

Opening Statement by Minister Roderic O’Gorman, TD
Joint Committee on Children, Equality, Disability, Integration and Youth
Tuesday 4th October 2022

I welcome the opportunity to come and speak with the Joint Oireachtas Committee today.

After the publication of the Final Report of the Commission of Investigation in January of last year, many survivors were disappointed and angered by the treatment of testimony they provided to the Confidential Committee. Having gone to the effort of engaging with the Confidential Committee and reliving what happened to them in institutions, some felt that they could not see their own words in the Final Report. For many, the Commission’s report, grounded as it was in the legal approach of a statutory inquiry, felt removed from the profound grief, loss and the trauma of their lived experiences. From my engagement with survivors, I know the hurt which this has caused.

As we know, the Confidential Committee module was created alongside the inquisitorial process to allow those with lived experience of the institutions to provide their accounts as informally as possible. Although this was envisaged as a way to allow the truth as survivors wanted it told to emerge, I recognise that this has not happened for many.

In June of 2021, following comments attributed to one member of the Commission, I indicated the possibility of a review of the testimony offered to the Confidential Committee. I have always recognised the importance of these testimonies. This is why I went to some lengths to secure the audio recordings of these testimonies when originally they were believed to have been deleted.

I believe that a process with the capacity to record, preserve and recognise survivors’ personal accounts, presents the most meaningful opportunity to address the concerns expressed to me. Such a process can restore choice and agency to survivors. The accounts will be housed in the National Centre for Research and Remembrance. This rightly places the lived experience of survivors at the heart of our National Archives in a visible and powerful way.

A number of factors have influenced my proposed approach.

Firstly, the core concern expressed to me by survivors is that their lived experiences have not been adequately reflected thus far. They do not see their words in the Commission’s report, they feel their voices were ignored.

Secondly, we must recognise the continuing influence of the legal framework provided by the Oireachtas to facilitate and direct the independent Commission’s work. Significant legal complexities would arise in seeking to facilitate an external review of accounts provided privately

and in confidence within the robust legal framework of a Commission of Investigation. Government cannot, via a non-statutory process, retrospectively alter or interrogate the independent Commission's findings or methodology. We must be upfront in relation to such complexities. This does not prevent human rights experts, or others, from further analysis of these matters. Notably, Part 5 of the Final Report details the sources used by the Commission for the express purpose of supporting such work.

Finally, I believe that such a review could not fully respond to the concerns of those who were unhappy with the record of their testimony created by the Commission. It would not change the Commission's report. And it would completely exclude those who had not engaged with the Commission.

The new initiative will focus on respectful recording and acknowledgement of the lived experiences of those who spent time in institutions. The process will be underpinned by statute and operate on a voluntary basis with the consent of participants. Those who recounted their experiences to the Confidential Committee will have the option of permitting the reuse of this testimony and/or offering new or additional oral or written testimony. The process will be overseen by a team with expertise in human rights, trauma and memory, communications and oral history.

In advancing our deliberations we are consulting with relevant legal and technical experts to develop the initiative in the context of work on the National Centre for Research and Remembrance. Most importantly, we will also consult survivors on their views. This initiative demonstrates the State's willingness to hear and formally acknowledge the deeply personal accounts of survivors and I will bring specific proposals to Government for approval.

In my time as Minister, I have endeavored to improve the manner in which we communicate the actions we are taking to respond to legacy issues, to survivors and former residents. As such, I regret the indirect and limited manner in which survivors heard about deliberations on this issue, via a response to a media query.

My preference, and my clear intention, was to update survivors using existing channels, which we do on a regular basis, to ensure that survivors are the first to hear of developments. To that end, details of this initiative were included in our most recent quarterly update on the Action Plan, which recently issued to our mailing list.

I have always been clear that the report of the Commission is not an end point in our engagement with the legacy of Mother and Baby Institutions. Last November I published Government's Action Plan designed to address the needs and concerns of survivors and their families. Intensive work is ongoing to deliver the commitments in this plan.

Members of this Committee are aware of the significant legislative developments which have taken place this year. The Birth Information and Tracing Act 2022 was enacted in June. This week,

statutory information and tracing services under the Act opened and people are now able to avail of the transformative new arrangements to access their information.

In July, the *Institutional Burials Act 2022* was also signed into law, and Government approved my proposal to establish an independent Office to lead the intervention at the site of the former Mother and Baby Institution in Tuam.

In the coming weeks, I will seek Government approval for publication of the Mother and Baby Institutions Payment Scheme Bill so that it can begin its passage through the Houses of the Oireachtas.

All elements of this work are hugely important, and they are a priority for myself and the Government. I believe we all share a desire to effectively respond to the legacy of these institutions in the interests of those who are affected.

Thank you Chair and Members for your attention and I will be pleased to respond to your questions.