



**ADOPTION RIGHTS ALLIANCE
JFM RESEARCH**

Senator Mark Daly
Cathaoirleach of the Seanad
Leinster House
Kildare Street
Dublin 2
D02 XR20

By email: cathaoirleach@oireachtas.ie

Dear Cathaoirleach

RE: Complaint dated 26 October 2020 regarding abuse of privilege by Senator Barry Ward

Your letter of 26 November informed us that the Committee on Procedure and Privileges discussed our above-referenced complaint. Your letter clearly indicates that the Committee decided that Senator Ward did not identify the Clann Project and that, therefore, the substance of our complaint (including exhibits) did not require consideration.

We are not satisfied with this response and believe that we have been denied fair procedures by the Committee in its handling of our complaint for the following reasons:

Defamation of a person does not require that the person is named. It is well established in Irish law (and recognised by section 6(3) of the Defamation Act 2009) that a defamatory statement concerns a person if it could reasonably be understood as referring to him or her. There is no evidence that the Committee considered this point.

Moreover, Senator Ward very clearly identified the organisers of the Clann Project email campaign as the subjects of his defamatory comments. The Senator stated in the course of his more-than-10-minute defamatory speech:

In all of the discussions in both this house and the Dáil what has been absent is a recognition of what I think has truly caused that hurt. And that is a sustained and dishonest campaign of misinformation about what this bill actually does. Every member of both houses of the Oireachtas has received literally thousands of emails about this subject. They have received emails that are grossly misinformed...

...I don't know how many emails I have received from people criticising me for sealing the records of the mother and baby homes, something that is not in this bill.

...What I blame is other parties who have intervened and the reality is... I can stand over that because I have over 5,000 emails on my computer upstairs here about this issue, and the vast majority of them – I'd say some 4,000 – are exactly the same because they came from a website that was generated to allow people to plug these in.

The Clann Project email campaign was the email campaign that Senator Ward was referring to. It was the only email campaign created on the issue of the Government's stated intent to 'seal' for 30 years the entire archive of the Mother and Baby Homes Commission of Investigation once received by the Minister for Children. It was the only email campaign which allowed members of the public to open up a message created by the Clann Project in their own email server and to send the message (either with changes or additions by the sender, or without) to every member of the Dáil and Seanad.

As explained in our original letter of complaint to you and evidenced by the attachments, Senator Ward had no basis in fact whatsoever for claiming that the Clann Project email campaign was 'misinformed', still less that such alleged 'misinformation' was 'deliberate' or 'dishonest'. The Clann Project email campaign criticised the Government for *its own repeatedly stated plan* to 'seal' the Commission of Investigation's archive and the Clann Project website page which invited members of the public to send an email to members of the Oireachtas hyperlinked to the Minister's own press statement that he intended to 'seal' the archive.

We invite the Senator to explain, if he was not referring to the Clann Project email campaign, what email campaign was he referring to? We further invite the Senator to repeat his words outside of the Seanad.

We look forward to your response.

Yours sincerely,



Maeve O'Rourke

DocuSigned by:
Katherine O'Donnell
7F2A68D968F144D...

Claire McGettrick, Dr Maeve O'Rourke and Associate Professor Katherine O'Donnell

On behalf of The Clann Project, www.clannproject.org