.

The Irish Deaf Society

1.150 Mr Kevin Stanley gave evidence on behalf of the Irish Deaf Society, a representative body which has a number of umbrella groups within its organisation; one of these is for survivors of abuse who are deaf. This was set up following the broadcast of 'States of Fear' and was designed to 'give deaf people an opportunity to discuss things, their experiences and really to assist in part of the healing process, healing from the pain that they would have experienced'.

1.151 The long-term objectives of the Society are to raise awareness that abuse has taken place in schools for the deaf, which they believe was directly linked with the introduction of oralism and the banning of sign language, that led to physical abuse, emotional abuse and neglect.

Irish SOCA

- 1.152** Mr Patrick Walsh is a member of a survivor group known as Irish SOCA (Survivors of Child Abuse), and he was nominated to represent it for the purpose of the Emergence hearings. After the Taoiseach's statement of 11th May 1999, a number of firms of solicitors placed advertisements in various newspapers in the UK and Ireland, and public meetings were organised. SOCA (Survivors of Child Abuse) was established at a meeting in London on 19th June 1999. Soon afterwards, SOCA split into two groups, Irish SOCA and SOCA UK. The two groups were not mutually exclusive, and many of SOCA's members belonged to both organisations.
- 1.153** Mr Walsh said that the purpose of the group was to act as a support group for survivors, so that they could make representations to the Irish Government on the proposed Commission to Inquire into Child Abuse and Residential Institutions Redress legislation. It has also participated in various consultative processes and made submissions to the Law Reform Commission during its work on the Statute of Limitations. The group also assists its members in seeking access to information and operates a legal referral service.
- 1.154** Mr Walsh said that Irish SOCA is funded from *'the personal resources of the executive members of Irish SOCA'*. He said it is not funded by the State, the Roman Catholic Church, or membership fees.

SOCA UK

- 1.155** Mr Michael Waters gave evidence on behalf of SOCA UK (Survivors of Child Abuse – UK). He traced the origins of the group to meetings that he used to have with other former residents of Artane at social occasions. These meetings were initially very informal and in the nature of an Artane Old Boys School.
- 1.156** In the early years, there were three to four meetings a year. They wrote to everybody they thought might be able to help. The broadcast of 'Dear Daughter' in the mid-1990s marked a watershed for them:
- This without doubt was groundbreaking stuff ... This was the flagship overall, this was the one that now had brought it all mainstream ...*
- 1.157** He said that it had a major impact on his members:
- It certainly did because although we were supporting each other and coming up into the mid-90s now you had a mixed group of people. It was no longer a sort of -- although it still had a title until into the mid-90's, the Artane Old Boys, but that was really redundant, that was defunct as such because there was women that was involved as well that had been in the institutes.*
- 1.158** The first big meeting was in Coventry in 1998, and this venue was chosen to facilitate members travelling from all over the UK. They advertised the meeting in the *Irish Post*, and the meeting was attended by approximately 100 people. That meeting was followed by more meetings in Coventry and in Birmingham. Numbers had grown to over 500, and the idea to form a group was emerging. Eventually, a meeting was held on 19th June 1999 in London, and SOCA was launched at this meeting. A constitution was adopted on 27th June 1999.
- 1.159** Mr Waters explained that his organisation has made representations to the Commission to Inquire into Child Abuse and the Redress Board. They also worked towards developing an independent counselling service, as many of their members did not wish to avail of the counselling provided by the Religious Orders. SOCA UK continued to have regular meetings and assist their members in tracing their family of origin, and they also refer people for legal advice.

1.160 The group is funded by the Department of Education and Science.

Right to Peace

1.161 Mr Michael O'Brien gave evidence on behalf of 'Right to Peace'. He said that the origins of his group could be traced back to 1999, when a lady named Josephine Baker organised a meeting to discuss institutional abuse for people who had attended Ferryhouse Industrial School. Following the meeting, a group of approximately 13 former residents of Ferryhouse decided to establish a group 'to see what we could do about the abuse that we suffered while children, sexual, physical, traumatic and verbal abuse in an institution where we were sent to be cared for, in an institution where we were supposed to be taught, cleaned, looked after and fed'. After the meeting, Mr O'Brien said that he tried to promote his group in the media by placing advertisements in newspapers and giving interviews on local radio. He said that the group has approximately 300 members and its aim:

was to get the State to do something about this abuse. Why? That it would never again happen in this country that any child would be abused again in this country. That was our main aim. Every obstacle that you can think of was put in our way, no help from nobody.

1.162 He continued:

That's why we set up our group to see can we get our rights back, to see can we get redress for what happened for those of us who didn't do so well after coming out.

1.163 Mr O'Brien said that Right to Peace engages in counselling, giving advice and holding meetings. The group is funded by the Department of Education and Science.

One in Four

1.164 'One in Four' is a service-based, non-profit organisation and a registered charity that provides support to men and women who have suffered sexual violence or sexual abuse. It was founded by Mr Colm O'Gorman in the UK in 1999. Mr O'Gorman outlined the background to its establishment and its early development as follows:

The charity was originally founded in the UK in 1999 ... It became a registered charity in the year 2000 and it launched its services then. In Ireland I had been personally involved in the making of a documentary with BBC television in relation to clerical sexual abuse. When that documentary aired we found that our office in London was being inundated with calls from Irish people, people both living in Ireland and in the UK, talking about their own experiences of sexual violence.

1.165 He continued:

We subsequently in late April 2002 had a meeting with officials of the Department of An Taoiseach. As a result of that meeting we felt very encouraged to perhaps proceed more speedily than we had first anticipated towards the establishment of an organisation. We submitted proposals to Government and were told to go ahead with the establishment of the Irish organisation. We secured offices in November 2002 and started to see the first clients of the service in about February 2003.

1.166 The organisation provides a psychotherapy programme and an advocacy programme. Mr O'Gorman said that the organisation is funded through a variety of means, including grants from the Department of Health and Children and by fundraising.

Right of Place

- 1.167** Mr Eugene Tracey gave evidence on behalf of 'Right of Place', an organisation established on 10th July 1999 to help survivors of institutional abuse. Following the Taoiseach's apology, he and another man decided to place an advertisement in the *Cork Examiner*, inviting former residents of St Patrick's Industrial School, Upton to a meeting in Cork on 10th July 1999. At this meeting, a committee was elected and it was mandated to approach the Government:

with a view to securing primarily education because a lot of us people were lacking in education through no fault of our own. A lot of us needed counselling and we didn't know how to access it, and it was literally nonexistent. Housing, social housing situations – people were living, including myself at the time, in rat-infested bedsits. We took all of these sort of situations on board.

- 1.168** They met with the Minister for Education and Science, Mr Micheál Martin, and a number of officials from his Department, and they had discussions about how their aim of providing education and improving conditions for survivors could be achieved. To assist them in their objectives, premises were secured in Cork and leased by the Department on behalf of the group. The premises was used by the group to hold meetings, so as to keep their members informed, and it was also used to provide evening classes and literacy classes for its members. They worked in conjunction with the CORK VEC,²⁸ who provided them with an educational facilitator. The six staff in the building were paid by FÁS.²⁹
- 1.169** Mr Tracey told the Committee that the education programme had been a great success and had provided courses for many people in schools and universities and trades.

- 1.170** The group also became aware that many people who came to give evidence to the Commission needed somewhere to stay before and after they had given their evidence. Having identified this need, the organisation obtained a house with the assistance of the Department of Health and Children, and this can accommodate around 30 people. This house is also used for short-term stays for members awaiting housing. In addition, the group received a grant from the Department of Environment, Heritage and Local Government, to build 10 apartments for the repatriation of former residents who were living outside Ireland.

- 1.171** The organisation was initially funded by the Department of Education and Science, but it is now funded by the Department of Health and Children.

Alliance Victim Support

- 1.172** Mr Tom Hayes gave evidence on behalf of Alliance Victim Support. They are a voluntary organisation. They provide support to survivors in Ireland, particularly those who live in isolated areas. The type of support consists of establishing the living conditions of these people and putting them in touch with professional help and advising them of their statutory entitlements.

- 1.173** They receive some funding from the Department of Education and Science.

Irish Survivors of Institutional Abuse International

- 1.174** Mr Tom Cronin gave evidence on behalf of this group. They were established in the UK as a result of a split with another group in 2002. He identified a number of issues that they would like the Commission to consider, such as State financing of industrial schools and how the money was spent, the role of medical personnel within the industrial school system, and the role of the ISPCC.

²⁸ Cork VEC – Cork Vocational Education Committees.

²⁹ FÁS – Training and employment authority.

1.175 The group do not receive any funding.

The Aislinn Centre

1.176 Ms Christine Buckley, who is the Director of the Aislinn Centre, gave evidence to the Investigation Committee. She described how, following the broadcast of the programme 'Dear Daughter', she and two fellow survivors organised an event in the Royal Dublin Society called 'A Happy Day' in April 1996. The purpose of this event was to put former residents in contact with each other, and to enable them to get in touch with siblings with whom they had lost contact. The event was attended by 550 people. She spent the next few years raising awareness of the issue of child abuse. After the Taoiseach's apology in 1999, the Aislinn Centre was established. She said that the Centre operates an '*open door policy*', where membership is not required. She insisted that they do not operate on a membership basis, but acknowledged that they had assisted approximately 3,500 individuals who had made contact with the Centre.

1.177 The work of the Centre is to promote healing through a variety of ways: counselling, education, and activities which help with self-development. They offer courses in art, music, creative writing, swimming lessons, driving lessons, financial advice through the Money Advice Budgetary Service (MABS), computers, and drama, all with a view to confidence building.

1.178 The group receives some funding from the Government.

The London Irish Women's Group

1.179 Ms Sally Mulready gave evidence on behalf of the London Irish Women's Group. The group emerged from SOCA UK, where many of the women who attended these meetings wanted to meet and talk and share experiences that were personal to them as women, mothers and grandmothers. It was set up in November 1999 and is not a rival group, and many of the members are members of other organisations. They have a mailing list of 380 women and hold monthly meetings. The group was involved in negotiations that led to the setting-up of outreach services for survivors in the UK, which is funded by the Department of Education and Science.

1.180 The organisation does not receive any Government funding.

Experts and their assignments

1.181 The Commission engaged experts to assist in the investigation and to report on a number of areas as outlined below.

Physical surroundings – Ciaran Fahy

1.182 The Commission appointed Mr Ciaran Fahy, Consulting Engineer, to report on the physical environment in which the children resided. His brief was to examine the physical surrounding with particular reference to the buildings in Artane, Clifden and Ferryhouse Industrial Schools as well as Daingean Reformatory School. His reports are annexed to the chapters dealing with those institutions.

Finance – Mazars

1.183 At the Emergence hearings in July 2004, it was clear that the Congregations would be making the case that they had not been provided with adequate funds to enable them to look after the children properly. Although the representations by the State at the Emergence hearings, and in later submissions, seemed to accept that there was inadequate financial provision for the institutions, the Committee wished to have this matter explored to try to assess to what extent the lack of finance caused or contributed to failures of care in the system.

1.184 The firm of Mazars, Chartered Accountants, was engaged to report on funding. Mazars' brief was to examine the accounts of a number of specific institutions: Artane, Goldenbridge, Ferryhouse and Daingean, and also to consider the question of funding more generally, and to review the adequacy or otherwise of the capitation payments made in respect of children in industrial and reformatory schools.

1.185 Because of the general importance of the issue of finance to the investigation of the institutions, and specifically in respect of those that Mazars examined, a full discussion of this topic is contained in Vol IV, Chapter 2 of the report, where the Mazars Report is annexed, together with all the submissions that were made in response to the first draft of the report that was circulated.

Health records – Professor Anthony Staines

1.186 The Committee appointed Dr Anthony Staines, formerly of UCD, now Professor of Public Health Medicine in Dublin City University, to lead a small group of researchers in a project to examine health records relating to the children in institutions. It became clear that it was impossible in any reliable way to study the health of children in the institutions on the basis of the limited and variable records that were available.

1.187 The Committee has not taken the results of this study into account in its analysis of individual institutions, but it recognises and appreciates the assistance that it has received from Professor Staines and his team in their examination of the available material. The study undertaken by Professor Staines and his team is annexed at Vol V of this report.

Dr Eoin O'Sullivan

1.188 Dr Eoin O'Sullivan, Senior Lecturer in Social Policy at the Department of Social Work and Social Policy, Trinity College Dublin, gave valuable assistance to the Commission in two areas. First, he gave evidence at the opening of the Emergence hearings on 21st June 2004, where he outlined the history of industrial and reformatory schools in Ireland and helped to establish the historical context of the institutions.

1.189 The second task undertaken by Dr O'Sullivan was to report on developments in the area of child protection and care in the State, from the time of the Kennedy Committee Report in 1970 to the present day. Dr O'Sullivan's report is contained in Vol IV of this report.

Dr Diarmaid Ferriter

1.190 Prior to the Phase III hearings, a firm of solicitors representing a large number of complainants commissioned Dr Diarmaid Ferriter, Senior Lecturer in Irish History at St Patrick's College, Dublin City University, to produce a report.

1.191 Dr Ferriter set out to:

attempt to put more historical context on the events discussed in the public hearings by drawing attention to issues of class, gender and sexuality generally in Irish society, and more specifically, sexual abuse in relation to the State and the legal system, as well as looking at the manner in which information emerged, and was sometimes suppressed. By extension, it will also touch on the institution of the family, emigration and how the State and the Catholic Church perceived its role in relation to the moral welfare of Irish Catholics.

1.192 Because Dr Ferriter had already been engaged, the Investigation Committee received his report as a useful document containing expert research and opinion.

1.193 Dr Ferriter's report is of interest and value, but the Investigation Committee was aware that, because it deals with many of the questions that are at the very core of the Inquiry itself it could not be used as the basis of making conclusions. Recognising the value of the work, the Commission took over as sponsor, and it also is annexed to Vol IV of this report.

Mr Richard Rollinson

1.194 Mr Richard Rollinson is a retired Director of the Mulberry Care Centre in Oxford. He is an expert in the field of residential childcare in the United Kingdom. The Committee asked him to furnish a brief history of residential childcare in England, as it developed in the later part of the twentieth century, and the report he furnished covers the period 1948 to 1975. Mr Rollinson's report provides valuable comparative and contextual information on the English system, and is annexed to Vol IV of this report.

Professor David Gwynn Morgan

1.195 Professor Morgan is a Professor of Law at University College, Cork. He provided enormous assistance to the Committee in research and analysis that extended over a wide area of interest to the Committee and the Commission. His work did not extend to the individual chapters on institutions, nor to the investigation of abuse in them. His particular contributions are reflected in the chapters entitled History of Industrial Schools and Reformatories, Gateways and the Department of Education. Professor Morgan conducted original research into material that would have been very difficult to access without the assistance of Mr Jimmy Maloney of the Department of Education and Science, whose contribution is acknowledged.

Research project – Professor Alan Carr

1.196 In its Opening Statement and at the Second Public Sitting on 20th July 2000, the Commission announced its intention to conduct a research project. The Third Interim Report outlined the proposed project.³⁰ Difficulties were encountered in setting up the project, and the Commission under Mr Justice Sean Ryan revised the scheme in consultation with Professor Alan Carr of the Department of Psychology, University College Dublin. It was undertaken in 2005 and 2006. There were 247 residents of institutions who gave evidence to the Commission and were interviewed by Professor Carr's research team. The report containing the results of the research study is published in full in Volume IV of this report.

1.197 The 'research study' stands alone and separate from the work of the Commission, and its conclusions were not taken into account in the reports submitted by the two Committees to the Commission. The 'research study' comprises original research which adds to the knowledge of this field of study.

³⁰ See Third Interim Report, chapter 4.