

Introduction

1. The Commission was established on 17 February 2015 under the *Commissions of Investigation Act 2004*. Its Terms of Reference are set out in Statutory Instrument 57/2015: <http://www.irishstatutebook.ie/eli/2015/si/57/made/en/print>.
2. The Government appointed Judge Yvonne Murphy as Chair of the Commission and Professor Mary E Daly and Dr William Duncan as members.
3. Under the 2004 Act, the Department of Children and Youth Affairs (DCYA)¹ was the department responsible for overseeing administrative matters relating to the establishment of the Commission, for receiving its reports and for receiving its records when it has completed its work. Under the *Commission of Investigation (Mother and Baby Homes and certain related Matters) Records, and another Matter, Act 2020*, the database of individuals compiled by the Commission will also be transferred to the Child and Family Agency (Tusla).
4. Prior to the establishment of the Commission, a premises had been prepared by staff of the Department of Children and Youth Affairs under the direction of Ms Vera McGrath.
5. The Commission was initially given 18 months to complete the Social History and Confidential Committee sections of the report and three years to complete the entire report. This proved impossible to achieve and the Commission sought and was granted a number of extensions. The Commission issued a number of interim reports outlining its progress.² Two of these Interim Reports outline some of the findings of the Commission and constitute part of this final report. These are the Second Interim Report³ dated 16 September 2016 which deals with, among other things, the Residential Institutions Redress Scheme and the Fifth Interim report⁴ dated 15 March 2019 which deals with burials.
6. The Commission was established because of concerns that had been raised about what happened in mother and baby homes. A particular catalyst was the discovery by Catherine Corless of the possible burial arrangements for children who died in

¹ The name of that department was changed in October 2020 to the Department of Children, Equality, Disability, Integration and Youth.

² <https://www.gov.ie/en/publication/873470-commission-of-investigation-into-mother-and-baby-homes-and-certain-r/>

³ <https://www.gov.ie/pdf/?file=https://assets.gov.ie/26424/d934467e5b0e46a5b4217e4a997afd48.pdf#page=1>

⁴ <https://www.gov.ie/pdf/?file=https://assets.gov.ie/26901/6de0eb1f8c4647bda67985e2a4428e37.pdf#page=1>

the Tuam Children's Home. The subsequent newspaper coverage of an incomplete HSE document which was thought to have described significant issues in Bessborough and Tuam added to the concerns. Ms Corless's concerns were well established and have already been confirmed by the Commission. The treatment of the incomplete HSE document has resulted in a perception that what was reported was fact and these 'facts' have come to be accepted and further promulgated by media, members of the Houses of the Oireachtas, former residents and campaigning groups.

The task of any Commission of Investigation is to investigate the matters set out in its Terms of Reference. It must carry out its work in accordance with the 2004 Act and its Terms of Reference. It must look at all the available evidence and reach conclusions based on that evidence. It must be objective, rigorous and thorough. The conclusions it reaches may not always accord with the prevailing narrative.

How the Commission undertook its work

7. The initial focus of the Commission's work was
 - to establish what records and information were available to enable it to fulfil the requirements of its Terms of Reference;
 - to investigate the Tuam site;
 - to establish the Confidential Committee and make arrangements for its hearings.
8. The Commission immediately began inquiries into the Tuam site. It held hearings with relevant experts, former residents and local people in June 2015. In October 2015, the physical investigation of the Tuam site began. The subsequent investigations and results are described in the Commission's Fifth Interim Report.
9. The establishment and work of the Confidential Committee is described in Part 4 of this report.

Finding the relevant records

10. The Commission had prior approval from the DCYA to recruit a number of staff. It immediately started a recruitment process to recruit researchers, archivists and lawyers. Advertisements for researchers and archivists were placed in third level institutions and advertisements for lawyers were placed in third level institutions and in the premises of the Incorporated Law Society and the Bar Council. Historians with PH.D level qualifications and qualified archivists were recruited in June - September 2015 and a number of more junior researchers were also recruited. A panel of lawyers was drawn up and the Commission used their services as required.
11. In February 2015, the Commission met the Child and Family Agency (Tusla) to make arrangements for the institutional records held by Tusla to be made available to the Commission. The institutional records of Pelletstown were available on an electronic records management system and arrangements were made for Commission staff to have access to this system in order to compile the Commission's database of individuals who had been resident in the various institutions.
12. Commission members and staff visited some of the Tusla offices where the institutional records were held in order to see the extent and nature of the records. Meetings were also held with relevant bodies including the Department of Health, the Department of Education and the General Register Office (GRO) in order to assess the availability of records. The National Archives of Ireland (NAI) agreed to allow a Commission archivist to work there for a period in order to establish what relevant records were available. The Commission's archivist worked there for a year listing the various relevant departmental records. The Commission's researchers then spent considerable time examining these records making notes and photocopying relevant material.
13. The Commission's researchers also visited archives all around the country to try to establish what records were available. A decision had to be made about which county homes to investigate. Having established what records were available, the Commission decided, in April 2016, to investigate the following county homes
 - St Kevin's Institution (Dublin Union)
 - Stranorlar County Home, Co Donegal (St Joseph's)

- Cork City County Home (St Finbarr's)
- Thomastown County Home, Co Kilkenny (St Columba's).

14. This decision was largely based on the fact that these county homes had extant registers which could be analysed; the fact that they were two large and two small county homes was also a factor as was the fact that they are all in different regions of the country. At this stage, the Commission was not aware that the Dublin Union and one of the scheduled institutions, Pelletstown, were really one institution.
15. The Commission decided that the only way in which it could properly analyse the institutional records of the large institutions was to scan them and have them available on an electronic records management system. While making arrangements to carry out this process, the Commission was able to make progress in relation to other institutions. Original records from one of the smaller institutions, The Castle, were provided by their then holders, St Mura's, and were photocopied by the Commission. The original records were returned (and are now held by Tusla). The details were transcribed into an Excel spreadsheet. This forms part of the Commission's archives and is being transferred to both Tusla and the department. The relevant records of Regina Coeli were photocopied by the Commission in its premises. They were analysed and transcribed into a database which is being transferred to both Tusla and the department. Photocopies of Miss Carr's Flatlets records were provided by the current staff in Miss Carr's. These were transcribed into an Excel spreadsheet and are also being transferred to Tusla as well as to the department.

The database of individuals

16. The Commission was given departmental approval to employ a number of researchers and lawyers but it had to make a business case in order to engage an IT consultant. It then had to make a business case to go to tender for the scanning of documents. An IT consultant was engaged in May 2015. He prepared necessary documents for tendering for a scanning system. The tender was issued in November 2015 and the contract was awarded in February 2016. Scanning commenced in April 2016. The first records scanned were those of Bessborough where 303,946 pages were scanned; the records of Tuam, Sean Ross, Castlepollard, Dunboyne, all of which are held in Tusla offices were then scanned. The records of Bethany and Denny which are held in the PACT offices were then scanned. A small number of documents located in other places were also

scanned. In total, over 850,000 pages were scanned between February 2016 and November 2017. This information, together with the information from Pelletstown, was fed into the Commission's database of individuals.

17. This database was designed to extract the information required to meet the Terms of Reference. All the relevant information which was available about the mothers and children was recorded. In some cases, information about the individuals was discovered in other official records and this was added to the database. For example, information about some children who left Bessborough was found in the Cork board of assistance boarded out files so this was added to the database.
18. The database of individuals contains the details of the former residents of Pelletstown/Dublin Union, Tuam, Bessborough, Sean Ross, Castlepollard, Bethany, Denny, Dunboyne, Cork county home, Stranorlar county home and Thomastown county home.
19. There is a separate database of residents of Regina Coeli. This is being transferred to Tusla as well as to the DCYA. The Commission does not have details of the residents of Kilrush, St Gerard's or Belmont Flatlets.

The county homes

20. The Commission did not scan the county home records because it would have required the scanning of vast numbers of records which were not relevant to the Commission. In general, the records of the county homes contain information about all the people who entered the homes. Information about unmarried mothers and their children is often not separately available. The Commission's researchers manually extracted the information about unmarried mothers and children and transcribed this into the database of individuals.

The nature of the records

21. The institutional records are described in detail in Part V and in the relevant chapters. They are mainly registers containing details of the former residents. Many of the institutional records which were received by the Commission were handwritten. They included formal bound register books completed in perfectly clear handwriting as well as scraps of paper with bits missing and scrawled writing. Some were very well preserved while others had deteriorated significantly and

some were illegible. The process of transcribing them into the database obviously took considerable time.

The researchers' database

22. The Commission's researchers visited almost every local authority archive and a number of diocesan archives throughout the country. They also visited archives in the UK and the USA. The researchers took detailed notes of relevant documents and, in some cases, took photocopies of relevant documents. These notes and documents were uploaded to what the Commission called its researchers' database. This forms part of the Commission's archives and is being transferred to the DCYA in electronic format.

Discovery of documents

23. Between 21 April 2015 and 31 July 2019, the Commission issued 21 requests for voluntary discovery under Section 10 (2) of the *Commissions of Investigation Act 2004*. These voluntary requests offer no guarantee that documents are produced or that they are of relevance.
24. These were issued to:
- Galway County Council x 3
 - Department of Education and Skills
 - St Mura's Adoption Society
 - GlaxoSmithKline
 - Here2help (PACT)
 - Regina Coeli Hostel
 - Congregation of the Sisters of Mercy
 - National Bureau of Criminal Investigation
 - Tuam Diocesan Archives
 - Cork and Ross Diocesan Archives
 - Meath Diocesan Archives x 2
 - Irish Episcopal Conference
 - Congregation of Our Lady of Charity of the Good Shepherd
 - Galway Diocesan Archives
 - Cork City Council
 - Carmelite Priory
 - Cork City and Council Archives

Irish Church Missions

Directions

25. The Commission wishes to make it clear that the requirement to issue formal orders for discovery was not a result of unwillingness to provide documentation. It was because of the holders' reasonable concern about the confidential and personal information they were being asked to transmit to the Commission.
26. Between 21 July 2015 and 21 January 2020 the Commission issued 39 directions under Section 16 (1) (e) (f) and (g) of the *Commissions of Investigation Act 2004*, to relevant parties, listed below. The bulk of the material received came from the Department of Health and the Department of Children and Youth Affairs.

The Sisters of Bon Secours

Carr's Child and Family Service

Tusla - the child and family agency x 9

The Daughters of Charity of St Vincent de Paul

Congregation of the Sacred Hearts of Jesus and Mary x 4

Health Service Executive x 6

Department of Health x 6

Department of Children and Youth Affairs

Glasnevin Trust

Cork City Council

Adoption Authority of Ireland x 2

Departments of Health and of Children and Youth Affairs jointly x 6

27. The documents received as a result of these orders are described in the relevant chapters and in Part 5 of this report.

Discovery of documents by the Department of Health/Department of Children and Youth Affairs

28. The Commission wrote to the Department of Children and Youth Affairs (DCYA) on 25 August 2015 requesting all documents touching on its Terms of Reference. The department replied on 1 September stating that, because of the historical connection between the Department of Health and DCYA, they would take a joint approach to providing documents. Documents would be provided formally by way of sworn affidavits of discovery. On 30 September 2015, DCYA forwarded a small

number of documents about St Gerard's, one of the homes within the Commission's remit and about St Patrick's Guild, an adoption society run by the Sisters of Charity. These amounted to 12 pages.

29. On 16 October 2015, the two departments jointly provided a preliminary spreadsheet of files which they considered might be relevant to the Commission. The spreadsheet identified 4,385 files considered by the departments to be relevant and 40,458 files of potential relevance. The numbers of pages in these files was not calculated. It was explained that the departments were arranging to have relevant files scanned. This involved a public procurement process.
30. The Commission became aware of the existence of files known as 'The Clandillon Papers'. These were the files created, mostly but not exclusively, by Ms Fedelma Clandillon who had worked for many years as an Inspector of Boarded out Children for the Department of Health and its predecessor. She held files on many children who had been boarded out from the institutions within the Commission's remit. The Commission issued a direction to produce these files on 10 February 2016 and they were delivered on 19 February 2016. The files consisted of 30,514 pages, many of which were handwritten, and some were in shorthand.
31. On 7 July 2016, the two departments advised that they would begin to make discovery on a phased basis beginning in September of that year.
32. Independently of this process, the Commission sought discovery of files which had been provided by the then Department of Health and Children to the Vaccine Trials Division of the Commission to Inquire into Child Abuse (CICA) in 2003. CICA did not complete its investigation into vaccine trials because of a court ruling and the files were returned in 2012. These files were delivered to this Commission by the Department of Health on 1 September 2016. The files consisted of 42,966 pages.
33. The Commission also sought a file described as '*Children's Home Tuam: Maintenance Charges*' which the Commission was aware was held by the Department of Health and this file was delivered on 9 January 2017. It consisted of 183 pages.
34. As no documents had been delivered in line with the departments' commitment of 7 July 2016, the Commission identified what it considered to be the 83 most

relevant files and on 14 February 2017 issued a direction that these documents be produced. Seventy-five of the 83 files were produced on 10 March 2017. They consisted of 12,000 pages. The remaining eight files could not be located.

35. On 8 February 2018, the departments jointly wrote to the Commission with an updated list of relevant files. After analysing this list, the Commission issued a direction to produce a further 280 files. On 8 March 2018 these files were delivered. They consisted of 54,000 pages.
36. On 20 March 2018 the Commission issued a direction to the Department of Health to produce the archive of the 'Interdepartmental Committee on the Magdalen Laundries' (The *McAleese Report*) and this was delivered on 29 March 2018. It consisted of 246 pages.
37. On 29 May 2018 the departments wrote jointly to the Commission advising that they had found 612 previously uncategorised documents, of which 113 had been determined as being relevant to the Commission. The Commission analysed the schedule of documents and identified the ones it considered relevant. Directions for discovery were issued in respect of the relevant files and they were delivered in two tranches in June 2018. They consisted of 36,000 pages.
38. On 9 November 2018, the Departments provided an updated schedule of documents, 882 of which were not included in the previous lists. On 22 November 2018, the Commission issued a direction seeking discovery of the relevant documents from this new list and they were delivered to the Commission on 18 December 2018. They consisted of approximately 250,000 pages. Some of these pages had been included in the files previously discovered to the Commission, however, the duplicate files could not be identified without looking through each file individually.
39. In total, the Commission received more than 425,000 documents from the Department of Health and the Department of Children and Youth Affairs, the bulk of which were received after the initial time limit for the Commission's report.
40. These documents were scanned by the Department of Health and delivered to the Commission in PDF format. The originals remain with the department. The older

documents, understandably, have a significant number of handwritten pages and handwritten comments on typed pages which make them quite difficult to decipher.

Other records

41. The Commission accessed records from a wide range of sources, for example, RTÉ. The Commission's researchers searched newspapers and magazines for relevant material. They also visited a number of burial grounds to access records and, in some cases, to inspect the graves.

One Family (Cherish)

42. One Family (which was formerly Cherish) very kindly allowed the Commission access to its records. These were very helpful in providing information about unmarried mothers, the services available and attitudes to them from the 1970s onwards. The Commission did not keep any personal information from these files but did make a listing of them and made notes of relevant material for this report. This is on the researchers' database.

Witnesses to the Commission

43. A total of 195 hearings were held by the Commission. They were as follows:

Former residents	64
Advocacy groups	30
Sisters/Members of Congregations	16
Experts (some experts gave evidence at more than one hearing)	14
Social Workers	22
Local Authority officials	13
Government Officials	7
Workers in the homes	6
Family members	5
Priests	3
Gardaí	3
Others	12

44. The others include people concerned about particular sites, people whose birth registrations were falsified and people who were aware of practices in particular institutions.

45. The Commission notes that there was no advocacy group representing people with disabilities so one of the most affected groups did not have their voices heard.
46. All hearings were held in private. Five individuals asked to have public hearings but the Commission did not consider that such hearings were necessary. One group requested a public hearing. When asked for reasons why, no reply was received. This group has put its submissions to the Commission into the public domain as have some of the individuals who sought public hearings.
47. The transcripts of these hearings form part of the Commission's archives and will be transmitted to the DYCA.

Hogan Lovell

48. The Commission received 61 statements from Hogan Lovell, a firm of solicitors that assisted former residents. Of these 55 were within the Commission's Terms of Reference. The Commission asked that these statements be made in the form of affidavits so that they could be used as evidence; 32 affidavits were provided.

The HSE 2012 documents

49. An incomplete HSE document from 2012 has been widely quoted and assumed by many to be accurate. The Commission had great difficulty in getting copies of this document even though it was frequently being quoted in the media and in other fora. The report allegedly dealt with practices in Bessborough and Tuam.
50. In December 2015, solicitors for the HSE told the Commission that the HSE was trying to find a copy of the Bessborough report. The Commission also sought a copy of the Tuam report which was allegedly an appendix to the report on Bessborough. In April 2016, the Commission was told that the HSE was still trying to find the copy of the report that had the Tuam appendix. In March 2017, the HSE were still looking for the Tuam report. The HSE solicitor told the Commission that the Tuam appendix probably did not exist. In June 2017 Commission heard evidence from some of the HSE staff involved in compiling the report.
51. In April 2018, the HSE delivered two folders of documents which included 41 drafts of the 2012 report. The alleged Tuam appendix never materialised.

52. It appears that, in October 2012 two documents described as a file note and a draft briefing paper were circulated among senior HSE staff. It seems that these were prepared for the purposes of the *McAleese Report*. These documents contained a number of allegations regarding Bessborough mother and baby home and the Tuam home.
53. Among the allegations was that there was a large archive of photographs and other documentation relating to children from the Tuam home sent for adoption to the USA. It was stated that there was already a database of up to 1,000 names but it was acknowledged that it was not yet clear whether all of these related to US adoptions. The file note stated that there was more than one letter to a parent or parents asking for money for an infant who had already been discharged or who had died.
54. The draft briefing paper claimed that most women who gave birth in Bessborough were discharged to a Magdalen institution. It claimed that there were two discharge dates sometimes separated by years. There was an allegation that the homes claimed monies from the Government for these mothers and/or children once they had left the home. It claimed that both Tuam and Bessborough charged a fee to both birth parents and to adoptive parents for the upkeep of their children.
55. The file note went on to speculate that children may have been kept in the homes for financial reasons. It also speculated that 'trafficking' of babies must have been facilitated by doctors, social workers and others, some of whom could still be working in the system.
56. The draft briefing paper noted in relation to Bessborough that 'there are no death records whatsoever after 1953, concurrent with the introduction of adoption legislation in Ireland'. The implication appears to be that death records were falsified in order that children could be sent abroad illegally.
57. These documents made their way into the hands of a number of people including TDs, journalists and members of survivor groups. The details of the documents were repeated many times including during a Seanad debate of 17 May 2017. It appeared to be accepted by commentators and politicians that the allegations and suppositions made in these documents were statements of fact.

58. A journalist investigating mother and baby homes discussed these claims in several articles in a national newspaper and made the further claim that Bessborough authorities had over-reported infant deaths to the Department of Local Government and Public Health, as the number of deaths reported in the Bessborough Death Register was less than that in the returns to the department. The Commission has established that this was incorrect - see the Fifth Interim Report.
59. The caveats expressed by the author of the Bessborough report were not reported. The author noted that
- it was based on a ' cursory' glance at a sample of Bessborough records;
 - the research was 'not grounded in forensic analysis';
 - the conclusions were 'purely conjecture'.
60. The Bessborough records had come into the possession of the HSE only about a year before the 2012 report was compiled. The report was compiled by a person who was seeing these records for the first time and had very little time to do any analysis so it is not surprising that unwarranted conclusions were reached. What is more surprising is that this incomplete document came into the public domain and that the allegations were accepted as fact by so many people.
61. The Commission examined the claims and hypotheses put forward in relation to Bessborough and these are addressed in the relevant chapter and in the Bessborough section of Part 5.
62. In relation to Tuam, the Commission took evidence from the official who had compiled the database referred to in the file note. This official has moved to a different area of work and so spoke from memory only.

Evidence from official concerned

63. In or around 2011 this official became aware of a number of boxes containing documents, some of which would be of assistance to social workers in dealing with tracing enquiries. The witness's evidence was that there were roughly 25 boxes only one of which (and this was not a large box) related to children sent for adoption to the US. In relation to the reported 'large archive of photographs, documentation and correspondence relating to children sent for adoption to the

USA', the witness could only recollect finding two photographs which appeared to be passport photographs for children being adopted to the US. In relation to admissions or discharges to psychiatric institutions, this official could only recollect one such case which was recalled as being a woman who became pregnant in Ballinasloe Mental Hospital and was sent to the Tuam home.

64. The official also recalled that there were a few letters from either a bishop or a priest who wrote to the Tuam home saying that he knew of American couples who were suitable to adopt and enquiring as to whether there were any children available for adoption.
65. The witness recalled a few letters from the Sisters to mothers asking for money but she also recalled that both the county council and the Sisters were looking to find out who the birth fathers were in order to seek payment from them.
66. The witness had not noted how long babies stayed in the Tuam home so therefore was unable to comment on 'the average duration of these babies' stay in the home is yet unknown'. Her priority was to find documentation which would assist in the tracing process.
67. With respect to the allegation that there was 'more than one letter asking for money for an infant who had been discharged or died' the witness stated that she had no recollection of finding more than one letter if even one letter. The witness stated that she did not come across any evidence of trafficking of babies and in relation to the phrase 'it must be that it was facilitated by adoptive social workers' stated that 'I don't know what that is alluding to'. The witness had no memory of seeing evidence relating to nuns claiming for a dead baby. The witness had found no evidence of trafficking of babies. The witness did have a memory of reading a letter from a couple who had gone back to America with their adopted child saying that they would send money on to 'the nuns'. The witness remarked 'I certainly didn't see any evidence of vast sums of money being passed over, you know parents being groomed to have children in order to ... for prospective adoptive parents'.
68. In terms of the overall numbers of files relating to US adoption the witness said that rather than the 1,000 files quoted in the file note, there were 20 files at the most. (These were provided to the Commission as part of the Tuam institutional records).

69. The witness believed that the contents of the file note and the draft briefing paper were a consequence of miscommunication and misunderstanding.

Structure of the report

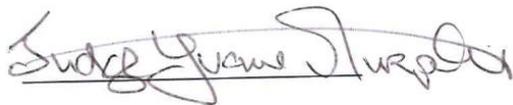
70. The report is divided into five sections as listed in the Contents. Each chapter is, to a large extent, standalone but there are many cross references. There is also some repetition between the Social History report and the reports on the individual institutions.
71. The Commission tried to be as objective, rigorous and thorough as it is possible to be. However, it recognises that the volume of material and the numbers of records analysed mean that it is highly likely that some mistakes were made.

Costs

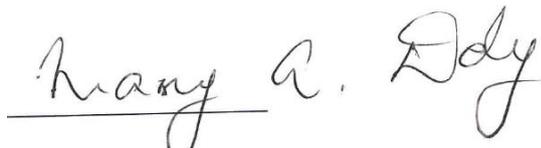
72. The original allocation for the Commission's work was €23 million. The expenditure to date (30 October 2020) by the Commission is approximately €11.5.

Security

The Commission was always acutely conscious of the fact that it had very sensitive personal information in its possession. It therefore, put in place a security system to ensure that this information would be protected. Everyone who worked for the Commission (including the Commissioners themselves) and self-employed contractors all signed confidentiality agreements.

A handwritten signature in black ink that reads "Judge Yvonne Murphy". The signature is written in a cursive style and is underlined.

Judge Yvonne Murphy
Chairperson of the Commission

A handwritten signature in black ink that reads "Mary A. Daly". The signature is written in a cursive style and is underlined.

Professor Mary E Daly
Member of the Commission

A handwritten signature in blue ink that reads "W Duncan". The signature is written in a cursive style.

Dr William Duncan
Member of the Commission

30th October 2020