

Mary Harney
November,11, 2019

Clerk to the Joint Committee on Education and Skills
Houses of the Oireachtas

Dear Joint Committee Members,

I was born in 1949 in the Mother and Baby Institution in Bessboro Cork. At age two years and six months, I was illegally removed from my Mother and illegally fostered out to people in Cork City.

I was neglected and abused by the foster parents. The ISPCC, and the Cork court committed me to incarceration in the Good Shepherd Industrial School, Sunday's Well Cork. I was released from incarceration in 1965 when I was 16 years and six months old. Suffice to say, on finding out my Mother was alive; I set out to search for her. I am one of the lucky few; I traced my Mother by my own efforts. I obtained records of my birth, my education, and the scant falsified medical records of my time in the institutions, without too much difficulty.

I am making a submission (below) to the Committee in respect of the Retention of Records Bill 2019, as I believe the Bill is detrimental to the Human Rights of former inmates of Irelands Industrial Schools, and the Bill ought not to pass.

Respectfully,
Mary Harney

SUBMISSION TO THE OIREACHTAS IN RELATION TO THE RETENTION OF RECORDS
BILL 2019

INTRODUCTION

My name is Mary Harney. I was born in 1949 in the Mother and Baby Institution in Bessboro Cork. At age two years and six months, I was illegally removed from my Mother and illegally fostered out to people in Cork City.

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I am making a submission (below) to the Committee in respect of the Retention of Records Bill 2019, as I believe the Bill is detrimental to the Human Rights of former inmates of Irelands Industrial Schools, and the Bill ought not to pass.

RETENTION OF RECORDS BILL 2019

The Retention of Records Bill 2019 sets out to seal for 75 years, all documents gathered by the Commission to Inquire into Child Abuse (CICA) by the Ryan Commission and the RIRB. Sealing records entails sealing, administrative, financial, and survivor's personal files.

Members of the Oireachtas need to understand that the claim of legislative power to destroy all records of the Ryan Commission and RIRB is based on false information given to the survivors of the institutions. As one of those survivors, the information provided to me was that I had a right to privacy and confidentiality. My lawyer informed me that my acceptance of reparations was contingent on my compliance with the "Gag Order". I was not informed that our records were to be destroyed or sealed for 75 years.

REASONS WHY THIS BILL OUGHT NOT TO PASS

Children of Ireland's institutions were denied human rights, such as right to identity, education, development, and to being accepted as a person under the law. Now, this proposed Bill will effectively continue to deny us those rights. The survivors of every Irish institution must have access to records held by the government that relates to their lives. We have the right to know the history of our incarcerations. Why were we subjected to cruel and inhumane treatment? Why were we denied information on our birth registration, birth certificates, and our true maternal identity? Why were we illegally fostered, adopted and trafficked to foreign countries?

EFFECTS OF ACCESSABILITY OF RECORDS ON SURVIVORS OF INSTITUTIONS

Accessing documents and records (prior to FOI) that, are now to be sealed enabled me to build a relationship with my Mother because of our shared history. When I received my documents, I felt that at last “I was somebody”. Also, having my records has helped me in the healing process of recovering from Post Traumatic Stress Disorder. If allowed to pass, the impact of the Retention of Records Bill will deny survivors the opportunity to form family relationships. It will increase the level of trauma now being suffered daily by survivors. Family members of children who died in the industrial schools should also be able to access information on the records related to the manner of death and burials. There are no valid moral or constitutional reasons why these records are to be destroyed or sealed.

WHY RECORDS AND TESTIMONIES SHOULD BE MADE AVAILABLE

The government believes it necessary to strike a balance between those calling for the destruction of records, and those who think the files should be available now. We, the survivors, want the data made available soon. Members of the Oireachtas, please remember that we are the victims here. The testimony of survivors provided it is anonymised, should be released. It may then be enshrined at sites of conscience, studied by academics, lawyers and school children alike. It is an essential element of informing history and future generations of Irish citizens of the dark history of their country. Information provided by church representatives and industrial school inspectors must be a part of the testimony and reports.

ALTERNATIVES TO STORING RECORDS AT THE NATIONAL ARCHIVES

It seems that storing records at the National Archives may be problematic. I offer the following solution for consideration. The nation to build a dedicated site to house all of the reports from Commissions of Investigations. The archives would include the McAleese Report, The Commission to Investigate the Mother and Baby Homes, Ryan Report, the RIRB, and the Kennedy Report. The building would be a state of the art centre with high tech search computers. Records would be digitized and curated by dedicated staff familiar with both knowledge of GDPR and of Human Rights Law. Scholars and academics would be eligible to research for historical purposes with prior security clearances. Survivors will be allowed to search, copy and photograph their own documents but not remove them from the building. This innovative scheme, would, in essence, preserve the records, while restoring survivors Human Rights. The German government created such a scheme when they digitized and then made the Stasi files available to millions of German citizens.