

Statement to Seanad by Minister for Children and Youth Affairs

Cathaoirleach, Members of the Seanad,

I am pleased to have the opportunity to visit the Upper House today to hear your views on the serious matter of Mother and Baby Homes, following the significant decision of Government yesterday to approve my proposal for a Commission of Investigation.

At the outset, let me just say that where we are at now is at a planning stage. Cabinet yesterday agreed that the complexity and gravity of the issues raised by Tuam required a Commission of Investigation which would look at a broader range of issues and which would not be confined to Tuam alone - but a great deal of additional groundwork is required before that Commission is established, notwithstanding my commitment to have the Commission established before the Houses rise for the summer recess.

Of course, we are all mindful of the revelations that led us to where we are today, that is, the publication of revelations about the Tuam Mother and Baby Home that identified a high rate of infant and child mortality combined with uncertainty and disturbing suggestions about the burial arrangements that may have taken place in that Home over the years. The genesis of those revelations lay in the work of local historian, Catherine Corless, who felt that the dignity of the deceased children had to be recognised and respected.

I have great admiration for Ms. Corless' work and commitment in this regard and I share her views in respect of the need for the dignity of deceased children to be respected. Indeed, yesterday in the Dáil I made the point that we must be careful in our use of language and mindful of the fact that while the figure of 796 children has been almost casually referred to in some quarters, the reality is that each of those 796 children was an individual, a citizen, a son or daughter. The matters now under consideration concern real people and I am appealing for this fact to be borne in mind. We are dealing with personal histories here and it is not the time for sensationalism.

Similarly, I have made the point from the outset that it is mistaken to rush to simplistic judgement on these matters. That is part of the rationale for a Commission of Investigation. The situation pertaining to mother and baby homes is complex. It is often harrowing. It is highly personal for those involved. It defies a simple explanation. It warrants far more than a simplistic analysis.

As you are all aware, I established a cross-departmental group of senior officials and involving other agencies such as the National Archives, for the purpose of performing a scoping exercise. Tuam brought to the fore the issues of infant and child mortality and burial arrangements. These are but two issues that I would like to see examined in the context of Mother and Baby Homes. Questions remain unanswered about the

nature of adoptions and vaccine trials. Significant legal difficulties have been identified in seeking answers to these questions in the past and it is my intention that the Commission of Investigation can make progress where past investigations have failed.

The work of the interdepartmental group is continuing and this work will play a crucial role in informing Government decisions regarding the terms of reference for the Commission of Investigation. As I've said, I would like this Commission of Investigation to examine a number of matters. Equally, I am a realist. I want this Commission to be able to conduct its work in a timely and efficient manner. I do not want to see it descend into a bottomless quagmire. And, therefore, I am committed to clear and reasonable terms of reference. I accept that there are many questions to be answered about aspects of our history. But I also believe that the reasonable person will accept that if a Commission of Inquiry is to complete its work in an efficient manner, its terms of reference must be realistic. However, I do not want to prejudge the outcome of the deliberations and information gathering by the interdepartmental group.

Yesterday, I welcomed the fact that a number of church leaders had spoken positively about the concept of an investigation into mother and baby homes, among them a number of senior figures in the Catholic Church including Coadjutor Archbishop of Armagh, Eamon Martin, Archbishop Neary of Tuam, Archbishop Martin of Dublin and Bishop Buckley of Cork and Ross. I also welcome the comments of the Church of Ireland Archbishop of Dublin and Glendalough, Michael Jackson. I welcome the support that church leaders have offered and I am calling on them and on all those in religious institutions with access to records and documentation to cooperate fully with the Commission of Inquiry once it's established.

It is my contention that yesterday's Government decision to establish a Commission of Investigation underlines the seriousness of our approach to the matters raised in the context of mother and baby homes. Since coming into power, this Government has shown its willingness to confront and shine a light into the dark aspects of our recent social history.

Clearly, a number of options were before Cabinet on Tuesday. These included a Tribunal of Inquiry. The difficulty with this approach is the huge costs associated with Tribunals due to the Constitutional protections that create a need for legal representation for parties giving evidence. Moreover, we have seen that over the years, it is the nature of tribunals to meander into areas that were not part of their original remit, thereby slowing down the process of reaching conclusions very considerably. Options such as an inquiry by an Oireachtas Committee are unsatisfactory in the light of the possible legal obstacles concerning some of the matters at issue.

Therefore, Cabinet deemed a Commission of Investigation to be the preferred approach to this matter of urgent public concern. Under the Commission of Investigations Act 2004, a commission has the power to conduct its investigation in any manner it considers appropriate within the parameters of the Act. It must seek and facilitate the voluntary co-operation of people whose evidence it requires. It is entitled to compel witnesses to give evidence. It can direct a person to provide it with any documents in the person's possession or power relating to the matter under investigation. If any person fails to comply, the commission can apply to the court to compel compliance; or it may impose a costs order against the individual for the costs incurred by all other parties arising from the delay.

Also of significance is the fact that the approval of the order establishing a commission must be approved by the Houses of the Oireachtas and, in this context, I welcome the support of colleagues on all sides in regard to the Government's commitment to investigate matters relating to mother and baby homes. Yesterday in the Dáil, TDs were positively disposed to the Government's decision and I am hopeful that Senators will share that spirit of cooperation. I look forward to hearing the views of Senators in regard to these issues and I expect that the contributions made here this evening will be taken into account by the Intergovernmental Group.

Cathaoirleach, to reiterate a point I made yesterday in the Dáil, I very much welcome the growing national consensus- in politics, in the churches and among the public - that it is essential that we as a people do not shy away from our past. That - as well as implementing transparency in governance as we move forward - we must seek to bring transparency and openness to the actions of the past. I believe Tuesday's Government agreement to establish a Commission of Investigation presents an historic opportunity for our country to take a united approach in our commitment to dealing with one of the most tragic and traumatic chapters in modern Irish history.