

# Part 1



## Chapter 1

# Introduction

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- 1.01** The Commission to Inquire into Child Abuse (the Commission) was established in May 2000 pursuant to the Commission to Inquire into Child Abuse Act, 2000 as subsequently amended by the Commission to Inquire into Child Abuse (Amendment) Act, 2005 (the Acts).<sup>1</sup> The Commission was initially established on a non-statutory basis following a public apology on 11<sup>th</sup> May 1999 by the Taoiseach to those abused as children in Irish institutions over previous decades. High-profile media coverage of the experiences of children in Irish institutions was widely broadcast at this time.
- 1.02** The non-statutory Commission, which comprised three members, made recommendations to the Oireachtas, including that the Commission should be put on a statutory basis. The Commission to Inquire into Child Abuse Act (the Act) was enacted on 26<sup>th</sup> April 2000 and the Statutory Commission was established on 23<sup>rd</sup> May 2000, pursuant to the Act. The Act, as amended, governs the functions, powers and procedures of the Commission. The Commission as established under the Acts consists of a Chairperson, who is a Judge of the High Court, and ordinary members known as Commissioners.
- 1.03** The remit of the Commission under the Acts was to hear evidence from witnesses about childhood abuse in Irish institutions, as defined by the Acts, and who were less than 18 years at the time.

## Functions of the Commission

- 1.04** The Commission was given four distinct functions:
- To hear evidence of abuse from persons who allege they suffered abuse in childhood in institutions during the ‘relevant period’<sup>2</sup>
  - To conduct an inquiry into abuse of children in institutions during that period and to determine the causes, nature, circumstances and extent of such abuse
  - To inquire into the manner in which children were placed in, and the circumstances in which they continued to be resident in, institutions during the relevant period
  - To prepare and publish reports on the results of the inquiry and on its recommendations in relation to dealing with the effects of such abuse and to prevent where possible and reduce the incidence of abuse of children in institutions and to protect children from such abuse.<sup>3</sup>

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<sup>1</sup> See Appendix 1 and 1A for copies of these Acts. All further references in the Confidential Committee’s Report to sections of the 2000 Act shall refer solely to the section and not name the Act, e.g. section 1 of the ‘2000 Act’ shall be referred to as ‘section 1’. All references to sections in other Acts shall contain details of the section and the Act. The Commission to Inquire into Child Abuse (Amendment) Act, 2005 shall be referred to as the ‘2005 Act’.

<sup>2</sup> For the Confidential Committee this ‘relevant period’ was from 1914-2000.

<sup>3</sup> Sections 4 and 5 as amended by sections 4 and 5 of the 2005 Act.

**1.05** The legislation provided for the establishment of two committees of the Commission, the Confidential Committee and the Investigation Committee. Details of the members of the Confidential Committee, both past and present, are set out in Appendix Two. The Commission's functions of hearing evidence of, and inquiring into, abuse were performed through the Confidential Committee and the Investigation Committee. Members of the Commission were assigned to one or other Committee; they could not be members of both. Persons who wished to give evidence about abuse had to choose to give their evidence either to the Confidential Committee or the Investigation Committee. The Commission and its Committees were independent in the performance of their functions.<sup>4</sup>

## Confidential Committee

**1.06** This is the final Report of the work of the Confidential Committee (the Committee), provided for in section 16 of the Commission to Inquire into Child Abuse Act, 2000, as amended.<sup>5</sup> This Report presents the oral evidence recounted by 1,090 witnesses who attended hearings with the Committee between 2000 and 2006. This report also includes information contained in the 3<sup>rd</sup> Interim Report dated December 2003.

**1.07** The principal functions of the Confidential Committee were:

- To provide a forum for persons who have suffered abuse in institutions during their childhood, and who did not wish to have that abuse enquired into by the Investigation Committee to recount their experiences and make submissions in confidence
- To receive evidence of such abuse
- To make proposals of a general nature with a view to their being considered by the Commission in deciding what recommendations to make<sup>6</sup>
- To prepare and furnish reports.<sup>7</sup>

**1.08** The mandate of the Committee was to hear the evidence of those who wished to report their experiences in institutions in a confidential setting, as defined in the legislation. The legislation provided that the Confidential Committee was to endeavour to ensure that meetings of the Committee at which evidence was being given were conducted so as to afford to witnesses an opportunity to recount in full the abuse suffered by them in an atmosphere that was sympathetic to, and understanding of, them, and as informally as was possible in the circumstances.<sup>8</sup>

## Defined categories of abuse

**1.09** The Committee was required to hear the evidence of witnesses<sup>9</sup> who wished to report four types of abuse as defined by the Acts. The definitions changed in the 2005 Act and the changes made by the 2005 Act are highlighted in bold below:

### **Physical abuse:**

The wilful, reckless or negligent infliction of physical injury on, or failure to prevent such injury to, the child.

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<sup>4</sup> Section 3(3).

<sup>5</sup> Section 11 of the 2005 Act.

<sup>6</sup> Section 15(1) as amended by section 10 of the 2005 Act.

<sup>7</sup> Section 16 as amended by section 11 of the 2005 Act.

<sup>8</sup> Section 4(6) as substituted by section 4 of the 2005 Act.

<sup>9</sup> In the Confidential Committee Report the evidence of witnesses is generally referred to as 'reports'.

**Sexual abuse:**

The use of the child by a person for sexual arousal or sexual gratification of that person or another person.

**Neglect:**

Failure to care for the child which results, **or could reasonably be expected to result**, in serious impairment of the physical or mental health or development of the child or serious adverse effects on his or her behaviour or welfare.

**Emotional abuse:**

Any other act or omission towards the child which results, **or could reasonably be expected to result**, in serious impairment of the physical or mental health or development of the child or serious adverse effects on his or her behaviour or welfare.<sup>10</sup>

**1.10** The Committee classified all reports of abuse under one of the above types, as defined by the Acts. Witness reports of abuse included all four types, and combinations of those types of abuse. The definition of abuse includes acts that occurred to children, as well as acts of omission, such as medical, social, educational or emotional neglect that ‘results, or could reasonably be expected to result’<sup>11</sup> in having serious adverse effects on them both at the time and afterwards.

**1.11** Individuals applied to give evidence of the abuse suffered by them in a range of Irish institutions. The definition in the 2000 Act of ‘institutions’ includes ‘a school, an industrial school, a reformatory school, an orphanage, a hospital, a children’s home and any other place where children are cared for other than as members of their families’.<sup>12</sup> Many witnesses were admitted to more than one institution and may have reported abuse in one or more institutions. The majority of witnesses reported more than one type of abuse.

## Defined institutions

**1.12** Industrial and Reformatory Schools were residential institutions that admitted boys and girls during their time of operation. There were 60 certified Industrial or Reformatory Schools in Ireland during the period covered by this Report. The Schools were gender segregated with the exception of 12 industrial schools that were designated as mixed, admitting both boys and girls.

**1.13** For the purposes of this Report ‘Other Institutions’ is the collective term used to refer to all institutions apart from Industrial or Reformatory Schools that fell within the definition of institutions. Such ‘Other Institutions’ included: general, specialist and rehabilitation hospitals, foster homes, primary and second-level schools, Children’s Homes, laundries, Noviciates, hostels and special needs schools (both day and residential) that provided care and education for children with intellectual, visual, hearing or speech impairments, and others.

**1.14** The evidence heard by the Confidential Committee regarding Industrial and Reformatory Schools and ‘Other Institutions’ are presented separately in this Report.

## Evidence

**1.15** The Report contains information given in evidence to the Committee on the demographic and social circumstances of witnesses before their admission to the institutions, their experiences and reports of abuse while in the institutions and their life following discharge from the institutions. Less detailed information was obtained in relation to the social circumstances of

<sup>10</sup> Section 1(1) as amended by section 3 of the 2005 Act.

<sup>11</sup> Section 1(1) as amended by section 3 of the 2005 Act.

<sup>12</sup> Section 1(1) as amended by section 3 of the 2005 Act.

witnesses who, while attending 'Other Institutions', had remained in the care of their own family, for example witnesses who reported abuse in primary or second-level schools.

- 1.16** The Committee was required to hear witness accounts of abuse that occurred in the past during a 'relevant period' as defined by the Acts.<sup>13</sup> The Committee determined the relevant period as between 1914 and 2000, being the earliest date of admission to out-of-home care and the latest date of discharge of those applicants who sought to give evidence to the Committee<sup>14</sup>.
- 1.17** Witness evidence included reports of both single incidents and multiple episodes of abuse over a length of time in institutional care for each individual. This Report is a comprehensive account of the information provided by witnesses about incidents and details of abuse they were able to recall and wished to report to the Committee.
- 1.18** The Report is structured as follows:
- Part 1
    - Chapters 1–5: Introduction, methodology and overview
    - Chapters 6-9: Record of abuse and experiences in Industrial and Reformatory Schools
    - Chapter 10: Positive memories
    - Chapter 11: Current circumstances
  - Part 2
    - Chapter 12: Introduction to Part 2
    - Chapters 13–18: Record of abuse and experiences in 'Other Institutions'
    - Chapter 19: Concluding comments

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<sup>13</sup> Section 1(1).

<sup>14</sup> This includes both Industrial and Reformatory Schools and 'Other Institutions'.