

Compel religious orders to hand over their files

Lawyer calls for full baby homes inquiry instead of insincere remorse for survivors

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By Nicola Byrne nicola.byrne@mailonsunday.ie



lawyer: Maeve O'Rourke

A LEADING human rights lawyer has called on the Government to hold a public inquiry into the Tuam Mother and Baby Home and how almost 800 babies came to be dumped in a septic tank there.

In an interview with the Irish Mail on Sunday, Maeve O'Rourke, co-editor of a new book, *Redress*, also sharply criticised successive governments, saying their remorse towards survivors of institutional abuse is insincere.

And she said the minister in charge, Roderic O'Gorman, is 'trying to have it both ways'.

Ms O'Rourke said the Minister for Children on the one hand, stands by last year's report on the Commission on Mother and Baby Homes. But she points out Mr O'Gorman admitted in the High Court that the commission had violated the rights of survivors and the report was 'based on unlawful behaviour by the commission'.

She said many survivors believe the response of the Government is akin to further abuse. She accused the Government of allowing religious orders, such as the Bon Secours order which ran the home in Tuam, off the hook.

She told the MoS: 'The Government hasn't created an environment where people can sue the religious orders or where criminal proceedings can be taken against the religious orders.

'If you want to hold religious orders to account, you need the evidence of what they did, what they knew, what money they made and how they behaved.

'We are nowhere near being able to force that kind of accountability because the Government refuses to take the first step – to force the information to be released. Inquiries gather up the evidence and it's no longer available to the Garda for FOI or anyone. It's locked up.

'The Government has not required the religious orders to produce their records, the Government is keeping all of the documents that were presented to them over the decades secret.

'It's not good enough for Roderic O'Gorman to be writing to orders and saying, "please would you consider submitting information".

'The Government is not subjecting the orders to proper inquest. We need an inquiry to find out what actually happened there.

‘How did the children die? Will the exhumation provide this? I doubt it will be able to answer all the questions. We need a full public inquiry. Why did we need legislation for the bodies to be exhumed?’

‘If those bodies were in you or I’s back garden, they would have been dug up the same day as they were discovered. The exhumation provided for in the burials Bill will simply try to identify the bodies and retain them. But what about what happened there?’ Mother and baby homes survivor groups have criticised the Government’s redress scheme.

They say the scheme is based on a deeply flawed report that did not properly address the human rights abuses in all institutions involved in forced family separations.

The proposed redress scheme, the provisional details of which have been published, excludes some categories of survivors, denies legal aid and forces survivors to sign a legal waiver, diluting their right to access justice.

Ms O’Rourke told the MoS: ‘Redress schemes like this actually keep survivors out of the ordinary justice system and away from anything that you and I and anyone would expect if they suffered massively at the hands of the State.’

‘Survivors feel they have not received justice and that very often their requests for justice have caused further abuse.’

‘The key point of transitional justice is that it doesn’t allow trading off any element of justice for another. That, in my view, is the big problem we have in Ireland.’

‘The Government has told survivors they have to accept something measly rather than full justice.’

‘With full justice we have truth telling, producing all available records, accountability, allowing survivors access court and ensuring that the criminal justice system operates.’

‘We need full reparation without people being excluded and we need rehabilitation and anything that would help the survivors get to a situation they would have been in if this abuse had not happened.’

‘And finally, memorialisation and institutional reform, learning from the past. Human rights abuses require a comprehensive response and we have had the opposite.’

‘There is a way back for Government to make things right. It has attempted to buy survivors’ silence – they need to think seriously about this strategy.’

A spokesman for Minister O’Gorman said: ‘In December 2021, Minister O’Gorman agreed to settle eight judicial review cases in relation to the Final Report of the Commission of Investigation into Mother and Baby Homes in light of the evidence given by the applicants in the two lead cases to the Court on the procedural matter of being identifiable.’

‘As part of this settlement, the Minister published an acknowledgement alongside the Final Report stating a number of survivors do not accept the accounts in the Final Report as a true and full reflection of what they said to the Confidential Committee or the Commission of Investigation. The Minister has always recognised and accepted the concerns of some survivors about the Final Report and this written statement formalises that acknowledgement.’

‘Government is keeping all the documents secret’

‘We need full reparation without people excluded’