

Submission to the Mother and Baby Home Commission | January 2020

Who We Are

One Family is Ireland's organisation for people parenting alone, sharing parenting and separating. We provide a range of specialist family support services to one-parent families and advocate for improvements in policies, legislation and services. One Family was established in 1972 as Cherish. At that time Cherish was Ireland's first organisation for single mothers, organised by single mothers, and run on a human-rights, rather than charity/ 'benevolence' based model.¹ The organisation's early work was concerned primarily with providing direct support, information and advocacy to thousands of women in crisis who were unmarried, pregnant and who felt they had no choice but to hide their pregnancy and possibly have their babies removed for adoption. Over time the organisation was able to provide visibility, social supports and legal protections to these families in partnership with others resulting in more unmarried mothers being able to decide to keep their pregnancy and parent their own child.

Whilst we are not providing direct testimony to the Commission in this submission, as organisations that have worked for many decades with unmarried mothers and their children we are aware of the direct experience of hundreds of thousands of women. We are bringing our collective knowledge and experience to bear in our observations and recommendations to the Commission. We believe this submission can inform the work and findings of the Commission as it is based on the longstanding credibility we hold as an organisation working directly with vulnerable parents and their children.

Terms of Reference

We note the Terms of Reference which were provided to the Mother and Baby Homes Commission. We note the mandate on consent where you are directed to consider the extent of mothers' "*participation in relevant decisions ... (and) ... whether these procedures were adequate for the purpose of ensuring such consent was full, free and informed.*"

In relation to this, we strongly caution against interpreting consent as being fully and freely informed on the basis of signed documentation given the direct experience of many of the women we supported. As has been well discussed elsewhere many women were not aware of what they were signing, were not aware they had a choice and did not consciously consent to the adoption of their child.

We note that Section 1 (I) "*to establish the circumstances and arrangements for the entry of single women into these institutions...*" permits a review of how women came to enter and stay in institutions often against their will and where they lost control of their children through adoption. This system of containing women in Mother & Baby Homes, in order to conceal the pregnancy and the resulting child, contributed to a society which protected itself against the perceived social deviations of unmarried mothers and any associated economic costs. We look forward to the findings of the Commission in relation to this issue and in particular to the social history module.

¹ "Single Issue", Richards, M., Poolbeg Press, Ireland, 1998 and https://www.amazon.co.uk/dp/B009OJ8YGA/ref=rdr_kindle_ext_tmb

Submission to the Mother and Baby Home Commission | January 2020

As an organisation that continues to work with women today who parent alone in difficult circumstances, frequently from unplanned or crisis pregnancies, we believe that there are direct links between the period of time that the Commission is examining and the challenges faced by many lone parents today. We note that many of the negative attitudes, policies and laws that mitigate against the success of one-parent families today are based in beliefs, customs and practices that were current in the mid part of the last century.

Single Mothers in 2020

Widely available research and Census data clearly show on an ongoing basis that living in a one-parent family in Ireland is extremely disadvantageous. Most poor children in Ireland live in one-parent families; those who parent alone are four times more likely to live in consistent poverty; single mothers are the most socially isolated people in Ireland and experience higher levels of depression and anxiety; lone parents have less access to savings than anyone else; most homeless families in Ireland are headed by a single mother. Having said that, when economic and poverty issues are accounted for; children in one-parent families do just as well as other children. Therefore issues related to structural poverty, economic exclusion and inequality are paramount, and can be addressed through policies which recognise one-parent families and political will.

It is our experience that some of our legal, social and policy institutions continue to work against women (and men) who parent alone, or who parent outside a 'traditional' married family. We still have significant historical structures that preference a two-parent married family over a one-parent or unmarried family. These structures range from the highest legal levels of our Constitution through to systematic unequal treatment between one and two-parent families in policies employed by various Government departments.

Lone parents in receipt of social welfare supports experienced significant cuts in Budget 2012 which catapulted thousands of their children into higher levels of poverty – to this day the effects of these cuts are still felt.

The ESRI has noted the gendered impact of Budgets in the austerity period and most cuts were experienced disproportionately by women and children.²

Many people parenting alone report to us the ongoing negative stereotyping by society and media in relation to their families. Sometimes this can be subtle, and sometimes quite overt. A survey of 166 parents undertaken in 2014 by One Family found that the majority (78%) of those surveyed think that members of one-parent families have experienced shame or embarrassment because of their family type.

² THE GENDER IMPACT OF IRISH BUDGETARY POLICY , Doorley, K., et al. ESRI (2018)
<https://www.esri.ie/pubs/bkmnext367.pdf>

Submission to the Mother and Baby Home Commission | January 2020

Transitional Justice | Recommendations & Reparation Efforts

We welcome the engagement of the UN Special Rapporteur on the “promotion of truth, reparation and guarantees of non-recurrence”, and the adoption by the Minister for Children & Youth Affairs of a more robust Transitional Justice framing, which “*aims to achieve not only individual justice, but a wider societal transition from more repressive times ... that ... will find out and record the truth, ensure accountability, make reparation, undertake institutional reform, and achieve reconciliation.*”³

We note in Section 6 of the Terms of Reference that “*the Commission may include in its reports any recommendation that it considers appropriate...*”

We request that the Commission strongly considers the following recommendations in your forthcoming reports to Government as a means to provide some recognition, recompense and rebalance for the harm inflicted on unmarried mothers and their children in the past – consequences of which many families still experience today. Our recommendations are:

- 1. Support the women who directly suffered in Mother & Baby Homes:** Implement the eight recommendations of the Clann Project, in particular recommendations for access to data; inclusion of all stakeholders; redress and reparation through material benefit and symbolic representation; and legal remit through legal aid, extension of statute of limitations and criminal investigation.
- 2. Support the parents and children living in poverty in one-parent families today:** In order to break the historic and continuing mistreatment of unmarried parents and remove the ongoing stigma endured by ‘single mothers’. In particular, we recommend the full implementation of the recommendations of the Advisory Council of *Better Outcomes, Brighter Futures* in relation to child-poverty in one-parent families. We strongly recommend that Government implement all recommendations from its various research reports in order to address the poverty and educational/employment exclusion endured by lone parents. We welcomed the 2017 pilot gender-proofing of Budgets and we recommend a mainstreamed equality proofing approach to budget development.
- 3. Provide high level symbolic gestures to recognise diverse families:** In the first instance, we call on Government to establish a National Family Day where the State publically celebrates diverse families in Ireland and explicitly builds on the positive contribution to society of all parents. More substantively, we call for a referendum on Article 41.3 of the Constitution to expand the definition of the family in order to provide rights and protection for all families including unmarried families and in particular unmarried mothers and their children. This will provide a significant symbol of inclusiveness and reparation on behalf of the state and the Irish people.

³ Investigation confirming Human Remains on the Site of the former Tuam Mother and Baby home
https://www.dcy.gov.ie/docs/09.03.2017_Recovering_Truth_and_Justice_Remarks_by_Minister_/4155.htm

Submission to the Mother and Baby Home Commission | January 2020

We know from our work that part of the painful legacy of the Mother and Baby Home system is this continued erasure of unmarried mothers and their children. They are simply not recognised as a family in our Constitution and remain formally invisible. While the Children & Family Relationships Act 2017 made significant strides in working to provide protection and respect to a diverse range of families with children, we need a Constitution which recognises all families and acknowledges the changing demographics and family formations arising throughout Europe.

Article 8 of the ECHR indicates how a new definition of family in Ireland could be interpreted and provides a robust solution to a Constitutional amendment. One Family is happy to provide possible wording to address this referendum issue.

Ends