

**Follow-up to Ryan Report**  
**Meeting with Religious Congregations**  
**15 April 2010**

1. The Taoiseach, accompanied by the Tánaiste and Minister for Education and Skills, the Ministers for Health and Children and Justice, Equality and Law Reform, the Minister of State for Children and Youth Affairs and senior officials from the relevant Departments and the Attorney General's Office, met representatives from the eighteen religious Congregations that were party to the 2002 Indemnity Agreement on 15 April 2010. A list of the congregational representatives is attached. The meeting lasted approximately from 2.30pm to 5pm.
2. In his opening remarks, the Taoiseach thanked the attendees for accepting his invitation to the meeting and went on to make the following points:
  - At the meeting held on 4 June 2009 following the publication of the Report of the Commission to Inquire into Child Abuse (the Ryan Report) he had expressed the dismay and abhorrence that everyone experienced on reading about the suffering and abuse of so many children in residential institutions run by Religious Congregations and overseen by the State and re-iterated the Government's sincere apology to victims of childhood abuse for the failure to intervene, to detect their pain, to come to their rescue.
  - The Government accepted the State's failures and had published a detailed Implementation Plan last summer to implement the Ryan Report's recommendations.
  - The Ryan Report had vindicated the Government's decision to establish the Residential Institutions Redress Board to compensate survivors without their having to go through the Courts. While the facts of abuse were addressed via the Commission, the Redress Board focuses on the injury suffered by abuse victims.
  - While much of the abuse occurred many years ago, the consequences continue to affect former residents and the Government is particularly conscious of addressing their ongoing needs and is supporting counselling, education and family tracing services.
  - The Ryan Report found a much more systemic volume of abuse in residential institutions than was previously accepted by all Congregations. Following publication of the report, the Government and Dáil Éireann had called on the Congregations to make further substantial contributions by way of reparation. These contributions needed to be capable of being assessed by the public for their significance by reference to the full resources available to the Congregations and in the context of costs of well over a billion euro being incurred by the State.
  - The Congregations had indicated their willingness to make financial contributions and committed to a transparent process in relation to disclosure

of their resources. To facilitate public assessment of the Congregations' contributions in the context of their resources, the Government had appointed an Independent Panel. The Congregations' co-operation with the Panel was acknowledged.

- The Report of the Panel concluded that the statements of resources provided by Congregations give a complete and reasonable view of their overall financial situation, and that the assets, liabilities and commitments are fairly stated. The resource summaries for the individual Congregations had been broadly accepted by the Congregations as reflective of their resource position.
- While the Government had sought an overall collective offer of further substantial contributions, the Congregations had responded on an individual basis.
- The Panel's Report and the responses of the Congregations (with minor necessary redactions in a few instances) will be published later today (after the subsequent scheduled meeting with the survivors) and copies were available for everyone present.
- The Government has considered the Panel's report together with the responses of Congregations, along with a range of issues that arose following the publication of the Ryan Report. While the Congregations' responses would primarily be judged by the survivors of residential abuse and the Irish people who will ultimately evaluate the extent to which Congregations live up to their foundational values and face their moral responsibilities, the Government accepted that it will be expected to have formed a view on the responses.
- Taking account of the stark findings of the Ryan Report, the very large costs being borne by the taxpayer in responding to residential institutional abuse, which are estimated will reach some €1.36bn., and the full resources available to the Congregations, as outlined in the Panel Report, the Government's view, which it believes will be shared by the Irish people, is that it is fair and reasonable in all the circumstances for the State and the Religious Congregations to meet the final costs of the response on a 50:50 basis. Similar views had been expressed by Opposition parties during the debate on the Ryan Report in Dáil Éireann last summer.
- The significance of the additional contributions which the Congregations had offered was acknowledged. While further discussions would be required in relation to the property aspects, the aggregate of the current responses, as valued by the Congregations, comes to €348.5 million. If these offers are all fully acceptable to the State and the valuations fully realised, and when account is taken of the earlier €128 million committed under the 2002 Indemnity Agreement, the overall collective contribution by the Congregations would be €476.5 million. A 50:50 apportionment of the overall cost estimate implies a contribution of €80 million – which would require an additional €203.5 million from the Congregations.

- The Government recognised that going beyond the current offers to the ultimate achievement of a 50:50 outcome will be challenging. However it was a challenge to be met in view of the extent to which the outcome will determine a public assessment of the legacy of the Congregations' work in Ireland. It would also be of benefit in its own terms as the Government's is that the additional contributions in cash, should be applied to the cost of developing the National Children's Hospital, a project consistent with the care of children to which so many of the Congregations' members have devoted themselves.
  - Not all Congregations are equally resourced and there were different levels of involvement in residential institutions and many of the property assets are currently restricted or in use. The Government understands that achieving a 50:50 split of the financial burden will therefore inevitably take time but nonetheless it is the Government's belief that such a collective contribution is fair and reasonable, and is achievable over time.
  - Congregations are invited to engage in a process to determine, how, over time, the goal of achieving the additional contributions required to meet the appropriate level, can be met. This will take account of the profile of assets and commitments reflected in the Panel's report. Technical or legislative changes to facilitate that outcome, given the terms under which certain Congregational resources are held, can be considered.
  - Returning to the priority to address the needs of survivors, the Government was proposing that €10 million of the current offers – essentially the cash element - will be used to establish a Statutory Fund, to support the needs of survivors as envisaged in the motions adopted by Dáil Éireann. Many Congregations have expressed support for such a Fund. The exact nature of the Fund, how it would operate and the uses to which it might be put would be addressed in consultation both with the Congregations and with representatives of the former residents. Following this consultation, the arrangements will be considered by the Government.
  - Congregations are requested to positively consider the proposal to engage in a process to establish a pathway to an appropriate, ultimate outcome. The Department of Education and Science as lead Department will liaise with Congregations in relation to the existing offers and the consultations on the proposed Statutory Fund.
3. The Taoiseach then invited contributions from the representatives of the Congregations.
  4. Representatives from most of the Congregations contributed to the subsequent discussion. The most significant points made by the representatives, set out in the order in which they made their initial intervention, were as follows:

Br Kevin Mullan, Christian Brothers

- Welcomed the Taoiseach's statement and noted the Panel's report to be fair and reasonable from a cursory examination. The proposed

establishment of an independent Trust/Fund is welcome. However, there is a need to proceed with the establishment of the Fund and address its parameters as a matter of urgency.

#### Sr Elizabeth Maxwell, Presentation Sisters

- While happy to be at the meeting, considerable time had elapsed since the initial Dáil motion on the Trust in May 2009. In the intervening 11 months, their congregation had been approached by former residents, seeking that contributions be paid directly to them rather than to the Government.
- The process in 2002 was entirely different and involved negotiations over many meetings. Agreement was based on the level of claims as estimated at that point; the number has risen considerably since then. Were advised at the time that money did not matter; now money is the most critical issue.
- All blame is attaching to the religious and particularly the Congregations represented at the meeting. Why not call on others covered by Redress to contribute?
- Religious contributed to Irish society. They want to be creative, want to walk the path with the Government to achieve a positive outcome.
- Being presented with an ultimatum now regarding 50:50 split, comes as a shock. Remain anxious to work with the Government. However, the Congregations have tried hard in the responses and their existing offers of contributions, should at least be commended when the Government is commenting publicly on the meeting.
- Concern as to how public opinion would actually be gauged. The court of public opinion would not give them fair process. Sisters of 80 years of age, who had never been in an institution, had been spat upon.

#### Br Francis Manning, De La Salle Brothers

- There was a need for clarification regarding the composition of the Trust, its title, the governance arrangements, implementation date, arrangements for paying offers, etc.

#### Sr Coirle McCarthy, Mercy Congregation

- Speaking in relation to her own individual Congregation (which had 7 provinces of which 4 based in Ireland); there is a need to recognise that each Congregation can be responsible only for itself and should be treated separately.
- Outlined responsibility for residential institutions and considered that their Congregation's contribution more than reflected their relative responsibility for the costs involved, on a 50:50 basis with the State.
- Other Congregational property has been, and is being, transferred to the State outside of the Redress process, e.g. the site for the National Children's Hospital, valued at €95m at the time of the transfer; the transfer of schools to the dioceses. The Congregation's offer has big implications for them. The average age of the sisters is 74.
- Who will provide services if the Congregations are forced to dispose of assets used to deliver services?

- While accepting their responsibility for what occurred, the Ryan Report based its analysis on a limited sample and the Congregation felt their position wasn't fully acknowledged. The Congregation does all sorts of good in Ireland. No member of the Congregation had been convicted of abuse. Members feel vulnerable, some had been maligned and destroyed with some afraid to go out in public.
- Not all costs of Congregations are being taken into account, e.g. the Congregations' ongoing care for those who left institutions.
- Concerned that assets Congregations transfer to the State will indelibly be linked to abuse. Congregation is happy to engage with the State and will talk about hospitals.

#### Sr Frances Murphy, Presentation Sisters

- Congregation's contribution more than reflected their relative responsibility on a 50:50 basis.
- Congregations are not the beneficiaries of properties owned by them, they are constrained to some extent as to how they may dispose of them.
- Hearing of the proposed 50:50 split today for the first time.

#### Sr Patricia Rogers, Sisters of St. Clare

- Congregation was part of the Indemnity Agreement at the beginning and considers that 50:50 may be unacceptable as the original scheme invited Congregations to contribute. The Congregation was devastated following the publication of the Ryan Report. While cognisant of the need to make continuing provision for adults hurt by residential institutional abuse, the contributions being sought represent a big jump. Noted the idea of a process over time.

#### Br Alfred Hassett, Brothers of Charity

- Congregation felt its contribution reflected its responsibility on a 50:50 basis with the State. The Congregation's assets are used to provide services to those with learning disabilities but are being hit by reduced allocations from the HSE and the moratorium on staffing. If frontline services are lost, many clients will need residential care if support is removed. Looking for a constructive way forward for use of the assets and whether residential care can be converted into new services.

#### Fr William Fitzpatrick, Oblates of Mary Immaculate

- Congregation was heartened by the good references in the Ryan Report. Dealing with marginalised group.
- Congregation fully co-operated with Panel process. However, this is the first reference to collective responsibility and a collective contribution.
- Disappointed that Congregations' responses are not considered to be adequate. Their contribution has hardly been acknowledged. There is much more to the Congregations than what the Ryan Report said about them.
- However, want to be constructive and work with the Government to meet the needs of survivors.

- The Trust must be established urgently and details are required on its scope, the needs it is to address (which should include those of UK based Daingean survivors), etc.

Sr Mary Christian, Religious Sisters of Charity

- Welcomes developments but concerned that no reference was being made to abuse perpetrated in institutions not under the congregations' control and no contribution was being sought from them.

Sr Sheila Murphy, Sisters of Our Lady of Charity

- Willing to support and contribution offer made.
- No doubting the fact that people suffered greatly and no getting away from that fact. While redress process was established with best intentions there had been mistakes, which should be learnt from.
- Members of congregations had to live with allegations made and feel totally silenced. Some Sisters died feeling their lives had been useless. Some elderly Sisters had been asked for forgiveness by former residents who told them they had said untrue things about them at the Redress Board.
- How will the public decide on the adequacy of offers? How is public opinion assessed? Is public opinion just the media?

Mr Jack Casey, on behalf of Good Shepherd Sisters

- No money available for additional contributions but must engage to go forward. Cannot put services at risk. The €200m cannot be achieved overnight a longer-term solution must be found. Property, etc must be looked at.

Sr Catherine Prendergast, Daughters of Charity

- While grateful for meeting and willing to cooperate in partnership with the Government, they are nervous about 50:50 split. Need to look at other Congregations apart from those represented at the meeting. Will enter into process that might reach 50:50 but can't commit to reaching 50:50. Involved in the provision of various services.

Br. Edmund Garvey, Christian Brothers

- It would be disastrous if the needs of survivors were lost sight of.
- Congregation has done great work and contribution offered. Noted that the Panel process commented that the congregation's provision for its members was too conservative.
- Their constituency (membership) would have to be consulted and consent secured.
- Would prefer if focus on process rather than 50:50.

Fr Pat Lucey, Dominican Friars

- Congregation did not run a home where abuse took place.
- Believe that they have made a huge contribution over the years particularly in the Tallaght area.

- Reluctant to accept that 50:50 should apply to them and consider the offer they've made is fair and appropriate and they can't go any further.

Sr Anne Kavanagh, Sisters of St Louis

- Congregation ran one orphanage and welcomed Taoiseach's comments and willing to engage in a process. A pathway leads to an unknown location and there should be a broader discussion, not just focussed on a 50:50 split.

Fr Joseph O'Reilly, Rosminians

- Wants to fully participate and agree. However, Congregation has no funds and has substantial debt for major improvement plans. There are huge expectations from victims but the Congregation has no money.

Br. Laurence Kearns, Hospitaller Order of St John of God

- Respects the Government's assessment of public opinion.
- Achievement of 50:50 split overtime will require creativity. In reality all assets held are for the people of Ireland. Try to obviate 50:50 split but if that is the way then be creative. Some assets offered to State previously.
- Respects view that public opinion may be critical of Congregations' offers.

5. The Taoiseach and Ministers intervened at various points in response to comments by Congregational representatives. Among the key points made were the following:

Taoiseach

- Considered essential that the proposed Fund for survivors be put on a statutory basis. While the broad purpose of the Fund is to support the needs of survivors, there will be consultation about the precise structure of and detailed arrangements for the Fund and these will be considered by the Government following the planned consultation.
- When the State apologised, it faced up to its responsibilities and put the arrangements in place. The level of applications to the Redress Board, at 14,000, was not foreseen; however, applicants had to meet the criteria of the scheme. The Redress Board is continuing to process cases and is expected to complete its work in the next year or so. The Indemnity Agreement continues to be honoured by the State and the taxpayer has already spent €1bn on the response to abuse. The overall estimate is expected to be €1.36bn. The State continues to meet commitments arising from abuse and other costs, such as those associated with the National Counselling Service, are not included in the overall costs of redress. The State is also of course committed to implementing the recommendations of the Ryan Report.
- The conclusions of the Ryan Report are clear and represent an appalling vista. The Government accepts the conclusions and is seeking a just outcome. There is a need to assume responsibility and the State has stepped up to the plate. Accountability rests with all: the hurt must be acknowledged. The taxpayers met the costs associated with the response to redress. The issue goes beyond legality, there is a moral responsibility. Dáil Éireann unanimously called on the Congregations to make further contributions. There is a need for an outcome to this historical period and Government considers that a 50:50 split -

to be achieved over time - is the best way of ensuring that the full legacy of the Congregations is secured. Congregations should reflect carefully and while, at the end of the day, it is a matter for each to do as they feel appropriate, believes it is in the interests of society that responsibility for the issue of residential institutional abuse be dealt with.

- A 50:50 approach as a just outcome had support in Dáil Éireann. The suggestion of a 50:50 split is not new and has been raised in the Public Accounts Committee and in the Dáil Debates on the Ryan Report. However, having considered all the circumstances, the Government is now conveying its view that the costs should be met on this basis. The Congregations present were responsible for managing some 100 of the 139 institutions scheduled for the Redress Scheme. Other Congregations and bodies involved in the management of scheduled institutions will be approached. If Congregations adopt a view that they have made offers and that's it, it will be reflected in public opinion's response. Agreement to engage in a process to reach 50:50 over time provides a means to ensure the Congregations' legacy is protected. As far as he could gauge, public opinion would consider 50:50 appropriate. If Congregations' feel otherwise and consider that they have done enough let them defend their position in public. While acknowledging the work undertaken and the significance of the offers made, it is from a sense of fairness and what the public would consider appropriate, that the Government's approach is being taken. In meeting the 50:50 split, the Congregations can secure their longer-term legacy.
- Acknowledges and understands the pressures on services. However, the public finances demand restrictions. In the wider context the Government is attempting to secure agreement on the public sector pay deal.
- The Government is proposing a process over time to achieve the goal of 50:50 and has sought to take a balanced view being fair to all concerned. While acknowledging the difficulties involved, there is a need to address it at the aggregate level. An overall collective offer was sought and was reiterated in the Taoiseach's letter of September 2009. However, Congregations chose to make individual offers. The Government is open to looking at how progress can be made and is prepared to look at all issues. The Government's position is that the offers, while significant, do not meet its requirements but at the same time it is anxious to resolve the matter. There is a need to acknowledge the principle of a 50:50 split: a process needs agreement on the intended goal.

#### Minister for Health and Children

- Both the co-operation of the Congregations with the Panel and the offers made has been recognised by the Taoiseach in his opening statement.
- There is a danger that the context of the Ryan Report is being forgotten. The Panel Report identifies collective Congregational assets of some €4bn. The question of a fair contribution must be seen in these contexts, and also in the context of the meeting that the Government representation would be having with the victims' groups' representatives later in the day.
- While some consider that the Congregations should not have a role in education or health, the Government does not share that view. It respects the Congregations' involvement and acknowledges their contribution.



- The Government has put considerable thought into the issues involved. The linkage to the new Children's Hospital is reasonable; and it would be a disservice to all if agreement could not be reached on the principle.
- Invited representatives to reflect on the process that might be used to achieve the 50:50 split over time.

Tánaiste and Minister for Education and Skills

- The work of all religious Congregations and their contribution to society is appreciated by all the Government. So too is the offer that has been made.
  - While appreciating the challenges involved, believes that a 50:50 share is reasonable and has widespread support, both in media and political spheres.
  - The Government is not in a negotiating position. This is not a Government dictat; rather it is the Government's view of what is fair and reasonable, in the circumstances.
  - The Government wishes to bring closure and is anxious to proceed as soon as possible. There is a need to progress and this may be on a bilateral basis with each Congregation. All assets, whether cash or property, can be considered.
6. In summation, the Taoiseach acknowledged the Congregations' offers and having regard to the Panel Report's assessment of their assets; the Government supported the view expressed in Dáil Éireann that a 50:50 apportionment of costs was appropriate. A process of engagement with each Congregation would follow. The meeting ended with the Taoiseach thanking the Congregations for their input to the meeting.

**Attendees on behalf of Religious Congregations  
at Meeting with an Taoiseach on Thursday 15th April 2010**

|           | <b>Congregation</b>                 | <b>Name of those Attending</b>                                  |
|-----------|-------------------------------------|---|
| <b>1</b>  | Brothers of Charity                 | Br Alfred Hassett   |
| <b>2</b>  | Christian Brothers                  | Br J K Mullan<br>Br Edmond Garvey                               |
| <b>3</b>  | De La Salle Brothers                | Br Francis Manning  |
| <b>4</b>  | Dominican Order                     | Fr Pat Lucey<br>Fr Larry Collins                                |
| <b>5</b>  | Oblates of Mary Immaculate          | Fr William Fitzpatrick  |
| <b>6</b>  | Presentation Brothers               | Br Walter Hurley  |
| <b>7</b>  | Rosminians                          | Fr Joseph O'Reilly  |
| <b>8</b>  | Daughters of Charity                | Sr Catherine Prendergast  |
| <b>9</b>  | Religious Sisters of Charity        | Sr Mary Christian<br>Miriam Hennessy                            |
| <b>10</b> | Good Shepherd Sisters               | Sr Bernadette McNally<br>Jack Casey                             |
| <b>11</b> | Daughters of the Heart of Mary      | Sr Mary Brogan  |
| <b>12</b> | Mercy Sisters                       | Sr Coirle McCarthy<br>Elizabeth McNamee                         |
| <b>13</b> | Sisters of Nazareth                 | Sr Cathaldas Courtney<br>John O'Mahoney<br>Sr Victoire Mulligan |
| <b>14</b> | Presentations Sisters               | Frances Murphy<br>Sr Elizabeth Maxwell                          |
| <b>15</b> | Sisters of St Clare                 | Sr Patricia Rogers  |
| <b>16</b> | Hospitaller Order of St John of God | Br Laurence Kearns  |
| <b>17</b> | Sisters of St Louis                 | Sr Ann Kavanagh   |
| <b>18</b> | Sisters of Our Lady of Charity      | Sr Sheila Murphy<br>Andrea Shapinski                            |