

**Ladies Ancient Order of Hibernians, Inc.**

**National Board**

**Established 1894**

**Office of the National President**

**Karen Keane**

Sisters,

As many of you know, we have a committee chaired by a survivor of the Irish Mother and Babies home. The Committee has learned today that the government in Ireland is dissolving the work of the Commission. This Commission has destroyed evidence which seriously impairs the survivors. Please join our Sisters in this plead for the Commission to cease the destruction of evidence, and the other issues in their plead for action.

Please send an email to the parties highlighted and attach the body below to you email. You can copy and paste the email addresses and then copy and paste the body of the email.

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**Body of email.**

Dear TDs and Irish Senators,

The Mother and Baby Homes Commission of Investigation is due to dissolve on 28 February 2021, having issued findings and recommendations completely at odds with the experiences of survivors and adopted people.

The Commission of Investigation has destroyed all audio recordings of 550 testimonies received from mothers and the adult children of girls and women separated from their infants through extreme discrimination, institutionalization and coercion. The Commission did not make transcripts of these audio recordings.

This wanton destruction of evidence denies survivors the ability to refute the Commission’s erroneous findings. For example, the Commission claims  that:

- The institutions provided a refuge

- There is ‘no evidence’ that girls or women were forced to enter mother and baby homes by the Church or State authorities

- Girls and women were ‘always free to leave’ and were not incarcerated

- The forced unpaid labour of girls and women in the Mother and Baby Homes ‘was generally work which they would have had to do if they were living at home’

- There is ‘very little evidence that children were forcibly taken from their mothers’, even though ‘mothers did not have much choice’

- Some women ‘are of the opinion that their consent was not full, free and informed’ but ‘there is no evidence that this was their view at the time of the adoption’

- There is ‘no evidence’ that girls or women were denied pain relief

- There is ‘no evidence of discrimination’ in relation to decisions made about fostering or adoption of mixed-race children or children with disabilities

- There is ‘no evidence of injury to the children involved as a result of vaccine trials’

- Criticisms of Tusla regarding information and tracing are ‘unfair and misplaced’

- Diocesan records, records of the religious, records from Here2Help ‘are the property of the holders and they have the right to determine who gets access’

- Where babies died while their mother was in the institution ‘it is possible that [she] knew the burial arrangements or would have been told if [she] asked. It is arguable that no other family member is entitled to that information’.

Destruction of evidence is a criminal offence under section 31 of the Commissions of Investigation Act 2004. The Commission’s destruction of the majority of the witness evidence it received also breaches section 43 of the Commissions of Investigation Act 2004 which requires the Commission to deposit with the Minister ‘all evidence received by and all documents created by or for the commission’, including ‘records of interviews’.

The Information Form provided by the Commission stated nowhere that testimony would be destroyed. Numerous survivors have said that they were not asked nor informed.

The Government has failed to act even though it has known about this large-scale destruction of audio recordings since 30 October 2020, when it received the Commission’s Final Report.

Many survivors and adopted people have notified the Gardaí and the Data Protection Commissioner, but these bodies cannot investigate fully or try to recover the recordings if the Commission of Investigation no longer exists.

THE GOVERNMENT MUST STOP THIS ABUSE BY TAKING THE FOLLOWING ACTIONS:

1. Legislate urgently to prevent the Mother and Baby Homes Commission of Investigation from dissolving on 28 February 2021. This requires two emergency amendments to section 7 of the Commission of Investigation Records Act 2020: (1) to keep the Commission in existence legally for another year, and (2) nonetheless to require transfer of the remaining Commission archive to the Minister by the end of this month as planned.
2. Provide unconditional access to birth certificates for adopted people now. This requires an immediate one-paragraph amendment to the Adoption Act or the Civil Registration Act. The Minister promised to implement GDPR when he receives the Commission’s archive on 28 February, and he cannot do so if he does not provide birth certificate access. The Irish Court of Appeal has also found that it is an unenumerated Constitutional right ‘to have [one’s] identity correctly recognized by the Irish State’ (Habte v Minister for Justice, February 2020).
3. Legislate to provide those affected with full access to the entire archive of administrative files gathered by the Commission of Investigation, which show how the institutions and system of family separation was run. This requires an immediate amendment to the Commissions of Investigation Act 2004. Survivors and adopted people have a Right to the Truth and according to international and European law they should never have been denied this information. The Commission was wrong to operate in secret and the Government must now tell the truth.

Thank you,

Your name