

Observation - Case #324153 - Bessborough

19 Apr 2026

The State is aware of a situation of mass disappearance and the probability that some of the disappeared are buried in the grounds of Bessborough Mother and Baby institution. An Bord Pleanála and An Coimisiún Pleanála have refused planning permission for this site numerous times since May 2021 due to the lack of clarity regarding the whereabouts of 878 children and mothers (in total) who were confined in Bessborough.

The granting of planning without any investigation is contrary to the State's own recent legislation - the Institutional Burials Act 2022. The evidence indicates that, like Tuam, Bessborough children were most likely "buried in a manifestly inappropriate manner". The State has no right to allow building here what is potentially a mass grave without at the very least - a proper excavation and then a real consultation with those affected on the future plans for Bessborough. In what other circumstances would this ever be allowed but in the case of marginalised women and children that were, and continue to be, so poorly treated by the State and Religious institutions?

The State is obliged under the ECHR to investigate the deaths of children and mothers who were confined in Bessborough, and to ascertain the whereabouts of the disappeared and return their remains to relatives. The EU CFR protects the equivalent rights which, according to the ECtHR, give rise to these obligations. These obligations are reinforced by international human rights law sources and standards, including as interpreted by eight United Nations Human Rights Council-appointed Special Procedures directly in relation to the deaths and disappearances of individuals previously confined in Ireland's Mother and Baby institutions. Irish Constitutional caselaw supports the existence of these obligations, also.

The State has not complied with its European human rights law obligations in respect of the deaths and disappearances of children and women who were confined in Bessborough Mother and Baby institution. The Mother and Baby Homes Commission of Investigation (MBHCOI) proceeded in private and offered no opportunity to bereaved mothers or relatives to see or comment on, or suggest lines of inquiry further to, the evidence it received and considered. The MBHCOI did not publish its archaeological assessment of the grounds at Bessborough; it kept its entire archive relating to Bessborough confidential from bereaved mothers and relatives. The MBHCOI's archive remains inaccessible to affected people and the public, and neither An Coimisiún Pleanála nor the members of Cork City Council have access to the documents and other evidence underlying the MBHCOI's observations and conclusions. Furthermore, the MBHCOI did not use all reasonable means to search for the

disappeared children and women of Bessborough: it did not undertake geophysical surveys and there is no indication in its Reports that it undertook test excavations or soil chemistry or decomposition analysis. The State has not established any other investigation into the disappeared children and mothers of Bessborough.

An Coimisiún Pleanála is obliged to uphold the State's European human rights law obligations, which cannot be displaced or delegated by way of conditions on a grant of planning permission to a private property developer.

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