

# **Commission on Mother and Baby Homes: Second Interim Report published today**

## **Health and well-being needs of Survivors and Former Residents to be acted on Improved access to information for those who were in mother and baby homes Expert appointed to help identify Transitional Justice approach**

**Tuesday 11th April, 2017**

Katherine Zappone TD, Minister for Children and Youth Affairs has today (11 April 2017) published the Second Interim Report of the Commission on Mother and Baby Homes.

The Minister thanked the Commission for its important work and said:

“I want to deal sensitively with the matters raised by the Commission to date. The focus in this report is on children who were unaccompanied by their mothers in Mother and Baby Homes and County Homes.

I want to see what supports and services can be offered to this specific group now in the area of health and well-being. The Commission will continue its work and deal with issues affecting all former residents in its final report, but for now I want to identify how we can be of assistance to those who were left unaccompanied in these institutions. I am going to consult with those affected, and then bring proposals to Government before the summer break.”

The Commission was set up to inquire into the conditions in Mother and Baby Homes and County Homes in the period 1922-1998. Following a short first interim report last July, it submitted a second interim report in September 2016. This deals with a number of issues that had come to its attention during its work and analysis based on information collected up to August 2016.

In its interim report published today, the Commission:

- suggests that the exclusion of children who were resident in Mother and Baby Homes and in County Homes without their mothers from the Residential Institutions Redress Scheme which was established in 2002 and has since closed, or a similar such scheme should be re-examined;
- is satisfied that the institutions it is investigating are ‘unquestionably’ the main such homes that existed during the 20th century, and does not currently recommend that other institutions be investigated;
- is not recommending any changes to its terms of reference at this time but may recommend further investigations when its current investigation is completed; and

- does not make findings to date that abuse occurred in these institutions, but notes that its work is not yet complete;
- recognises that people whose births were falsely registered have a need to establish their identity but recognises that the false registration of births is a very difficult issue to investigate because of a lack of accurate records.

The Government has carefully examined the Commission's recommendation regarding redress, and has concluded that it is not possible to implement it. The Government is conscious that the Commission has made no findings to date regarding abuse or neglect, and believes it would not be appropriate to deal with the question of redress in advance of any conclusions on this issue by the Commission. In addition, the Redress Scheme was complex to administer and often difficult for applicants. Minister Zappone said:

“Over the past few months I have spoken to former residents and survivors of Mother and Baby Homes and I am very sensitive to their needs and concerns. I have consulted in great detail with the Taoiseach, the Attorney General and other Ministers before we reached this conclusion. Rightly, this took some time because I wanted to look at every possible option in conjunction with my Government colleagues.

The Government also waited for the Special Report of the Comptroller and Auditor General on the Residential Institutions Redress Scheme before reaching a final conclusion on whether the original scheme should be re-opened to cover unaccompanied children who had been in Mother and Baby Homes and County Homes. The challenges for Government in considering the recommendations of the Commission at this interim stage of its work are clear from the findings of this Report.

The Minister said that her focus now will be on assisting those who were unaccompanied as children in Mother and Baby Homes and County Homes, with a view to offering supports that will be of genuine and practical value to them. The Minister said:

“With this in mind, I will consult with former residents who were unaccompanied in these institutions regarding the nature and type of services and supports in the area of health and well-being that they consider would be helpful to them at this stage. I want to consult, listen and learn. I will conclude this consultation by the end of June, and bring proposals to Government before the summer break, so that we can have appropriate supports in place as quickly as possible.”

In responding to the increased demand for access to relevant information, the Minister confirmed that her Department is working with TUSLA to support the provision of information to assist former residents who may wish to establish when they resided in a Mother and Baby Home.

The Minister for Children and Youth Affairs has asked Dr James Gallen of the School of Law and Government, Dublin City University, to assist by mapping out a model of ‘transitional justice’ as a means of giving voice to former residents of Mother and Baby Homes and County Homes. Dr Gallen’s expertise in transitional justice will help to develop an approach which can acknowledge the experiences of former residents and further enhance public awareness and understanding of this part of our history.

As previously promised, the Minister will also carry out a scoping review of the

Commission's existing terms of reference to see if amending the terms of reference would enhance the existing work and help to resolve related questions.

The Minister concluded:

"I believe that the Commission's final report will be of key importance to understanding the lives and experiences of those who stayed in institutions of this kind. We must give the Commission space to conclude its work and to report its findings. In the meantime, I will take whatever action I can to address the issues already raised. I believe that this is the best way forward to deal with what was a hugely difficult and sad time in our history".

ENDS//

[Mother and Baby Homes Commission of Investigation Second Interim Report September 2016](#)

## **Commission on Mother and Baby Homes: Frequently Asked Questions**

### **1. What is the Commission investigating?**

The Commission is examining the experiences of women and children who lived in Mother and Baby Homes over the period 1922-1998. In particular it is looking at:

- Entry arrangements and exit pathways of single women;
- Living conditions and care arrangements in these institutions;
- Mortality among mothers and children; causes, circumstances and rates;
- Post-mortem practices and procedures; reporting, burial arrangements and the transfer of remains for anatomical examination;
- Compliance with relevant regulatory and ethical standards in relation to systemic vaccine trials identified by the Commission as being conducted on children in these homes;
- Entry arrangements and exit pathways for mothers and children leaving institutions, patterns of referral and relevant relationships with other entities; and
- The extent to which any group of residents may have systematically been treated differently on any grounds, including race, disability and religion.

### **2. What reports has the Commission submitted so far?**

The Commission submitted a short first interim report that was published last July. It sought and secured the Government's agreement to publishing all three elements of its investigation together (a social history module, a confidential committee and an investigative module) as part of its final report, due in February.

The Commission submitted its Second Interim Report on 16 September 2016 and is being published now.

### **3. Why did it take until now to publish the Second interim Report?**

The Commission's recommendation regarding redress gave rise to a number of very important financial and legal questions, so the Minister referred it to the Attorney General and consulted extensively with her Government colleagues. Her Department had a series of

detailed meetings with other Departments, and officials explored a series of options for consideration by Government. The Minister briefed her Cabinet colleagues on progress on a number of occasions, and met with the Taoiseach, Attorney General and other Ministers again before bringing proposals to Government.

The Government was also conscious that the Comptroller and Auditor General was preparing a Special Report on the Cost of Child Abuse Inquiry and Redress which related to the Residential Institutions Redress Scheme. Government wanted to take account of its findings before finalising a view on the recommendation that the Scheme should be re-opened to cover unaccompanied children who had been Mother and Baby Homes and County Homes. The Special Report (No. 96) published recently notes that the Redress Scheme has cost an estimated €1.25 billion compared to the originally forecasted cost of €250m. This underlines the importance of good information on which to base estimates of likely costs of any future redress scheme.

#### **4. Why has the Government decided not to offer redress to unaccompanied children at this time?**

The Government examined the matter very carefully. It is conscious that the Commission has made no finding to date about abuse or neglect in these homes. To put in place a redress scheme now would risk pre-empting the findings and conclusions of the Commission on the matter. The Commission's final report is due in February, at which time its conclusions on this and all matters regarding the treatment of former residents will be studied very carefully.

It also has to be acknowledged that previous redress schemes have been extremely costly. As a society, we will need to make major decisions about what we spend our money on in the future. It may be that targeted supports would make more sense than redress schemes, but this will be a matter for public debate in the future.

#### **5. What steps is the Minister taking now?**

The Minister for Children and Youth Affairs is committed to offering supports and services now in the area of health and wellbeing that would be of benefit to those who lived for a time as unaccompanied children in Mother and Baby Homes and County Homes. She will consult with this group over the next two months, and bring proposals to Government before the summer break. Her first concern is to consult with the people affected, to understand their needs, and to see how best these can genuinely be met.

The Minister will seek to have supports in place by the Autumn.

In addition the Minister is asking TUSLA to support the provision of information to assist former residents who may wish to establish when they resided in a Mother and Baby Home. This should allow people to establish whether a file is held and the circumstances by which they ended up in a home.

In terms of Transitional Justice the Minister is moving forward on the proposals she outlined in the Dáil in her speech on 9th March last.

Dr James Gallen of the School of Law and Government at DCU has been asked to help identify a model to allow this complimentary process to go forward.

Dr Gallen will look at international best practice in the area which can help assist in identifying a model which will best serve the Mother and Baby Homes.

#### **6. What else has the Commission recommended in its Interim Report?**

The Commission deals briefly with the question of illegal adoptions and false registration of births. It reports that the term ‘illegal adoption’ is used to cover a wide range of situations and actions including the false registration of a birth. The Commission sympathises with the need for people in this situation to establish their true identity but states that “it is difficult to see what assistance could be provided by further investigation.” The Report notes that “not even a national DNA database would assist all of the people.” The Commission suggests that an amnesty from prosecution may help “to encourage those responsible to come forward and correct the record.”

The Minister believes that the legal and practical implications of an amnesty would have to be examined very carefully. She will explore the matter further with her Government colleagues including the Attorney General.

#### **7. What about the Commission’s terms of reference?**

The Minister has promised to examine the scope for an extended terms of reference for the Commission. She is conscious that they already include mechanisms to ensure that any additional matters which the Commission may deem to warrant investigation can be brought to the attention of Government. Prior to the recent calls for such an extension, the Commission’s Second Interim Report noted that its existing terms of reference are very wide and it did not recommend any changes to them. It considered that the collection and analysis of information must be completed before it could establish whether or not changes would be required to those terms.

In relation to calls for all adoptions to be investigated (regardless of whether the mothers concerned were resident in mother and baby homes) the Commission noted that this would represent a ‘vast undertaking’ and indicated that completing its analysis of adoption practices relating to mother and baby homes may facilitate the making of a recommendation on this question at a later point.

Nevertheless, the Minister will examine the terms of reference as promised, with a focus on allowing the Commission to complete its existing work in the first instance.

#### **8. What about transitional justice?**

The Minister has asked Dr. James Gallen of the School of Law and Government, Dublin City University, to map out a potential model of ‘transitional justice’ as a means of giving voice to former residents of Mother and Baby Homes and County Homes. Dr Gallen’s expertise in transitional justice will assist to develop an approach which can enhance public awareness and understanding of this part of our history.

Interested parties will be consulted to make sure this process could be done in a way that

meets the needs of those who may wish to engage with such a process, and that it properly aligns with the work of the Commission on Mother and Baby Homes that is already deep into its programme of work.

The United Nations defines transitional justice as the set of approaches a society uses ‘to try to come to terms with a range of large scale past abuses’.

Transitional justice puts survivors and victims at the heart of the process. It commits to pursuing justice through truth. It aims to achieve not only individual justice, but a wider societal transition from more repressive times, to move from one era to another.

Taking a transitional justice approach means that we will find out and record the truth, ensure accountability, make reparation, undertake institutional reform, and achieve reconciliation. It is important to also ensure that we learn from international best practice in transitional justice, such as the Museums of Memory in Argentina and Chile, for example.

There may also be lessons to be learned from processes used to establish the truth in other contexts and other countries.

#### **9. What about access to information?**

Where TUSLA holds the records of the institution in question, it will provide information to former residents about when they resided in the mother and baby home. Where TUSLA does not hold the records of the institution it will either request an accredited agency holding the records to provide this service under current service level agreements or TUSLA will advocate on behalf of former residents, with their consent, to access records held by other agencies.

#### **10. Further Information and support in relation to these issues?**

There is dedicated telephone Information line being made available for people seeking further information over the coming days. Those seeking factual information may contact the Department of Children and Youth Affairs Information Line 01-6473200 during Monday to Friday 9.30am to 5pm.

There is also a telephone line available for people seeking details of support available to those affected by these issues. Those seeking such information may telephone the HSE National Information Line; Low Call Telephone 1850 24 1850 during Monday to Friday 8am to 8pm and Saturday 10am -5pm.

Anyone affected can also directly contact the CONNECT free telephone out of hours telephone counselling and support service where they can talk in confidence with a trained counsellor. The CONNECT out of hours service is contactable at Freephone 1800 477 477 from the Republic of Ireland. Its services will be available on Tuesday 11th April from 6pm - 11pm and then from Wednesday 12th April – Sunday 16th April 6pm -10pm.

Any person seeking adoption information and tracing information may wish to visit the following sites:

TUSLA (the Child and Family Agency) - [www.tusla.ie](http://www.tusla.ie)

The Adoption Authority of Ireland - [www.aai.gov.ie](http://www.aai.gov.ie)