

COMMISSION TO INQUIRE INTO CHILD ABUSE

HELD AT 145-151 CHURCH STREET, DUBLIN  
ON THURSDAY, 15TH JULY 2004 - DAY 11

BEFORE

MR. JUSTICE SEÁN RYAN

CHAIRPERSON OF THE INQUIRY

ORDINARY MEMBERS:

DR. IMELDA RYAN, Consultant Child and Adolescent  
Psychiatrist  
MR. FRED LOWE, Principal Child Psychologist

**11**

I hereby certify the following to be a true and accurate transcript of my shorthand notes in the above hearing.

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MEMBERS OF THE COMMISSION PRESENT

REGISTRAR TO INVESTIGATION COMMITTEE: MR. BRENDAN REIDY

COUNSEL FOR THE COMMISSION: MR. NOEL McMAHON SC  
MR. FRANK CLARKE SC  
MS. KAREN FERGUS BL

Instructed by: MS. FEENA ROBINSON

FOR SR. P. ROGERS: MS. U. NI RAI FEARTAIGH BL

Instructed by: MR. P. McDONALD  
ARTHUR O' HAGAN SOLICITORS  
9 HARCOURT STREET  
DUBLIN 2.

FOR SR. C. MEAGHER: MS. U. NI RAI FEARTAIGH BL

Instructed By: MR. P. McDONALD  
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FOR SR. N. SHANKEY MR. N. MURRAY BL

Instructed By: MR. P. McDONALD  
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MR. P. WALSH: NO LEGAL REPRESENTATION

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THE HEARING RESUMED, AS FOLLOWS, ON THURSDAY,  
15TH JULY 2004

MR. McMAHON: We will start this morning's proceedings with the evidence of Sr. Patricia Rogers on behalf of the Sisters of St. Clare.

THE CHAIRMAN: Very good.

SR. PATRICIA ROGERS HAVING BEEN SWORN WAS EXAMINED,  
AS FOLLOWS, BY MR. McMAHON

THE CHAIRMAN: Good morning, Sister.

1 Q. MR. McMAHON: Good morning, Sister. I think you are a member of the Sisters of St. Clare?

A. Yes.

2 Q. You are here to respond to the Investigation Committee's letter of inquiry in relation to the matters which are set out in that letter?

A. That's correct.

3 Q. What is your position in the community of the Sisters of St. Clare?

A. I am the Congregational Leader. The Sisters that I represent we would be known at different times as "Poor Clare Sisters of St. Clare" and I think it might help to put in context how we, an enclosed



1 group, became involved in childcare if I just sketch  
2 a little bit of the background of the history of the  
3 Order.

4 Q. Yes, do.

5 A. We have been known as the "Poor Sisters of  
6 St. Clare", so sometimes that becomes "Poor Clare"  
7 and sometimes it becomes "Sisters of St. Clare". We  
8 choose the designation "Sisters of St. Clare".

9 Q. Yes.

10 A. Unlike a lot of the other congregations that have  
11 made presentations to this Committee, we weren't  
12 founded for a particular work in society, we were  
13 founded as a contemplative group in 1212. From 1212,  
14 the Congregation and the Order spread throughout  
15 Europe. In 1629 a group of young Irish women who had  
16 been in a Poor Clare convent in the Netherlands, they  
17 were invited back to open a convent here. There had  
18 not been a convent in Ireland for 100 years. They  
19 came back to Dublin, they opened a convent over  
20 behind Merchant's Quay, but they were there a very  
21 short time when the authorities in Castle heard about  
22 them, called up to the Castle, banished out of the  
23 city etc., and they went off to the West. It was  
24 about 100 years later when the Parish Priest of this  
25 area of St. Michan's invited them back to Dublin  
26 again to try again. This time they settled on this  
27 side of the river, so they were in Beresford Street,  
28 then in Brunswick street and then in North King  
29 Street, and even in a place called Russell Court



1           which is somewhere in the block, this block of  
2           building here between the Friary and May Street.  
3           Then they went from there to Dorset Street in 1750.  
4           At different sometimes in the 200 years, more as a  
5           camouflage than anything else, they would establish a  
6           small school, but they were not allowed exist as a  
7           convent, they weren't allowed have a grill or an  
8           enclosure or wear a habit. So at intervals they  
9           would set up a small school and then when things  
10          calmed down, they would try to go back and live as an  
11          enclosed group.

12  
13          By 1750 they went to Dorset Street and they were  
14          there for about 50 years and there from time to time  
15          they would have some school. About 1800, the lease  
16          on the house in Dorset Street was falling in, they  
17          didn't have enough resources to pay the new lease  
18          that was coming up and they thought they would have  
19          to disband. There were people who were friends of  
20          theirs who came to the rescue, told them there was a  
21          property over in Harolds Cross, which was then way  
22          out in the country. At the same time there was a  
23          Miss O'Brien, she was a member of a well known Dublin  
24          wealthy family who were very much involved in  
25          charitable activities, and she was managing a lay  
26          orphanage, and I think the Committee have had a  
27          presentation on the issue of the lay orphanages at  
28          the early stages of this stage of the Inquiry. So  
29          Ms. O'Brien had this lay orphanage and she was



1 looking for a religious group to take it over. The  
2 Archbishop arranged with the Sisters that they would  
3 moved to Harolds Cross, take over the orphanage and  
4 the rule would be mitigated slightly to allow them to  
5 do that. So that is the origin of the Harolds Cross  
6 Orphanage. The Sisters went there in 1804 and the  
7 orphanage was established in 1806.

8 6 Q. I see.

9 A. Initially it was for girls only, but by the 1970' s  
10 they began to take in boys so that they wouldn't have  
11 to break up family groups. So it existed for about  
12 190 years. Its role was to look after female  
13 orphans, as they were so described, but also to care  
14 for children for short periods. If there was a  
15 parent ill or hospitalised, or not able to look after  
16 the children, then they were accommodated and cared  
17 for in Harolds Cross. There was a national school  
18 and then in the 1950' s, they set up a commercial  
19 school and the girls got secretarial training.

20  
21 I think it is important to stress that Harolds Cross  
22 was never an industrial school, it was a private  
23 orphanage and it was financed by the very limited  
24 resources of the Sisters and by their friends or  
25 whatever the families of the children could pay, and  
26 sometimes there would be a charity sermon. As I say,  
27 some children spent all their childhood there and  
28 some only short periods of time.

29



1 In the 1960's the State became involved in sending  
2 children there and they began to fund the orphanage,  
3 and then it went under the ordinary budgetary  
4 arrangements for the Health Boards eventually. When  
5 the Sisters in the 1980's decided that it would be  
6 better to accommodate children in smaller houses, the  
7 congregation purchased two houses; one in Kenilworth  
8 Park and one in Harolds Cross, and we made these  
9 available free of charge to the Health Board, in one  
10 case for about 16 years and one for about 10 years  
11 and the children lived in those and they moved over  
12 to both of these houses.

13

14 There was a new development then in about 1985 when  
15 we had a general chapter and it was decided at that  
16 to look at our involvement in childcare because new  
17 trends were emerging, it was becoming more common for  
18 younger children to be cared for in foster care and  
19 then the older girls who would need residential care,  
20 they had more complex needs and they needed more  
21 specialised care. So the question given to our  
22 leadership team was to look at our involvement, look  
23 at the needs and look at our personnel. So they did  
24 that, there was a fairly detailed exploration of the  
25 options. In 1988 there was a decision taken to phase  
26 out our involvement in the Kenilworth unit. To help  
27 the girls prepare for independent living, they moved  
28 to two smaller houses. Most of the girls at this  
29 stage were in their late teens, so they would have





1           been moving out to independent living anyhow. They  
2           got a lot of support at the time from the Sisters and  
3           the staff, and also from the Health Board. Also, one  
4           of the houses that was purchased in Harolds Cross  
5           catered for younger boys and it ended in 1997.

6  
7           So that, in a sense, indicates how we as a  
8           congregation became involved in childcare. From that  
9           initial involvement then, we moved to the  
10          establishment of the industrial school in Cavan.  
11          That owes its origins back to 1861 when the Bishop of  
12          Kilmore asked Sisters from Harolds Cross and from a  
13          convent that had been founded in Newry to go to  
14          Cavan, establish a convent and set up an orphanage.  
15          So they did that in 1867 and it was approved as an  
16          industrial school in 1869. In both places they had  
17          lay staff as well as Sisters. The industrial school  
18          in Cavan closed in 1967, because, like all the other  
19          industrial schools, the pattern of admissions was  
20          changing and there were fewer and fewer children who  
21          needed such care.

22  
23          I suppose in summary while at one time we had two  
24          residential units, we are no longer involved in  
25          residential care of children at this point in time.

26        7    Q.    Yes.

27           A.    Also, to flesh out the picture of the management of  
28           the institutions, it is worth saying that Poor Clare  
29           convents when they were established were always



1 autonomous and independent. The convents in Cavan,  
2 Harolds Cross and Newry and the other convents that  
3 were founded, they would all have been completely  
4 independent until 1944 a group of them, four of them  
5 got together and amalgamated and they formed a  
6 congregation which after that expanded to open  
7 convents in different places; England, Scotland,  
8 Wales, Central America and the United States. The  
9 Harolds Cross Convent remained independent until 1976  
10 and then it joined with the other group.

11  
12 So this is the congregation that I represent today  
13 and from that initial involvement in the care of  
14 orphans, we then moved into mainstream primary and  
15 secondary education. We didn't continue a pastorate  
16 in childcare as our main pastorate, it was mainly  
17 education. Today many of the Sisters are involved in  
18 pastoral work and parish ministry. Again, I think it  
19 is true to say that although there was a centralised  
20 leadership from 1944, in ways the older convents  
21 remained independent, they had centralised leadership  
22 but they were allowed a certain amount of autonomy.  
23 So the Cavan Industrial School would have operated  
24 under the management of the local convent for almost  
25 80 years and the Harolds Cross convent would have  
26 operated under the control of the local convent for  
27 about 170 years out of their total existence.

28  
29 I suppose I would feel very strongly and be very



1           aware that when any child is admitted to residential  
2           care, it is a very, very distressing experience for  
3           them because they are going to have to leave familiar  
4           surroundings, move to live with strangers in a  
5           strange place and everything about it is strange.  
6           Then I think in addition to that, if they happen to  
7           meet with any kind of unkindness from anybody, it  
8           must have been an absolutely devastating experience  
9           for them. I would be conscious of that dimension to  
10          the whole question that we are exploring here today.

11       8   Q.   Yes.

12       A.   In an effort to establish a picture of life in the  
13          facilities, I contacted Sisters, who are still alive  
14          and who worked in the industrial school in the  
15          orphanage even for brief periods of time. There  
16          aren't many of them around, as you will imagine, most  
17          of them are very elderly or have died. I have spoken  
18          to Sisters who lived in the communities attached to  
19          the institutions. One Sister in her 80's who is  
20          still quite active, she would have entered in the  
21          1940's and she gave me a brief account of her  
22          memories of what it was like, and she told me about  
23          Cavan. Two former residents have also written an  
24          account for our own personal files and records of  
25          what they experienced living in the Harolds Cross  
26          orphanage in the 1940's. The Sisters I spoke to told  
27          me that they were unaware of any serious physical,  
28          emotional or psychological abuse of children. The  
29          buildings that were in use at the time, they were old



1 and they would at times have been cold. They  
2 certainly were not what one would describe as homely,  
3 and the food for both the Sisters and the children  
4 would have been plain but adequate. They agreed that  
5 the Sisters helped with the housework and in some  
6 cases they themselves worked alongside the children  
7 in these different tasks. Essentially, they  
8 described a simple lifestyle with occasional treats,  
9 maybe outings and later on holidays and some  
10 celebrations.

11  
12 In the 1960's it appears that changes were introduced  
13 in some institutions. In Harolds Cross they had a  
14 uniform for the children in the orphanage, they  
15 dispensed with that and the children wore their own  
16 clothes unless the school they were going to required  
17 them to wear a uniform. They enrolled the children  
18 in different secondary schools in the area, so that  
19 they could make their own friendships and get  
20 involved in youth activities.

21  
22 In Cavan in the same period, in the late 1960's, the  
23 Sisters who worked in the industrial school, they  
24 visited other orphanages to get ideas on improvements  
25 which could be made to the accommodation. They did  
26 things like dividing dormitories, providing curtains,  
27 bed clothes, set up a sitting room for the girls  
28 where they had a record player and radio. The Cavan  
29 annals report that the children regularly won prizes



1 for singing and dancing or for arts and crafts in the  
2 agricultural show. As I said, later on they were  
3 taken on holidays in small groups.  
4

5 They opened a secondary top in Cavan in 1956, and  
6 some of the children from the industrial school  
7 attended and they moved on then to secondary school  
8 when this secondary top became a secondary school. I  
9 suppose the question always arises then what  
10 after-care was provided for former residents?

11 Because we are in a relatively small group, we didn't  
12 establish any structured after-care programme for  
13 former residents, but we have maintained links with  
14 those who wish to maintain links with us. For many  
15 years the old convent in Cavan had several bedrooms  
16 which were set aside for the use of the girls, and  
17 they came back from time to time to visit the Sisters  
18 or to spend holidays in Cavan. Some of the former  
19 residents have maintained links of friendship with  
20 Sisters and are in regular communication. I suppose  
21 today you say that after-care varies according to  
22 need and it will range from helping younger former  
23 residents complete third level courses to looking  
24 after the funerals for older residents and  
25 maintaining their graves, so it covers a wide span  
26 and basically it meets whatever needs arise that we  
27 become aware of.

28 9 Q. Yes.

29 A. So giving that sort of outline background to the



1 institutions, I would like to move on to the second  
2 question which concerns you, Mr. McMahon, which is  
3 the awareness of complaints from former residents.

4 10 Q. Yes.

5 A. In the case of Cavan, from its foundation to its  
6 closure in 1967, the records show that more than  
7 1,000 children were committed by the courts to  
8 St. Joseph's Industrial School for varying lengths of  
9 time. If I focus on the period which concerns this  
10 Committee, that would be 1940 to 1967, there would  
11 have been approximately 380 children being  
12 accommodated in the industrial school.

13 11 Q. Yes.

14 A. Of that 380 children, one child or former resident  
15 has lodged a complaint with this Committee. If I  
16 move to Harolds Cross, from its foundation in 1806 to  
17 its closure 190 years later, because of the nature of  
18 the orphanage, almost 3,000 children spent varying  
19 lengths of time there.

20 12 Q. Yes.

21 A. Again, if you take the period that concerns this  
22 Committee, which is 1940 onwards, we are dealing with  
23 about 500 children. Of those 500 former residents,  
24 only one of these has complained to this Committee.

25 13 Q. Only one?

26 A. Yes, one from each institution.

27 14 Q. Yes.

28 A. I would want to stress that, in my view, even one  
29 complaint is one too many and I would very much



1 regret that we failed any child who was placed in our  
2 care.

3 15 Q. Yes.

4 A. I took up this particular office in April 2000, and  
5 at that stage I was told that there were three former  
6 residents who had civil cases against the  
7 congregation. These complaints, they focused on the  
8 behaviour of a male volunteer who worked in the  
9 orphanage, and the complaints cover the period  
10 mid 1960's to mid 1970's, when in that period there  
11 was very little awareness of child abuse, but, I  
12 suppose, I should add that although the incidents  
13 happened or are alleged to have happened in the  
14 1960's and 1970's, the complaints weren't made until  
15 the mid 1990's.

16 16 Q. Yes.

17 A. These complaints have not progressed any further in  
18 the past four years. Following the Taoiseach's  
19 apology in 1999 and the subsequent announcement about  
20 the Redress Board, we received notification of a  
21 further six civil cases.

22 17 Q. Yes.

23 A. Moving on, in 2003, when I was checking through  
24 files, I discovered a report that was dated 1989 and  
25 it was written by the Sister who had been the  
26 resident manager of one of the institutions. It  
27 accounted and said that one of the girls, who was  
28 then 19, had told the resident manager that she had  
29 been sexually abused by a male visitor nine years



1                   previously.

2    18   Q.    This allegation was made to a member of the community  
3                   in 1989?

4                   A.    Yes.

5    19   Q.    And referred to a complaint of an incident which was  
6                   alleged to have happened nine years prior to that?

7                   A.    Yes, when she would have been 10. She was 19 when  
8                   she disclosed this information to the resident  
9                   manager.

10   20   Q.    Yes.

11                  A.    Having made that disclosure, she then declined to  
12                  give any information. She was offered counselling,  
13                  she was asked for further information and to take  
14                  action on it, but even though she did have good  
15                  relations with the Sister who was the resident  
16                  manager, she herself declined to move forward with  
17                  it. She was a girl who had a lot of personal  
18                  difficulties in her life, so the resident manager at  
19                  that stage, given that she was 19, reported the  
20                  incident to the social worker who was dealing with  
21                  her case, and she wrote a report and filed it.

22   21   Q.    Yes.

23                  A.    As I say, I became aware of this in 2003.

24   22   Q.    Who wrote up the report?

25                  A.    The resident manager wrote a report and put in the  
26                  file, and I came across it in 2003.

27   23   Q.    I see, yes.

28                  A.    When I found it, I then contacted the resident  
29                  manager, but she wasn't able to give me any





1 information other than what she had written down at  
2 that time.

3 24 Q. Yes.

4 A. In 2003 I also reported the matter to the relevant  
5 authorities.

6 25 Q. Yes.

7 A. Moving on in this whole area of investigating what  
8 information we may have had about issues relating to  
9 children in our care, in order to discover if my  
10 predecessors had any information relating to  
11 complaints from former residents, I contacted the two  
12 Sisters who had occupied leadership positions from  
13 1971 to 2000.

14 26 Q. Yes.

15 A. One of these told me that in 1997 some former  
16 residents had contacted her to express concern about  
17 a person who was then working in childcare and as a  
18 result of this intervention, that person retired.

19 27 Q. Yes.

20 A. In a second related issue then, the Commission will  
21 be aware of the tragic fire which occurred in the  
22 Cavan Industrial School in 1943 and the subsequent  
23 official inquiry into the causes of that fire. This  
24 inquiry exonerated the Sisters from any blame, but it  
25 recognised that the absence of a proper fire service  
26 at the time was a significant factor in the loss of  
27 life.

28 28 Q. Yes.

29 A. That was 1943. Then 42 years later in 1985, a book



1 was written about this tragedy, but it also included  
2 complaints from some women who had lived in the  
3 orphanage more recently, but they had chosen not to  
4 reveal their own names in this.

5 29 Q. Yes.

6 A. So the congregation leader at the time told me that  
7 she had employed an archivist to work on the files in  
8 1985, but they had not found any complaints from  
9 former residents.

10 30 Q. No complaints were recorded on the files?

11 A. Yes. As the industrial school had been closed for  
12 almost 20 years at that point, she didn't take any  
13 further action on that.

14 31 Q. Yes.

15 A. So that would complete the section, Mr. McMahon, on  
16 awareness of the matters. If I could move on briefly  
17 to the question of apology because I think that is  
18 one of your questions.

19 32 Q. Yes.

20 A. We have not issued a public apology, but we have  
21 associated ourselves with the CORI apology, because  
22 we would accept that for many years the daily routine  
23 in the institutions, they just didn't take account of  
24 the needs of children. The life was too regulated  
25 and too disciplined to allow for differences in their  
26 physical and emotional development. While Sisters  
27 and the lay staff who worked in the institutions made  
28 attempts to improve the physical surroundings in  
29 which the children lived, it seems clear that there



1 was less understanding of the childrens' need for  
2 affection and emotional support. Many of the Sisters  
3 and the lay staff who worked in the institutions are  
4 dead, some have left the congregation and some just  
5 cannot be traced. We would have to say that we do  
6 recognise the valuable work of our lay staff and  
7 Sisters who did all they could to care for the  
8 children in the industrial school and the orphanage.  
9 They were asked to work for long hours, to care for  
10 large numbers of children, some of whom had very  
11 specialised needs and these women were frequently  
12 young and inexperienced, and no training was  
13 available for many years. The State provided very  
14 little at that time by way of support services, and  
15 access to psychologists and social workers was very  
16 limited. I think as a result of that, both the  
17 children and their carers suffered.

18 33 Q. When you say very little was supplied by way of  
19 training, what period are you referring to?

20 A. The Cavan Industrial School closed in 1967 and I  
21 think, as we have heard previously, there was no  
22 training available until in the 1980's. One of the  
23 Sisters who did work in ... (INTERJECTION).

24 THE CHAIRMAN: In 1971 I think it started.

25 A. Was that in Kilkenny?

26 THE CHAIRMAN: Yes.

27 A. Yes.

28 THE CHAIRMAN: It didn't happen until  
29 after Cavan had closed.



1 A. Until after Cavan had closed, yes. For Harolds  
2 Cross, from about the 1980's onwards, they would have  
3 employed qualified childcare workers, because at that  
4 stage they were being funded by the Health Boards and  
5 they would have operated the employment procedures of  
6 the Health Boards. The Sister who was the resident  
7 manager, I suppose you would call her, in Harolds  
8 Cross had been in it for 20 years, she took over in  
9 1964, so she was older and she was approaching  
10 retirement age, so she wouldn't have gone for  
11 training. Another Sister did follow a course of  
12 training as a childcare worker and then all the lay  
13 staff who were appointed subsequently towards the end  
14 of the life of the Harolds Cross orphanage were  
15 trained. I suppose I am thinking that these  
16 orphanages started in 1804 and 1860, the  
17 preponderance of the life-span of them was pre any  
18 training, and that is really what I am trying to say.  
19 Is that okay?

20 THE CHAIRMAN: Yes, I understand.

21 MR. McMAHON: Yes, thank you.

22 A. You also have a question ... (INTERJECTION).

23 34 Q. THE CHAIRMAN: Sister, could I ask you  
24 something?

25 A. Certainly.

26 35 Q. THE CHAIRMAN: Your Order or your  
27 Congregation had also got  
28 contacts with Newry and other parts, isn't that  
29 right?



1 A. That's right, after 1944, yes.

2 36 Q. THE CHAIRMAN: With other homes in Newry,  
3 and were the Sisters in  
4 Newry amalgamated in the organisational structure you  
5 described?

6 A. The strange thing was they went from Harolds Cross to  
7 Newry in 1830, but they never had an orphanage in  
8 Newry, it was always a school. So Newry was primary  
9 school and then a grammar school. So in the sense of  
10 any links with childcare issues ... (INTERJECTION).

11 THE CHAIRMAN: That is what I was  
12 wondering about.

13 A. No, the records show that when they changed from  
14 being an enclosed group to one looking after  
15 children, they had to change their vow formula. Then  
16 when they went to Newry, the records show that they  
17 had a difficulty because they weren't looking after  
18 orphans, they had to change it again.

19 THE CHAIRMAN: Thank you very much.

20 37 Q. MR. McMAHON: I think were you going to  
21 deal with some of the  
22 protocols or the existence of protocols .

23 A. Yes, certainly. The only information that I have  
24 found in relation to Cavan are the various Department  
25 of Education circulars and regulations that would  
26 have been issued way back. The file even had a copy  
27 of the 1869 Act, but when the industrial school  
28 closed in 1967, I doubt if there was any other  
29 guidance available, I didn't find anything anyhow. I



1           suppose as the issue of child abuse didn't become  
2           publicly known until the late 1970's, 1980's, it is  
3           unlikely that Cavan, as an industrial school, would  
4           have had any procedures at all dealing with that.

5  
6           Likewise, I didn't find any written protocols for  
7           Harolds Cross. I did come across a staff handbook  
8           which was written in the 1980's, it was just guidance  
9           for staff and a copy of that can be made available if  
10          required. In the later years they would have been  
11          following whatever regulations the Department of  
12          Health would have provided. As a congregation, we  
13          issued simple guidelines for our own Sisters in 2001  
14          and we also gave them a booklet which CORI produced  
15          called "Ministry with Integrity". Then Sisters  
16          working in either education or health related areas  
17          would have had relevant guidelines for employees  
18          which they would have had to observe.

19    38   Q.    Yes.

20           A.    Is that all right?

21    39   Q.    I think so. Is there anything else?

22           A.    There are just two things; why we made a contribution  
23          to the Redress Board.

24    40   Q.    Yes.

25           A.    Our reasons for that was we felt that we would be  
26          assisting people who had been in our care during  
27          their childhood and who are now experiencing  
28          difficulties in their lives. We believe that the  
29          Redress Scheme presented an opportunity for ending



1 litigation in a quicker and in a less adversarial  
2 manner than would be the case in court. We wanted at  
3 all costs to avoid a confrontation situation if that  
4 were possible.

5  
6 We also believe that the money expended by the  
7 congregation would go directly to the residents  
8 rather than be absorbed by legal fees.

9  
10 We were aware that the Redress Scheme was going to  
11 have a far lower threshold of proof than the courts  
12 in that no blame was going to be apportioned to any  
13 individual or institution as a result of that.

14  
15 We knew that the Redress Scheme had been announced by  
16 the Government and that they were going to go ahead  
17 with this whether or not we became involved, it was a  
18 fait accompli.

19  
20 We had also been advised by our legal representatives  
21 that there were significant difficulties in  
22 litigation of the kind that we were dealing with  
23 because of the lapse of time in the events that were  
24 being complained of, but notwithstanding that, there  
25 would still be substantial legal fees and we felt  
26 that these resources were better devoted towards the  
27 former residents than being spent on legal fees. An  
28 indemnity from the State was a prerequisite because  
29 the money which was available to the fees was now



1 being directed towards the Redress Board.

2 41 Q. Yes, I see.

3 A. The other question is do we accept that there was  
4 abuse in our institutions? As I have already  
5 mentioned, we have just two cases before this  
6 Committee and we have already sent in a response to  
7 those two cases, so we understand that the cases will  
8 be dealt with by the Committee in due course.

9

10 Other than the three initial legal cases that we got  
11 earlier, if I could just mention those. I mentioned  
12 it earlier in the context that when I became  
13 Congregational Leader in 2000, I was informed that  
14 there were these three civil cases and I have learned  
15 since that when the congregation heard about these  
16 claims, a solicitor interviewed the staff and Sisters  
17 in the local community to see if there was any  
18 relevant information that could be obtained. The  
19 person who was alleged to have committed these  
20 offences was dead and had died in 1985.

21 42 Q. Was it a single individual?

22 A. Yes, a single individual. These enquiries were being  
23 made now in 1997 I think, so the Sister who had  
24 managed the orphanage at that stage, she was in her  
25 80's and she was in poor health, so she wasn't able  
26 to offer any assistance as to how this person came to  
27 be recruited. The other Sisters in the community  
28 were unaware of any misconduct, so although the  
29 enquiries were made, they didn't actually produce any





1 information.

2 43 Q. Were available records from the period consulted in  
3 relation to whether they might be of assistance?

4 A. I don't have any information on that, but I rather  
5 imagine they had, but I personally couldn't answer  
6 that. That piece of information can be looked into,  
7 if necessary. Our view is we have so few cases  
8 before this Committee that it is very difficult to  
9 judge the reality of the situation that happened so  
10 long ago. I would personally welcome the  
11 announcement, as came recently, that the Department  
12 of Education are going to release the files they have  
13 on inspections, because I think that will supplement  
14 whatever we have in our own files.

15 44 Q. While you say when you came into this issue, there  
16 were three sets of proceedings in existence, I think  
17 the number has decreased somewhat since?

18 A. Yes, it increased to a total of by June 2002, we had  
19 six more, so we have a total of ten civil cases at  
20 this point in time. Sorry, let me go back and begin  
21 again. In June 2002, we had ten civil cases.

22 45 Q. Ten civil cases?

23 A. Yes.

24 MR. McMAHON: Thank you very much.

25

26

27 END OF EXAMINATION OF SR. ROGERS BY MR. McMAHON

28

29



1                   SR. ROGERS WAS THEN EXAMINED, AS FOLLOWS, BY THE  
2                   COMMITTEE MEMBERS

3  
4     46   Q.     MR. LOWE:                   Just a couple of questions.  
5    To clarify something for  
6     me, did I understand correctly that until the 1960's  
7     the schooling was within the convent at Harolds  
8     Cross?

9     A.     Not really. The records show that when they  
10    established the orphanage in 1806, I don't suppose  
11    there were primary schools at that period in history,  
12    but there was a school and local children attended  
13    it, and then there was a primary school that opened  
14    across the road and the local children seemed to go  
15    to that and then they came back to our school  
16    somewhere in the 1950's. So it seemed to vary over  
17    time, but from 1951, I think, the primary school was  
18    open to children in the locality. That school still  
19    exists on-site in a different building.

20    47   Q.     MR. LOWE:                   The children that came into  
21    the convent, did they come  
22    largely from working class homes or from a total  
23    spectrum of the society?

24    A.     I think there was quite a mix. You don't have the  
25    background, I suppose, that you have for the  
26    industrial school children where you have the  
27    committal orders and there is a little bit about  
28    their parentage and how many other children were in  
29    the family. Sometimes it would be family groups,



1 because it might often have been a mother who was ill  
2 or perhaps died, so you would see on the page maybe  
3 -- and this is the sad part about it, it is only a  
4 page, but it is three children's lives, that is what  
5 strikes me very strongly.

6 48 Q. MR. LOWE: One last question. I am  
7 quoting you from something  
8 you said earlier: "Both the children and their  
9 carers suffered through lack of training." How did  
10 the carers suffer?

11 A. I think if you are caring for young children and you  
12 are not trained in child psychology, you find it  
13 difficult to react to a situation, whereas if you had  
14 some training, it might have been easier for you. So  
15 your job, presumably, became more stressful, whereas  
16 if you had a little bit of training in how to deal  
17 with a difficult child, you would have been better  
18 equipped and the child might have been helped to  
19 surmount this particular difficulty when a similar  
20 situation would arise again. I do think both the  
21 child and the carers suffered from that particular  
22 deficiency.

23 MR. LOWE: Thank you.

24 49 Q. DR. RYAN: Very briefly, Sr. Patricia,  
25 and it is based on my lack  
26 of understanding of what it is to be a member of a  
27 contemplative Order. I am wondering in terms of the  
28 nuns that ran the institution in Cavan, being members  
29 of a contemplative Order, were they required to spend



1 certain periods of time in prayer? I noticed you  
2 made reference in your evidence to changing their vow  
3 order, I am not quite certain what that means.

4 A. I think the initial change was when they were living  
5 the full rule of St. Clare, they would have got up to  
6 say the midnight offers or they would have prayed  
7 during the night. Obviously, if you are looking  
8 after children that wasn't feasible, so the  
9 mitigation in the early days in the 1800's, as I  
10 recall from reading the records and the history of  
11 it, they were no longer required to do that, but they  
12 would certainly have had set times for prayer. The  
13 children were not cared for only by the Sisters,  
14 there were staff and there seemed to have been a  
15 pattern from time to time of residents who would  
16 remain on. When they reached the age to leave and  
17 take employment somewhere else, they would remain on  
18 and continue working and living there. So I think in  
19 that sense that was how they were able to manage both  
20 roles.

21 DR. RYAN: Thank you.

22 50 Q. THE CHAIRMAN: Did it happen that people  
23 stayed on and joined the  
24 Congregation?

25 A. Yes, I lived with one and we had one or two others.  
26 There would be people who stayed on and joined, and  
27 there would be women who went and joined other  
28 congregations, but there were people who stayed and  
29 joined their own congregation, yes.



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THE CHAIRMAN: Very good, thank you very much, Sister.

MR. McMAHON: Thank you.

THE WITNESS THEN WITHDREW

MR. McMAHON: If it is convenient to the members of the Committee, we would continue and commence the evidence of Sister Claude Meagher on behalf of the Presentation Sisters.



1 SR. CLAUDE MEAGHER HAVING BEEN SWORN WAS EXAMINED, AS  
2 FOLLOWS, BY MR. McMAHON

3  
4 THE CHAIRMAN: Good morning, Sister.

5 51 Q. MR. McMAHON: Are you comfortable there,  
6 Sister?

7 A. Yes, thank you.

8 52 Q. I think you are a member of the Presentation Sisters?

9 A. Yes.

10 53 Q. You are here to represent that community before the  
11 Investigation Committee in this part of the Inquiry?

12 A. Yes, yes.

13 54 Q. What position do you have in the Presentation  
14 Sisters?

15 A. I am the Provincial of the Presentation Sisters of  
16 the Southeast Province in Ireland.

17 55 Q. I think as a preliminary part of your evidence, you  
18 wish to deal to some extent with the congregational  
19 history?

20 A. Yes, I do, yes. The Presentation Congregation was  
21 founded by Nano Nagle in Cork in 1775. The purpose  
22 of the congregation was the teaching of young girls  
23 in our very early rule is described as "poor female  
24 children". Nano Nagle had been working with a group  
25 of lay women for about ten years prior to this, then  
26 in 1775 she established the Presentation  
27 Congregation.

28 56 Q. Yes.

29 A. Very quickly, into the 1790's, the congregation



1 spread throughout Munster and then throughout the  
2 country. As each house was established, it was  
3 autonomous and it was subject to the local Bishop.  
4 Within each diocese, the "Mother House", as it was  
5 called, established other houses, branch houses, but  
6 each in turn became autonomous. In effect, it had a  
7 number of autonomous houses throughout the country.  
8 Some of those then established foundations abroad, so  
9 that as we move into the 20th Century, you find that  
10 there are foundations in England, India,  
11 Newfoundland, America and Australia.

12 57 Q. Yes.

13 A. Then as they moved through the 20th Century around  
14 the 1940's, there was a movement towards amalgamation  
15 that would bring the houses in each diocese to gather  
16 under a central house. The Mother House became the  
17 central house again and the Superior there was the  
18 superior of the houses in the dioceses.

19 58 Q. There were a number of such houses?

20 A. There were 16 diocesan groups, but some houses choose  
21 to remain autonomous. In fact, while you had 16  
22 diocesan groups, there were still several autonomous  
23 houses throughout the country. I suppose the diocese  
24 that we are concerned with is Cashel, and Thurles was  
25 the Mother House there and it was founded as an  
26 autonomous house in 1817. Over the years then other  
27 communities were founded from Thurles; Cashel in  
28 1830, Fethard 1862, Dundrum 1908. There were others  
29 but those are the ones we would be concerned with.



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Cashel Convent was an autonomous house and the Sisters from Cashel made foundation in Salt Lake City in 1965. In 1974 Cashel and Salt Lake City became part of the diocesan group, so they actually amalgamated back in with the total diocesan group. There was a Mother General in the dioceses, so Cashel was under her direction at that time. Fethard was found as an autonomous convent from Thurles in 1862, but that subsequently amalgamated with the Thurles group of houses in 1931. Dundrum was founded as a branch house in 1908, but it never became autonomous because by 1908 the thinking was towards a diocesan unit again.

59 Q. It simply remained ... (INTERJECTION)?

A. It remained attached to Thurles. Then Dundrum, it became incorporated into the diocesan union or federation in 1974 and it was of the same status as all of the other houses in the dioceses at that stage. The convent in Dundrum closed in 1975, and we will be dealing with that later. At that stage, moving on from the 1970's or in the early 1970's, there was a movement towards a national union. In 1976 the Archdioceses of Cashel became part of that national union, and we had a Congregational Leader and her counsel who are now in charge. In 1976 all of the convents in Ireland were part of that national union, and it also included any houses that they had founded overseas like in the States, well, only in





1 the States and in England, but not in Australia or  
2 Newfoundland. Ireland was divided into three  
3 provinces; the Northern Province, the South West and  
4 the South East. Cashel is part of the South Eastern  
5 province.

6 60 Q. Yes, I see.

7 A. If we move to how it became involved with childcare.

8 61 Q. Childcare, yes.

9 A. Yes. In 1868 an orphanage was set up in Thurles and  
10 it was certified as St. Louis Industrial School. I  
11 suppose one might say that at that time the country  
12 had been subject to a repetition with the famine of  
13 the 1940's, but there was a repetition of the famine  
14 and widespread disease which there weren't medical  
15 remedies for at that time, and there were a lot of  
16 children who were displaced and homeless. So it  
17 began, in a sense, in dealing or taking in some of  
18 those children. It increased and over the years then  
19 the building in Thurles proved inadequate really,  
20 inadequate for its use as an industrial school, so  
21 moves were made to transfer that to a better  
22 location. Finally Dundrum was chosen, that was an  
23 old estate which, through the Land Commission, was  
24 being sold at that time.

25 62 Q. Yes.

26 A. The records show that the Department of Education  
27 found no difficulty with this move, but there were  
28 major difficulties in acquiring the Dundrum property  
29 because of the prevailing Land Acts and laws of that



1 particular time.

2 63 Q. What time are we talking about?

3 A. 1908, really from the early 1900's on. It was  
4 finally acquired in 1908.

5 64 Q. Yes.

6 A. When that agreement was reached, the school in  
7 Thurles moved to Dundrum and it was also given a new  
8 name, St. Bernard's Industrial School and it was  
9 certified to take not more than 80 children at any  
10 given time.

11 65 Q. Was this for the purpose of capitation of funding or  
12 was it for the purpose of accommodation?

13 A. For funding, yes. It would appear that the numbers  
14 would have been around 50 over that period. From the  
15 records I would judge that the number rarely exceeded  
16 51 or 52, but it seemed to remain around that number.

17 66 Q. Until when did the numbers remain in or about that  
18 region?

19 A. The numbers began to decline in the 1960's. By 1975,  
20 the numbers had dropped to about 30 at that stage and  
21 at that time then we are talking after the Kennedy  
22 Report and the whole movement towards moving from the  
23 industrial type and residential care to rather the  
24 more community centered, family centered group homes,  
25 that was a very strong recommendation in the Kennedy  
26 Report. It was following on that and recognising the  
27 inadequacy of the whole situation and on the set up  
28 in Dundrum for the children. I suppose all  
29 congregations were engaged in that kind of reflection



1 at that time, so we acquired property from the  
2 Sisters in Fethard and the group homes were set up  
3 there. While we had a number of convents in the  
4 diocese, from the records I have judged that moving  
5 from Dundrum to Fethard meant that we remain in the  
6 South Eastern Health Board, in that region.

7 67 Q. It was a convenient move to make?

8 A. Yes, and I think it was important for many reasons  
9 for the whole healthcare of children and all of that  
10 to remain there.

11 68 Q. When did the move take place to the Fethard group  
12 homes?

13 A. In 1975, September 1975.

14 69 Q. Was there a change in relation to the staffing of the  
15 homes compared to what previously had been the case  
16 at that stage?

17 A. Yes, there was, yes, because from 1970 onwards after  
18 the Kennedy Report and with the setting up of the  
19 courses in Kilkenny, the Sisters who were engaged in  
20 the group homes, they availed of those courses.  
21 Also, some of the Sisters were trained in childrens'  
22 nursing. There were actually three Sisters trained  
23 in childrens' nursing who had actually been working  
24 in Dundrum. One of them would have been trained  
25 prior to 1970, shortly before 1970 and then two  
26 others were trained. The Sisters also availed of the  
27 courses in Kilkenny. The movement really was towards  
28 anybody who was involved in childcare having some  
29 kind of formal training to equip them for that



1 particular care and that particular duty at that  
2 stage.

3 70 Q. What sort of training had those prior to the 1970's  
4 had?

5 A. The training meant there would have been teachers who  
6 would have been asked to move in and work with the  
7 children and, of course, they had a little school in  
8 Dundrum where the juniors went to that primary school  
9 and where the older, as they moved up to fourth  
10 class, they went to the local national school. That  
11 was a recognised junior national school, so the  
12 Sisters working with them would have to have been  
13 qualified primary teachers, which they were.

14 71 Q. Yes.

15 A. Or some of them who may be in training at that time  
16 during holiday time would have worked with the  
17 children as well, but there wasn't any specific  
18 training from the childcare and from dealing with  
19 their emotional problems, and many of those children  
20 were suffering severe emotional problems and there  
21 wasn't that kind of training for them. Then there  
22 was also those who were instructed and trained in a  
23 skills base like cookery, a seamstress and those  
24 various skills that might help those young people to  
25 develop skills that would gain them employment later  
26 on in life.

27 72 Q. How were the group homes set up, how were they  
28 managed?

29 A. There was a resident manager and they were under the



1           trusteeship of the Presentation Sisters. There was a  
2           resident manager there until 1998 and a person was  
3           appointed as director under the Board of Management.  
4       73   Q.    So prior to 1998 ... (INTERJECTION)?  
5           A.    It was a Sister. Certainly from when the training  
6           for childcare workers became more defined and where  
7           the regional colleges had started and had introduced  
8           childcare courses, everybody coming into the homes  
9           from 1986 on would have a formal training or diploma  
10          in childcare. Part-time workers might be those who  
11          would look for holiday work but who would actually be  
12          in training and might have been taken on as relief  
13          persons for holiday work. The ratio or the number of  
14          staff per child had certainly increased. If we look  
15          back to the older days, there were probably five  
16          Sisters looking after over 100 children. This has  
17          certainly improved -- if I might just check some of  
18          the figures -- to the present where we still have  
19          those group homes. In the high support unit, which  
20          is there now, it would be four children to five  
21          staff. The children in high support would have very  
22          severe difficulties, very, very severe difficulties.  
23          The high support unit was set up at the request of  
24          the Department of Education under a little bit of  
25          pressure from the Department of Justice maybe. Then  
26          Avala(?), which is dealing with children with mental  
27          disability but also behaviour problems, the ratio  
28          there is four children to three staff. Again, that  
29          is very necessary. In the other two houses, it would



1           be more or less maybe seven children to three to four  
2           staff depending really on the client group, on the  
3           difficulties they might have. That is the current  
4           situation.

5       74   Q.    Can I take it from what you say that there are  
6           currently four such group homes in existence?  
7           A.    That's right.

8       75   Q.    You have mentioned the high support?  
9           A.    The high support.

10      76   Q.    The Avala Centre?  
11           A.    Yes, Eagle House and Sancta Maria.

12      77   Q.    You have indicated the staffing levels in each of  
13           them?  
14           A.    Yes.

15      78   Q.    They continue to operate?  
16           A.    Yes, and there is ongoing training for the staff as  
17           well. While they are hopefully qualified coming in,  
18           there are at least four to five days formal training  
19           per staff at the moment. The training is not just  
20           haphazard in a sense, there is very special training  
21           depending on the needs presenting. It consists of  
22           maybe therapeutic crisis intervention and refresher  
23           courses, there are training days on report writing,  
24           training days on supervision skills, training days on  
25           children first. Many of those courses now are  
26           provided by the childcare training unit in the South  
27           Eastern Health Board. St. Bernard's work, we work  
28           now in what one might term a 'partnership' with the  
29           South Eastern Health Board. While we are the



1 trustees, there is a very close partnership with the  
2 Health Board in running the group homes there. Also,  
3 it was something that was missing in the past and  
4 maybe by saying this it highlights some of the  
5 lacunae in the training of the past, that the formal  
6 supports now are in place for the staff like on line  
7 management supervision. A childcare consultant is  
8 employed and he comes from a childcare psychotherapy  
9 background and his task is to support the staff in  
10 their work with children and young people.

11 79 Q. THE CHAIRMAN: Sorry, Sister, did you say  
12 on line management  
13 supervi si on?

14 A. Yes.

15 80 Q. THE CHAIRMAN: What is that? If I have a  
16 problem, I can go on the  
17 internet and get the answer?

18 A. No, I think what we are talking about here is that  
19 staff who are actually managing, they too need  
20 supervision, it is part and parcel.

21 81 Q. THE CHAIRMAN: The line of management, is  
22 that what you mean?

23 A. Yes.

24 82 Q. THE CHAIRMAN: The line of management, in  
25 other words, everybody on  
26 that ladder should have training, is that what you  
27 mean?

28 A. Yes, and actually everybody on that ladder should  
29 have should be in some kind of supervisory state.



1 Each person there who is dealing with children, if I  
2 am caring at ground level, I have a supervisor whom I  
3 can consult with if I have problems.

4 83 Q. THE CHAIRMAN: Who also has expertise in  
5 the area?

6 A. Exactly.

7 84 Q. THE CHAIRMAN: So if you have a problem,  
8 you can go to the other  
9 person knowing that that other person has some  
10 expertise to be able to help you?

11 A. That's right, yes.

12 85 Q. THE CHAIRMAN: And so on up the line, is  
13 that right?

14 A. Yes, and that is very important and it is crucial  
15 within the situation. Again, if I may say so, it  
16 highlights the differences between now and then in  
17 the sense that this was lacking for staff.

18 86 Q. THE CHAIRMAN: Even when somebody at hands  
19 on level had training, you  
20 say that is not enough because it has to go much  
21 higher in the way you are describing?

22 A. Yes, and if I have training and high quality training  
23 and if I have a serious difficulty with a child, then  
24 I also need to be able to relate to somebody who can  
25 guide me and help me.

26 87 Q. THE CHAIRMAN: Because it could be very  
27 frustrating for you if you  
28 are an expert and I am in charge and I am not an  
29 expert, I am giving you advice that may be contrary





1 to what you know is good practice?

2 A. Yes. I suppose it is very much a part of any kind of  
3 intervention in the lives of other people today that  
4 nobody can claim to be an expert and that we all need  
5 supervision in whatever we are doing, so that I may  
6 be able to discuss the problems objectively with  
7 somebody outside of my particular situation but who  
8 is actually skilled to deal with me.

9 88 Q. THE CHAIRMAN: When you say "on line  
10 management" supervision,  
11 that implies that package of ideas?

12 A. Absolutely, yes, yes.

13 89 Q. THE CHAIRMAN: Sister, when the training  
14 started in 1971, there was  
15 no training for anybody?

16 A. No, no.

17 90 Q. THE CHAIRMAN: Anywhere on the line,  
18 bottom, middle or top?

19 A. That's right, yes. This has evolved and, as I said,  
20 it is very much part of any kind of work that we  
21 undertake with anybody outside of ourselves now  
22 ... (INTERJECTION).

23 91 Q. THE CHAIRMAN: Sorry?

24 A. If I am working with people outside of myself, I need  
25 that kind of support. It is also a protection for  
26 the care worker at whatever level. It is a very  
27 specialised area, we are dealing with young people  
28 who are disturbed and who need ... (INTERJECTION).

29 92 Q. THE CHAIRMAN: That wasn't recognised?



1 A. That wasn't recognised, and I think that is part of  
2 the huge problem when we look back, that we are  
3 looking at.

4 93 Q. THE CHAIRMAN: All of these things go to  
5 make up the problems that  
6 we are examining, is that right?

7 A. Absolutely, yes.

8 THE CHAIRMAN: Thank you very much for  
9 explaining that, Sister.

10 94 Q. MR. McMAHON: Sister, I think you were  
11 going to speak about the involvement in St. Francis's  
12 Industrial School?

13 95 Q. THE CHAIRMAN: Sorry, Mr. McMahon. There  
14 was a number of things you  
15 were describing and when I just got puzzled on about  
16 the "on line" which I didn't understand, to be  
17 perfectly honest, were there other elements in that,  
18 Sister, that you wanted to tell us about? Take your  
19 time. One of the things you said was this system of  
20 everybody having expertise and, first of all, being  
21 supervised by everybody, somebody to be answerable to  
22 in some way, but also somebody to be able to consult,  
23 and that is an important element.

24 A. Yes.

25 96 Q. THE CHAIRMAN: That was one of a number of  
26 other elements, is that  
27 right?

28 A. Yes, the other is that if staff are deeply affected  
29 by their work, they are referred to a professionally



1 qualified counsellor who was actually retained by  
2 St. Bernard' s.

3 97 Q. THE CHAIRMAN: You think that is an  
4 important thing that should  
5 be available?

6 A. It should be available, yes.

7 98 Q. THE CHAIRMAN: Professional counselling  
8 for the workers themselves,  
9 this is leaving aside whatever needs the children  
10 might have?

11 A. Yes.

12 99 Q. THE CHAIRMAN: We are not talking about  
13 those at the moment?

14 A. No, I am talking about the staff.

15 100 Q. MR. McMAHON: Again, is that something  
16 which was available  
17 heretofore?

18 A. No, it has developed with the evolution and  
19 development of the group homes and in the light of  
20 current knowledge and the needs of young people, it  
21 is part of that evolution and development.

22 101 Q. THE CHAIRMAN: Sister, when you say this  
23 is an "evolution", and  
24 obviously that makes sense in what you are saying if  
25 I may say so, but if you were talking about  
26 Dr. Ryan's area of expertise in psychiatry or  
27 Mr. Lowe's in psychology or mine in law, there would  
28 be textbooks and there would be updating and a whole  
29 variety of things that you would look to if you



1 wanted to know what the best thing was nowadays. Is  
2 there the same thing or something of that kind in the  
3 world of childcare?

4 A. Yes.

5 102 Q. THE CHAIRMAN: Is there the encyclopedia  
6 of whatever it is updated  
7 with monthly parts, or how does it work?

8 A. Yes, there is, and you have the constant in-service  
9 and training for the childcare workers. Also, they  
10 are recommended and we would support their taking  
11 further courses themselves where they would be part  
12 funded to enable them to up-skill themselves and  
13 update themselves on current thinking. I think that  
14 is very important, that the literature that is  
15 available and the publications are all available to  
16 them and they have a comprehensive library available  
17 to them, and they are encouraged to avail of all of  
18 that.

19 103 Q. THE CHAIRMAN: I suppose that didn't just  
20 start in 1971, that must  
21 have been there before 1971?

22 A. No, that didn't start in 1971. I would say the last  
23 ten years or so would have seen a huge move in that  
24 direction.

25 104 Q. THE CHAIRMAN: Okay. In this country are  
26 we mirroring what is  
27 happening in other countries or are we ahead of them  
28 or behind them?

29 A. If I may share that before I had taken up this



1 position I am in now, I was invited to a meeting  
2 where a group of Canadian students and their director  
3 visited Fethard. They asked if they could come,  
4 because they read something about it and what was  
5 happening there, and some of their students stayed on  
6 to participate and to learn some of the skills and  
7 the effect of what was happening there, and they  
8 would have seen it as a very modern institution that  
9 had really got to the heart maybe of childcare where  
10 the child is at the very heart of the system going  
11 back two years.

12 THE CHAIRMAN: Thank you very much,  
13 Sister.

14 105 Q. MR. McMAHON: Perhaps an area which you  
15 may not be able to deal  
16 with but you have described various advances and  
17 development in childcare from the perspective of the  
18 child carers, are you in a position to speak in  
19 relation to the childrens' perspective and, indeed,  
20 in respect of the after-care that may have been  
21 provided for the children and do some sort of a  
22 comparison there?

23 A. Yes, there is an admissions policy. Basically the  
24 children now are referred to the social work  
25 Department of the South Eastern Health Board and  
26 there is an admissions policy for the high support  
27 unit. That is a very specialised area and, as you  
28 know, there are not more than four children in high  
29 support at any given time. When the place becomes



1 available, the criteria for admission must be looked  
2 at and the referring social worker will always meet  
3 with the admissions board, that would be the Director  
4 or the Deputy Director and the Regional Coordinator  
5 of Childcare Services in the South Eastern Health  
6 Board.

7 106 Q. Yes.

8 A. There is a therapeutic care manager who also is  
9 there.

10 107 Q. Yes.

11 A. So the social worker would meet with the admissions  
12 board and once a referral is ascertained and a place  
13 is available, the child would go into a particular  
14 house. The unit manager, they call the person in  
15 each house a unit manager, so the social worker meets  
16 with the unit manager or even the director. Then if  
17 it is appropriate, the young person is placed in  
18 St. Bernard's, but there is a contract drawn up  
19 between the social work department and the  
20 residential centre for that young person, so it is  
21 not haphazard, it is not just placing a child in  
22 childcare, there is that link between St. Bernard's  
23 and the Health Board. The child has a specified  
24 designated social worker who is in constant contact  
25 and visits on a very regular basis, visits the  
26 centre. Then all important decisions about the child  
27 and the child's future are made at what is termed  
28 "statutory review meetings". In that case the  
29 designated social worker has a statutory



1 responsibility to ensure a care plan is in place for  
2 each child or young person. Childcare review is the  
3 care plans are monitored and they are reviewed.

4 108 Q. Yes.

5 A. In addition to the professionals in attendance and  
6 the young person, in addition to those parents are  
7 also encouraged to attend those meetings, so that the  
8 family is involved and the child is not being cut  
9 away from the family, the family is also directly  
10 involved. Sometimes the family may not want to come,  
11 but some significant person, a relative in the  
12 child's life would attend, but those meetings are  
13 very important and those meetings are ongoing. They  
14 are not just when the child comes or at the end, but  
15 they are ongoing meetings.

16 109 Q. Again, Sister, are these relatively recent  
17 developments in the context of the centres that have  
18 been operated under your congregation?

19 A. That's right, they are, yes.

20 110 Q. For how long or since when approximately?

21 A. I would go back to the mid 1990's when this procedure  
22 began to develop. It is part also of the Health  
23 Board progression, it is not just ours, but in  
24 partnership with them.

25 111 Q. It is an evolving situation?

26 A. It is an evolving situation with the Health Board.

27 112 Q. Again, if we look back to 1935 on to the time of the  
28 Kennedy Report, were such facilities available for  
29 children in those years?



1 A. No, no, those were not available in those years, no.  
2 113 Q. I suppose it is since the 1970's?  
3 A. Yes, I suppose there was an opening up in 1970's and  
4 perhaps a more general awareness among all people  
5 from the 1970 onwards, perhaps there was more  
6 recognition of the needs of individuals rather than  
7 of the institution and that the child became more  
8 important than the institution.  
9 114 Q. Yes.  
10 A. Maybe it was the institution that was at the center  
11 of the development and the children were part of the  
12 institution, but from the 1970's onwards, we are  
13 looking more at the place of the child rather than  
14 the institution. I think that pertained in schools  
15 and right across the board.  
16 115 Q. I think your congregation also were involved in  
17 running an industrial school in Cashel?  
18 A. In Cashel, that's right, St. Francis's Industrial  
19 School, that was founded in December 1869 and that  
20 was certified to accommodate 125 children. The  
21 records would show that the largest number there was  
22 121 and downwards. By the 1960's again, there was a  
23 very steep decline in the numbers moving up along and  
24 I think at that stage too that the whole question of  
25 fosterage of children would have come into place and,  
26 I suppose, social factors and everything else would  
27 have played its part. In 1969 the school was closed  
28 and there were 19 young people there at the time.  
29 116 Q. THE CHAIRMAN: Nineteen?





1 A. Yes, 19. Eight of those children went to  
2 St. Vincent's in Limerick and six of the girls were  
3 discharged, one went to her mother and the remainder  
4 went into employment. Two were retained in the  
5 school with the permission by the Department of  
6 Education and they did their Inter Cert, they stayed  
7 on there. One girl became a student nurse in Our  
8 Lady of Lourdes Hospital in Dun Laoghaire. As I  
9 said, eight went to St. Vincent's with the permission  
10 of the Department of Education.

11 117 Q. MR. McMAHON: They went to St. Vincent's  
12 in Limerick?

13 A. Yes, and three of those continued their secondary  
14 education. One went to a training centre in  
15 Drumcondra with the permission of the County Council,  
16 because some of the children had been placed there by  
17 the County Council, and one was sent as a foster  
18 child to a family in a village in Co. Limerick with  
19 the clear understanding that she would be sent to a  
20 neighbouring boarding school to complete her  
21 education. She was sent with the permission of the  
22 County Council.

23 118 Q. Yes.

24 A. So the school in Cashel closed in 1969.

25 119 Q. I think that you have tried to establish what  
26 protocols may have been prevalent from time to time?

27 A. Yes.

28 120 Q. Within the institutions you have spoken of?

29 A. Yes. In looking back on the records, it is very



1           difficult to establish whether there were any  
2           protocols there in the earlier years, certainly I  
3           can't find any written protocols. I know there were  
4           circulars from the Department of Education from time  
5           to time, but I don't think those would have  
6           constituted protocols for dealing with the children,  
7           so that it wasn't there. After 1970 and, again,  
8           since Cashel closed in 1969, just to refer to Fethard  
9           which continued, the institutions have been guided by  
10          National Health Board Directives regarding child  
11          protection and our own leadership would have worked  
12          with the Sisters and drawn our attention and our  
13          employees to protocols that may have been made  
14          available to the Health Board through CORI and  
15          through our own institutions. There were several  
16          in-service training days which our own leadership set  
17          up and which the Sisters were encouraged, maybe more  
18          than encouraged, they were put on directly for them  
19          and they availed of those. Then there were articles,  
20          discussion documents and lectures, and I think we  
21          have submitted a list of those to you.

22   121   Q.   You have indeed, yes.

23           A.   Also, at that stage Sisters went to move towards  
24           being qualified in counselling and a number of our  
25           Sisters have qualified as counsellors and have been  
26           available when the children moved to Dundrum or when  
27           they moved in 1975 to Fethard, that Sisters were  
28           available until the service of the Health Board then  
29           provided the services and worked with the Sisters in



1 Fethard in setting up the counselling system and  
2 support systems that exist there today.

3 122 Q. How did the community come to be aware of allegations  
4 of abuse or how have allegations of abuse emerged in  
5 the context of your community?

6 A. I think the first was in September 1993, when the  
7 local Superior in the Cashel community received a  
8 phone call from a lady in Australia and she stated  
9 that her daughter was going to write a book regarding  
10 her mother's time in the industrial school in Cashel.  
11 Later she wrote to one of the Sisters who worked in  
12 the industrial school alleging she had been beaten by  
13 her at the school. This Sister is dead since then,  
14 but at that time she denied the allegation. Then in  
15 March 1996, the woman again phoned from Australia  
16 making further allegations and naming other staff  
17 members. The phone call lasted an hour and she spoke  
18 about not receiving an apology and feeling angry and  
19 bitter, the ill-treatment and that her religion had  
20 been affected. She refused to give her address, but  
21 she did give her phone number, and there has been no  
22 further contact from that person or we have had no  
23 further contact from her. We don't know if the book  
24 was ever written, we have haven't ever seen it or got  
25 a copy of that book.

26  
27 Then there was an anonymous phone call received by a  
28 Sister in Cashel following the screening of  
29 Dear Daughter.



1 123 Q. That was in February 1996?  
2 A. Yes, and the caller asked if a certain Sister was  
3 still alive and alleged she had been abused in a  
4 situation outside of the school.  
5 124 Q. Yes.  
6 A. And when she reported this, that the Sister didn't  
7 listen to her and she alleged that the same Sister  
8 had beaten her. Now, the Sister who received that  
9 call listened carefully and at the end the person  
10 apologised for being so late at night. We did follow  
11 it up at that time with the Sister in question who is  
12 now very elderly, and she recalled an incident was  
13 reported, but she is not capable really of giving  
14 what one might term a definitive and clear response.  
15 We can't find any record of that incident in our own  
16 records.  
17 125 Q. When the phone call came through, was anything done  
18 at that time in relation to recording the incident?  
19 A. Yes, we have a written record of the phone call, yes,  
20 that was recorded. The phone call is recorded  
21 certainly, but the actual incident as such, we cannot  
22 find a record of the alleged incident.  
23 126 Q. Yes.  
24 A. Then there was a phone call after the Dear Daughter  
25 making similar allegations.  
26 127 Q. Do you know what happened about the allegation at the  
27 time it was made and recorded?  
28 A. Did we follow up on it?  
29 128 Q. Yes.



1 A. Yes, the Sister who is alleged to have been involved  
2 was talked to and she vaguely remembers being told  
3 this, but her memory is really very unsure. Since  
4 there was no written record, her evidence isn't  
5 reliable and since we could find nothing on the  
6 records, we weren't able to do anything about that.

7 129 Q. Yes.

8 A. Then there was a phone call after Dear Daughter, then  
9 the Vincent Browne radio programme, a lady spoke of  
10 her experience in Cashel and the Provincial leader at  
11 the time contacted the programme and subsequently  
12 spoke to this lady. She had been one of the callers  
13 to Cashel after the Dear Daughter programme. Another  
14 member of the Provincial team met her and she was  
15 offered counselling at that time. We do know that a  
16 number of the residents have availed of the Faoiseamh  
17 counselling, to which we are serious contributors to  
18 Faoiseamh and we know that a number of the residents  
19 have availed of that counselling service that was on  
20 offer.

21 130 Q. I think further allegations then came to light  
22 through a different route?

23 A. That's right, mainly through legal proceedings. Then  
24 in May 1999 when the Taoiseach made his apology to  
25 the victims of child abuse, we weren't aware of any  
26 cases being taken against the congregation by former  
27 residents of industrial schools. Then in October  
28 2000, when a decision was made to make a contribution  
29 to the Redress Scheme, we were aware of two cases in



- 1           which initial letters had been sent.
- 2   131   Q.   These are letters from solicitors representing  
3           individuals who are making allegations against the  
4           community?
- 5           A.   Yes, that's right. By June 2002, when we made a  
6           contribution and entered into agreement with the  
7           State about the redress, we were aware of 28 cases.  
8           Now, initial letters had been sent in 14 and Plenary  
9           Summons was served in ten and Statements of Claim  
10          were served in four, so in all we are talking about  
11          13 cases at that stage. Then by June 2004, we are  
12          aware that at present there are about 30 cases before  
13          the Redress Board and we don't know whether there  
14          will be more.
- 15   132   Q.   In relation to allegations which have come in, have  
16          efforts been made to trace the records of the  
17          individuals complaining and are you in a position to  
18          tell the Committee what records are available and  
19          have been consulted?
- 20          A.   Yes, all the requests for records have been met and  
21          have been supplied very easily and freely. We have  
22          all of the records on file and they are going back  
23          to, say, the 1940's probably at the earliest at this  
24          stage, late 1930's or 1940's, and those are on file  
25          and are made available to the solicitors. The  
26          requests are coming through the Claimant's solicitors  
27          and we will make those available to them or some come  
28          through the Health Board.
- 29   133   Q.   What kind of records in a general sense are there?



1           A.    We have the records of admission and of discharge  
2                    which are basically what they are looking for.  The  
3                    requests really come for when they were there, the  
4                    year of entry and the year of discharge, so it is  
5                    rather simple in that sense.  They come through from  
6                    the solicitors to ours and we supply those.

7   134   Q.    I think your community did contribute to the Redress  
8                    Fund?

9           A.    Yes.

10   135   Q.    Why was that decision made?

11           A.    CORI invited the congregations to participate and, I  
12                    suppose, there was quite a lot of discussion and  
13                    reflection went into that, and we made a decision  
14                    because we had those two industrial schools and we  
15                    were aware that claims were now being initiated by  
16                    former residents, those made over the phone and those  
17                    who had looked for records.  We were aware too that  
18                    in one of the institutions certainly, the régime  
19                    might have been described as harsh, but the building  
20                    and all about it prior to 1954, it wouldn't meet  
21                    present standards or anything near present standards,  
22                    but renovation was done there in 1974.  I suppose our  
23                    own enquiries and reading records would lead us to  
24                    believe that the school wasn't adequate, so we feel  
25                    that people would have suffered there, they may have  
26                    suffered.  We would also be very conscious that any  
27                    young person who had been in those two places, even  
28                    if we look at Fethard however well it is done, that  
29                    there is a huge emotional pain and suffering for them



1 and we would have very close relationship with many  
2 of the past residents. They come, they visit and  
3 they talk with us, and those people are not in  
4 litigation. They would talk of the loneliness, and I  
5 think we can identify with that, we feel that it is  
6 an expression on our part to make some contribution  
7 to enabling them maybe to pick up the pieces of their  
8 life or to alleviate the pain or suffering that they  
9 may now experience in reflecting on the past. I  
10 suppose we believe too that protracted litigation  
11 isn't in anybody's interest and we know there would  
12 be huge difficulty, on the advice of our legal  
13 advisers, in following cases that are dating back to  
14 the past, particularly where the Sisters who may have  
15 been involved are dead and it is difficult to  
16 establish what happened. So in that sense we would  
17 feel it is important we would be part of the  
18 Government Redress Scheme. I suppose there would be  
19 considerable expenses involved in that, and that it  
20 is better to maybe direct the money to the Redress  
21 Scheme rather than maybe trying to pursue legal  
22 issues in court.

23 136 Q. You haven't really indicated, I think, the nature of  
24 the complaints that were made in a general sense. If  
25 you are in a position to do so, I would have to ask  
26 you to what extent was the decision of the  
27 congregation to contribute fueled by a view of  
28 acceptance of truth of the allegations being made?

29 A. Yes, I suppose the poor health care, harsh régime,





1           inadequate schooling, people not being prepared for  
2           leaving the institutions and physical punishments.  
3           Those would be the main areas that we would have  
4           dwelt on in the complaints and submissions made. I  
5           would acknowledge that yes, while there wouldn't have  
6           been abuse, I would acknowledge that the régime was  
7           harsh and maybe typical of its time, but don't think  
8           that I want to excuse it under that, but it was a  
9           harsh régime.

10   137   Q.   Yes.

11           A.   While saying that, I would also say for those who  
12           were there in charge, for the Sisters it was a  
13           difficult régime as well, because they weren't really  
14           trained to deal with the children and they too would  
15           have suffered an immense amount of stress. I think  
16           we acknowledge and wish to acknowledge that and  
17           consciously acknowledge it, and that if people  
18           suffered pain, I would deeply regret it. In that  
19           sense, this is where we would like to be part of the  
20           Redress Scheme.

21           MR. McMAHON:                                 Thank you very much,  
22   Sister.

23  
24  
25  
26  
27  
28  
29

END OF EXAMINATION OF SR. MEAGHER BY MR. McMAHON



1 SR. MEAGHER WAS THEN EXAMINED, AS FOLLOWS, BY THE  
2 COMMITTEE MEMBERS

3

4 138 Q. DR. RYAN: Very briefly, Sister  
5 Claude. You represent the  
6 South East Province and I am not quite certain, under  
7 point 5 of your statement under the heading  
8 "Litigation" when you say by June 2002 you were aware  
9 of 28 cases, are you referring there to 28 cases  
10 against the South East Province or are you referring  
11 to 28 cases against the congregation as a whole?

12 A. No, the South East, because the two other provinces  
13 were not involved in childcare, it was the only two  
14 presentation institutions involved in childcare.

15 139 Q. DR. RYAN: Residential childcare?

16 A. Residential childcare, yes.

17 140 Q. DR. RYAN: They would have been  
18 running schools?

19 A. Yes, the others were running schools.

20 141 Q. DR. RYAN: Are you aware of the  
21 totality of the complaints  
22 against the congregation as a whole across the  
23 provinces?

24 A. I am not aware of the other two provinces, no.

25 DR. RYAN: Thank you.

26 142 Q. MR. LOWE: Just reading from the  
27 document you provided for  
28 us, you have written under point C:

29

"Our own enquiries have suggested that



1 conditions in this school were not  
2 adequate and on the appointment of a  
3 new resident manager in 1954,  
substantial improvements were made."

4 Can you explain to me how a change of manager can  
5 produce substantial improvements?

6 A. When the person appointed was a younger person --  
7 when her predecessor retired, she was then an elderly  
8 lady, she had given a long service to St. Francis and  
9 the person who took over was younger and more  
10 energetic. Even in 1994, where we talk about 1970 as  
11 the changing, in fact even in 1954 things were  
12 beginning perhaps somewhat to change, and she would  
13 have been part of that new thinking. Also she was a  
14 woman with a vision, a good manager and liked to have  
15 things well and nice. The building, remember it was  
16 built in the 1860's, and it was now practically  
17 100 years old at that stage, so it was certainly in  
18 need of huge refurbishment.

19 143 Q. MR. LOWE: Did the insights of this  
20 new manager come from  
21 herself or from within the Order's thinking?

22 A. I think it was most changes come from one person  
23 having a vision which is related to the others, but  
24 she could only have done it with support. You must  
25 remember it was only Cashel and they were an  
26 autonomous house, so she could not have done without  
27 the support of the community and the financial  
28 backing of the community.

29 144 Q. MR. LOWE: You gave me a very





1 148 Q. MR. LOWE: So the managers would have  
2 been recruited from within  
3 the system?  
4 A. That's right, from within the system there, yes.  
5 MR. LOWE: Thank you.  
6 149 Q. THE CHAIRMAN: Sister, we had what are  
7 accepted as harsh régimes,  
8 isn't that right?  
9 A. Yes.  
10 150 Q. THE CHAIRMAN: Inadequacies in a lot of  
11 areas of care?  
12 A. Yes, indeed, yes.  
13 151 Q. THE CHAIRMAN: Failure to take account of  
14 emotional needs of  
15 children, loneliness and everything else. Just  
16 looking at that for a second, that would seem to  
17 suggest that the children would be more difficult to  
18 handle because they would be extremely unhappy,  
19 extremely lonely, miserable, much more than if those  
20 facilities were available, isn't that right?  
21 A. Yes.  
22 152 Q. THE CHAIRMAN: So we have a difficult body  
23 of children, and, on the  
24 other hand, looking after them we have an untrained  
25 group of stressed out carers?  
26 A. Yes.  
27 153 Q. THE CHAIRMAN: That seems to me to be a  
28 mixture that is conducive  
29 to a good deal of violence. I am not fixing you with



1 this, I am just thinking in relation to it and I  
2 think you have neatly summarised the difficulties.  
3 Am I right in thinking that if you have stressed out  
4 people -- I think we would all have experience of  
5 being stressed out parents at times and that would be  
6 the response, is that likely?

7 A. I think that it contributed to a régime that had to  
8 be strictly organised.

9 THE CHAIRMAN: Of course.

10 A. And very strict rules. I am not talking about  
11 protocols, but rules where children observed and  
12 understood the rules.

13 THE CHAIRMAN: I understand.

14 A. So in that sense that is how it would have been  
15 handled.

16 THE CHAIRMAN: I follow.

17 A. It would have been difficult to deviate from the  
18 rules in to what one might term a more 'softly softly  
19 approach'. I think the system generated almost the  
20 rules which were ... (INTERJECTION).

21 154 Q. THE CHAIRMAN: The structure of the  
22 system would be  
23 uncomfortably 'militaristic', and I don't mean that  
24 in a pejorative sense.

25 A. Yes.

26 155 Q. THE CHAIRMAN: But it would be a very  
27 rigid régime?

28 A. Yes, that is true, yes.

29 156 Q. THE CHAIRMAN: When it broke down, as it



1 must have done, the result  
2 would be inevitable?

3 A. Yes.

4 157 Q. THE CHAIRMAN: Maybe you don't want to get  
5 into that, I do not mind if  
6 you don't. As I say, I think it is only reasonable  
7 to suggest it to you.

8 A. It is difficult for me to get into it in the sense  
9 that I have no record of responding to that by  
10 violence.

11 THE CHAIRMAN: I understand.

12 A. I haven't any record of that.

13 THE CHAIRMAN: I am not suggesting that.

14 A. I do have the memories of people who come back and  
15 visit. Very recently I met two people who came and  
16 stayed in one of the communities where she came and  
17 visited that very elderly person, and their memories  
18 would have been very positive and these are two  
19 people in their 60's.

20 THE CHAIRMAN: I understand, this isn't a  
21 bit of indictment I am  
22 lining up against you, don't worry about that.

23 A. I think we also need to see it through the eyes of  
24 people who come back and the letters that are  
25 written.

26 THE CHAIRMAN: Of course, yes.

27 A. So that while, on the one hand, there are complaints,  
28 on the other there is a lot of positive reaction  
29 ... (INTERJECTION).



1 THE CHAIRMAN: I am not selecting an  
2 individual complaint,  
3 Sister, I am just looking at the mixture as we have  
4 pictured it here. Anyway, I think I understand the  
5 information you can help us with about that. Thank  
6 you very much.

7 158 Q. MR. LOWE: Can I come back to one  
8 point. On the appointment  
9 of resident managers, was it done by rota or by some  
10 sort of system of criteria being met or was it done  
11 by seniority simply?

12 A. No, it was done by the Superior in the convent who  
13 made all the assignments by certain reflection. I  
14 don't know because I wouldn't have known the women  
15 who made the appointments, but certainly, I would  
16 say, the 1954 appointment, she would have been seen  
17 as somebody I would imagine who was suitable, but I  
18 can't think, I can't answer in the sense that I don't  
19 really know. Judging from that, I would think that  
20 it probably would have been seen as somebody who  
21 would be capable and good in this situation.

22 MR. LOWE: Thank you.

23 THE CHAIRMAN: Thank you very much,  
24 Sister. Thank you for your  
25 help.

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28 THE WITNESS THEN WITHDREW  
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MR. McMAHON: Perhaps if we have a short recess. The next group is the Sisters of St. Louis, and I think there was a request for a short break.

THE CHAIRMAN: If that is convenient, that is no problem We will say 15 minutes.

SHORT ADJOURNMENT



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THE HEARING RESUMED, AS FOLLOWS, AFTER THE SHORT  
ADJOURNMENT

MS. FERGUS: Sister Noreen Shankey on  
behalf of the Sisters of  
St. Louis

SR. NOREEN SHANKEY HAVING BEEN SWORN WAS EXAMINED, AS  
FOLLOWS, BY MS. FERGUS

159 Q. MS. FERGUS: Sister, you are here to  
give evidence on behalf of  
the Sisters of St. Louis?

A. That's right.

160 Q. What position do you hold in the Order?

A. I am Regional Leader for Ireland.

161 Q. Do you want to give a little background history of  
the Congregation to the Committee?

A. Yes, we are a French foundation founded in France in  
1842. Then in 1859, at the request of the Bishop of  
Clogher, three Sisters came to Monaghan to form a  
foundation there. He was very concerned about the  
level of poverty at the time and the lack of  
education, so the Sisters were invited. After we  
came, we expanded throughout Ireland and then spread  
to other countries. We are in seven other countries  
now. While we began in France in Joue, Monaghan  
became the Mother House of the institute. Shortly  
after we came to Ireland, we set up a reformatory



1 school which became known as the Ulster Catholic  
2 Reformatory School for Girls. Then in 1870, shortly  
3 after the Industrial School Act, it became known as  
4 St. Martha's Industrial School. This school  
5 transferred to Bundoran in 1957, 43 children's  
6 transferred at that time. The school finally closed  
7 in 1965. Our Sisters also worked in St. Joseph's  
8 orphanage in Bundoran. This was under diocesan  
9 management and not run by us, but Sisters worked  
10 there. It had closed by the time St. Martha's moved  
11 to Bundoran in 1957.

12 162 Q. How many children went through the industrial school?

13 A. I understand 1,167 in total.

14 163 Q. THE CHAIRMAN: That was originally in  
15 Monaghan?

16 A. Monaghan and then transferred to Bundoran. Our main  
17 area of work, I should have said at the beginning  
18 there, was education. We had a number of boarding  
19 schools, two domestic colleges and our Sisters would  
20 have worked in a number of primary schools, so we  
21 just had the one industrial school.

22 164 Q. MS. FERGUS: When did St. Martha's  
23 close?

24 A. St. Martha's closed in 1965. When the school closed,  
25 I understand that records, this would be the  
26 admission books and detention books etc., were sent  
27 back to the Department. Then in the 1980's, one of  
28 our Sisters became very interested in heritage and  
29 she set up a heritage centre in Monaghan. She was



1 very interested in the past residents of  
2 St. Martha's, gathering information and data so as to  
3 be able to help them when they came looking for  
4 information or on visits. She would have helped a  
5 number of these to get in touch with their families.  
6 She went back to the Department and got copies of the  
7 original documents which we now have on record in  
8 Monaghan in the heritage centre. We also have  
9 photographs, cups and medals maybe that the children  
10 won, so when they come back for occasions, it is  
11 useful for them to have this type of information.

12 165 Q. Do you want to then deal with the timing and the  
13 manner in which allegations of child abuse emerged in  
14 respect of your institution?

15 A. Before moving on to that, I would like to say we have  
16 a number of letters on files relating to this period  
17 of the 1980's, but these would be letters of request,  
18 of gratitude etc., and not letters of complaint.

19 166 Q. These are letters that have come in since?

20 A. In the 1980's or roughly around that time, yes. Then  
21 to move on to the timing and manner in which  
22 allegations of abuse emerged as an issue for us. I  
23 will take this in chronological order. In 1963 there  
24 was an incident in Bundoran where a number of  
25 children ran away and couldn't be found for a number  
26 of hours. This was the third time that a similar  
27 incident had happened and the Gardaí were out looking  
28 for them and some local people. They returned at  
29 about 10:30p.m at night. Everybody was very worried



1 for their safety and well-being. As a punishment,  
2 they had their hair cropped short. This was to  
3 prevent them going out again, I understand. The  
4 incident was written about in The People newspaper at  
5 the time and the Department would have come down and  
6 investigated it. Our records of this incident are  
7 very scant, although we do have a record of it in the  
8 convent annals. Copies of the Department reports are  
9 available to the Commission, I would have procured  
10 these through our solicitors from the Department.

11 167 Q. Just in relation to that particular incident, have  
12 you been able to establish if this was the first time  
13 this had ever happened or to what extent this may  
14 have been a practice?

15 A. I understand that it wasn't a practice in Bundoran  
16 and according to the report, the Department report,  
17 they were at the time was satisfied that it was an  
18 isolated incident in Bundoran.

19 168 Q. THE CHAIRMAN: The cropping of the hair  
20 was an isolated incident?

21 A. Yes, and according to the report as well.

22 169 Q. THE CHAIRMAN: Does that mean shaving  
23 hair, Sister, because there  
24 are complaints about shaving of hair?

25 A. Yes, but I gather that this was with a scissors and  
26 cut, cropped from what I can gather in asking people,  
27 and also the Department's report at the time would  
28 describe it as such.

29 170 Q. THE CHAIRMAN: It does feature as a



1 complaint and specifically  
2 for people who ran away?  
3 A. Yes.  
4 171 Q. THE CHAIRMAN: Funny enough, it is in the  
5 judge's play in 1960 in The  
6 Abbey but about a different place.  
7 A. Yes.  
8 THE CHAIRMAN: We will be hearing about  
9 that later.  
10 A. At the time Sisters throughout the region that were  
11 not living in Bundoran at the time hearing about it  
12 were shocked, and looking at it from this perspective  
13 now, we would say it was an excessive punishment.  
14 172 Q. MS. FERGUS: Moving on then in time.  
15 A. Moving on in time to 1992, the Sister I referred to  
16 that set up the heritage centre, she had a reunion of  
17 past pupils of St. Martha's, so she wrote to a number  
18 of people. There is one letter on file relating to  
19 that period of a lady who said she wouldn't like to  
20 come back because she and her Sisters hadn't happy  
21 memories of Monaghan and she mentioned, in  
22 particular, some of the older children that were  
23 there that she wouldn't like to meet. She did say  
24 that she would come at another time on her own and  
25 she mentioned failing health, but she has since died.  
26 I understand that she did have contact with the  
27 Sister who is also dead and, in fact, a niece of hers  
28 would have been in touch with the Sister in question.  
29 173 Q. Were there any other complaints?



1 A. Yes, when I looked through the files then, I see that  
2 my predecessor, the person who had been Regional  
3 Leader before me, would have got two letters of  
4 complaint following the Dear Daughter programme. One  
5 of these was written to her in March 1996. The  
6 Sister tried to identify the two people the lady was  
7 speaking about. There was no record of one of the  
8 Sisters ever being in Bundoran and the second person  
9 was dead. The period in question relates to  
10 St. Joseph's Orphanage which was under the diocesan  
11 management and not under our management at the time,  
12 although our Sisters were working in it. My  
13 predecessor offered to go to England to meet with  
14 this lady to help her to discuss her experiences, but  
15 she didn't want this and wanted no further contact.

16  
17 The second complaint also came after the  
18 Dear Daughter programme, a lady wrote a series of  
19 letters telling of her experiences in the orphanage  
20 in Monaghan and of the harsh régime it was. She  
21 mentions, in particular, the cruelty of older  
22 children and her fear of one Sister. The Regional  
23 Leader at the time offered to meet this lady, they  
24 exchanged letters and they did meet.

25 174 Q. To what extent in hindsight now looking at the  
26 records and these complaints does the congregation  
27 accept that there may have been abuse?

28 A. I am not sure that I would use the word "abuse", but  
29 certainly strictness and a harsh régime. In the next



1 section I was going to elaborate a little bit more on  
2 that in relation to the litigation.

3 175 Q. Fine, if you move on to the litigation and elaborate  
4 there.

5 A. When I began in leadership in 1999, we were not  
6 involved in any litigation. Apart from these  
7 complaints I have mentioned that are on file, they  
8 would be the only ones that we are aware of. This  
9 was shortly after the Taoiseach's apology which would  
10 have been in May 1999, when I took up office in  
11 August 1999. Similarly, when the Government  
12 announced the compensation scheme in October 2000, we  
13 were not involved in any litigation taken by former  
14 residents at that stage. Our first solicitor's  
15 letter intimating a claim on behalf of a former  
16 resident was in November 2000, and by the time we  
17 made our contribution to the Redress Scheme and  
18 entered into the agreement with the State in June  
19 2002, we were aware of 13 cases being taken by former  
20 residents. Eight were at the initial stage and  
21 Plenary Summons were served on another five. We  
22 currently have nine cases before this Commission,  
23 four relate to Bundoran and five to Monaghan, and  
24 there is some overlap because some of the same  
25 children transferred.

26

27 Our industrial school closed almost 40 years ago,  
28 40 years next year, which was before I entered the  
29 convent, so I have no first-hand knowledge or





1 experience of the system. In order to gather a body  
2 of knowledge and familiarise myself with it in some  
3 way, I would have spoken to Sisters who worked there,  
4 most are dead now, but Sisters that were involved in  
5 some way, Sisters who taught in the local primary  
6 schools, lived in the local convents or worked in the  
7 kitchen or might have been associated in some way  
8 with the orphanage. We also got a number of Sisters  
9 and a lady who worked in the orphanage who has since  
10 left the convent to meet with our solicitors in order  
11 to get a more objective picture of the situation.  
12 Looking at the system through the lens of today, it  
13 was a regimented one with everyone doing the same  
14 thing at the same time, and not a very child centered  
15 approach. While the physical needs for food,  
16 clothing and shelter were met, the affective or  
17 emotional needs were not catered for. There seems to  
18 have been little understanding of the trauma  
19 experienced by many of these children before they  
20 came into the institutions or the whole question of  
21 separation anxiety.

22  
23 There was strictness and harshness from what I can  
24 gather, although not all would say that, some would  
25 say the children were happy and contented and some  
26 photographs attest to that, but a certain amount of  
27 strictness and harshness. Corporal punishment would  
28 have been the norm in the school at the time. These  
29 children would have gone to the local primary school



1 and, of course, some of the Sisters as well as lay  
2 staff would have taught there.

3  
4 So the complaints mainly against us are of a harsh  
5 régime. Some of the people taking cases against us  
6 and have cases before the Committee still come back  
7 to visit and are on friendly terms with the Sisters,  
8 so there is a certain ambiguity there. They would  
9 say it is the system maybe rather than individuals.  
10 Some past residents who come back to visit have very  
11 happy memories of their time there. Now, they would  
12 refer maybe to some strictnesses or difficulties, but  
13 on the whole their experiences would be positive and  
14 they would speak about opportunities they had for  
15 music. There would have been in choirs, festivals  
16 and won medals at drama festivals etc.

17  
18 So it is not easy for us to hold these two sets of  
19 experiences in balance and to get a clear picture.  
20 There are good experiences, on the one hand, and the  
21 not so good or the bad experiences on the other, yet  
22 I know that one set of experience does not rule out  
23 the other. Even coming out of the same family, two  
24 people could have very different experiences of their  
25 childhood or going through a school system

26  
27 There is also the fact that the circumstances that  
28 brought the children into the institutions in the  
29 first place might have been quite different. I say



1 these things and try to understand the situation  
2 better rather than trying to minimise it because I  
3 think one complaint is one too many.

4  
5 Since 2000 we would have got a number of requests  
6 from victim support groups as well as individuals  
7 seeking records and information, and we have always  
8 been very swift to deal with these insofar as we can.  
9 I would adhere we have got a number of requests from  
10 people who are not in the institutions, that maybe  
11 the requests are relating to people who were in  
12 institutions in the 1970's after our industrial  
13 school would have closed, but we would respond to  
14 those.

15 176 Q. Moving on to the reasons why your congregation  
16 contributed to the Redress Fund?

17 A. Yes. Firstly, I would say that like other  
18 congregations mentioned, we welcomed the setting up  
19 of the Laffoy Commission originally and later on  
20 redress, because I am convinced that one of the  
21 greatest oppressions we can do to people is deprive  
22 them of their story. We saw this as an opportunity  
23 for people to be heard and to fit the different  
24 pieces of the jigsaw together, rather than maybe just  
25 looking at one aspect of it.

26  
27 So to talk about the redress, central to our  
28 participation in the Redress Scheme was a desire to  
29 prevent the ordeal of past residents and ourselves



1           having to go through the courts. As I mentioned, we  
2           had no cases against us until after the Taoiseach's  
3           apology and the redress had been announced. We also  
4           felt that the way of redress was a more humane way  
5           and that it would lead in the direction of healing  
6           and reconciliation, and I welcome this emphasis with  
7           the present Commission and the approach you are  
8           taking.

9  
10           We were also advised by our legal people of the  
11           difficulty of prosecuting cases of this nature before  
12           the courts, we could have long drawn out cases.  
13           Because the events happened so long ago and with the  
14           Statute of Limitations, most of the people are dead,  
15           in fact all except one person. We felt that the  
16           money would be better spent on redress than in legal  
17           fees.

18  
19           There was also an element of support from the other  
20           congregations because these discussions were already  
21           underway when we joined in, there were already  
22           12 congregations, so we came in late in the day, but  
23           there was a supportive element being with the other  
24           congregations as well as learning from their  
25           experience.

26  
27           There was also the advantage that if people went to  
28           redress, we would be indemnified against other claims  
29           in the courts.



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Now, we did have reservations about the low level of validation, especially if dead people were named, the fear that a good person's name might not be protected. There was also the fact that the word "abuse" in the public forum is often associated with the more severe type of sexual abuse and the cases against us were related to a harsh régime. If I may just say as recently as last Sunday, in that regard I was listening to a documentary on Radio One, and there was some question of the fees being paid to barristers and the number of Commissions being held currently, and this Commission was referred to as the "Sex Abuse Commission", which is grossly inaccurate and that perception is there in the public forum So it is difficult to get around that.

177 Q. Would you like to help the Committee about whatever protocols or procedures, and I appreciate your industrial school closed in 1965, but to what extent can you assist the Commission?

A. Yes, I am not aware of any protocols or procedures being in place at the time of the industrial school, apart from the Departmental rules and regulations that would have been available or would have been sent out. Then in December 2000, but this is more currently, we worked on drawing up child protection policy in the wake of cases coming in against us. This was twofold; it was in order to put in place best practice currently, but also should any cases



1           come our way from the past, and we also appointed a  
2           Sister that would be available to meet with  
3           individuals who are bringing claims. Actually all of  
4           ours came through the legal channels, through  
5           solicitors, so that was in a different forum

6  
7           As regards making enquiries about what other people  
8           did, we didn't really make any formal enquiries. We  
9           were aware of the other 17 congregations that were in  
10          redress with us and what was happening on that front  
11          and, of course, following reports in the newspapers  
12          and documentaries and TV coverage, but we wouldn't  
13          have made enquiries into other jurisdictions as to  
14          what was being done.

15   178   Q.    I think you said you would come back to this, the  
16           extent to which the enquiries that you did carry out  
17           within your organisation, whether there was child  
18           abuse within the institution, in Bundoran in your  
19           case, which lead to forming a view that such abuse  
20           did occur, you said you might come back to that?

21           A.    Yes, our contribution to the Redress Scheme was not  
22           related to any incident of abuse as such. It was  
23           more an acknowledgment of the fact, the fact that  
24           these children were placed in an institution at all  
25           was an injustice to them. As we saw it, family, the  
26           religious, Governments and society all failed them in  
27           some way. We never thought that money alone would  
28           bring total healing or closure, but we did feel it  
29           was a more humane way and we felt it would go some



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way to acknowledging that these children had suffered.

As regards your question more specifically, I mentioned already that I would have would have considered the incident in Bundoran excessive punishment, but in relation to the other claims that are against us before the Commission, in the absence of documentation and the fact that most of the people are dead and that the orphanage or industrial school is closed for 40 years, I think it would be very difficult for me to be put in that position, I would see that more the work of the Commission when you look at the cases in more detail.

MS. FERGUS: Thank you very much,  
Sister.

END OF EXAMINATION OF SR. SHANKEY BY MS. FERGUS



1                   SR. SHANKEY WAS THEN EXAMINED, AS FOLLOWS, BY THE  
2                   COMMITTEE MEMBERS

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179 Q. MR. LOWE:                   You mentioned in 1965 when  
  St. Martha's closed, books  
  were sent back to the Department.

A. Yes.

180 Q. MR. LOWE:                   Amongst the books you  
  mentioned were detention  
  books?

A. I am not sure, admission books maybe.

181 Q. MR. LOWE:                   You mentioned detention  
  books?

A. Their date of release. What we have on record in  
Monaghan are photocopies and on that would be the  
date of admission, maybe the reason why, if they came  
through the courts why they were there, date of  
release and maybe a little bit about the family,  
apart from the convent annals. So the fact that we  
were able to get these records back from the  
Department, I am inferring from that that they were  
sent back.

182 Q. MR. LOWE:                   You wouldn't know if there  
  were any punishment books  
  kept?

A. No, certainly not on our files, on our records  
because we have gone through those. We have a  
heritage centre in Monaghan and archives, and I would  
have asked for any information in relation to that.





1 183 Q. MR. LOWE: If they had been kept,  
2 would they have been  
3 retained as books?  
4 A. I am not sure how good our record keeping and  
5 retention of books at that stage were, there would be  
6 annals.  
7 184 Q. MR. LOWE: Were the other books very  
8 thorough, the admissions  
9 and everything else?  
10 A. In the little bit that is available to us now that I  
11 have had access to, they wouldn't be very detailed,  
12 no.  
13 MR. LOWE: Thank you.  
14 185 Q. DR. RYAN: Just one question,  
15 Sr. Noreen, and it relates  
16 back to the 1963 incident and the subsequent visit by  
17 the Department to the institution and you said you  
18 had sight of the Departmental report in respect of  
19 that visit. Is there anything in that record to show  
20 that there was any form of reprimand or, indeed,  
21 disciplinary proceedings taken against the members  
22 who had been involved in the haircutting incident?  
23 A. I understand the two Sisters were removed, that one  
24 Sister was coming up to the age of retirement  
25 according to the report and was leaving, and another  
26 Sister who had been in the school was taken out of  
27 Bundoran at the time.  
28 186 Q. DR. RYAN: And put where, do you know?  
29 A. She was not involved in the actual incident. In



1 fact, this Sister is dead, but she has been mentioned  
2 in one of the reports that has come in, one of the  
3 letters of complaint as being very kindly and  
4 motherly, there was no complaint against her. I  
5 think the Department would have felt at the time,  
6 from what I gather from the report, and you will have  
7 a copy of it, that she might have been too lenient.  
8 I think the charge that was leveled against the  
9 Sister in charge also was being too lenient and  
10 over-kindly and then didn't have adequate discipline.

11 DR. RYAN: Thank you, Sister.

12 THE CHAIRMAN: There are things I would  
13 like to ask, but I think it  
14 is better not to follow them up at this stage, we  
15 are on a different aspect now. There will be a time  
16 when we can follow up any enquiries that we have, so  
17 I don't want, however interesting it might be, to  
18 head down particular areas. Thank you very much,  
19 Sister, for your assistance to us and for coming  
20 along, it is very much appreciated.

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23 THE WITNESS THEN WITHDREW

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26 THE CHAIRMAN: Very good, we will say

27 2:15.

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29 LUNCHEON ADJOURNMENT



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THE HEARING RESUMED AFTER THE LUNCHEON ADJOURNMENT,  
AS FOLLOWS

THE CHAIRMAN: Good afternoon. Now,  
Mr. McMahon?  
MR. McMAHON: Good afternoon. I would  
like to call Mr. Patrick  
Walsh.

MR. P. WALSH, HAVING BEEN AFFIRMED, WAS EXAMINED AS  
FOLLOWS

- 187 Q. MR. McMAHON: Mr. Walsh, I think you are  
a member of a survivors'  
group known as Irish SOCA, and I think you have been  
nominated by that group to represent it for the  
purpose of these hearings before the Investigation  
Committee?  
A. That is correct.  
188 Q. I think a number of questions were posed to the  
survivor groups, and you are in a position to deal  
with them insofar as your group is concerned?  
A. That is correct.  
189 Q. I think that the first of those questions was in  
relation to the timing and manner in which  
allegations of and knowledge of child abuse emerged  
as an issue in Ireland?  
A. Yes, well, the historical child abuse scandals in  
Ireland emerged as a public issue following the



1 broadcast of various TV documentaries and other media  
2 interest during the 1990's. The issue of child abuse  
3 by Irish religious orders was already emerging in  
4 Canada and Australia and it was inevitable that media  
5 interest would focus on how the same orders conducted  
6 themselves in their home country. Then, of course,  
7 as we all know, Bertie Ahern issued a statement in  
8 the Dáil on 11th May 1999 to the victims and he did  
9 establish this Commission to Inquire into Child  
10 Abuse.

11 190 Q. I think, Mr. Walsh, you were also asked to deal with  
12 how your group was formed?

13 A. Yes, following the statement of 11th May 1999, a  
14 number of public meetings were held in the UK and  
15 elsewhere. Now, various firms of Irish lawyers  
16 assisted these meetings, public meetings, and on 19th  
17 June 1999, SOCA was established in North London.

18 191 Q. Yes?

19 A. As I say, it was established by a man called Mr. Mick  
20 Waters and we were delighted at the time that a focus  
21 group was being established that would represent  
22 victims in the UK and Ireland.

23 192 Q. Yes.

24 A. However, I don't want to get contentious here  
25 but... (INTERJECTION)

26 193 Q. No. Was there a leadership structure set up at that  
27 stage?

28 A. Yes, there was. The leadership structure agreed at  
29 the time was that Mr. Waters would... (INTERJECTION)



1 THE CHAIRMAN: Maybe, I should say  
2 something at this stage,  
3 Mr. Walsh. You understand our position, I know,  
4 here. Obviously, I know that there has been a  
5 fracturing or a splintering of groups, but what I  
6 don't want to get into is anything in the nature of a  
7 dispute -- obviously, people have their views and  
8 people have their understandings, and what I really  
9 don't want to get into, I don't want to have to be  
10 sending for Mr. Waters to say, well, does he agree  
11 with what Mr. Walsh said or does he disagree with it  
12 because, frankly, at this stage, it is not important.  
13 A. Okay, we can dispense with it.  
14 194 Q. THE CHAIRMAN: No, no, no, it's all right.  
15 I mean, don't think I am  
16 criticising you for a second. I just want to tell  
17 you what we are interested in. Could I tell you what  
18 I am interested in?  
19 A. Please.  
20 THE CHAIRMAN: And what I would love you  
21 to help us with.  
22 A. Okay.  
23 195 Q. THE CHAIRMAN: Before the Taoiseach's  
24 apology on 11th May 1999,  
25 was there any communication or contact with other  
26 people who had been in institutions or, in other  
27 words, how did it actually happen? How did people  
28 come together? Was an advertisement put in the  
29 papers, was a letter written? You know, I was just



1 wondering how did the people -- and it'S not as if it  
2 will be good if it's one way and bad if it's the  
3 other way, but we were just wondering how did the  
4 whole thing from the victims' point of view or the  
5 survivors -- do you see what I am getting at?

6 A. Yes, I do. After 11th May 1999, a lot of the  
7 solicitors placed advertisements in various  
8 newspapers in Britain and Ireland and public meetings  
9 were called. There was word of mouth, of course,  
10 person to person, but the Irish media in Britain, in  
11 particular, showed a huge interest in this question  
12 after 11th May 1999. In fact, it received front page  
13 coverage on Irish newspapers in Britain. Also, it  
14 was being featured in main newspapers like The  
15 Guardian, The Daily Telegraph and on the BBC. So, I  
16 mean... (INTERJECTION)

17 196 Q. THE CHAIRMAN: So it was big news,  
18 obviously?

19 A. Indeed, it was. It was in the media, to be sure.

20 197 Q. THE CHAIRMAN: The Taoiseach's apology  
21 was, obviously, big news?

22 A. Indeed.

23 198 Q. THE CHAIRMAN: But before that, people  
24 might have known each other  
25 but, if I am correct now, they wouldn't have known  
26 each other as people who had been in institutions or,  
27 indeed, as people who had been abused or had  
28 something in common from that point of view?

29 A. That's quite certain. That's absolutely correct,





1 input at that stage, frankly, I don't know what we  
2 would have done.

3 204 Q. THE CHAIRMAN: I understand. But the  
4 sequence was advertisements  
5 came in to newspapers in the UK likely to be read by  
6 Irish people?

7 A. Indeed so, that is correct.

8 205 Q. THE CHAIRMAN: Those advertisements said  
9 to people that they should  
10 come to a meeting; is that right?

11 A. Indeed so, quite so. In plain English, that's fine,  
12 yes.

13 THE CHAIRMAN: Okay.

14 A. The meetings, as I say, were organised and, as I say,  
15 people got together. Associations were formed and we  
16 moved on from there.

17 206 Q. THE CHAIRMAN: So there was a great  
18 meeting?

19 A. Yes.

20 207 Q. THE CHAIRMAN: The first meeting happened?

21 A. Yes, indeed.

22 208 Q. THE CHAIRMAN: And a lot of people turned  
23 up?

24 A. Quite so.

25 209 Q. THE CHAIRMAN: Would you tell us about  
26 that?

27 A. Then, as I say, the meeting went on. A group was  
28 formed and was called SOCA.

29 THE CHAIRMAN: Right.





1 A. But after six months or so, differences began to  
2 emerge, differences about policy and approach.  
3 THE CHAIRMAN: Yes.  
4 A. That led to a fracturing of... (INTERJECTION)  
5 210 Q. THE CHAIRMAN: SOCA had people now elected  
6 at this first meeting; is  
7 that correct?  
8 A. That's right, yes.  
9 211 Q. THE CHAIRMAN: So when people left the  
10 first meeting, they had an  
11 organisation, first of all?  
12 A. Well, yes, indeed. I mean, I don't want to get  
13 bogged down in who was elected or... (INTERJECTION)  
14 212 Q. THE CHAIRMAN: No, no, I am not asking you  
15 that, but was the first  
16 meeting in London?  
17 A. No, I believe there was a meeting in Birmingham the  
18 week before. But the meeting in London on 19th June  
19 was the meeting that agreed that a group by the name  
20 of SOCA would be established.  
21 THE CHAIRMAN: Okay.  
22 A. I was at that meeting, so I am speaking now from my  
23 own knowledge.  
24 THE CHAIRMAN: That's okay.  
25 A. In any event, to move on from that, clearly  
26 differences concerning policy and approach had arisen  
27 by December 1999. Mr. Kelly, who is here in the room  
28 today, was pursuing one policy that was not agreed by  
29 the leader in Coventry. But, in any event, there was



1 a split, you might say, and an attempt was made by  
2 Mr. Mick Waters in Coventry to dissolve the Irish  
3 branch of SOCA, but that attempt failed. In February  
4 2000, most of the executive members of SOCA in  
5 Britain resigned and joined up with Mr. John Kelly  
6 here in Dublin. So a new organisation called Irish  
7 SOCA was born.

8 213 Q. THE CHAIRMAN: So, originally, it was  
9 SOCA?

10 A. Indeed.

11 214 Q. THE CHAIRMAN: Then from February 2000 we  
12 have Irish SOCA?

13 A. Indeed, yes. Then the organisation in England became  
14 known as SOCA UK.

15 THE CHAIRMAN: Okay.

16 A. So that often happens -- nothing... (INTERJECTION)

17 THE CHAIRMAN: No, I mean, don't think I  
18 am taking any -- people  
19 have disagreements. A may be right, B may be right,  
20 both may be half right. It is not important as to  
21 who is "right or wrong". It is just these things  
22 happen.

23 A. Indeed, they do.

24 215 Q. THE CHAIRMAN: Was there a register of  
25 members or what was the  
26 story about that, Mr. Walsh?

27 A. Yes, there was a register of members.

28 216 Q. THE CHAIRMAN: Somebody took a list of  
29 names and addresses



1 and... (INTERJECTION)  
2 A. Yes, that was kept by Mr. Waters in Coventry.  
3 THE CHAIRMAN: Okay.  
4 A. Quite so.  
5 217 Q. THE CHAIRMAN: But then when we got  
6 February 2000, we had Irish  
7 SOCA and we had SOCA UK and did some people remain  
8 members of both or did some people opt for one or the  
9 other or what was the story about that?  
10 A. Well, you can never tell if people belong to more  
11 than one organisation. People are free to join a  
12 dozen if they want to.  
13 THE CHAIRMAN: Of course.  
14 A. So the answer to that is people did opt to join with  
15 Irish SOCA and, perhaps, they decided that they would  
16 also like to remain part of SOCA UK and,  
17 indeed... (INTERJECTION)  
18 THE CHAIRMAN: There was no prohibition,  
19 obviously, as you say. I  
20 could be a member of a number of organisations.  
21 There is nothing to stop me.  
22 A. You see, the whole thing was that the survivors could  
23 decide for themselves. It was in their best interest  
24 to decide for themselves what to do, where to go. At  
25 least, there were structures in place. People could  
26 choose.  
27 THE CHAIRMAN: Yes. Thank you very much,  
28 that's very helpful about  
29 the setting up, how it actually got started. Yes,



1 Mr. McMahon, sorry for interrupting you.

2 218 Q. MR. McMAHON: Not at all. Mr. Walsh, can  
3 you tell the Committee,  
4 perhaps, what the aims of the group were when they  
5 were formed?

6 A. Yes, I mean, the aims of the group were to -- I mean,  
7 we are a survivor focus group... (INTERJECTION)

8 219 Q. I think you haven't indicated what SOCA means?

9 A. Sorry, it means Survivors of Child Abuse.

10 THE CHAIRMAN: Well, I had kind of worked  
11 that one out myself!

12 A. Okay.

13 220 Q. THE CHAIRMAN: A survivor focus group,  
14 tell us what that means,  
15 Mr. Walsh. How do you see that?

16 A. Well, the purpose of the group was to act as a  
17 support group for the survivors so that we could make  
18 representation to Government on the up-coming  
19 legislation for forming this Commission, for  
20 instance. At that time, that was the main focus of  
21 our activities. We went to a great deal of trouble  
22 to lobby members of the Dáil and the Senate during  
23 the passage of the Act. In fact, we submitted up to,  
24 I think, about 35 amendments to the Act and, of  
25 course, by doing that, people said we were foolish at  
26 the time. People said you're wasting your time  
27 lobbying the Dáil and the Senate and the senators  
28 etc. because most of our requests, most of our  
29 applications to amend the Act were subsequently voted



1 down. Some of those amendments led to a division of  
2 the House, you understand.

3 THE CHAIRMAN: Yes.

4 A. There was one particular amendment I regretted that  
5 was lost and I thought it was highly regrettable and  
6 extraordinary, and that was to do with the  
7 interpretation of the word "abuse". We had asked the  
8 Government to allow the interpretation of "abuse" to  
9 include "the infliction of pain and distress on a  
10 child", you know, and it was extraordinary to see  
11 Mr. Ahern leading the Government in opposition to  
12 that particular amendment, which we lost by, I think,  
13 about two or three votes. What we did, of course, by  
14 our activities was to tease out through the  
15 democratic process what the Government had in mind  
16 for this Commission. We got very deep insight into  
17 Government thinking about what it wanted from this  
18 Commission. One of the most extraordinary statements  
19 made in the Dáil at the time... (INTERJECTION)

20 THE CHAIRMAN: I feel one of my worries  
21 coming on, Mr. Walsh.

22 A. Oh, do you? Oh, well, never mind.

23 But... (INTERJECTION)

24 THE CHAIRMAN: You know and I know where  
25 we are going.

26 A. Well, I shan't mention the name of the man who  
27 mentioned it. I mean, he was asked to explain what  
28 was meant by the therapeutic function of the  
29 Commission and he gave the explanation thus -- he



1           said: "This listening and telling function of the  
2           Commission, which is the therapeutic function, is the  
3           function to which everything else must be  
4           subordinated". Of course, that struck us as being  
5           rather odd because we wondered how can you have a  
6           commission of inquiry with a therapeutic function?  
7           You either have a commission of inquiry or you have a  
8           therapeutic process. How do you mix them? It's a  
9           conundrum and it struck us as being extraordinary.  
10          In fact, around the same time I did a BBC radio  
11          programme with Minister Michael Martin and it was  
12          about the setting up of this Commission.

13          THE CHAIRMAN:                         The trouble is,  
14   Mr. Walsh... (INTERJECTION)

15          A.    I've mentioned a name, haven't I?

16          THE CHAIRMAN:                         I've been wrestling with  
17   the same things that you  
18          are now talking about and I have had a lot of  
19          assistance and I am very grateful for the assistance  
20          I have had both before I became Chairman and  
21          subsequently with my colleagues on the Commission and  
22          the Investigation Committee. I mean, this is the  
23          Commission that we have. We are making suggestions  
24          about amendments. But I can't really get into a  
25          debate about what Minister Martin said or didn't say  
26          or minister anything else said or didn't  
27          say... (INTERJECTION)

28          A.    Okay, so we can skip it.

29          THE CHAIRMAN:                         For the reason that -- I



1 mean, it is not vital to this part of the Inquiry.  
2 If it becomes important, I will be happy -- I want to  
3 emphasise this -- if it becomes important, we will be  
4 happy to get into it.

5 A. Okay.

6 THE CHAIRMAN: With the proper structure  
7 where we know what is in  
8 dispute and what's relevant. I am quite happy to do  
9 that if it becomes relevant. I don't think it is  
10 going to become relevant. Obviously, you are the  
11 first witness from the survivors' group, so I  
12 obviously don't want to be too bossy about it or say  
13 it must be this way or it has to be that way. But I  
14 am sure that you understand where I am coming from or  
15 what we have been trying to do in this phase of the  
16 hearings. What would really be of interest to us is  
17 your help as to what you were involved in, rather  
18 than what the disputes were, if you know what I mean.

19 A. Yes, well... (INTERJECTION)

20 THE CHAIRMAN: Do you understand me?

21 A. Well, I do, but I also understand that the purpose of  
22 these hearings is for you to get a grip on what is  
23 meant or what the Taoiseach's apology meant and the  
24 other apologies from the religious orders.

25 THE CHAIRMAN: Well, we will work out what  
26 it meant.

27 A. Well, I would like to say what the Taoiseach's  
28 apology meant to us, I mean, if that is allowed?

29 THE CHAIRMAN: I am sorry, Mr. Walsh, what



1 we wanted.

2 A. We are the recipients of the apology.

3 THE CHAIRMAN: Yes.

4 A. Now, we are the first survivor group to come here on  
5 this particular process.

6 THE CHAIRMAN: Yes, so, obviously, the  
7 last thing I want to do is  
8 to be... (INTERJECTION)

9 A. It is extremely important for us, and I have taken  
10 instructions from our membership on this -- the  
11 reason I am here today or part of the reason I am  
12 here today is to assist the Commission, but to give  
13 to you an appreciation of our take on the Taoiseach's  
14 apology. Surely, the Commission is interested in  
15 whether we accept or reject the Taoiseach's apology?  
16 The apology is the raft upon which all the other  
17 measures were launched, including this Commission,  
18 the amendment to the statute of limitations, the  
19 National Counselling Service etc. etc. If we get a  
20 grip on what the apology means, then we can move on  
21 because it means... (INTERJECTION)

22 THE CHAIRMAN: Okay, let me ask you  
23 something, Mr. Walsh.

24 A. Yes, of course.

25 221 Q. THE CHAIRMAN: I want to be plain and  
26 straight about this -- what  
27 difference does it make to us whether Irish SOCA  
28 accepts the Taoiseach's apology or does not? What  
29 difference does it make to my job?







1 SOCA accepts or rejects the Taoiseach's apology.  
2 They are perfectly entitled to do either. They are  
3 perfectly entitled to go public with it, but I don't  
4 want to have a forum here, for obvious reasons,  
5 because the next thing I will have somebody from the  
6 Government of the State legitimately coming in and  
7 saying 'hold on, you said you weren't accepting  
8 criticism, you said you weren't using the hearings as  
9 an occasion for criticism at this phase, and here you  
10 are, Irish SOCA are saying this that or the other, we  
11 want to have an opportunity of answering' and I have  
12 a dispute on my hands then or we have a dispute on  
13 our hands that has nothing to do with our job. Now,  
14 that's it in a nutshell. I mean, I am trying to be  
15 as helpful as I can, but do you see what I mean? It  
16 does not make any difference to this investigation  
17 whether one group or another group accepts or rejects  
18 the Taoiseach's apology. We have a job to do.

19 A. Yes, well, I mean, I don't want to appear some sort  
20 of pettifogger... (INTERJECTION)

21 THE CHAIRMAN: Well, pettifog away.

22 A. I don't want to come, you know, quibbling about  
23 peripherals etc. But the fact of the matter is that  
24 we have a view on the Taoiseach's apology, which is  
25 the main raft upon which everything else was  
26 constructed. You say you are not interested. So you  
27 are not interested -- that's fine. We will leave it  
28 at that.

29 THE CHAIRMAN: Thank you very much. Now,



1 Mr. McMahon?

2 224 Q. MR. McMAHON: You were dealing with the  
3 things which the group has  
4 done since its foundation and you spoke about having  
5 made representations in relation to the Act which set  
6 up the Commission and also in relation to the other  
7 Act, the 2002 Act?

8 A. Yes, that's true. I mean, again, after the  
9 establishment of the Commission Act, then came the  
10 Residential Institutions Redress Act and, of course,  
11 we lobbied the members of the Dáil and the Senate.  
12 We also addressed the Select Committee on the Redress  
13 Act in the Dáil. We made a presentation to the  
14 various TD's on that and we did all we could to  
15 persuade the Committee to take on board our concerns.  
16 Some of our concerns were taken on board and some  
17 weren't. Nothing else I can say on that.

18 225 Q. I think you have participated in various consultative  
19 processes?

20 A. Yes. I mean, yes, we did, obviously, at the very  
21 beginning, we made representation to Justice Mary  
22 Laffoy during the start of the Commission's  
23 activities. But then things started to happen and,  
24 once again, I am going to get contentious --  
25 disagreements began to emerge, not between different  
26 groups this time, but differences began to emerge,  
27 differences of opinion began to emerge with a  
28 particular civil servant at the Department of  
29 Education and Science.



1 226 Q. Again... (INTERJECTION)  
2 A. Again, I can't name his name, can I? Am I allowed to  
3 mention names?  
4 227 Q. Well, Mr. Walsh... (INTERJECTION)  
5 A. All right, I shan't.  
6 228 Q. You know the basis on which you are here, as well as  
7 everybody else.  
8 A. Well, in any event, this particular civil servant  
9 took a rather paranoid view to Irish SOCA having the  
10 temerity to use solicitors in meetings with his  
11 officials and, I mean... (INTERJECTION)  
12 THE CHAIRMAN: This doesn't have to do  
13 with the work we have to  
14 do, Mr. Walsh.  
15 A. In any event, we can get to that later on.  
16 THE CHAIRMAN: People can be right, people  
17 can be wrong. Maybe, you  
18 were right; maybe, the department was right. Who  
19 knows? But it is nothing to do with us.  
20 229 Q. MR. McMAHON: Did you involve yourselves  
21 in representations with  
22 other... (INTERJECTION)  
23 A. Well, yes, we lobbied the Law Reform Commission on  
24 the statute of limitationS insofar as they related to  
25 abuse in childhood. As you know, the statute of  
26 limitations was amended and a window of opportunity  
27 was afforded those who wished to bring actions up  
28 until, I believe it was, 20th July 2001. We would  
29 have, of course, wished that the Law Reform



1 Commission had taken on other things but, in the  
2 event, they didn't, so there is nothing we can do  
3 about that.

4 230 Q. I think you have also engaged in meetings with  
5 representatives of the Catholic Church?

6 A. Yes, we have, we have met various officials in the  
7 Roman Catholic Church and I am not prepared to say  
8 anything further about that.

9 231 Q. I see. I think that you have also provided services  
10 for your members or you have assisted your members in  
11 regard to accessing information?

12 A. Yes, I mean, clearly, everybody or anybody who was  
13 either making a representation before the Commission  
14 or the Redress Board or the High Court or any other  
15 forum is entitled, surely, to complete access to  
16 their personal and family records. Initially, we  
17 advised people to make applications under the Freedom  
18 of Information legislation, but then subsequently the  
19 Government signed an agency contract with the  
20 Barnardos organisation here in Dublin and people can  
21 now access those records through Barnardos, albeit on  
22 a non-statutory basis.

23 232 Q. I think you have assisted in relation to access of  
24 those documents?

25 A. Yes. I mean, for practical reasons, though we have  
26 reservations about the propriety of the Barnardos  
27 contract, for practical reasons we have to advise  
28 people to access through Barnardos, simply because it  
29 has taken up to two and a half years for people to



1 access their records under the statutory provisions.  
2 Bernardos can produce the same records within six to  
3 eight weeks. It's plain; you have to use Bernardos.  
4 But, as I say, I have grave reservations about the  
5 propriety of the contract signed by Bernardos and the  
6 Government because it cuts across our statutory  
7 entitlement to the records under the legislation.

8 233 Q. I think that you have also provided a referral  
9 service?

10 A. Well, for obvious reasons, it would be strange indeed  
11 if we didn't operate a legal referral service to  
12 those people who need legal advice etc. That is a  
13 perfectly practical thing for us to do, perfectly  
14 obvious, and we have organised public meetings for  
15 survivors here in Ireland and overseas. We have  
16 tried to avoid riotous assemblies and stuff like  
17 that. Small meetings, that sort of stuff.

18 234 Q. I think you have been in a position and willing to  
19 provide spokespeople to go to TV and radio?

20 A. Well, yes, that's without saying, isn't it? Yes, we  
21 are a media-conscious organisation and we work with  
22 the media to highlight these issues whenever and as  
23 often as we can. We believe in the principle that  
24 the media can be a champion of the truth and we  
25 endorse and support the media in every way we can.

26 235 Q. I think that your organisation has also been involved  
27 in research into various areas?

28 A. Yes, indeed. Obviously, part of what we do is to  
29 conduct research into what happened in the past. We



1 carried out extensive research and were given superb  
2 assistance by the OECD in Paris, who delivered huge  
3 volumes of documents to us last year, dealing with  
4 the 1965 investment in education programme, which was  
5 a four-year survey of the Irish educational system  
6 Now, I believe a researcher who was here two weeks  
7 ago hit upon that. He did mention it in passing that  
8 the OECD had come to Ireland and it had looked at the  
9 educational system in the industrial schools. But,  
10 in fact, our research, and if I could go into that  
11 just a little bit, our research indicates that the  
12 OECD did a lot more than simply take a look at what  
13 was going on in the industrial schools. In fact,  
14 they were very concerned with what they found and  
15 they made a number of recommendations to the  
16 Government at the time. They  
17 complained. . . (INTERJECTION)

18 236 Q. Did they furnish a report?

19 A. Yes, they did. The report to the Irish Government  
20 was submitted in 1965 and the report on the  
21 industrial school system was furnished in an annex to  
22 the main report at the same time. Following the  
23 report to Government, there were a series of  
24 confrontation meetings with senior officials at the  
25 Department of Education here in Dublin, and also  
26 those officials were invited for two-day  
27 confrontation meetings at the headquarters of the  
28 OECD in Paris where all issues of a contentious  
29 nature were properly aired. In fact, some of the



1 research sent to us from Paris show that, for  
2 instance, the head of the examination team for the  
3 OECD was a Prof. Henri Janne -- and I am sure I can  
4 mention his name. He and his team came here for  
5 seven days on 12th June 1966 and had intensive daily  
6 working sessions with senior officials at the  
7 Department of Education including the heads of the  
8 various branches of the Department of Education, and  
9 we take that to mean the head of the industrial and  
10 reformatory school department. They also had lengthy  
11 discussions on three separate occasions with Minister  
12 George Colley here in Dublin during that particular  
13 week and subsequently, of course, George Colley  
14 attended the confrontation meeting in Paris on 19th  
15 and 20th October 1966. Now, we are prepared to let  
16 you guys have all of that research because it is very  
17 clear from what we have discovered that these  
18 meetings here in Dublin and meetings in Paris must be  
19 relevant to the Commission's work. I am not saying  
20 it is incumbent on you to demand access from the  
21 Department of Education here in Dublin, but I happen  
22 to know that the OECD in Paris would be more than  
23 happy to assist you if you want, no problem.

24  
25 But, in any event, it is important to note that the  
26 OECD report in 1965, which predates Kennedy by five  
27 years, complained about inadequate schooling in these  
28 places. It also stated that it was desirable to  
29 examine the possibility of closing some of the





1 schools. It further recommended that the name  
2 "industrial school" be jettisoned for some other sort  
3 of name. It is extraordinary, isn't it, that that  
4 particular recommendation was also taken up by  
5 Justice Eileen Kennedy in 1970, though in the index  
6 to the Kennedy Report of 1970, no mention whatsoever  
7 is given to the efforts of the OECD. The OECD came  
8 here and investigated and made findings and published  
9 those findings. One of the most extraordinary and  
10 disgraceful findings that was published at the time  
11 was that 58% of the boys in the industrial schools  
12 were "delayed" -- that's the word that was used at  
13 the time -- "delayed" two years or more, as compared  
14 to 8% nationally. 58% as compared to 8%. It says a  
15 lot, doesn't it?

16 237 Q. THE CHAIRMAN: What does that mean,  
17 Mr. Walsh, today?

18 A. It means that 58% of the boys in the industrial  
19 schools were delayed. They were... (INTERJECTION)

20 238 Q. THE CHAIRMAN: Behind -- is that what you  
21 mean?

22 A. They were behind, yes.

23 239 Q. THE CHAIRMAN: They were slow or they  
24 weren't at a  
25 standard... (INTERJECTION)

26 A. They weren't at a standard commensurate with their  
27 age. Say, for instance, we are talking about  
28 14-year-old children, a 14-year-old  
29 boy... (INTERJECTION)



1 240 Q. THE CHAIRMAN: So if you took the  
2 appropriate  
3 standard... (INTERJECTION)  
4 A. Yes, indeed.  
5 241 Q. THE CHAIRMAN: 58% in one category,  
6 whereas  
7 only... (INTERJECTION)  
8 A. 8% national.  
9 THE CHAIRMAN: Okay.  
10 A. So, essentially, I mean, it is as plain as a  
11 pikestaff that the OECD was telling the Government  
12 'look here, this system is failing'.  
13 242 Q. THE CHAIRMAN: All this, I take it, is in  
14 the OECD report?  
15 A. Indeed, it is, yes, and if you haven't got a copy, I  
16 will be glad to give you a copy today.  
17 THE CHAIRMAN: Well, we would be glad to  
18 get any research materials  
19 on that and we will take copies of anything that we  
20 want, with your consent, and we will return the other  
21 materials.  
22 A. Indeed.  
23 243 Q. THE CHAIRMAN: But what turns out to be  
24 relevant, we will be happy  
25 to investigate in detail, obviously at the proper  
26 hearing -- you appreciate that?  
27 A. Of course.  
28 THE CHAIRMAN: In the proper  
29 circumstances.



1 A. Indeed.

2 THE CHAIRMAN: But thank you for alerting  
3 us to that area, which was  
4 just before the setting up of the Kennedy Committee,  
5 in fact, in... (INTERJECTION)

6 A. Quite so. In 1967, -- in fact, I mentioned about the  
7 confrontation meeting in Paris in October 1966.

8 244 Q. THE CHAIRMAN: "Confrontation" is some  
9 kind of technical term, I  
10 take it?

11 A. Yes.

12 245 Q. THE CHAIRMAN: It does not mean that they  
13 are going to have a row.  
14 It means that... (INTERJECTION)

15 A. Well, they might very well have had a row, but it was  
16 a no-holds-barred confrontation meeting  
17 where... (INTERJECTION)

18 246 Q. THE CHAIRMAN: But it is specifically  
19 described -- we are going  
20 to have the confrontation meeting at which you  
21 justify your position and I make the criticisms, or  
22 something of that kind?

23 A. Yes, that's right. The way it worked was  
24 that... (INTERJECTION)

25 THE CHAIRMAN: No, that's what I thought  
26 it meant, but I just wanted  
27 to clarify that.

28 A. The word "confrontation" in those days does not have  
29 the meaning it has today, shall we say. People were



1 perfectly happy in those days to receive a letter  
2 saying you are coming to a confrontation meeting,  
3 da-dah-de-dah -- no problem

4 247 Q. THE CHAIRMAN: Well, obviously,  
5 Mr. Colley was happy enough  
6 to have a letter saying we're going to have a  
7 confrontation meeting?

8 A. We don't know.

9 248 Q. THE CHAIRMAN: Well he went off to Paris?

10 A. We went off to Paris for two days with his senior  
11 officials at the Department. The extraordinary  
12 thing, if you note, is that within just a few months  
13 of that particular confrontation meeting, the  
14 Government decided politically to set up the Kennedy  
15 Commission and, as I say, and I point out now, it is  
16 extraordinary that some of the findings of the OECD  
17 coincide with those of Justice Eileen Kennedy. Also,  
18 I have to say it is disgraceful that Kennedy failed  
19 to give proper recognition to the efforts of the OECD  
20 in her report. For instance, if you refer to the  
21 index of the Kennedy Report in 1970, there are most  
22 obscure acknowledgements to organisations in  
23 Yugoslavia and other strange places, but not one to  
24 the efforts of the OECD. It was like they were  
25 airbrushed out of the picture, and perhaps the reason  
26 for that, and I can speculate, of course, is  
27 that... (INTERJECTION)

28 THE CHAIRMAN: Well, I would prefer you  
29 didn't.



1           A.     Okay, I shan't speculate, but I would like to mention  
2                    that one of the concerns of the OECD survey team was  
3                    this issue of the numbers of children who were in  
4                    State detention and how those children had come to be  
5                    there.

6           THE CHAIRMAN:                    Yes.

7           A.     Can you just bear with me a second, please?

8           THE CHAIRMAN:                    Yes, certainly.

9           A.     Yes, at the time of the survey, there were 3,240  
10                   children in State detention and the OECD asked the  
11                   simple question "how come?". What are they doing  
12                   there? How did they land up in the system? I  
13                   imagine that's the sort of question the Chairman will  
14                   be asking as time goes by. The answer to that  
15                   question is recorded in the report, if I may refer to  
16                   it. It says here that: "In practice, very many of  
17                   these committals are made at the request of the  
18                   parent. In such cases, if at some future date an  
19                   application is made by the parent or parents to have  
20                   the child released, the child must, in accordance  
21                   with the Constitution, be granted absolute release  
22                   irrespective of the home conditions. The duration of  
23                   a child's stay in the school might then be relatively  
24                   short". Now, further from that, there is a footnote  
25                   to that particular statement, where it states: "This  
26                   was not always the position, but in 1955, certain of  
27                   the Minister's powers under the Children Act,  
28                   1908 - 41 were held by the Courts to be  
29                   unconstitutional". Now, we happen to



1 know. . . (INTERJECTION)

2 249 Q. THE CHAIRMAN: What's the reference to  
3 that, Mr. Walsh, in the  
4 report?

5 A. Would you like to see it?

6 THE CHAIRMAN: I would just like you to  
7 give me the page number.

8 A. Page number 27.

9 THE CHAIRMAN: Thank you very much.

10 A. It'S at paragraph 5.

11 THE CHAIRMAN: Thank you very much.

12 A. Now, obviously, the survey team didn't invent all of  
13 that. They were told it by officials at the  
14 Department of Education and they relied on the  
15 supposed integrity of those officials. But that  
16 statement. . . (INTERJECTION)

17 THE CHAIRMAN: I am a bit more confident  
18 in this one, Mr. Walsh,  
19 because you will know that this is an area that we  
20 are interested in.

21 A. Good.

22 THE CHAIRMAN: We have said that.

23 A. Okay, that's fine.

24 THE CHAIRMAN: This is an area that we  
25 have said we want to  
26 investigate. So if you don't mind my saying so, I  
27 have no problem in telling you, look, that's  
28 something we will be coming back to, not at this  
29 phase, and we can only do it in a cursory way at this



1 phase... (INTERJECTION)  
2 A. Well, that's all we need to do.  
3 250 Q. THE CHAIRMAN: Look, you have identified  
4 it and I am very happy with  
5 that, and I am happy to tell you that it is our  
6 intention to investigate that. I will certainly be  
7 glad for our team to look at any materials you want.  
8 You can anticipate the sort of questions that we will  
9 be asking and they certainly will include the  
10 questions there. Really, I don't want to get into  
11 whether somebody at the Department was right or  
12 somebody in the Department was wrong. I just don't  
13 want to get into that here and now, especially when I  
14 have every intention that we will investigate it as  
15 thoroughly as it requires at a subsequent stage. So  
16 I don't have to tell you here in respect of this one  
17 that it does not make any difference what you think.  
18 It does make a difference what you think, but I don't  
19 want to be doing it at this stage when we simply  
20 won't have a chance to do it. Is  
21 that... (INTERJECTION)  
22 A. Well, I hear what you are saying and I appreciate  
23 that you are going to get into this when your  
24 statutory remit is amended, hopefully, in September,  
25 and may I congratulate you and thank you for your  
26 statement of 16th June in that regard. It is  
27 precisely this issue that has kept us in the cold for  
28 the past four years. Your predecessor was perfectly  
29 happy for us to be on the outside.



1 THE CHAIRMAN: I don't want to get into  
2 trouble with my  
3 predecessor.  
4 A. Yes, I know you don't want to get into trouble with  
5 her.  
6 THE CHAIRMAN: I thought I was being  
7 helpful there. I thought I  
8 could assure you that if get our way, and I have  
9 every belief that we will, we will be investigating  
10 this. And can I tell you this -- if that is not the  
11 situation, we will come back and we will discuss that  
12 matter with you. But you may safely assume that this  
13 is an area that we will be getting into.  
14 A. Good.  
15 251 Q. THE CHAIRMAN: But, please, don't tell me  
16 what difficulties you had  
17 or disagreements you had before or with my  
18 predecessor or with the Department of Education or  
19 with anybody else. It will make my life a lot easier  
20 if you take my assurance that we will get into this  
21 thoroughly. I am not taking this lightly. I am  
22 trying to tell you lightly that this serious issue  
23 will be done in detail -- can I put it that way?  
24 A. Yes, of course, but, I mean, the difficulty that you  
25 have with your life on these issues is -- you know,  
26 we hope that you can cope with that. We have been  
27 coping with this for a great number of years. It is  
28 a matter dear to our hearts.  
29 THE CHAIRMAN: Yes.





1 A. It is the central issue and it is the issue that of  
2 all issues will not go away, as far as we are  
3 concerned. This is *the* issue.

4 THE CHAIRMAN: Well, we are happy to look  
5 into that in a serious way.

6 A. People think that the issue is about a few elderly  
7 Christian Brothers or a few elderly nuns etc. As far  
8 as we are concerned, we want to get to the truth, the  
9 full truth, and we want the people who sat behind the  
10 desks at the Department of Education, who ran a  
11 system, who thought it was perfectly natural to come  
12 to work every day and to preside over a child  
13 imprisonment system, we want all of those people  
14 exposed. Those are the names we want. These, we  
15 call the desk criminals. These are the people that  
16 were the abusers, really, because the religious who  
17 operated the system, they were the mechanics, they  
18 were the small people.

19 THE CHAIRMAN: Mr. Walsh... (INTERJECTION)

20 A. I am sorry to put it like that but... (INTERJECTION)

21 THE CHAIRMAN: No, no, I understand, but,  
22 now, stop for the moment.  
23 You know what I have said about that. I want to say  
24 it to you lightly what our intention is  
25 obviously... (INTERJECTION)

26 A. Well, I sincerely hope the  
27 Government... (INTERJECTION)

28 THE CHAIRMAN: Can I stop you for a  
29 second? Mr. Lowe wants to



1 say something or ask a question.

2 252 Q. MR. LOWE: Just on a point of  
3 information, you have in  
4 your document Ireland was the first country in Europe  
5 to accept an OECD audit?

6 A. Quite so.

7 253 Q. MR. LOWE: Were there other countries  
8 which accepted it later?

9 A. Oh, indeed, but when I make that statement, I am  
10 referring to the research documentation that we have  
11 gotten from the OECD in Paris, and it is perfectly  
12 clear that in 1962 the Irish Government was the first  
13 Government to submit itself, if that's the right  
14 word, to a thorough audit of its  
15 educational... (INTERJECTION)

16 254 Q. MR. LOWE: Do you know which other  
17 countries accepted an  
18 audit?

19 A. I really couldn't say off the top of my head. I am  
20 only interested, as you will appreciate, in Ireland.  
21 I would rather not go into countries I know nothing  
22 about.

23 MR. LOWE: It is simply it would be  
24 useful, perhaps, to compare  
25 the kind of criticism they are making of other  
26 countries to Ireland.

27 A. Would it? Well, you see, the thing about that is I  
28 don't know of another country that had a so-called  
29 industrial school system for children quite like the



1 Irish one.

2 255 Q. MR. LOWE: I am simply saying I wonder  
3 on a point of information  
4 were there other countries which accepted it and, if  
5 so, what were they?

6 A. Indeed. I am sure the OECD in Paris will answer that  
7 question in a flash for you no problem at all.

8 THE CHAIRMAN: Okay, thank you very much.

9 A. But it's an interesting direction you are taking that  
10 particular question. I don't know if you can  
11 possibly imagine that there was a system comparable  
12 to the Irish industrial schools system Not in  
13 Europe, there wasn't.

14 THE CHAIRMAN: Well, this is something you  
15 want and, as you say, is  
16 the central issue, and we are happy to look at that  
17 issue and look at it in considerable detail. Okay, I  
18 think we will leave that for the moment. Okay,  
19 Mr. McMahon?

20 A. There was some other research we talked  
21 about... (INTERJECTION)

22 256 Q. THE CHAIRMAN: We are happy to consider  
23 research. Can I leave that  
24 to my legal team in communication with you,  
25 Mr. Walsh?

26 A. Yes, of course.

27 THE CHAIRMAN: So I am just going to hand  
28 over now to Mr. McMahon and  
29 get him to... (INTERJECTION)



1 A. Actually, can I just go back to the previous question  
2 by Mr. Lowe?  
3 THE CHAIRMAN: Yes.  
4 A. Actually, that is very interesting. You are quite  
5 right, there was something I would like to say about  
6 types of industrial schools. What we discovered is  
7 that there was a set-up in Australia, and it was  
8 actually run by the Irish Christian Brothers, so  
9 perhaps you would like the research on that  
10 particular operation? That involved the Irish  
11 Christian Brothers here in Dublin signing a contract  
12 and agreement with the British Government in 1938 to  
13 take, say, 100 children from Birmingham to Australia.  
14 That particular contract is interesting to study  
15 because... (INTERJECTION)  
16 THE CHAIRMAN: Mr. Walsh, if that is  
17 relevant for us to study,  
18 you can, by all means, send it in.  
19 A. Okay.  
20 THE CHAIRMAN: Or even refer to it.  
21 A. Okay.  
22 THE CHAIRMAN: And if it is relevant for  
23 our purposes, we will be  
24 happy on appropriate... (INTERJECTION)  
25 A. Well... (INTERJECTION)  
26 THE CHAIRMAN: No, listen to me for a  
27 second -- on appropriate  
28 notice to anybody who needs to be notified about it,  
29 we will be happy to investigate that. But I really



1 would prefer not to get into that now because,  
2 inevitably, people whom you are going to refer to or  
3 might refer to or identify or even in a general way  
4 are going to be concerned that they have appeared  
5 here -- I am thinking of the Christian Brothers --  
6 they have appeared here on a certain basis and they  
7 are entitled to assume that nobody is going to say  
8 anything or criticise them or whatever it is.

9 A. I wouldn't say anything unkind about the Irish  
10 Christian Brothers!

11 THE CHAIRMAN: No, I know you are not  
12 trying to do that. I am  
13 not suggesting that. Listen, Mr. Walsh, what is  
14 going to happen next is that Mr. McMahon is going to  
15 ask you a question and we are going to move on.

16 A. Okay.

17 257 Q. MR. McMAHON: Mr. Walsh, you have  
18 indicated a number of areas  
19 where you have conducted research. Can we take it  
20 that those areas of research, you will provide  
21 whatever it is you have researched to the Commission,  
22 which can then consider its relevance through its  
23 terms of reference?

24 A. Yes, yes, we are happy to, as I said, as a gesture of  
25 goodwill to the Commission and in recognition of  
26 Mr. Justice Ryan's statement of 16th June, we are  
27 perfectly happy to allow and to share our research  
28 with the Commission. It would be unfair to the  
29 Commission, it would be unfair for the historical



1 record if we were to sit on research that could be of  
2 use to the Commission. However, I would need some  
3 undertakings with regard to a certain piece of  
4 research, which we can talk about later -- that is I  
5 need legal undertakings.

6 258 Q. I think there was a further question which was asked,  
7 and that was in relation to how the group -- in your  
8 case, Irish SOCA -- is funded?

9 A. Yes, well, it is not funded by either the State or by  
10 the Roman Catholic Church or the religious orders,  
11 unlike other groups. We rely entirely on our own  
12 resources to keep going. The Government has taken  
13 something of a paranoid view of our activities for  
14 the last four years and sees no reason to fund us.

15 259 Q. When you say from your own resources, do you mean  
16 from membership fees?

17 A. Certainly not, no. We don't take money from our  
18 members.

19 260 Q. So what do you mean when you say from your own  
20 resources?

21 A. Sorry, I beg your pardon, our own personal resources,  
22 i.e. the personal resources of the executive members  
23 of Irish SOCA.

24 MR. McMAHON: Thank you very much,  
25 Mr. Walsh.

26 THE CHAIRMAN: Thank you very much for  
27 your help, Mr. Walsh.

28 A. Thank you very much.

29 MR. McMAHON: That concludes the hearings



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this afternoon.

THE CHAIRMAN: Thank you very much, that's great. As close to 10:30 tomorrow morning as we can?

MR. McMAHON: Yes.

THE HEARING WAS THEN ADJOURNED UNTIL FRIDAY, 16TH JULY 2004, AT 10:30A.M.

