



JUSTICE FOR MAGDALENES RESEARCH

PROGRAMME FOR GOVERNMENT COMMITMENTS

Restorative / Transitional Justice measures regarding institutionalisation and adoption in 20th century Ireland

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Programme for Government commitments Restorative / Transitional Justice measures regarding institutionalisation and adoption in 20th century Ireland

- **Financially support Dublin City Council's decision to develop the former Magdalene Site on Sean McDermott Street as a mixed use Memorial, Education and Housing Campus and in the immediate term support the Open Heart City project in developing a Vision Document for the site.**

The Open Heart City project housed at UCD's Centre for Ethics in Public Life (and comprising over 15 academics and personnel from the National Museum of Ireland) is currently supporting a series of architectural investigations of the site and consultation with communities and stakeholders. A central aim of the project is to develop a Vision Document that will guide the brief for the tender of works for the redevelopment of the last working Magdalene institution which will include a Museum and Archive of Ireland's Residential Institutions. This work follows the passage of a [motion](#) in Dublin City Council in September 2018 rejecting plans for sale of the site.

Numerous consultations with institutional abuse survivors (of residential schools, Magdalene Laundries, Mother and Baby Homes and adoption practices) demonstrate that they wish to see memorialisation take place—in particular in the form of national education. Official recommendations can be found in the [opening recommendations](#) of the Report of the (Ryan) Commission to Inquire into Child Abuse (2009), the [State apology](#) to Magdalene survivors (2013), the [\(Quirke\) Report](#) of the Magdalen Commission (2013), the findings of the Listening Exercise held during the 'Dublin Honours Magdalenes' gathering (2018), the [Recommendations](#) from the First Report of the Collaborative Forum of Former Residents of Mother and Baby Institutions (2018), and a [Pre-Consultation Report](#) with industrial school survivors commissioned by the Department of Education (2019).

- **Enact legislation to safeguard and ensure access to historical care-related records, 1) prioritising personal data access for survivors and relatives of those who died while institutionalised and enabling survivors to contribute voluntarily to the national historical record, and 2) leading to the establishment of an independent repository and research centre.**

On 26 November 2019, the Oireachtas Joint Committee on Education and Skills heard [powerful testimony](#) from industrial school survivors calling on the Government to withdraw the Retention of Records Bill 2019 and instead focus on ensuring access to personal data for survivors of abuse and also enabling survivors to contribute if they wish to the national historical record. [Submissions](#) to the Joint Committee from archivists and legal experts also expressed grave concern about the Retention of Records Bill 2019. It was argued that access to records is required to vindicate the constitutional and human rights of survivors, particularly in circumstances where procedural rules and state decisions have precluded criminal and civil legal accountability for the abuses suffered. Recommendations were made for the repeal of section 28(6) of the Residential Institutions Redress Act 2002 ('the gagging order'); for legislation that would establish and clarify the entitlements of survivors, relatives of the deceased, and the general public to varying levels of information access; and for ringfenced funding for a national repository of historical care-related records. In January 2020, a coalition of 72 abuse survivors and individuals affected by adoption, along with academic and practising archivists, historians, psychologists, sociologists and lawyers, issued a supporting [public statement](#). The waiting archives include 1) the records gathered by the statutory bodies concerned with the residential schools abuse, 2) the records gathered by the McAleese Committee / Interdepartmental Committee to establish the facts of State involvement with the Magdalen Laundries, and 3) the records gathered by the Mother and Baby Homes Commission of Investigation.

- **Enact legislation providing all adopted people with access to their birth certificates and personal data, with a minimum commitment to immediately ensuring: 1) the safeguarding of records, 2) a statutory tracing service and 3) a statutory footing for the National Adoption Contact Preference Register.**

Adopted people are seeking access to their birth certificates, which are already public records. Adopted people also wish to have access to their other personal data according to the ordinary interpretation of the GDPR (i.e. on an equal footing with all other citizens). Adoption Rights Alliance (ARA) and Justice for Magdalenes Research (JFMR) have produced a [Draft Adoption Information Bill](#), which is an amended version of the Adoption (Information and Tracing) Bill 2016 (as initiated). This draft bill implements a human rights-based, child-centred approach to the provision of adoption information and tracing services and was guided by the November 2019 [legal opinion](#) authored by Dr Conor O'Mahony, Dr Fred Logue and Dr Maeve O'Rourke (signed by additional lawyers), demonstrating that the bill is constitutionally sound. Last November, Minister Zappone circulated four 'Options for a Legislative Pathway'. On the basis of the responses received, the Minister decided to proceed with Option 3 which provides for: 1) safeguarding records, 2) implementing a statutory tracing service and 3) putting the National Adoption Contact Preference Register on a statutory footing. ARA and JFMR's draft bill includes sections that cover each of the three areas under Option 3.