

Researchers and survivors respond to the report of the Commission of Inquiry into Mother and Baby Homes

Signatures are now closed

As researchers – historians, social scientists, journalists, legal experts, researchers on Irish culture -and survivors who have been forced to do our own research we reject the conclusions of the report of the Commission of Inquiry into Mother and Baby Homes and in particular its claims about the evidence, which are deeply flawed.

The report does no justice to the survivors whose testimonies are at the centre of the inquiry, and it draws conclusions based on a partial and biased review of the evidence, which systematically downplays survivor testimony. Many of the leading experts in the area have already put their rejection of this approach on record. This is not the first time that so-called historic injustices have been poorly served by official investigations, but it must be the last.

There is ample expertise available in Ireland and internationally to tell a far more detailed, accurate and precise story about the institutions of the mother-and-baby homes and the women and children who spent time in them than the one presented in the current report. The report's conclusions ignore the existing research on these subjects and falls far behind them in its methods and understanding.

Although the report addresses human rights abuses, it does not draw on human rights approaches or legislation. It does not provide definitions or parameters for key concepts before dismissing them: discrimination; force; consent; violence. These concepts are the subject of much international human rights law and scholarship, and conclusions should not be drawn about these subjects in isolation from that.

The report also elides knowledge about hegemony in modern Ireland: the production and maintenance of power. Social scientists know that power is wielded by means of many forms of control, including physical coercion, legislative authority, economic choices and social and cultural norms. Extensive research has documented the particular Irish mix of these domains and the nexus of church and state in maintaining this hegemony in the recent past. To discuss this context without drawing on an analysis of power and hegemony cannot be represented as serious research.

Finally, the report includes much oral testimony, but does not clarify its methodological approach to this. The necessity of gathering survivor testimonies is well-established in this regard, especially because of restrictions imposed by religious orders on access to archives of the homes. Given the quantity of testimonies gathered for this report and the personal commitment made by individual survivors and their organisations to provide this information, a clear framework for analysing and presenting findings and conclusions is required. Instead, the report calls into question the veracity of survivor statements, begging the question why the Commission bothered to ask. This dismissal is not grounded in any

consideration of the use of eyewitness testimony, interviews or survivor statements in the social sciences and history, journalism and law.

The historic record is ill-served by this document, and we do not accept its conclusions as fact or its methodology as credible.

As has been observed many times in the past weeks, the report contains multiple inaccuracies and presents survivor testimony in an unethical and unreliable way. We wish to draw attention to specific aspects of the report that are most egregious:

- It is not the case that there is no evidence of forced adoptions. Indeed the Commission acknowledges testimonies from women who did not give free, full and informed consent for the adoption of their babies – but concludes that “there is no evidence that this was their view at the time of the adoption”. Similar problems exist with the claims that there is no evidence for money changing hands or for physical abuse. The Commission ignores existing research as well as the survivor testimonies it collected.
- The report is deeply inadequate in its treatment of the subject of discrimination, particularly as regards race and disability. The conclusion that there was no evidence of discrimination in relation to mixed race children or children with disabilities is narrow and overlooks extensive reports of discrimination and exclusion in mother and baby homes and following adoptions.
- Survivors have raised serious challenges as to the accuracy of how the Commission has represented their testimony. There are serious ethical questions around many dimensions of its investigative process, which also ignores human rights aspects. The systematic marginalisation of survivor testimony in this context is deeply offensive and makes for inadequate research.
- The framing of the report, from the opening paragraphs of the Executive Summary to the final page, is designed to avoid direct and actionable attribution of responsibility. “Women who gave birth outside marriage [in early 20th Century Ireland] were subject to particularly harsh treatment”, the report states, going on to say: “Responsibility for that harsh treatment rests mainly with the fathers of their children and their own immediate families.” This attempt to deflect liability is woefully inadequate. Fortunately, the collusion of church and state to create the “cold harsh environment for women” which the report references has been carefully examined by academics, researchers and reporters in numerous independent analyses which are familiar to scholars and indeed the general public. Since the commission was directed by its terms of reference to look only at the running of the institutions themselves, it is not in a position to draw conclusions about where responsibility for the treatment of women in a smotheringly patriarchal system lay. Interested parties must look elsewhere for such analysis, grounded in actual research.

We the undersigned note that the information gathered by the Commission of Inquiry is of immense importance, most especially the 500 survivor testimonies collected. However, the ensuing report is in no way the final word on the experiences of thousands of women and children who passed through Ireland’s institutional architecture in the 20th century, and

falls far short of existing research in the field. Future research must endeavour to understand the full extent of the systematic discrimination against women which enabled this system of institutional harm, and continues to influence Ireland's polity today. It will need to focus in depth on questions of profit and loss; of Church and state relations of power; of marginalisation, exclusion and intersecting discrimination – for instance against black and mixed race women and children, the Mincéir community and women and children with physical and intellectual disabilities.

In all of this the experience and concerns of survivors must be centre-stage, along with the meaningful forms of redress they are asking for. We fully endorse the recommendations of the [Clann Project](http://clannproject.org), the joint initiative of Justice for Magdalenes Research and the Adoption Rights Alliance. A detailed list of recommendations can be found here <http://clannproject.org/commission-report/>; in sum, they are:

1. ACCESS TO RECORDS LEGISLATION

- a) Unconditional access to birth certificates for adopted people and people placed in informal care arrangements
- b) A clear statutory right of access to one's own 'care' or adoption file and to records concerning a family member who died in 'care' or adoption
- c) A statutory right of access to State records for survivors, adopted people and natural mothers.
- d) Measures to safeguard and centralise records
- e) An enhanced tracing service
- f) Placement of the National Adoption Contact Preference Register (NACPR) on a statutory footing
- h) The Right to Know you are Adopted

2. EXPLICIT RIGHTS FOR PEOPLE ADOPTED OVERSEAS

3. PROPER IMPLEMENTATION OF EU GDPR RIGHTS

4. REDRESS AND REPARATIONS

5. ACCESS TO COURT

6. DEDICATED CRIMINAL JUSTICE UNIT & HUMAN RIGHTS-COMPLIANT CORONER'S INQUESTS

7. REPEAL OF 'GAGGING' ORDERS

a) Section 28(6) Residential Institutions Redress Act 2002 must be amended

b) Section 11(3) Commissions of Investigation Act 2004 must be amended

Signatures (closed)

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