

Government approves extension of time for the Commission of Investigation into Mother and Baby Homes and announces separate measures in response to the issues which have emerged to date

05 December 2017

Frequently Asked Questions:

1. What has the Minister published today?

The Minister for Children and Youth Affairs has published the 3rd Interim Report from the Commission of Investigation into Mother and Baby Homes. The Report is available on the website of the Department of Children and Youth Affairs (www.dcy.gov.ie).

2. What does the report say?

The Report outlines the practical challenges the Commission faces in meeting the current timeframe of 17 February 2018 for the completion of its reports. The Commission advises that it will not be able to issue its reports within this current timeframe and requests an extension of one year to allow it to do so. As a basis for the extension requested the report notes that:

- The Confidential Committee has to date met with 346 former residents or others with connections to the institutions under investigation. It will not be possible for the Confidential Committee to meet the almost 200 additional persons who have already applied to provide accounts of their experience and to complete its report by February 2018.
- The Commission's wide terms of reference have necessitated the collection and analysis of a vast range of documentary material relating to the institutions under investigation. The analysis of all relevant records will not be completed until mid-2018.
- Although the Commission has heard evidence from 140 individuals, the process in respect of the authorities who ran these institutions cannot be completed until all the documentary evidence has been analysed.

The Third Interim Report does not include findings in relation to the specific matters being investigated.

3. What has the Government decided?

The Government has agreed to extend the timeframe for submission by the Commission of its three final Reports until 17 February 2019. In reaching this decision, the Government accepted that additional time is required to facilitate the comprehensive statutory investigation of the matters of significant public concern referred to the Commission. The Government considers that the public interest will be best served by allowing additional time for the Commission to conclude all relevant lines of inquiry.

Having listened carefully to the views of former residents, their families and supporters, the Minister for Children and Youth Affairs will make arrangements to establish a Collaborative Forum to support former residents in developing solutions to the issues of concern to them. In addition, the Government is to invite Mr. Pablo de Greiff, UN Special Rapporteur, to assist Ireland in our response to issues related to former mother and baby homes. Further information on these measures is detailed in Qs 9-12 below.

4. Why does the Commission need an extension of time to deliver its reports?

The reasons for the additional time are set out in the Commission's 3rd Interim Report. These include the extensive research undertaken to identify and collate material relating to the institutions under investigation. The Commission is continuing its efforts to fill gaps in the existing body of information. This task is taking considerable time and the Commission is electronically scanning relevant paper records as part of this work.

The Minister for Children and Youth Affairs asked the Commission to make every effort to deliver their reports as soon as practicable.

5. Why has the Government agreed to this extension?

The legislative arrangements allow for an extension of time on the basis of a request from the Commission. Granting of an extension is subject to the legislative test that an extension would be *"consistent with the objective of having the investigation conducted and the reports submitted as expeditiously as a proper consideration of the matter referred to the Commission permits."* The Government agreed that the Commission's request met this threshold and considered that the public interest would be best served by ensuring the Commission's reports could have the fullest regard to relevant records and witness testimony.

6. Does this request for extension of time to deliver the three reports require an amendment to the Terms of Reference?

Pursuant to section 6(6) of the Commissions of Investigation Act 2004, the Terms of Reference contained in the Schedule to Statutory Instrument No. 57 of 2015 have been amended by substituting Article 5 for the following:

"The Commission shall complete the reports required in relation to its investigation no later than 48 months from the date of its establishment."

The scope and remit of the Terms of Reference have not been changed by this amendment.

7. Will there be any additional costs associated with this extension of time?

Costs will be incurred over an extended period – largely in respect of salaries, operating costs and witness expenses. However, the Commission has confirmed that it expects total costs to remain within the initial costs estimate of €21.5m. An updated statement of costs and timeframe will be published in published in Irish Oifigiúil.

8. Why has the Government decided not to extend the Terms of Reference to include additional matters?

In view of the requirement for additional time, the Government has also decided that extending the terms of reference into any further matters is not in the public interest at this time.

Completing the current programme of work must be the priority. In reaching this decision, Government was cognisant of the necessity to allow the Commission to complete the analysis of available information so that its work can inform decisions on these matters. The effective use of the Commission's powers and expertise in this manner was specifically provided for in its terms of reference. The Government is open to revisiting this issue on the basis of the Commission's reports.

9. What is the Minister for Children and Youth Affairs doing to support former residents while the Commission completes its work?

The Minister is to establish a **Collaborative Forum** to directly support and empower former residents who want to actively contribute to decisions on matters which affect their lives. The Collaborative Forum is an innovative participant-centred response to the theme of "nothing about us without us" which emerged from the facilitated consultations.

The Minister recognises the necessity for sustained engagement with former residents on a number of key issues pending the completion of the independent Commission's work. A number of tangible measures will be developed and progressed in parallel to the independent investigation. It should be understood that this Forum, and any measures developed in this context, are separate to the work of the independent Commission.

10. How will the membership of the Collaborative Forum be decided?

A selection panel of persons with relevant professional, academic and personal experience will be tasked with identifying and selecting members for the Collaborative Forum. The Selection Panel will be asked to conduct a public campaign to seek expressions of interest for participation in the Forum. The Forum will represent as wide a range of relevant perspectives and experiences as possible. The Forum will consist of a Chairperson and 19 representative members. The Chairperson will be appointed by the Minister for Children and Youth Affairs and further details on this process will be announced shortly.

11. How will the Collaborative Forum work?

The Forum will enable former residents to identify, discuss and prioritise the issues of concern to them, and facilitate them to make recommendations for actions and solutions. The Minister has published a Charter for the Collaborative Forum which describes its structure, scope and working methodology. The recommendations of the Collaborative Forum will be a significant input to Government's approach on relevant matters. The Forum will have a role in the monitoring of the implementation of measures designed to support former residents. In addition, it is anticipated that the Forum's work will assist to significantly enhance public knowledge and understanding of these matters.

Three subcommittees will be tasked with examining specific themes issues on a modular basis to facilitate the Forum in making recommendations to the Minister. These themes are:

- (a) Terminology, Identity and Representations
- (b) Health and Well-being Supports
- (c) Memorialisation and Personal Narratives

12. How will the United Nations Special Rapporteur assist Ireland?

The Government believes that the expertise and experience of the UN Special Rapporteur on the promotion of truth, reparation and guarantees of non-recurrence, Mr. Pablo deGreiff, would provide valuable assistance in responding to the issues relating to mother and baby homes.

Ireland is committed to its international human rights obligations and there is a standing invitation to all United Nations thematic mandate holders. The Government will specifically invite the Special Rapporteur to participate in a conference on how Ireland is addressing these matters. The Minister will work with her colleague the Minister for Foreign Affairs and Trade to arrange this invitation.

13. When will the Minister publish the Expert Technical Group's report on the Tuam site?

The Minister plans to bring the Report of the Expert Technical Group on the Tuam site to Cabinet next week (12 Dec 2017) and, subject to the agreement of Government, she would then publish the report.