

9 August 2016

Maeve Doherty  
Mother & Baby Homes - Commission of Investigation  
73 Lower Baggot Street  
Dublin 2  
Ireland

Rod Baker  
Consultant

Our ref D3/RRB/7148374  
Matter ref 157324/000001

Dear Ms Doherty

Thank you for your letter dated 21 July 2016 addressed to my colleague Ed Richards.

I confirm that the press cuttings you enclosed are largely accurate in reflecting the service we are offering. However, as you may appreciate, our clients, JFMR and ARA, are not in control of media reporting. I have attached the initial Clann press release for your convenience. The full detail of our collaboration with our clients is set out on the Clann project website the address of which is <http://clannproject.org/>. I confirm that we would be happy for the Commission to refer relevant individuals to us and even add a link to the Clann website from the Commission's website if you think that would be helpful.

I note that you have returned a statement that we sent into the Commission on the basis that it did not relate to an institution within the Commission's terms of reference. As you are aware from the submissions made by our clients in May, it is our clients' firm view that for the Commission's investigation to be comprehensive and complete it needs to extend the scope of the investigation to all 170+ institutions involved in the treatment of unmarried mothers and their children. When that submission was made directly to the Commission, our clients were asked what evidence they had of people from other institutions wanting to give evidence. The answer to that question is that we have an increasing number of individuals seeking to use our services to prepare statements who did not attend or have evidence to give in relation to one of the small number of listed institutions and they are all keen for the Commission to hear their story.

We understand that the Irish Government has asked the Commission to identify any additional matters outside of its scope which may be critical to reaching conclusions on the matters central to its remit in its report to be given by September and our clients would urge the Commission to seek the extension of the scope of the inquiry to a far greater number of institutions. In order to give the Commission the necessary evidence to support this submission, we would be grateful for your confirmation as to whether we should continue to send in statements from individuals giving evidence in relation to institutions other than those listed or whether we should simply accumulate these and write to the Commission a bit closer to its next interim report to indicate the number of individuals wishing to give such evidence.

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You may also recall that our clients made submissions back in May in relation to the Commission's processes. We are still awaiting a response to my letter dated 1 July 2016 in connection with our clients request that the Commission hear their evidence in public but would also like to draw one further important issue to the Commission's attention. This issue is that a number of individuals responding to the Clann project, including a number of people who have appeared before the Confidential Committee, seem to have absolutely no idea about the difference between giving evidence to the Confidential Committee and giving evidence to the main Investigation Committee, or indeed the fact that there are two options open to them. Having reviewed the Commission's website, we note that the Commission's rules and procedures, which identify the two ways to give evidence, are not shown on the website and there is no mention of being able to give direct evidence in person to the Commission other than via the Confidential Committee. Both we and our clients consider that this is a significant deficiency in the Commission's advertising of the options open to individuals that should be remedied as soon as possible. If further resources are required for this, our clients would suggest that this is another matter to include in the Commission's interim report expected by the Government in September.

I look forward to hearing from you.

Yours sincerely



Rod Baker

Consultant

Press Release, 14<sup>th</sup> June 2016, 9pm – EMBARGOED until 7am, 15<sup>th</sup> June 2016

### **Launch of major project to assist with Mother and Baby Homes Commission of Investigation**

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Justice for Magdalenes Research (JFMR) and Adoption Rights Alliance (ARA) are delighted to announce the launch of a major project which will offer support to those who wish to make a statement to the *Commission of Investigation into Mother and Baby Homes and Certain Related Matters*.

The project will provide individuals with free witness statement drafting assistance and it has been endorsed by Philomena Lee and her daughter Jane Libberton. It will be known as **Clann: Ireland's Unmarried Mothers and their Children: Gathering the Data (Clann)** [<http://www.clannproject.org>] and it will be delivered in association with global law firm Hogan Lovells.

JFMR and ARA believe firstly that it is crucial that those who wish to give evidence to the Commission of Investigation have access to legal assistance at no cost, and secondly that the putting in place of such assistance will help ensure that the Commission of Investigation conducts the most comprehensive investigation possible and that it makes appropriate findings and recommendations.

Everyone who compiles a witness statement with Hogan Lovells' assistance will retain a copy and will be free to use it for any other purpose, including making a written submission to the Commission should they wish not to appear in person. The Clann project has also created a [Guide to the Commission of Investigation](#) as a resource.

Clann's assistance will be available to people living anywhere in the world. Assistance will be offered to anyone with experience of Ireland's treatment of unmarried mothers and their children, and now adult adopted people, even if they do not fall under the list of 18 institutions initially being investigated by the Commission. ARA and JFMR have supplied the Commission with details of 170+ institutions, organisations, agencies and individuals who were involved with unmarried mothers and their children in 20<sup>th</sup> century Ireland. The Commission has statutory powers to request a widening of its focus and we believe that if a thorough and transparent investigation is to be made, the Commission will include all relevant bodies.

In addition to individualised assistance, Clann will anonymise donated statements and will gather documentary and archival materials in order to make a public group report to the Commission of Investigation, the Irish Government, and international human rights bodies. The Clann submission will also consider the range of forms of redress that may be due to various individuals, including access to records, disclosure of the whereabouts of remains and financial compensation.

The witness statement gathering process forms part of a larger project to create a permanent archive of the experiences of Ireland's unmarried mothers and their children via the [Clann website](#). ARA and JFMR are concerned that the Commission of Investigation into Mother and Baby Homes and Certain Related matters has no current plans to hold any public hearings or to allow public access (or access to those affected) to the documentary/archival evidence that it is considering. Clann aims to provide public access to as much non-sensitive documentary evidence as possible, in order to create public awareness of the Commission's investigations, in the hope that members of the public will contribute documentary evidence to both the Commission and Clann, and so that individuals affected can comment on the evidence. The Clann website will act as a resource for individuals affected by the issues and will be available to the wider public for ongoing education and research.

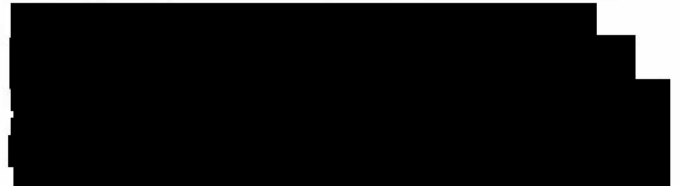


JFMR and ARA, along with Rod Baker, who is leading the project from Hogan Lovells' side, will hold a Clann information session at the Adoption Rights Alliance Adoption Information Day at the Racket Hall Hotel, Roscrea, Co. Tipperary on 25<sup>th</sup> June 2016, beginning at 12pm. Philomena Lee and Jane Libberton will also be in attendance. Further information sessions will be held in Ireland, the UK and the US in due course.

Ends.

#### **Contact**

Claire McGettrick, JFMR/ARA Co-founder:  
Maeve O'Rourke, JFMR Advisory Committee member:  
Susan Lohan, ARA Co-founder:  
Mari Steed, JFMR/ARA Co-founder:  
Rachael Droog, Hogan Lovells Press Office:



#### **Notes to editors**

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ARA and JFMR are grateful for the assistance of KOD Lyons solicitors and a number of barristers. KOD Lyons and Colin Smith BL provided representation to us at our recent hearing with the Commission of Investigation and they and Michael Lynn SC, Siobhan Phelan SC and Maeve O'Rourke, Barrister (England and Wales) have been an invaluable support over the past year in the development of the Clann project.

**Clann Website (links will go live on Wednesday):** <http://www.clannproject.org>

**Clann Email:** [info@clannproject.org](mailto:info@clannproject.org)

#### **Guide to the Commission of Investigation:**

[http://clannproject.org/wp-content/uploads/Guide-to-the-Commission-of-Investigation\\_V1\\_June-2016.pdf](http://clannproject.org/wp-content/uploads/Guide-to-the-Commission-of-Investigation_V1_June-2016.pdf)

#### **Information Form on the Witness Statement Gathering Process:**

<http://clannproject.org/wp-content/uploads/Clann-Information-Form.pdf>

#### **Adoption Rights Alliance**

Email: [info@adoptionrightsalliance.com](mailto:info@adoptionrightsalliance.com)

Website: [www.adoptionrightsalliance.com](http://www.adoptionrightsalliance.com)

#### **Justice for Magdalenes Research**

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Copies of Hogan Lovells' press release will be available at the press conference.