

# **Historical Child Sexual Abuse Inquiries and the Nation's Duty to Remember: Reflections from Ireland**

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# Inquiries as archives

Archives of what?

Accountable to whom?

# The archive of law

- Criminal cases
- Civil cases
- Statutory inquiries/Royal Commissions
- Redress Boards
- Religious bodies' records
- Legislation/common law
- Human rights principles

# Inquiries into Historical Child Sexual Abuse

- [Commission to Inquire into Child Abuse](#)
- England, Wales and Scotland: [The Independent Inquiry into Child Sexual Abuse](#)
- Northern Ireland: [Historical Institutional Abuse Inquiry](#)
  
- Australia: [Royal Commission into Institutional Responses to Child Sexual Abuse](#)
  
- Canada: [Restoring Dignity; Truth and Reconciliation Commission; Inquiry into Missing and Murdered Indigenous Women and Girls](#)

# Inquiries - Ireland

- **The Ferns Inquiry** (2005).
- Commission to Inquire into Child Sexual Abuse (2009)
- **Commission of Investigation** *into the Catholic Archdiocese of Dublin* (Dublin: Stationery Office, 2009).
- **Commission of Investigation into Cloyne Archdiocese** (2010).

# Report of the Commission to Inquire into Child Abuse (Ryan Report) (2009)

- Volumes I and II: The Investigation Committee Report on Institutions
- Volume III: The Confidential Committee Report
- Volume IV: Department of Education; Finance; Society and the Schools; Development of Childcare Policy in Ireland since 1970; Report on Witnesses Attending for Interview; Conclusions and Recommendations
- Volume V: ISPCC, Expert Reports, Commission Personnel and Legislation

# The importance of records

- **Contrary to the Congregations' claims** that the recidivist nature of sexual offending was not understood, it is clear from the documented cases that they were aware of the propensity for abusers to re-abuse. The risk, however, was seen by the Congregations in terms of the potential for scandal and bad publicity should the abuse be disclosed. The danger to children was not taken into account.

-Executive Summary p. 22.



# An archive of testimony: the Confidential Committee

- evidence from 1090 men and women
- 216 school and residential settings including Industrial and Reformatory Schools, Children's Homes, hospitals, national and secondary schools, day and residential special needs schools, foster care and a small number of other residential institutions, including laundries and hostels.
- Vast majority of reports concerned period between 1930 and 1990

# An archive of testimony: Confidential Committee

“The most frequently cited reasons given by witnesses were to have the abuse they experienced as children officially recorded and to tell their story. Most witnesses expressed the hope that a formal record of their experiences would contribute to a greater understanding of the circumstances in which such abuse occurs and would assist in the future protection of children.”

# Archive of research?

- Society and Schools and on Residential Child Welfare policy legislation and practice
- Survey on the psychological adjustment of adult survivors of institutional abuse in Ireland
- Gateways to the institutions
- Health records of children in institutions
- Reviews of issues of historical context
- Review of developments in England re residential childcare

# The importance of the lack of records

- Irish Society for the Protection of Cruelty to Children:

“The lack of documentation available has rendered it impossible to determine precisely the numbers of children who were committed to Industrial Schools by the Society”

-Executive Summary at p. 18

# Some findings of the Ryan Report

- The Rules and Regulations governing the use of corporal punishment were disregarded with the knowledge of the Department of Education.
- The Reformatory and Industrial Schools depended on rigid control by means of severe corporal punishment and the fear of such punishment
- A climate of fear, created by pervasive, excessive and arbitrary punishment, permeated most of the institutions and all those run for boys.
- Complaints by parents and others made to the Department were not properly investigated.

# Findings of Ryan Commission cont'd

- Sexual abuse was endemic in boys' institutions.
- Cases of sexual abuse were managed with a view to minimising the risk of public disclosure and consequent damage to the institution and the Congregation.
- The recidivist nature of sexual abuse was known to religious authorities.
- When confronted with evidence of sexual abuse the religious authorities response was to transfer the offender to another location where he was free to abuse.

# Recommendations

- A memorial should be erected, inscribed with these words:

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

# Memorial as archive?

- “a permanent public acknowledgement of their experiences”.
- Care of the victim: “important for the alleviation of the effects of childhood abuse that the State’s formal recognition of the abuse that occurred and the suffering of the victims should be preserved in a permanent place”.



# Recommendations

- 2 The lessons of the past should be learned
- What does this mean for our exploration of our understandings of the dynamics of child abuse in Ireland and societal complicity in facilitating or tolerating abusers and silencing children?

# Why it matters: Silencing techniques

- Retention of Records Bill (link [here](#))
- Gagging order:

# Retention of Records Bill

- (a) the records shall be “sealed and withheld from public inspection and not lent by the Director to any person for a period of 75 years from the date of the dissolution of the relevant body.”
- (b) after the 75 year period has expired, the records shall be made available for public inspection in accordance with such conditions as may be stipulated by the director and any regulations as may be made pursuant to the National Archives Act 1986.

# The so-called “Gagging Clause”

- prohibits publication of any information concerning an application or an award made under the Act that refers to any persons relevant person or institution by name or which could reasonably lead to the identification of any other person, a relevant person or an institution referred to in an application made under the Act.
- publication of such material is a criminal offence and is punishable with a fine of up to €3,000 and /or imprisonment for a term not exceeding 6 months.

## Why it matters – State strategies

- “It’s not a 40 year old woman taking a case for abuse. It’s an 8 year old child. What avenues through education have been lost to her? Did she learn in school as she would have learned if she didn’t get abused? I’m not saying that I’d be professor for this that or the other... but I think that they’re the years that form a person. So I think for an 8 year old child to be fought for 15 ½ years – that has a hell of an impact.”

-Louise O’Keeffe

# Other ways of doing archives

- Clann: Ireland's Unmarried Mothers and their Children: Gathering the Data
- Truth and Reconciliation Commission, Canada

# References and further reading

- [General Scheme of a Retention of Records Bill 2015](#)
- [Residential Institutions Redress Act 2002](#)
- Call for expressions of interest to design a memorial to survivors of institutional abuse: [here](#)
- Louise O'[Keefe interview](#):

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- John Jay College of Criminal Justice , “The nature and scope of the problem of sexual abuse of minors by Catholic Priests and Deacons in the United States.” United States Conference of Catholic Bishops, City University of New York (2004)
- Rassenhofer, M., Sprober, n., Schenider, T. Fegert, J.M., “Listening to victims: Use of a Critical Incident Reporting System to enable adult victims of childhood sexual abuse to participate in a political reappraisal process in Germany” (2013) 37(9) Child Abuse and Neglect 653-663.



- Irish Times “The savage reality of our darkest days” The Irish Times 21st May 2009.
- Louise O’Keeffe, [“Victims of Abuse in national school continue to be abused by the State” The Irish Times 13 January 2015.](#)
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- Holohan, C. *In Plain Sight: Responding to the Ferns, Ryan, Murphy and Cloyne Reports*, (Amnesty International Ireland, 2011)

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