

Submission of Dr. Mary Lodato

Introduction

I have worked with survivors of institutional abuse in the UK and Ireland for the last 20 years. As a survivor of a Dublin industrial school myself, I have had a lifelong desire to bring change to survivors' lives. In 2014, I completed a doctorate at the University of East London; *Institutional Abuse in the Republic of Ireland: Survival, Redress and Recovery*. My expertise is in the relationship between survivor recovery and opportunities to share personal narrative. Through my academic, creative and practical work, I have gained first-hand knowledge of survivors' frustrations and anxieties around the Irish state's response to institutional abuse. My charitable organisation "Blooming Survivors" uses art to empower survivors to express their life experience in a positive way "beyond the label of survivor". I have also worked with Professors Erika Cudworth and Maria Tamboukou at the University of East London to establish a permanent archive of survivors' experiences of institutional and restorative justice. I am a former board member of Caranua. In 2018, I resigned from the board in protest at Caranua's treatment of survivors.

I strongly object to the proposal to seal the records of the Residential Institutions Redress Board for 75 years. As an applicant to the Board, I applied for my file in May 2019. I think that the Bill is dangerous and unnecessary.

Who is this 75-year time limit for? It is not for survivors, their families or the Irish people. There is no reasonable argument to support it.

Executive Summary:

1. RIRB files are a crucial source of personal, family and national history. They not only help to explain the history of abuse, but they show the injustice of more recent redress schemes.
2. In thinking about the records of the RIRB, the state should prioritise the openness and transparency needed to facilitate reconciliation and healing while survivors are still alive.
3. Survivors should have unrestricted access to their own complete files, including transcripts and copies of submissions made by religious orders in response to their own application.
4. The current process for accessing files is re-traumatising and must be improved. In particular, s. 28 of the RIRB Act must be repealed.
5. Deceased survivors' families should have access to their files.

6. Once survivors' and families' access to files has been secured, they should be released to researchers and the public. This should be done as soon as possible, to facilitate survivors' production of oral history to supplement written records. Publicly accessible records could be anonymised or redacted with survivors' consent.
7. RIRB applicants were not, to my knowledge, promised that their records would be sealed or destroyed, and many would not have wanted such a promise. The proposed Bill is much broader than applicants would have anticipated.
8. Survivors should be included in the process of determining what happens to RIRB records.

1. Survivors' Access to Their Files

1.1 These files belong to survivors, and no time barriers should be imposed on their access. I benefited from the opportunity to go through my own file and transcript of my RIRB hearing, to piece together my experience of this very traumatic process. My file could also be a resource for my family to understand my experiences – especially when a conversation is too difficult. Don't deny someone else their history. The state has already robbed survivors of so much already and profited off that suffering. Can you really not give survivors their history? Let them see and share *their* past.

1.2 It is not good enough to say that the files will be available in 75 years. The proper owners of these files – the survivors - are most likely to be dead by the time that period has elapsed. Personally, I think that even the ordinary period of 30 years is too long. Survivors' lives today are marked by disillusionment and hopelessness. They need an urgent process of healing and reconciliation which will lift the shame imposed on them, and this requires openness and willingness to confront the past. Justice must be seen to be done while survivors are alive. It is not an academic exercise for the future. Therefore, I would favour complete immediate disclosure of personal RIRB records to survivors and their families.

1.3 Some TDs and Senators say that our files should be sealed to protect us from harm or distress. To be frank, survivors have suffered greatly: documents can't scare them after what they have been through. However, I would not be ashamed or threatened if my file was in the National Archives. I am proud to be a survivor. There is much shame placed on survivors, but it is time that Irish society accepts responsibility for its part in the abuse of women and children.

1.4 There is a mistaken belief that applicants to the RIRB were promised that their applications would be kept permanently confidential or destroyed. I received no such communication. Even if I had received it, I would have protested, because I believe so strongly in the value of openness and transparency. I did know about s. 28, which prohibited us from speaking about the amount we were awarded by the Board, the perpetrators who abused us and the institutions where we were abused. This Bill proposes to go much further, by sealing our whole stories for 75 years. It is broader than I ever foresaw when I made my application to the RIRB.

1.5 If the Government is concerned about survivors' distress, it should consider how distressing it is to struggle for access to your full file. For example, it took months for me to access my file. It was originally sent to the wrong address. Then, when I received it, two vital elements had been removed: the religious order's response to my claim, and the transcript of my participation. If I had not requested my file, I would not have known that it was incomplete. Eventually, after a lot of correspondence, I received both of these documents. However, my transcript ends abruptly with the words "(No audio recording from this point onwards)". It omits an upsetting exchange with a solicitor who undermined my testimony, and therefore is not a full and accurate record of how I was treated by the Board.

1.6 I was incensed and re-traumatized by the process of seeking my file. It reminded me of the continuing abusive power dynamic; of the control which a well-resourced state holds over me. Other survivors who are less empowered might not have coped with this process. When my file was sent to me, it came with a reminder of my "duties" under s. 28 of the Residential Institutions Redress Act. This was a reminder of the authority and power of church and state which survivors experience as an indirect abuse. S. 28 should be repealed, and the process for access of records should be improved. Survivor input would help to improve the access process and to develop trust.

2. Survivors' Families

2.1 Family members of people who were abused in industrial and other institutions also have a right to access their relatives' files. The effects of abuse are intergenerational. The siblings and descendants of those affected can benefit from the information contained in state files; both the administrative files created by the industrial schools and those compiled by the RIRB. Files of deceased relatives can allow descendants to understand the family history and its impact on their own lives. I have personal experience of these issues. My Aunt Sarah was incarcerated in an institution for 58 years. We do not know why

she was put there, and she was so institutionalised that she could never have told us. My younger brother had a terrible experience with the RIRB, and I felt dreadful about it because, as his sibling, I had encouraged him to go.

2.2 Access to family members' files can have a therapeutic effect. It can allow families to understand the root causes of difficult relationships, and develop empathy and compassion. Access to files of deceased relatives should be permitted irrespective of whether that person could have given consent for release of their file before they died.

3. The Irish people and their history.

3.1 The files of the Residential Institutions Redress Board detail a harrowing part of twentieth-century Irish history. They are also a living record of more recent history: of the abusive Redress Board process that the Catholic Church and the Irish State put in place in the 2000s. Irish society cannot reach a reliable understanding of itself unless both sets of records are accessible - records of the original abuse and records of the modern state's abusive response. They will be extraordinary resources for scholars in the years ahead. I think it is especially important that they are available to future generations and to today's young people. They don't know anything of this part of Irish history.

3.2 There is a problematic power dynamic at the heart of how histories of abuse are told in Ireland. We have already heard the narrative of the professional classes; lawyers, doctors and religious orders. Survivors' voices are locked in the Board's files. Ensuring access to survivor testimony would help to correct this an imbalance of power. In addition, the files show how survivors' evidence was dismissed and undermined at RIRB hearings. For example, my file shows how, in my case, psychiatric evidence connecting my learning disability to my experience of abuse was dismissed out of hand. Religious orders' representatives were not cross-examined, and their evidence was treated as the truth.

3.3 The records should also be made available to researchers and the public now. All living survivors should be contacted in advance of this process. Publicly accessible files could be anonymised or redacted with survivors' consent. I do not believe that release should be delayed because living survivors should be able to participate in the process of researching and writing our history. This is because there should be an opportunity for survivors to supplement the written record with their oral history.

4. The Government's duty to act.

4.1 The proposed 75-year limit creates cynicism. It leads to concerns that the Government has something to hide. Transparency is the best measure to ensure public trust. This is especially true if redress, responsibility and recovery are really the motives behind the Irish government in relation to institutional abuse in Ireland. If it is genuinely committed to a better future, it is incumbent on the government to demonstrate to survivors, and the wider national and international community, that it is unafraid of tackling its past and supporting its present. If the government does not do better, this doesn't end. It will never go away. No lessons will be learned. The secrecy of one administration will just be compounded by the secrecy of the next. Survivors' families and descendants will not cease to pressure the government, publicly if needs be. The truth always, always comes out.

4.2 I understand that our narratives may be a threat to state bodies, and may expose the state to further scrutiny. However, George Santayana famously said that 'those who do not learn from the past are condemned to repeat it'. We have to tackle our past head-on. This is the only means of ensuring that Ireland and its citizens can move on and truly put the trauma of the past both behind them and put it to good use. This process has begun, but the disclosure of people's records is a part of completing it. Previous governments and institutions have failed in this regard. The question now is, will this government fail too? There is, to my mind, an opportunity to ensure that history remembers this Irish government as the ones who were brave enough to face their past to change their future.

5. Conclusion.

I would be grateful for consideration of these points. If the 75-year provision is retained, survivors should receive a full justification. I implore you to do the right thing, and be ahead, not behind this time.