

COMMISSION TO INQUIRE INTO CHILD ABUSE

HELD AT 145-151 CHURCH STREET, DUBLIN

ON MONDAY, 5TH JULY 2004 - DAY 9

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

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

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 MR. AHERN: MR. B. O' MOORE SC
MR. J. MacMENAMIN SC

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I N D E X

<u>W I T N E S S</u>	<u>EXAMI NATI ON</u>	<u>QUESTI ON NO.</u>	<u>PG. NO</u>
MR. BERTIE AHERN	DI RECT - MR. McMAHON	1 - 27	4 - 20

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THE HEARING RESUMED, AS FOLLOWS, ON MONDAY, 5TH JULY 2004

MR. McMAHON: Good morning. I would like to call An Taoiseach, Mr. Bertie Ahern.

THE CHAIRMAN: Very good.

AN TAOISEACH, MR. BERTIE AHERN, HAVING BEEN SWORN WAS EXAMINED, AS FOLLOWS, BY MR. McMAHON

THE CHAIRMAN: Good morning, Taoiseach.

A. Good morning, Chairman.

1 Q. MR. McMAHON: Good morning, Taoiseach. On 11th May 1999, you made a statement which went as follows:

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

I think that was the central theme of the statement which you made. Perhaps you might speak to the Committee about the political thinking behind the making of that apology?

A. I think the political thinking was that for a number of years prior to that, the issue of abuse in institutions that the State had a part in in one form



1 or another was coming to the public fore. It was
2 coming through in many ways, it was coming through
3 discussions that the issue was raising in the public
4 media, it was coming from litigation cases that were
5 before the courts and were in reparation and it was
6 coming from freedom of information cases. More
7 importantly than anything else, it was coming from
8 victims and representative groups of victims that
9 were either calling individually or in groups or
10 collectively on politicians, me included, indicating
11 what was happening or what did happen, and asking us
12 to deal with the issue. From the politics of it,
13 obviously that was feeding into the political system
14 and fed into the Government system, as indicated by
15 Minister Martin in the discussions that he had in the
16 Government in early 1998.

17 2 Q. Prior to the issuing of the statement of apology in
18 May 1999, steps had been taken in response to the
19 matters which you have mentioned; the increasing
20 awareness in the media and the litigation. Insofar
21 as you were Taoiseach, can you indicate if you were
22 aware or were the driving force behind those steps?

23 A. What happened in 1998, I think March 1998, that
24 Minister Martin first formally raised it with the
25 Cabinet. Obviously, he raised it with me before that
26 and it was an issue which he believed that we had to
27 address. We asked him at that stage to go ahead and
28 research it further, to have more communications, to
29 meet more of the groups, to examine his own records



1 and Departmental files, and Mr. Dennehy has given the
2 Committee the reports of what was happening within
3 the Department at that stage. By the end of that
4 year, we had decided that we had to act, we had to
5 move ahead and we had to take positive action. We
6 set up a Cabinet Sub-Committee by the end of 1998,
7 which was a fairly high powered Working Group.

8 3 Q. Yes. I think it comprised of the Secretary Generals
9 of the various relevant Departments, particularly
10 Education and Health, your own Department?

11 A. Yes, and I think that shows the political sense of
12 that stage that it was at that level, because it
13 would be rare enough for an inter-departmental
14 working or a Working Group to have Secretary Generals
15 actually being the representatives on it, it wouldn't
16 happen too much. So we had taken and believed that
17 we should take action on it, so that Working Group
18 started its work at the end of 1998.

19 4 Q. I think it was in a position to make recommendations,
20 the Committee has already been told, by April 1999,
21 it had prepared a report which was sent to the
22 Cabinet Sub-Committee which, presumably, came to
23 Cabinet?

24 A. Yes, that would have come to Cabinet and the Cabinet
25 accepted all of the recommendations put forward by
26 that group.

27 5 Q. While this background work was going on, Taoiseach,
28 were you also keeping yourself informed perhaps
29 through Mr. Michael Martin?



1 A. Yes, Minister Martin reported to me regularly right
2 through 1998 and in the early parts of 1999. I had
3 met a number of the individuals, individuals who
4 lived in my own constituency and elsewhere as you
5 travel around who made me aware of what they hoped
6 and the concerns they had and, obviously, wanted to
7 see us taking action, and I think were happy to see
8 that we had set up a Cabinet Committee and that we
9 had set up a Working Group that was representative of
10 our most senior public servants.

11 6 Q. Can you tell the Committee whether you were impressed
12 by the individuals whom you had met and to what
13 extent that might be so?

14 A. I think in all of the individuals that I had met, and
15 obviously from what had been in the newspapers but
16 not so much what was in the newspapers, but the
17 individuals I met, they wanted to see a Government
18 take this issue seriously.

19 7 Q. Yes.

20 A. They wanted to see a Government do something about
21 it, they wanted a forum where they could express
22 themselves if they wished to do, some of them did,
23 some of them didn't, and where they would be able to
24 put forward what had happened in their lives, what
25 had happened in institutions that they were sent to,
26 as they saw it, totally as a matter of state action.
27 They wanted to see us do something about correcting
28 the hurt that they suffered. I met a number of these
29 groups and met a number of individuals. I think I



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

10 8 Q. When the apology or the statement was announced on
11 11th May, I think it formed part of a larger package
12 of measures?

13 A. Yes, we had looked at all of the recommendations of
14 the report and we wanted to deal with all of those
15 issues totally, and to take everything together. I
16 think Minister Woods has given a full list of all of
17 the issues that we put into the Government decision
18 at that stage.

19 9 Q. Yes, he has.

20 A. It is a long list and it is a list that I think will
21 stand the test of time, that we did the right thing
22 in spelling out what we should do. I accepted all of
23 those issues, but we had a number of meetings with
24 the individuals. I think the issue of the apology
25 was not in the report, the issue of their apology
26 came from meetings that I had with Minister Martin
27 and meetings that I had with representatives of the
28 various groups and individuals on their own.

29 10 Q. Yes. So the question of an apology was given from



1 political considerations as well as from the needs
2 which were seen to have emerged from the Working
3 Group and from your meetings with the individuals
4 concerned?

5 A. Yes, in fairness to the Working Group, I don't think
6 they ever discussed the issue of the apology. The
7 apology, Chairman, I remember how the apology around
8 very clearly, because while all of the issues that we
9 were talking about; professional help and caring and
10 trying to assist these people back who had been badly
11 dealt with by the State in our view, the hurt was not
12 going to be removed unless you said sorry. It was my
13 view and Minister Martin's view, we made the
14 decision. I fairly well remember the day I made the
15 decision, it was after I met a large group of the
16 individuals, and I could see the level of hurt, it
17 wasn't hurt about any of the issues that were just in
18 the report, they were all important to it, but their
19 lives were hurt, they felt let down, they felt
20 betrayed and they felt that we owed them something.
21 I was the political leader that could deliver that
22 and it was on that political basis that we decided to
23 say sorry, and then we had to think out how we should
24 do that. It was my colleagues' view when we
25 discussed this, that there was only one way to do it
26 and that was to do it publicly, to do it at a public
27 press conference and to do it wholeheartedly, which
28 naturally, having met a number of these victims, I
29 felt that I should do that. I remember one such



1 meeting where I attended the Sycamore meeting in
2 Government Buildings and there was a large attendance
3 of representative groups. To say people were hurt
4 would be a gross underestimation of how people felt.
5 They were all adults. These issues had happened 20,
6 30 or 40 years earlier in their lives and practically
7 every one of them were crying, not a pretty sight.
8 From my position, it wasn't just a question of taking
9 the issues in the report and even though we felt
10 responsibility for doing those, taking those forward,
11 legislating for them, I felt we had to do something
12 more. So that is when we made the decision that we
13 would try to deal with this in as up front and honest
14 way as we could, and that is where the history of the
15 apology came.

16 11 Q. In the context of the meetings you have described and
17 how those who attended the meetings were, what was
18 the meaning behind the apology?

19 A. Well, it was the State have let you down, the State
20 should have done better. There were reasons why it
21 didn't, but they weren't in our view justifiable.
22 While times were different and it is never a good
23 thing to try to put policy today to what policy would
24 have been on another day, we still felt in this case
25 that we had left a section of our community, who were
26 vulnerable, exposed in a way that would affect their
27 lives. While all of the other measures in the report
28 were measures of guidance, help, assistance and
29 therapeutic and all of the rest, that sympathy wasn't



1 just the only thing we could do, we actually had to
2 express it in a way that the State does not normally
3 do. These were our people, these were issues that
4 were perpetrated against them and while not giving a
5 judgment on any of the institutions or what people in
6 the institutions were trying or trying not to do,
7 obviously there were circumstances, circumstances of
8 staff and resources and God knows what, and mentality
9 of people. The reality is we were dealing with a
10 group of victims who were decent honourable people,
11 who had suffered and deserved the State's best
12 apology the State could give. The best way of doing
13 that, whether it is always accepted or not in life,
14 is to do what you do in your own life, you would say
15 sorry, and that is what we set out to do.

16 12 Q. I think at the same time the announcement was made of
17 the establishment of the Commission initially set up
18 on a non-statutory basis.

19 A. Yes.

20 13 Q. What was the political thinking behind the decision
21 to do so?

22 A. As soon as you dealt with the apology and hoped that
23 it would be accepted, then the issue was that you
24 give the people an opportunity of being able to tell
25 their story, to be able to give the facts, to be able
26 to deal with the issues that had created so much
27 trauma and harassment for them in their lives, and
28 this was the request that they had made. The only
29 way of doing that was to set up a Commission ad hoc,



1 first of all, and then moving in the Spring 2000 to a
2 statutory basis. We moved with enormous haste in
3 that legislation. The legislative process, if you
4 take it that in the Spring 1999, we received a report
5 and then in the Spring 2000 to have enacted the
6 legislation, in parliamentary time that is quicker
7 than quick.

8 14 Q. Yes, indeed. In terms of setting up of the
9 Commission, you have mentioned providing an
10 opportunity for people to tell their stories. Was
11 there a broader picture as well, a broader basis on
12 which it was felt desirable to have a Commission?

13 A. I know Dr. Boland and others have given the outline
14 of what was the thinking behind it, but it was the
15 only way that we could give people an opportunity
16 where we could all see what was happening or what had
17 happened. I think Dr. Boland's evidence to the
18 Committee is precisely what the thinking was, that
19 this was a way of the State being able to deal and
20 give a comprehensive way of people being able to set
21 out their plight.

22 15 Q. What considerations were behind the establishing of
23 the Commission in terms of how it was perceived that
24 it would operate?

25 A. Well, I think the legislation stipulated that.

26 16 Q. Yes.

27 A. The legislation saw it as a Commission that would
28 convene as quickly as possible and give people an
29 opportunity of making their case. Quite frankly from



1 a political point of view, we believed that the
2 legislation was good legislation and that it would
3 allow us to move on with this very expeditiously.

4 17 Q. I think there were other factors, there were other
5 parts to that announcement as well, for example, the
6 counselling services?

7 A. Yes, as you know, we said we would set up all of
8 those issues immediately. After the apology when I
9 met the groups, we said we would move immediately to
10 set up all of the initiatives that were in the
11 report. Obviously, some of them were legislation, so
12 we had to amend the Statute of Limitation, we had to
13 make provision for the counselling services, we had
14 to give publicity to the counselling services, we had
15 a preparation of a White Paper on mandatory reporting
16 and we said we would deal with the Sexual Offenders
17 Register. We looked at what kind of Terms of
18 Reference we would set up for the Commission, and
19 Dr. Boland explained about the South African model.
20 All of those things were moved on immediately from
21 the Spring 1999.

22
23 As I have stated, if you look at the position, though
24 I can understand that members of the public wouldn't
25 often think so, but to set up a Cabinet Sub-Committee
26 in December 1998 and to set up a Working Group in
27 January effectively in 1999, to have its report, for
28 the Cabinet to accept it in total, to have the
29 legislation enacted a year later, to have our



1 Secretary General on the Working Group, I think
2 looking back now it would show the state of mind we
3 had that this was an issue of the most urgency. To
4 bring that amount of work through in 16 or 17 months
5 is something that we would rarely be so productive
6 on, maybe we should but we wouldn't.

7 18 Q. At that time, again we are talking about the
8 beginning of 1999, late Spring 1999, did the question
9 of redress or compensation enter into that picture
10 and, if so, to what extent was it part of that
11 picture?

12 A. Not to a great extent. In fact, really in our
13 discussions and our debates, it wasn't a major issue.
14 Obviously, there was litigation before the courts in
15 preparation, so it was an obvious factor, but it
16 wasn't a big part of the debate. I think you have
17 had Mr. Doyle from the Department of Finance before
18 you. You can see in the normal course, if it had
19 been an issue of any great extent, normally what
20 would happen in a report of springtime, you would not
21 move on the report until the estimate process and it
22 would be in the estimate process for the following
23 year, so a report on another issue and an issue which
24 was less important or an issue that wasn't so humanly
25 based, that report probably would have found its way
26 into the estimates of 2000. The fact the decisions
27 were made, a report was made in Spring 1999, the
28 decisions were made in Spring 1999 and the order for
29 enactment of the legislation was given priority, so



1 even looking back now, as it is five years plus, it
2 is quite clear that issues of concern about resources
3 were not the issue here. We knew it was going to be
4 redress and that was taken, it wasn't a major part of
5 the discussion or any impediment to the discussion.
6 19 Q. We have heard Mr. Boland, Mr. Dennehy and Mr. Martin
7 dealing with the developing urgency of setting up a
8 Redress Scheme already. Might you be in a position
9 to indicate what was fundamental to the Government's
10 policy in introducing the Redress Scheme?
11 A. Personally I wasn't that involved in the redress, it
12 was brought to my attention that we were going to
13 have the Commission and that we also had to move
14 ahead with the Redress Scheme.
15 20 Q. Yes.
16 A. My answer to that was fine. I knew it was going to
17 come in at some stage, it was immaterial to me when.
18 Really my only involvement was I was asked could we
19 bring that forward a bit earlier than we were going
20 to do and I just agreed.
21 21 Q. THE CHAIRMAN: Taoiseach, could I ask you
22 when the Commission was
23 being first set up and the statement was made, the
24 apology was given, I take it the idea of redress was
25 not included in estimates, but it was understood that
26 there was going to be form some form of redress, is
27 that the position?
28 A. Absolutely, and there was no dispute about the issue.
29 It was taken that we were going to set up a



1 Commission and we were going to do all these other
2 things, that that was going to be something that was
3 going to happen down the road, it is just taken. The
4 other things were more important, to try to get the
5 counselling services. The fact we removed the
6 Statute of Limitations, we removed the Statute of
7 Limitations and we wouldn't have been doing it for
8 any other reason quite frankly, so that was a thing.

9 22 Q. THE CHAIRMAN: The other things were
10 needed to be put in place
11 as a matter of urgency, the question of redress or
12 compensation was implicit, but that wasn't an
13 immediate issue. I think people said, in fact, that
14 it might be that the Commission would make
15 recommendations about that. As it happened, that is
16 not what happened, so a different method was decided?

17 A. Yes, and I can't recall exactly, Chairman, when it
18 was brought to my attention that the Commission would
19 have -- your own report will come back to that, but
20 somewhere along the way it became clear that it would
21 not move that quickly.

22 THE CHAIRMAN: Yes.

23 A. In the order of things as I recall it, it was the
24 report, the apology, implement a report, deal with
25 issues like the White Paper and the counselling
26 services, amend the Statute of Limitations, get the
27 Commission in place, ad hoc first and statutory then.
28 Obviously, the redress was part of the process.
29 Exactly the timing when it came in was not really



1 ... (INTERJECTION).

2 23 Q. THE CHAIRMAN: That was not vital?

3 A. It wasn't vital and when I was asked about it, I
4 recall I just agreed and I am not sure how long
5 afterwards I was asked to get on with the redress
6 legislation. I know the redress legislation didn't
7 pass finally its way until Spring 2002, but the point
8 is that there was no problem about this, we knew that
9 that was part of the equation and there was no doubt
10 about that.

11 THE CHAIRMAN: Thank you very much.

12 24 Q. MR. McMAHON: When consideration was
13 being given to the Redress
14 Scheme, was there a view taken in relation to the
15 needs of the complainants which was addressed in the
16 manner in which the scheme was set up?

17 A. Obviously, our whole motivation in this was to help
18 those that were victims and we wanted to see a
19 Redress Scheme that was going to be one that they
20 could operate and that would be satisfactory to them
21 That was the motivation, it had to be done by
22 Statute, it had to be done by legislation and we went
23 about preparing that. Obviously, our whole
24 motivation on this was to deal with something that
25 would be fair, that would be helpful, that would be
26 constructive and useful for victims, and, obviously,
27 the Redress Scheme followed the same logic.

28 25 Q. Presumably there was an awareness at the time of the
29 litigation cases which were out there?



1 A. Yes.

2 26 Q. And, presumably, of some of the difficulties which
3 some of those cases may have faced before going
4 through to a successful outcome from a complainant's
5 point of view?

6 A. I think from the very start, and many of the victims
7 had made it clear to me that the difficulties of
8 getting into protracted legal cases, of having to
9 give evidence and be cross-examined, to go through a
10 horrendous adversarial process was certainly entirely
11 the opposite to the motivation that the Government
12 had. Our motivation was to apologise on behalf of
13 the State, to set up a Commission where people could
14 tell their story and, obviously, then to have a
15 redress system that just wasn't more torture. I am
16 not saying our courts would be torture, but it didn't
17 seem like a fair way to go.

18 27 Q. Yes. Is there anything further you wish to say in
19 relation to the issue, Taoiseach?

20 A. In my statement, Chairman, I think I have endeavoured
21 to set out in a short way what has been the
22 experience on it, and certainly I am committed to
23 seeing it all through. I think it has been said that
24 the test of a true democracy is to be found in how it
25 treats its weakest and its most vulnerable members.
26 Modern Ireland has many brave but vulnerable
27 survivors of childhood abuse whose young lives were
28 shattered by terrible wrongs that were perpetrated
29 upon them. The abuse of any child is a source of



1 deep personal hurt and a gross violation of trust.
2 The reality is that much of the abuse that occurred
3 in the past was directed towards children who were
4 pupils in residential institutions that were
5 regulated and supervised by the State.

6
7 I have tried over the last number of years to deal
8 with these issues. I started that by having realised
9 that through the early 1990's many of these issues
10 about children had come to the fore in one form or
11 another, and that is why I changed the Department of
12 Health to the Department of Health & Children in the
13 1997 Government. We have built a Childrens
14 Department within the Department, we have put modern
15 legislation with the protection of children now and
16 we have resourced that. I think what we are dealing
17 with today was part of the past that we had to put
18 right before we can truly say that we have done this
19 work. That is why I have taken a personal interest
20 in this from the time that people brought their cases
21 to me, groups brought it, and I have continued to
22 legislate both for the Commission, for the Redress
23 Board and to deal with these things in an up front
24 way. We are committed to seeing it through.

25 MR. McMAHON: Thank you very much,
26 Taoiseach.

27 A. Thank you.

28 THE CHAIRMAN: Taoiseach, what we are
29 doing here is investigating



1 the emergence of this issue. As you probably know,
2 we have had a number of witnesses here and we intend
3 to go on to deal with victim groups and some more
4 congregational groups. A vital part of that was to
5 find evidence from the Government, Government
6 Ministers and senior civil servants. In that context
7 we are delighted that you were able to facilitate us
8 by coming here and giving us your perspective, as
9 leader of the Government, which put in place these
10 measures, because it is an important part of our work
11 which will ultimately become clearer, I hope, when
12 the various pieces of the jigsaw are fitted together.
13 That is the position in general terms.

14
15 In particular terms, we greatly appreciate the fact
16 that you have facilitated us by coming here. We know
17 that there are many calls on your time, so it is not
18 easy to fit in every demand. Of course, evidence
19 here is on a voluntary basis, so it would have been
20 perfectly possible for you or, indeed, your
21 colleagues to say no, that it wouldn't have been
22 convenient. We do appreciate that particularly and
23 thank you very much indeed

24 A. Thank you very much.

25 THE CHAIRMAN: Thank you, Taoiseach.

26 Very good, we are now

27 adjourned. Mr. McMahon, our next sitting is when?

28 MR. McMAHON: Wednesday, 14th July.

29 THE CHAIRMAN: Wednesday, 14th July at



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10: 30. Thank you very

much.

THE HEARING WAS THEN ADJOURNED UNTIL WEDNESDAY,
14TH JULY 2004 AT 10: 30A. M.

