



Shadow Report to the UN Committee on the Elimination of Racial Discrimination:

A Response to Ireland's combined 5th-9th Periodic Report

- The Association of Mixed Race Irish (AMRI)

"Our civilization is a vast fabric, in which the most diverse elements are mingled"

- James Joyce (Trieste, 1907)¹

Table of Contents

Executive Summary	2
1. Introduction	4
2. 'Race' and the Mother and Baby Homes Commission of Investigation.....	5
3. Testimony from Survivors.....	8
4. Ireland's Obligations under ICERD	11
5. Recommendations to UN CERD.....	15

¹ James Joyce, 'Ireland, Island of Saints and Sages' (Trieste lecture, 1907), quoted in Maria Tymoczko, *The Irish Ulysses* (Berkeley: University of California Press, 1994), p. 47. Tymoczko also highlights that in *Finnegans Wake*, Joyce refers to the "mixed racings" of the Irish.

Executive Summary

The *Association of Mixed Race Irish* (AMRI) is a campaign and support group that highlights an overt policy of racial discrimination in the historic care system in Ireland for mothers and babies/children. This 'shadow report' responds to Ireland's combined 5th-9th periodic reports, submitted in October 2018 under Article 9 of the International Convention on the Elimination of Racial Discrimination (ICERD). This is the first time AMRI is participating in a reporting cycle by Ireland under ICERD.

We attest to how we as children were taken into care because we were mixed race, that there was a different unspoken policy for us, and that we suffered a distinct layer of abuse because of our racial identity. We believe that racism was endemic and systemic in the care system and in Irish society.

In 2014, we testified before the Oireachtas [Parliament] Joint Committee on Justice, Defence and Equality. The Joint Committee listened to the testimony but offered no report or recommendations for further action. In 2015, the Government appointed a Mother and Baby Homes Commission of Investigation in response to widespread public concern following research from a local historian in Tuam, Co. Galway, that found 796 child deaths had occurred at the *Bon Secours Mother and Baby Home* in Tuam (open 1925-61), as well as high death rates of its residents. This became an internationally-reported story. Following intensive lobbying on our part, 'race' was included in its final Terms of Reference. 'Race' has not formed part of any previous investigation into child abuse in Irish institutions, such as the 'Ryan Report'. The Commission is due to report in February 2020. While it has a mandate to investigate and report on race, it is not clear how substantively or effectively it will do so, with questions over the issue of redress.

AMRI engaged with the consultation process to Ireland's draft ICERD State Report, submitting a formal letter in response to Government in January 2018, underlining the absence of our issue from the draft Report. It read *inter alia*: "We understand that the Government cannot comment on the work of an on-going independent Commission, but we believe CERD should be informed of the fact that 'race' now forms part of current independent investigations, having previously been excluded from all past reports into historic abuses in Irish institutions such as the 'Ryan Report'." The final version of Ireland's combined 5th-9th Periodic Report to UN CERD does not accede to this request and again, our issue remains absent.

Our shadow report details racial profiling and racial segregation in mother and baby homes and other institutions, in violation of Article 3 ICERD. We provide clear testimony of racism in the adoption process. We note that our experiences in the past and present correspond to racial discrimination in the full range of civil, political, economic, social and cultural rights in violation of Article 5. These past violations of our rights are having a clear continuing effect, engaging Article 6 and the need for remedies. Overall, we would ask that UN Committee on the Elimination of Racial Discrimination (CERD) support us in obliging the Government of Ireland to:

1. Acknowledge that 'race' is part of the Terms of Reference of the Commission of Inquiry into Mother and Baby Homes, and that past inquiries failed to address the issue of race, as part of its Article 9 reporting obligations;
2. Accept the historic abuse of Irish mixed race children in State Institutions, in terms of violations of a range of rights while in care and clear evidence of racism in the adoption process, and that this abuse has had lasting intergenerational consequences for the Irish mixed race community;
3. Commit to effectively investigate serious allegations of institutional racism in the historic care system, including racial profiling, racial segregation and questions around vaccine trials;
4. Commit to opening up all records to past survivors;
5. Involve AMRI and the mixed-race community, as well as wider survivor groups, in devising effective means of redress with a mandate inclusive of race;
6. Include a category 'Mixed Race Irish' in the census to reflect our identity;
7. Improve legal protections in line with recommendations from other groups and organisations, notably to hate speech laws, to race as an aggravating factor, and to additional crimes around racist attacks, as well as more robust anti-racism initiatives in public bodies and at county level;
8. Ensure special measures in education for mixed race Irish children, including protection from racist bullying and other practices in schools and, more positively, exploring the continual presence of persons of mixed race in Ireland in textbooks and other materials that acknowledge that diversity has always been a part of Ireland's past, present and future.

We would like to sincerely thank the Committee for considering the views of AMRI.

Yours faithfully,

Rosemary C Adaser

Founder and CEO, *The Association of Mixed Race Irish* (AMRI).

1. Introduction

The *Association of Mixed Race Irish* (AMRI) is a campaign and support group that highlights an overt policy of racial discrimination in the historic care system in Ireland for mothers and babies/children. This 'shadow report' responds to Ireland's combined 5th-9th periodic reports, submitted in October 2018 under Article 9 of the International Convention on the Elimination of Racial Discrimination (ICERD). This is the first time AMRI is participating in a reporting cycle by Ireland under ICERD. In particular, we attest to how we as children were taken into care because we were mixed race, that there was a different unspoken policy for us, and that we suffered a distinct layer of abuse because of our racial identity. We believe that racism was endemic and systemic in the care system and in Irish society.²

The Mixed Race Irish, in particular those brought up in institutions, are a dispersed group which hitherto have never had a single voice; a recent short video made by *The Guardian* newspaper has served to highlight our story.³ Typically, they are persons of African fathers and Irish mothers who were born after the 1940s, following the arrival of students and professionals such as doctors and engineers from several African states to work and study in Irish institutions such as medical schools. Ireland at this time was a deeply conservative Catholic state and also a relatively poor country, which saw many of its citizens emigrate or move to Dublin and other cities in search of work. It was also an era when young people were exposed to new cultural influences from overseas.

During this period young white Irish girls met with African men in Ireland and had children outside wedlock. Others may have emigrated to the UK and returned with mixed race children born there. A few women refused to sign away their children for adoption and managed to bring up their child, but with difficulties. Fathers also faced the risk of being expelled from employment or education institutions if discovered to have fathered an illegitimate child. The double stigma of having a mixed race child out of wedlock meant many of these mothers felt compelled to hand their children to the care of the Irish State for adoption or fostering (at the time run by religious orders).

The subject of this report is to look at the mixed race Irish children left behind in the care of the Irish State, and the racism they suffered in childhood within its institutions. According to Prof. Bryan Fanning, "[t]he children born of relationships between African men and Irish women experienced not just the stigma experienced by other unmarried

² See further Kitty Holland, 'Mixed Race Irish: 'We were the dust to be swept away'', *Irish Times*, 18 July 2015, available at: <http://www.irishtimes.com/news/social-affairs/mixed-race-irish-we-were-the-dust-to-be-swept-away-1.2287196>

³ *The Guardian* video, 'Ireland's Forgotten Mixed-Race Child Abuse Victims', 24 February 2017, available at: <https://www.theguardian.com/world/video/2017/feb/24/irelands-forgotten-mixed-race-child-abuse-victims-video> **We would encourage any reader of this report to watch this video to give a sense of our community and the issues involved.**

mothers but also extreme racism.”⁴ Until recently, this story has never formed part of any official investigation or inquiry in Ireland. Likewise the issue has never been submitted to an international body, and this report frames for the first time the experience of the Mixed Race Irish as a severe violation of international human rights law, notably ICERD. The Report asks a number of questions of the Government of Ireland that have never been answered, including:

- Why were so many children of African fathers incarcerated and left in Irish institutions without access to family?
- Why were so many mixed race children sent to industrial schools, or warehoused for years endlessly in St Patricks Mother and Baby Home in Dublin?
- Why were they hidden in separate spaces from potential adoptive parents and so few such children ultimately put forward for adoption by adoption agencies
- Why were so many mixed-race children indentured to unvetted elderly couples?

More generally it is reasonable to enquire as to what was it about these institutions that left so many mixed race persons and other detainees traumatised and with such poor health and welfare outcomes, with significant inter-generational impacts. It is also noteworthy that we mixed race Irish continue to be refused our own records. As mixed-race survivors of Irish institutions we are therefore denied our birth records, to our African names and therefore to our identify as both Irish and African. Mixed-race children have suffered disproportionately in this regard as the State refused, and continues to refuse, to release records or to recognise the right to an identity other than that assigned by the State and religious orders, who worked as their agents in this matter.

2. ‘Race’ and the Mother and Baby Homes Commission of Investigation

Importantly, ‘race’ was excluded as a specific theme from the Terms of Reference of all past reports into historic abuses in Irish institutions, such as the Commission to Inquire into Child Abuse and resulting ‘Ryan Report’ (2009).⁵ While not expressly dealing with race, references to mixed-race children did emerge in the ‘Ryan Report’ ((Vol. IV para 4.94 paper by Dr Eoin O’Sullivan), such as an excerpt taken from a 1966 report to the Minister for Education:

A certain amount of coloured children were seen in several schools, their future presents a problem difficult of any satisfactory solution. Their prospects of marriage in the country are practically nil and their future happiness and welfare can only be assured in a country with a fair multi racial population, since they are

⁴ Prof. Bryan Fanning, ‘Time to Acknowledge and Address Decades of Racism’, *Irish Examiner*, 13 March 2018, available at: <https://www.irishexaminer.com/breakingnews/views/analysis/time-to-acknowledge-and-address-decades-of-racism-832192.html>

⁵ Report of the Commission to Inquire into Child Abuse (The ‘Ryan Report’), 20 May 2009, available at: <http://www.childabusecommission.ie/>

not received by either black or white ... they are also at a disadvantage in relation to adoption ... these unfortunate children who are frequently hot-tempered and difficult to control [...]

To our minds, this language epitomises the attitude and racial stereotypes prevailing in Ireland and the resulting displacement of our community. In 2014, we testified before the Oireachtas [Parliament] Joint Committee on Justice, Defence and Equality.⁶ The Joint Committee listened to the testimony but offered no report or recommendations for further action, a source of great disappointment to the community. Subsequently in 2014-15, there was widespread public concern around the historic care system in general following research from a local historian in Tuam, Co. Galway, that found 796 child deaths had occurred at the Bon Secours Mother and Baby Home in Tuam (open 1925-61), as well as high death rates of its residents. This became an internationally-reported story.⁷

As a result the Government decided to appoint a Mother and Baby Homes Commission of Investigation (2015).⁸ We lobbied strongly to be included as a distinct group with a separate module to investigate our claims of racism, but this was denied us. Hence we were denied a separate module to investigate 'race'. In the absence of a separate module to investigate our claims we asked the Commission of Investigation to ensure that suitably qualified professionals such as psychologists were employed by the Commission to assist in their investigations; this too was denied. However, 'race' was included in its final Terms of Reference. Hence the Commission is tasked with investigating specific matters in relation to Mother and Baby Homes in its Article 1, including:

To identify, in the context of the specific examinations...the extent to which any group of residents may have systematically been treated differently on any grounds [religion, **race**, traveller identity or disability].⁹

AMRI has now appeared before the Commission individually and as a community, which aims to conclude its work and deliver its final reports in February 2020.¹⁰ AMRI welcomes the fact that the Commission's Terms of Reference on race mark an

⁶ Mixed Race Irish, 'Presentation to the Oireachtas Joint Committee on Justice, Defence and Equality, 22 October 2014, available at:

<https://www.oireachtas.ie/parliament/media/committees/justice/archivejustice/Mixed-Race-Irish-Opening-Statement.pdf>

⁷ See for example Terrence McCoy, 'Historian believes bodies of 800 babies, long-dead, are in a tank at Irish home for unwed mothers', *The Washington Post*, 3 June 2014, available at:

<https://www.washingtonpost.com/news/morning-mix/wp/2014/06/03/bodies-of-800-babies-long-dead-found-in-septic-tank-at-former-irish-home-for-unwed-mothers/> The facts of the 'Tuam Babies' are still being established, in particular the circumstances, causes and burial sites, although the number of bodies are not contested with records provided by death certificates.

⁸ See further: <http://www.mbhcoi.ie/MBH.nsf/page/index-en> [heretofore 'the Commission']

⁹ Commission of Investigation (Mother and Baby Homes and certain related matters), S.I. No. 57 of 2015, Article 1 (VIII) [emphasis added].

¹⁰ See further: <http://www.mbhcoi.ie/MBH.nsf/page/index-en> The Commission of Inquiry has published five Interim Reports to date, but these do not address the issue of 'race'.

encouraging sign that in today's Ireland issues of race and minorities are now being seriously considered at the highest level.

However, because the Commission denied us a separate module we fear that the Commission will simply record our stories and catalogue instances of racist abuse without adequately acknowledging the way that uniquely systemic racism affected us. Hence while the Commission has a mandate to investigate and report on race, this is restricted purely to mother and baby homes and it is not clear how substantively or effectively it will do so.

Further questions arise over the issue of redress, engaging a wider need for truth and justice. It is accepted that the Minister for Children Katherine Zappone has expressed "an open mind" on a potential redress scheme for former residents of mother and baby homes.¹¹ Yet there were many problems with the previous Residential Institutions Redress Board set up in the wake of the 'Ryan Report'.¹²

AMRI understands that redress for abuse of this scale could also involve, in addition to compensation, some form of national dialogue and reconciliation akin to truth and reconciliation processes in other jurisdictions, such as Canada,¹³ as well as national

¹¹ Sarah Bardon, 'Zappone has 'open mind' on redress for residents of mother and baby homes', *Irish Times*, 5 December 2017, available at: <https://www.irishtimes.com/news/politics/zappone-has-open-mind-on-redress-for-residents-of-mother-and-baby-homes-1.3317011>

¹² It has paid out some €1.5 billion, and closed to new applications in 2011. See further: <http://www.rirb.ie/> The amount the religious orders paid under this scheme was severely limited by an indemnity agreement signed between the State and 18 religious congregations in 2002, without proper consultation with survivors' organisations. This means religious orders have paid just 13% with the rest paid by the State. Note that even this vastly reduced amount has not been forthcoming from the orders, with the Minister for Education recently expressing 'exceptional disappointment' that: "the organisations responsible for protecting children and managing the institutions in which these horrendous acts took place...apparently place so little value on that responsibility". See further: Chai Brady, 'Failure of Catholic institutions to contribute to redress scheme "exceptionally disappointing"', *Irish Independent*, 10 March 2017, available at: <https://www.independent.ie/irish-news/article35519189.ece> and *The Journal.ie*, 'Religious groups still owe €1.3 billion for institutional child abuse', 9 March 2017, available at: <http://www.thejournal.ie/religious-abuse-compensation-3278789-Mar2017/> The Irish Catholic Church is the owner of a multibillion euro land and property portfolio. See further: Colm Keena, 'Ageing orders have land and property worth billions of euro', *Irish Times*, 6 June 2012, available at: <https://www.irishtimes.com/news/ageing-orders-have-land-and-property-worth-billions-of-euro-1.1064135>

¹³ In Canada the Truth and Reconciliation Commission (TRC) into the history and legacy of Canada's Indian Residential School System included an entire volume dedicated to telling the Métis experience - mixed-race descendants of early unions between First Nations people and colonial-era European settlers - within Canadian residential schools. The President of the Métis Nation of Ontario (MNO) commented on their omission from previous official investigations: "The lack of relationship and recognition of the Métis by Canada that has existed historically is something that still permeates today, as you see reflected in an ongoing lack of federal policy regarding the Métis which has a huge negative impact on our citizens and communities". See further MNO, 'Truth and Reconciliation Commission Report and the Métis Experience', available at: <http://www.metisnation.org/news-media/news/truth-and-reconciliation-commission-report-and-the-metis-experience/>

memorials or a museum, in which the particular story and experiences of mixed-race children is also told.¹⁴ However any such proposals would need to involve survivors.

3. Testimony from Survivors

The context is the attestation by survivors of daily physical abuse suffered in the past in institutions because of race or skin colour, including name-calling, singling out for deprivation in relation to food and hygiene, severe daily beatings, degrading and demeaning duties designed to enforce feeling of worthlessness - such as being required to perform demeaning work such as unblocking toilets - premised on racial inferiority, targeting for sexual abuse on the basis of race, and a range of debasing and debilitating practices premised on effacing identity. Up to 45% of mixed race Irish will attest to the fact that they were targeted for sexual abuse because of the colour of their skin.

Personal testimonies point to a wide range of racist stereotypes perpetrated on mixed-race Irish children while in care. The staggering range of derogatory name-calling by persons supposed to be caring for us amounts to serious emotional abuse and degrading treatment, in addition to severe physical neglect and life-changing physical abuse that is understood to have been characteristic of these institutions.

We have catalogued many examples of this from survivors and witnesses, to the conclusion that institutional racism was systemic and endemic in the care system in Ireland, a massive and overwhelming failure on the part of the State acting as corporate parent to our community. The impact of this racism is seen in high rates of suicide among our community, or early death due to depression, substance misuse or severe and enduring mental health issues, with loss of opportunity and widespread poverty within our community.

Particularly saddening is our belief that there was a policy not to offer mixed-race babies for adoption, based on a presumption that nobody would want to adopt a mixed-race baby. Some mixed race Irish were adopted at the specific request of adopters. One example is Conor Cruise O'Brien and his wife, who would adopt two mixed race Irish children. The following revealing passage appears in his biography: "[...] if they wanted a child of mixed race, so much the better. In Ireland, these children were especially difficult adoption placements".¹⁵ To which we ask the State – why? Why were we, as babies and children, considered especially difficult to place? No answer has been given.

Related practices include systemic 'indenturing' of mixed-race children instead to often unvetted elderly couples as a way of augmenting the elderly couple's income in place of exploring adoption pathways, decisions made by State officials in pursuit of a policy, whether formal or informal, on the basis of race. Additionally, in relation to the potential for international adoptions, it was "guaranteed" by the Department of External

¹⁴ See Conrad Bryan, 'I'm a former child resident of a mother and baby home. We want truth and justice', *The Journal.ie*, 27 May 2017, available at: <http://www.thejournal.ie/readme/im-a-former-child-resident-of-a-mother-and-baby-home-we-want-truth-and-justice-3396783-May2017/>

Affairs (now Department of Foreign Affairs and Trade) that “coloured” children born in Ireland would not be offered to prospective foster families in the United States.¹⁶

We have evidence to suggest that mixed-race Irish children were subjected to medical experiments through vaccine trials.¹⁷ That these trials occurred on residents of children’s homes in the 1960s-70s is a matter of public record,¹⁸ with more recent research pointing to the practice dating from the 1930s.¹⁹ In fact some of the results of these trials were published in academic journals.²⁰ The trials involved hundreds of children and included babies, infants and toddlers, investigating inter alia what would happen if four vaccines - diphtheria, pertussis (or whooping cough), tetanus and polio - were combined in one overall four-in-one shot; the administration of an intra-nasal rubella vaccine; and whether German measles vaccine, administered intranasally, could spread to susceptible contacts.²¹ Many of the members of AMRI can report to multiple vaccinations for the same conditions – a complete over- vaccination policy. AMRI can attest to the fact the illegal ‘five in one’ vaccine was administered to at least three of our community; this illegal vaccination was administered to just 30 children in Ireland. As our medical records are sealed or redacted, it is unclear how many mixed-race Irish infants were included in this illegal vaccination trial.

To date just one report has been issued on this practice, under the Commission to Inquire into Child Abuse in 2000, but its Vaccine Trials Division was eventually closed down following legal challenges.²² The report notes that the question of consent is

¹⁵ Donald Harman Akenson, *Conor, Volume 1: A Biography of Conor Cruise O’Brien*, (McGill: Queen’s University Press, 1994), p. 323.

¹⁶ No. 33 NAI DFA/5/345/96/1, Extracts from a letter from Seán Ronan to Garth Healy (New York) (345/96) (Confidential) (Copy), Dublin, 14 August 1951, *reprinted in* Michael Kennedy *et al* (eds.), *Documents on Irish Foreign Policy: Volume X (1951-57)*, (Dublin: Royal Irish Academy, 2016). It reads: “Moreover, there is no ‘colour’ problem here so that intending foster parents in the US know that Irish children are ‘guaranteed’ in that respect.”

¹⁷ See generally Patricia McDonagh, *The Irish Independent*, ‘The forgotten children of Ireland’s hidden scandal’, 20 August 2010, available at: <http://www.independent.ie/irish-news/the-forgotten-children-of-irelands-hidden-scandal-26673545.html>

¹⁸ Department of Health, ‘Report on Three Clinical Trials Involving Babies and Children in Institutional Settings, 1960/61, 1970 and 1973’ (2000), available at: <http://www.lenus.ie/hse/bitstream/10147/249856/3/RepOn3ClinicalTrialsInvolvingBabiesAndChildrenInInstitutionalSettings1960611970and1973.pdf>

¹⁹ ‘Jabs for the boys’, *Broadsheet.ie*, 1 December 2014, available at: <http://www.broadsheet.ie/2014/12/01/jabs-for-the-boys/#more-380722>. This piece sets out the timeline including legal challenges.

²⁰ Cited in Patricia McDonagh, s. One of these, the *British Medical Journal* (1962), noted how: “We are indebted to the medical officers in charge of the children’s homes...for permission to carry out this investigation on infants under their care.”

²¹ *Ibid.*

²² Department of Health, *Infra*. The 2000 report was supposed to be “the beginning and not the end” of the matter according to then Minister for Health Michael Martin. A ‘vaccine module’ was convened that obtained documents from the drugs company involved but the investigation was curtailed with a Supreme Court ruling that an academic involved in overseeing the trials did not have to give evidence. A further High Court challenge invalidated the Government’s order directing the probe. The concern in these rulings was the juxtaposition of a vaccine trials inquiry with a child abuse commission, with the High Court finding that other machinery could exist for an appropriate inquiry. In response the Government closed down the Vaccine Trials Division, ruling out further inquiries into existing or new

unclear, with no practice of follow-up on vaccinated children. Since then, several more trials have been uncovered by historians and others.²³ As a result of pressure from these revelations, vaccine trials form part of the remit of the current Commission meaning it represents the first opportunity to publicly investigate the issue since it was shut down in 2000. AMRI believes that mixed-race children in Mother and Baby Homes were targeted for vaccine trials. Importantly, the Commission has the power to compel drug companies that conducted vaccine trials on children resident in the homes to come before it,²⁴ but whether it uses this power to effectively investigate the issue remains to be seen.

The issue of sexual abuse also forms part of testimony among our members. Up to 45% of our members attest to sexual abuse while in the care system, including by members of religious orders. We believe we were targeted for such abuse. The 'Ryan Report' considered physical, emotional and sexual abuse to be 'endemic' in Irish Catholic church-run industrial schools and orphanages.²⁵

Post-mortem practices form part of the remit of the current Commission of Inquiry, including the transfer of remains to educational institutions for anatomical examinations. We believe that bodies of mixed-race babies who died in care may have been transferred to educational institutions such as the Royal College of Surgeons and the Royal College of Physicians post-mortem, without proper procedure. There has been no public investigation to date of these practices.

Overall, we consider ourselves to be a community 'displaced', a word used to describe us by an officer of the Department of Education that captures the alienation we believe has been imposed on us by the State. We have heard all the racist terms; we have been collectively called mongrels, mutts, half-breed, half-caste, coconut, darkie, savage, coloured, to name but a few of the dehumanising terms applied to us. Any misdemeanour on our part at school, in the workplace and socially was sure to be rectified by calling us a variety of names designed to keep us in our place. All of us have suffered severe neglect in Mother and Baby Homes, physical and sexual abuse, illegal vaccinations and resulting illnesses, as well as segregation and enforced concealment on the basis of our race, hidden away from prospective adopters and wider Irish society.

allegations. A key element of the dismantlement process was the return of records supplied to their original sources, in particular the drugs companies involved.

²³ Conall O'Fatharta, *Irish Examiner*, 'Special investigation - Vaccine trials on children worse than first thought', 1 December 2014, available at: <http://www.irishexaminer.com/ireland/special-investigation--vaccine-trials-on-children-worse-than-first-thought-300247.html>

²⁴ Pamela Duncan and Aine McMahon, *The Irish Times*, 'Mother and baby homes commission can compel drug companies', 9 January 2015, available at: <http://www.irishtimes.com/news/social-affairs/mother-and-baby-homes-commission-can-compel-drug-companies-1.2060243> The trials were overseen and conducted by two professors from University College Dublin on behalf of the drugs company the Wellcome Foundation, now GlaxoSmithKline.

²⁵ 'Ryan Report', *Infra*, Executive Summary, available at: <http://www.childabusecommission.ie/rpt/ExecSummary.php>

Today, we continue to live in a prison created by others - maintained by our lived experiences. We feel sorrow for our mothers who loved our fathers, and did not wish to cause them further anguish even when some of our mothers denied our humanity. We understood that theirs was a hard lot indeed loving us in the teeth of social ostracism. Some of our mothers and yes, it was usually our mothers, vowed to teach us pride in our dual heritage even when they themselves believed in the futility of this belief. Some of our mothers denied us in every respect and placed us in industrial schools to be 'cared' for by a collective barbaric racism; the strong survived, however too many of us cracked never to recover, and in a desperate act of rebellion declared our broken spirits to the world by suicide or a softer option: enduring a slow death within the 'safety' of the outpatient department of the local psychiatric hospital; there the 'dysfunction' of our colour is 'understood', labelled and treated; there we could recover our sense of place at the bottom of the pile of Irish society.

We are still not recognised as a minority ethnic community in Irish society, so we remain a hidden aberration to the norm. There is no legislation in place to provide a remedy for the psychological hurts experienced by us, and our beloved children. Some of our community are in their 80s and yet, we simply do not exist as a recognised community in Ireland. In addition we have no historical record of human rights violations, not in Irish NGOs, or Irish Government circles, or schools, or academic literature. We hope this report contributes to changing that.

4. Ireland's Obligations under ICERD

This is the first time AMRI is participating in a reporting cycle by Ireland under ICERD. The treaty informed the group's submission to the Commission of Investigation, in which key provisions and related practice and recommendations of UN CERD supported AMRI's emphasis on Ireland's international obligations to effectively investigate the historic issue of race in mother and baby homes. The draft of Ireland's State report, what would become the combined 5th-9th Periodic Report, was released on 6 December 2017,²⁶ for consultation with NGOs and civil society; it made no reference to the fact that race formed part of the remit of the Commission for the first time, or any reference at all to our issues despite their having been presented by Rosemary Adaser before the Oireachtas Joint Committee in 2014.

²⁶ Office for the Promotion of Migrant Integration, 'Ireland's Combined 5th, 6th and 7th Periodic Report to the UN Committee on the Elimination of Racial Discrimination', 6 December 2017.

AMRI engaged with the draft State report consultation process, submitting a formal letter in response to Government in January 2018, underlining the absence of our issue from the draft Report. It read *inter alia*:

We understand that the Government cannot comment on the work of an on-going independent Commission, but we believe CERD should be informed of the fact that ‘race’ now forms part of current independent investigations, having previously been excluded from all past reports into historic abuses in Irish institutions such as the ‘Ryan Report’. This past exclusion was criticised by our group among others when we appeared before the Justice, Defence and Equality Committee in 2014 and more recently in November 2016 when we delivered our group submission to the Mother and Baby Homes Commission. Hence we believe that the Irish Government should acknowledge to CERD that the current Mother and Baby Commission will address ‘race’ for the first time in its deliberations. However, we would also like to highlight that there are shortcomings in the Commission’s investigative tools; hence future input from CERD on this process would appear necessary and relevant.²⁷

The final version of Ireland’s State Report to UN CERD does not accede to this request and again, our issue remains absent.²⁸ We consider this to be a potential failure on the part of the Government to provide meaningful consultation with NGOs in the drafting of its Report. We believe that the issues we highlight specifically engage a number of ICERD provisions. In particular, our experience engages the definition of racial discrimination in Article 1(1), with many official actions falling under the four different limbs of:

1) distinction; 2) exclusion; 3) restriction; or 4) preference.

For example, for ‘distinction’, we believe that mixed race children were the subject of racial profiling within the historic care system. It appears clear in our records that we were a highly racialised group and that racial profiling was systemic. This is seen in medical records, and in entry and exit ledgers, which systematically use words such as ‘coloured’, ‘Negro’ or ‘Negroid’, ‘half-cast’, ‘Nigerian’, ‘dark-skinned’, ‘slight negroid features’, under the category of ‘defects’ in admission forms to all Irish Institutions, along with ‘illegitimate’, ‘illegit’ and other terms. For white infants, no racialised terms were ever used. These were not simply benign descriptors used by staff in an historical context; we regard these as euphemisms for ‘inferior child’, ‘problem child’ or ‘unwanted’, and hence ‘difficult to adopt’, with severe implications for our community.

An outcome of this racial profiling was racial segregation in mother and baby homes and other institutions, in violation of Article 3 ICERD. We believe that mixed race

²⁷ AMRI, ‘Letter to Government: Response to Ireland’s draft 5th, 6th and 7th Periodic Report under ICERD’, January 2018, copy on file with AMRI.

²⁸ ‘Combined fifth to ninth periodic reports submitted by Ireland under article 9 of the Convention, due in 2014’, UN Doc. CERD/C/IRL/5-9 (2018).

children were for example placed out of sight, such as being put in a separate Annexe in institutions such as St Patricks Navan Road and Bessboro Mother and Baby Home, away from the view of potential foster parents.

There is testimony from a mother at Bessborough Mother and Baby Home in Cork that up to 16 mixed race babies were all kept together in a separate room (nursery) away from sight and also in files at the Dept. of Education it is noted that mixed race children originally warehoused In St Patricks Navan Road, Dublin, were placed in remote locations such as Clifden to be hidden 'out of sight out of mind', a phrase that appears in the 'Ryan Report' in this context.²⁹ This is described as a "Policy" in that report, indicating a possible wider practice of this elsewhere in the system.

These are just a few examples that we consider point to a wider policy of racial segregation reflective of institutional racism in mother and baby homes and in the care system. This is also relevant for those mixed race Irish infants born in the UK and who were subsequently transferred back to the Republic of Ireland as part of the post-World War Two UK's 'Grand Experiment' whereby the children of Irish mothers in UK care homes were to be returned to the Republic of Ireland.³⁰ In addition, we believe that there was a deliberate policy of refusing to allow us the use of our fathers' names even where the father's African name was on the infants' birth certificate, in an attempt to frustrate any search by African fathers to find their children and to attempt to eradicate their African Ancestry. This was particularly noticeable for the children of mixed-race mothers who were not told of their ethnic ancestry, with many believing that their mothers were white Irish.

For 'restrictions' and 'preferences', we note that it is a fundamental right of the child to be brought up in a loving family environment. This right was deliberately taken away from many mixed-race children when they were passed on from mother and baby homes and in to industrial schools, kept out of sight and racially segregated in these homes, and as a result denied the opportunity to be adopted or cared for by a family. The Ryan Report also noted that: "coloured children... are at a disadvantage also in relation to adoption and, as they grow up, in regard to 'god-parents' and being brought on holidays".³¹

There were many would-be adopters, particularly protestants, some of whom expressly sought out mixed-race children with reports and records of their being refused, likely because they were not Catholic.³² These arbitrary and deliberate restrictions to adoption or fostering of mixed-race children are a serious violation of our rights and were racially motivated.

²⁹ 'Ryan Report', *Infra*, Vol. II Ch.9 para 9.23 and 9.24.

³⁰ See further Paul Michael Garrett, 'The "Daring Experiment": The London County Council and the Discharge from Care of Children to Ireland in the 1950s and 1960s', 32(1) *Journal of Social Policy* (2003), 75-92.

³¹ Ryan Report', *Infra*, Vol. IV para 4.94, paper by Dr Eoin O'Sullivan.

³² Eileen O'Brien, 'Protestant Adoption Societies', *Irish Times*, 30 September 1968.

We note that our experiences in the past and present correspond to racial discrimination in the full range of civil, political, economic, social and cultural rights in violation of Article 5, including the right to equal treatment before organs and institutions of the State; the right to security of the person and protection against bodily harm including the customary prohibition on inhuman or degrading treatment; the right to private and family life; the right to education; the right to housing; and the right to health, with many of our community suffering from severe health problems including abnormal levels of suicide.

Article 6 ICERD reads:

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.³³

The question of remedies for ‘historic’ violations may add complexity to the standards of Article 6, and the issues we highlight pre-date Ireland’s ratification of the treaty in 2000, and to some extent the treaty itself in 1965. However AMRI notes that UN CERD appears untroubled by ‘historic’ aspects of its mandate if there is a link with continuing violations.³⁴

The past violations of our rights have had a clear continuing effect. We have been defined by the Irish State as ‘unfortunate and disadvantaged’. Each and every one of us has been racially profiled, with ‘coloured’ listed as a defect in our admission forms to every State Institution, and prevented from the opportunity to be adopted. A racist stereotype governed the totality of our experiences through mother and baby homes, industrial and reform schools, and Magdalene laundries, driving us to forced emigration, mental distress, poorer economic opportunities in adulthood, ill-health in our old age, and even suicide. The impact of this legacy for our community is trans-generational precisely because we had the State as a corporate parent, with forced adoptions of our own children and grandchildren seeing them ultimately returned to corporate institutional care. Adding to the misery of our childhoods, State secrecy shrouding our birth, with no access to our documentation or records including medical records, means that many of us will never recover the true identities of our mothers and fathers.

Issues of redress will require an in-depth national dialogue and response in addition to compensation, and we believe UN CERD and the treaty bodies have a role in ensuring

³³ General Recommendation 26 (2000) outlines in further detail the obligations found in Article 6.

³⁴ Other treaty bodies display a similar approach. See for example *Lovelace v Canada* (1981) where the Human Rights Committee adjudicated an act committed in 1970, prior to the date on which the Optional Protocol entered into force in relation to Canada. It found it had competence to consider the claim “if the alleged violations continue, or have effects which themselves constitute violations, after that date”. Human Rights Committee, *Lovelace v Canada* (1981), U.N. Doc. Supp. No. 40 (A/36/40) at 166, para. 11.

international obligations and standards are met in this process. One of our board members has written that Ireland “is still failing survivors of residential institutions”, with “a deep frustration with institutional Ireland who simply do not know how to deal with survivors and the trauma and legacy of institutional abuse and neglect.”³⁵

5. Recommendations to UN CERD

In conclusion, AMRI would like to briefly highlight to the Committee what we consider to be the crucial elements in terms of Ireland’s international obligations under ICERD. Specifically and as a result of our own research into our community experience of State racism, we allege that race acted as a critical component in many past abuses, including:

- Systematic placement of mixed race babies in mother and baby homes, along with prolonged subsequent detention of such innocent children in Industrial Schools, and similar;
- Systematic racial profiling and segregation in these institutions;
- Traumatic experiences within these institutions in violation of a range of rights (including provisions of the Convention Against Torture and the Convention on the Rights of the Child, in addition to ICERD);
- Adoption practices that saw mixed race babies segregated and withheld from prospective adoptive parents;
- Participation of mixed race children in vaccine trials without consent of parents;
- Restricted access to our records aggravated by considerations of race and geography.

Cumulatively these abuses have amounted to structural and institutional racism in the historic corporate care system directed at our mixed race Irish community, in continuing breach of our rights under ICERD.

We would also like the Government of Ireland to accept that the concept of a mixed race Irish community needs greater understanding in Irish society today; that there have always been Irish people of mixed race or ethnicity throughout its history and this diversity is not a more recent phenomenon.

In that light, we consider that the Census should add a category of ‘Mixed Race Irish’, as we do not accept that the category ‘Other, including mixed background’, as well as related categories, is reflective of the fact that there have always been Irish of mixed race - we are not any form of ‘other’.³⁶ The lack of such a category has serious implications for State policy within a 21st Century global Ireland where there is a growing and vibrant mixed-race population.

³⁵ Conrad Bryan, *supra* n. 14.

³⁶ A copy of the most recent 2016 census is available at: http://www.cso.ie/en/media/csoie/census/census2016/2016censusforms/65995_English_Household_2016_New_Version_Do_Not_Complete.pdf

Furthermore, we continue to see the State's failure to combat and address racist crimes today as indicative of a wider, long-running disinterest in understanding, accepting and then protecting Ireland's diversity. The closure of the National Consultative Committee on Racism and Interculturalism (NCCRI) in 2009 was indicative of this disinterest. Our members who still live in Ireland continue to experience racism on a daily basis - in their communities, workplaces, in access to social goods such as the public sector; we never ever escape racism.

We support the conclusions of Prof. Bryan Fanning that there is "an ongoing legacy of racism and paternalism, rooted in the collective Irish imagination, which impacts upon black people in Irish society".³⁷ We believe the State needs stronger anti-racism protections and we support criticism by other groups in that light. We would like to see specific hate speech legislation and protection against racist attacks; race recognised as an aggravating factor in the criminal law; greater requirements around recording of racist incidents by Garda and other public bodies; better policies around child protection from racism and racist bullying in schools; and a statutory anti-racism body in every county in order to ensure such policies filter down to the grassroots and support those who experience racism at all levels.

We would also see a more advanced role for education in understanding the continual presence of mixed race persons in Ireland throughout its history, which could be better expressed in school textbooks or other more positive sources. We consider the support of the cultural rights of the mixed-race community in Ireland, past and present, to be a more positive aspect of our story that warrants greater commitment on the part of the Government.

In sum, we would ask that UN CERD support us in obliging the Government of Ireland to:

1. Acknowledge that 'race' is part of the Terms of Reference of the Commission of Inquiry into Mother and Baby Homes, and that past inquiries failed to address the issue of race, as part of its Article 9 reporting obligations;
2. Accept the historic abuse of Irish mixed race children in State Institutions, in terms of violations of a range of rights while in care and clear evidence of racism in the adoption process, and that this abuse has had lasting intergenerational consequences for the Irish mixed race community;
3. Commit to effectively investigate serious allegations of institutional racism in the historic care system, including racial profiling, racial segregation and questions around vaccine trials;
4. Commit to opening up all records to past survivors;
5. Involve AMRI and the mixed-race community, as well as wider survivor groups, in devising effective means of redress with a mandate inclusive of race;
6. Include a category 'Mixed Race Irish' in the census to reflect our identity;

³⁷ Bryan Fanning, *Racism and Social Change in the Republic of Ireland* (Manchester University Press, 2002), p.16.

7. Improve legal protections in line with recommendations from other groups and organisations, notably to hate speech laws, to race as an aggravating factor, and to additional crimes around racist attacks, as well as more robust anti-racism initiatives in public bodies and at county level;
8. Ensure special measures in education for mixed race Irish children, including protection from racist bullying and other practices in schools and, more positively, exploring the continual presence of persons of mixed race in Ireland in textbooks and other materials that acknowledge that diversity has always been a part of Ireland's past, present and future.

We would like to sincerely thank the Committee for considering the views of AMRI.

Yours faithfully,

Rosemary C Adaser

Founder and CEO, *The Association of Mixed Race Irish* (AMRI).