

Opening remarks by Ruairi Quinn, TD, Minister for Education and Skills - Meeting with religious congregations

At the outset I want to thank you all for responding to my invitation to attend today's meeting. I am pleased that so many congregations are represented here. I understand that due to the timing of the meeting, the Rosminians, the Daughters of the Heart of Mary and the Sisters of Our Lady of Charity could not be represented here today. Regrettably, the Sisters of Mercy opted not to attend, though I understand that they are willing to meet individually. Nevertheless I look forward to constructive engagement with you today and in the future.

The primary purpose of today's meeting is to discuss with you the question of how the congregations and other management bodies move towards meeting the target of achieving a 50:50 share of the cost of the response to residential institutional abuse. I will also outline briefly the Government's position in relation to the ongoing support for survivors of abuse and the offers of cash and property that congregations have already made.

Let me repeat here what I have said previously in terms of my own background and upbringing. I am the product of the religious teaching orders having been educated by the Holy Ghost Fathers in St Michael's School and Blackrock College. I am eternally grateful for the education I received from the priests in those schools. Similarly I acknowledge the role that religious congregations generally have played in the development of Irish life and society and also their missionary role abroad. There is much that your congregations can be proud of and I readily acknowledge that.

I have written separately to each of you to outline, in general terms, the Government's response to these issues and, where appropriate, to address specific issues relating to property offers.

I appreciate that there may be concerns on your part regarding delays in dealing with some of these issues, particularly in responding to property offers. I must acknowledge that the previous Government had undertaken work in relation to this whole area and had made certain decisions which were outlined to you at a meeting in April 2010. I explained in my letters to you that further work had been undertaken since then: this included detailed consideration of the property offers by congregations and the consultation regarding, and preparation of legislation for, the proposed Statutory Fund, all of which has taken time. A general election and a change of Government and the unprecedented economic crisis faced by the country have intervened also. However, this Government, which took up office in March, has now had an opportunity to consider all of the relevant issues.

In summary the decisions taken by this Government are as follows:

- It supports the call made to you last year to augment your original offers so as to achieve the 50:50 target;
- It made decisions relating to property offers made by congregations;
- It has decided to proceed with the establishment of a Statutory Fund to support the victims of residential institutional abuse and copies of the General Scheme of that legislation have been given to you;
- It approved legislation to facilitate early winding-up of the Redress Board – this has now been addressed by legislation that has been approved by Dáil Éireann and Seanad Éireann; and
- The memorial recommended in the Ryan Report is to advance to competition stage.

I noted in my letters to you that the Government was disappointed that the call made by the previous Government for an enhanced contribution yielded a very poor response. One congregation offered €1m together with an offer to refund some or all of its legal costs. Another congregation offered to transfer an old primary school. Many of you responded to the call by stating that you believed that you had met an appropriate share of the costs of redress. To put it bluntly your responses, both individually and collectively, are disappointing. I understand that when you met the Taoiseach and other ministers last year you raised the issue of seeking contributions from other management bodies, i.e. outside of the 18.[1] That was done but I regret to say that the response proved equally unsuccessful.

I appreciate that congregations did not agree to the 50:50 share of the costs of abuse. The previous Government decided, in the light of the findings set out in the Ryan Report, that it was reasonable that the congregations should be asked to augment their contributions so as to achieve a 50:50 share. The findings set out in the Ryan Report were stark. The Report found that:

- physical and emotional abuse and neglect were features of the institutions,
- that sexual abuse occurred in many of them, particularly boys' institutions
- the level of discipline was oppressive
- the harshness of the regime was part of the culture of the schools and it was systemic and not the result of individual breaches by persons operating outside the law
- here was a climate of fear, created by pervasive, excessive and arbitrary punishment.

I could go on.

Of course the State did not escape criticism in the Ryan Report. However, as far back as 1999, the then Taoiseach, speaking on behalf of the Irish people apologised for the abuse that took place and for the State's role. This was reiterated by his successor when the Ryan Report was published. The State's apology has been augmented by the establishment and funding of the Redress Board and the Commission to Inquire into Child Abuse and other support measures.

I would ask you to reflect on the components of the response to residential institutional abuse and in particular the Redress Board and the Commission to Inquire into Child Abuse. What alternative was there to the Redress Board? Would your congregations have favoured pushing all of the former victims down the traumatic and costly litigation route with little chance of getting redress? Yes, Redress had a low burden of proof but was that not the right thing to introduce? Indeed does it not seem even more appropriate now with the benefit of hindsight in the light of the findings of the Ryan Commission? Similarly please reflect on the legitimate and important role of the Commission as an element of the response to residential abuse. Without the Commission the story of what happened would not have been told. These were essential components of the response. They are also the main components of the cost and you are being asked to share that cost.

It is obvious now that when the 2002 Indemnity Agreement was being finalised that there was no clear picture as to the actual final cost of redress. Any estimates at the time were crude as it was extremely difficult to estimate the number of potential applicants for redress or to gauge the actual level of awards that would be made. As time went on more definite figures were available and we know now that the final bill for the Redress Scheme will exceed €1bn. The State has met virtually the entirety of this cost. When the Dáil's Public Accounts Committee reviewed this issue in 2005, it noted that the €128m contributed by congregations under the 2002 Agreement would seem disproportionately small and it went on to say that the public would reasonably view a 50:50 share as being "fair and balanced and reflect the responsibilities of both the State and the Congregations". This view was reflected in subsequent Dáil debate.

Apart from the €128m contributed by your congregations in 2002, the State has of course met all of the costs of response to abuse. I welcome the fact that your congregations made offers of additional contributions in the aftermath of the publication of the Ryan Report. You have committed a further €111m in cash contributions and offered properties valued by you at €235.51m. Even if all of the properties were accepted by the Government the combined offers, when added to the €128m paid in 2002, would still fall some way short of a 50:50 share.

I understand that there is a view among congregations that they should not meet some of these costs as they were not consulted in relation to those measures or their involvement was limited. The argument has I understand been made by many congregations that they have paid their "fair share" of the costs of abuse.

While the confidentiality provisions of the Redress legislation impose restrictions I propose to explore ways in which we might obtain some indication of the relative involvement of different institutions in the

redress process perhaps by direct contact between the Redress Board and congregations. I would ask for your co-operation in exploring this possibility.

Having regard to all of the facts the Government is fully satisfied that it is entirely right and proper that the managers of institutions be asked to meet a 50% share of the major costs of dealing with abuse. Putting it bluntly I believe that there is a moral responsibility on your congregations to significantly augment your contributions. Quite simply, this issue will not go away. I believe the public supports the 50:50 approach and will not see the issue as closed until that is delivered. I urge you therefore to reflect on these points and to revert to me at the earliest opportunity with your response. Less there be any ambiguity, I am calling on you to significantly increase the cash offers that you have already made.

As you know, the Government intends to use €110m of the cash you have committed to be placed in the Residential Institutions Statutory Fund and used for the benefit of former survivors who received redress awards and will assist them in accessing a range of services such as education, counselling, housing etc. These proposals emerged following a public consultation process and consultation with survivors. You have been provided with a copy of the report of the consultation process and of the General Scheme of the Bill to establish the Fund.

Any further cash contributions received from congregations will go towards the costs of the National Children's Hospital.

I wish to speak briefly now about property offers. I do not propose to deal here with the response to the individual property offers that your congregations have made: that will be done on a bilateral basis with my officials. Suffice it to say that having carefully considered the matter and consulted as widely as possible, it was clear to the Government that only 12 of the properties offered are of immediate benefit to the State. We would hope to proceed rapidly to complete the transfer of those properties.

Some of the other properties on offer are not of interest to the State at present but it is conceivable that this position may change at some time in the future. Given the gap in meeting a 50:50 share of the costs the Government wishes to explore the possibility of putting in place a legal mechanism which would provide the State with a long-term option on the school infrastructure belonging to your congregations. This would in effect mean that the title to the property could not be altered, whether by sale on the open market or by transfer into any Trust arrangement, without the prior consent of the Department of Education and Skills. This is of course a complex issue and much work will be required to put in place such a mechanism. Nevertheless I believe that it represents an avenue that should be considered most carefully in the context of making progress towards the achievement of the 50:50 share.

I want to dispel any notion that this particular proposal is in some way driven by ideology: it is not. The Government's sole aim in this is to achieve a reasonable response in terms of meeting the costs of the response to abuse. I wish to make clear also that if any education property is transferred to State ownership under this particular mechanism it would not follow that the current patronage arrangements would be affected. Such schools would remain as Catholic schools and that would not be altered without agreement: the lands would however be available to the State.

It is incumbent on all of us to look at constructive ways in which some of the difficulties before us can be addressed. I believe that the property related mechanism that I have just outlined would afford the congregations involved the opportunity to shoulder their share of the costs of responding to the horrendous wrongs suffered by children in their care, while at the same time, recognising the legitimate legacy of their contribution to Irish education.

Congregations have already paid €21.05m of their contributions and I greatly welcome this. A number of congregations had advised that they would make their contributions once they had sight of the proposals for the Fund. Concerns were also raised about the issue of charitable status for contributions. I hope that when you have examined General Scheme of the Bill you will be satisfied that your Congregation's requirements have been met and that you can then make further payments.

In summary, I ask you

- to accept that Government's responses to abuse and in particular the establishment of the Commission and the Redress process were the appropriate measures to address residential institutional abuse
- to accept that a 50:50 share of the costs of redress between the State and the management bodies is an appropriate apportionment, and
- to collaborate in identifying appropriate contributions for each congregation

I would like you to reflect on my requests and consider how we can work together to achieve a 50:50 sharing of the costs?

I look forward now to hearing each of your views.

Appendix 1

18 Congregations who were party to 2002 Indemnity Agreement

Brothers of Charity

Christian Brothers

Daughters of Charity

Daughters of the Heart of Mary

De La Salle Brothers

Dominican Friars

Good Shepherd Sisters

Oblates of Mary Immaculate

Order of St. John of God

Presentation Brothers

Presentation Sisters

Rosminians

Sisters of Charity

Sisters of Mercy

Sisters of Nazareth

Sisters of Our Lady of Charity

Sisters of St. Clare

Sisters of St. Louis

Other management bodies who were written to seeking contributions

Dominican Order Of Nuns

Daughters of Liege

Salesian Fathers

Board of Governors Baltimore Industrial School (Catholic Bishop of the Diocese of Cork and Ross)

Daughters of Wisdom (Sisters of La Sagesse)

Mrs Smyly's Trust

Cottage Home Child and Family Service

Miss Carr's Children's Services

COPE Foundation

Sisters of Sacred Hearts of Jesus and Mary

Sisters of Charity of Jesus and Mary

Kirwan House Charity

Enable Ireland

Stewart's Hospital Services Ltd

Traveller Family Care

Los Angeles Society for Homeless Boys (now Home Alone)

Tabor House

Bishop of Raphoe (St Columba's Industrial School, Killybegs)

The Adelaide & Meath, Tallaght (Harcourt St Hospital) has not been approached to date.

[1] The details of all management bodies are included at Appedix 1