



Adoption Rights Alliance

REGAINING IDENTITIES, HISTORIES AND RIGHTS FOR ADOPTED PEOPLE

A fundamental right to
information



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Adoption Rights Alliance

- Founded in 2009
- Not-for-profit, unfunded, completely volunteer-run advocacy organisation
- Campaigning for statutory rights for the adopted child and Ireland's estimated 90,000+ adopted adults
- Involved in adoption reform and activism for 17 years



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Services

In the absence of APPROPRIATE adoption information legislation

Adoption Rights Alliance provides peer support, practical advice and advocacy to those affected by Ireland's closed, secret adoption system.



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Why is an Adoption Information Bill needed?

- Because of the known atrocities at Tuam
- Because of the known atrocities at Sean Ross Abbey
- Because of the known atrocities at the Bethany Homes
- Because of the known atrocities at all of the County Homes
- Because of the soon to be uncovered atrocities at Bessboro, Castlepollard, St Patrick's Navan Road, Dunboyne, Stamullen etc



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Why is an Adoption Information Bill needed?

- 90,000+ adoptees – majority unlawfully removed from their families of origin due to the circumstances of their births
- Mothers & children interned in state-funded detention centres without leave
- Children neglected; vaccine trials; disease; large numbers died; children trafficked; children sundered from mothers; bodies discarded; bodies donated to anatomy schools; mass graves;



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Why is an Adoption Information Bill needed?

- Mothers denied medical care; kept in isolation
- Mothers forced to work, despite state funding
- Mothers threatened/bullied into signing uninformed consents
- Forged consents
- Traumatized mothers transported to other unlawful detention centres or other jurisdictions
- Mothers forced to sign “an undertaking” promising no contact



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Why is an Adoption Information Bill needed?

- “Open” adoption agreements reneged upon
- Adoptees lied to their entire lives
- Mothers told they were imagining their children
- Health Boards did nothing about illegal adoptions
- The Adoption Board did nothing about illegal adoptions
- Agencies/homes acted with impunity to maximise profit



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Why is an Adoption Information Bill needed?

- Other developed parliamentary democracies have recognised the human rights abuses of forced adoption & offer support services
- The psychology of the need for identity has informed legislation in our nearest neighbours since 1975 and 1987
- Ireland is failing to live upto its international obligations under Article 8 of ECHR; Articles 7 & 8 of UNCRC



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Proposed 2016 Adoption Information (& Tracing) Bill Expectations

- It would identify, recognise & admit the crimes of church & state wrt forced and/or illegal adoption
- It would frame those crimes against domestic laws
- It would frame those crimes against international covenants
- It would be fire/bomb/nuclear proofed against inequality
- It would provide an “effective remedy”* against the human rights abuses it exists to ameliorate
- It would coincide with a state apology



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Proposed 2016 Adoption Information (& Tracing) Bill

The Reality

- Introduces new levels of discrimination against adopted people
- Encourages a highly charged bias* against adopted adults who by acting on the most basic human need – to know who they are – could stand accused of “endangering life”
- As per their mothers in the 50’s, 60’s, 70’s and 80’s, they are being forced into signing “an undertaking”, which the authors of this bill can not explain the effect nor necessity of



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Proposed 2016 Adoption Information (& Tracing) Bill

The Reality

- Services to be provided solely by TUSLA who already operate with 2 year+ waiting lists; untrained staff; an attitude of not being transparent or when releasing information
- Doesn't even cover most marginalised groups – those trafficked to the US and those adopted illegally
- Overarching legalistic, punitive, discriminatory tone
- Based on a flawed interpretation of a 1998 Supreme Court Case, taken by the clerical director of a criminal agency



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Proposed 2016 Adoption Information (& Tracing) Bill

The Reality

- Proposes to import biased* data from the NACPR just for natural mothers, who expressed No Contact
- NACPR will be wound up
- Proposes to only give “birth cert data” and a “summary of files” to adopted people
- Summaries will be written by social workers
- No indication of post release support services



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The 2016 Bill as a Continuation of a Denial of Identity Rights

The 1952 Adoption Act on Adoption Information

“An tArd-Chláraitheoir shall keep an index to make traceable the connexion (sic) between each entry and the corresponding entry in the register of births. That index shall not be open to public inspection; and no information from it shall be given to any person except by order of a Court or of the Board”



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2001 Adoption Information & Tracing Bill



- Introduced in 2001 by Mary Hanafin
- Attempted to criminalise adopted people who were in breach of a contact veto
- Punishable by a year's imprisonment and/or an IR£5000 fine
- Bill is shelved by the late Brian Lenihan, at the Adoption Legislation Consultation in October 2003 after a successful campaign



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Adoption Act 2010

- Signed into law November 2010
- Despite....
 - Submissions from and meetings with stakeholder groups
 - Advice from experts in the area
 - Council of Irish Adoption Agencies supported release of birth certificates
-Barry Andrews declined to introduce information rights for adopted people



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Distrust of and bias against adopted people

- Ireland's first Minister for Children, Mary Hanafin, 2001



- *'I am anxious that the very understandable fears and concerns of some people are addressed from the very start. I hope that the fact that they can if they wish place a veto on being contacted will reassure them that these proposals will not constitute a threat.'*



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More distrust of and bias against adopted people

- *'No matter how great the desire to meet a birth parent, unregulated contact can give rise to real disappointment and in some cases distress'.*

Minister Barry Andrews Irish Examiner 23rd April 2010



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Adoption Act 2010

Neither the 2010 Act nor the proposed 2016 Act comply with Ireland's equivalency obligations under the Good Friday Agreement



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Can we overcome Political Cynicism & Indifference?

Frances Fitzgerald to Clare Daly on illegal adoptions Dec 2013

“All adoptions which the Irish State has been involved in since 1952 have been in line with this [Adoption Act 1952] and subsequent adoption legislation”.



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Can we overcome Political Cynicism & Indifference?

Minister for Children, Frances Fitzgerald, on Forced adoptions to Thomas Pringle, Feb 12th 2014

“I am not quite sure what the Deputy means by "forced adoptions" but I am trying to highlight here the information that is available”



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Nigel Rodley, Chair of Human Rights Commission,
2014

“It is time the Irish State stopped its automatic response to every scandal being to first deny, then delay, then lie, then cover up & eventually, IF FORCED, throw some money at it & hope it will go away”



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Desired Elements for Inclusion in Legislation

- **AAI operations**
 - Ombudsman's Act
 - complaints mechanism
 - Reform of the AAI
 - Code of practice
 - AAI Annual Report
 - Website and news updates
 - AAI safeguarding files & information
 - AAI as regulator
 - Stakeholder advisory groups



ÚDARÁS UCHTÁLA na hÉIREANN
THE ADOPTION AUTHORITY of IRELAND



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Desired Elements for Inclusion in Legislation

TUSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

- **Tusla Operations**
 - Complaints Mechanism without fear of reprisal
 - Reform of Information Release
 - Transparent code of practice
 - Adoption Information Annual Report
 - Website and news updates
 - Standard for safeguarding files & information
 - Stakeholder advisory groups



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Excuses for not legislating

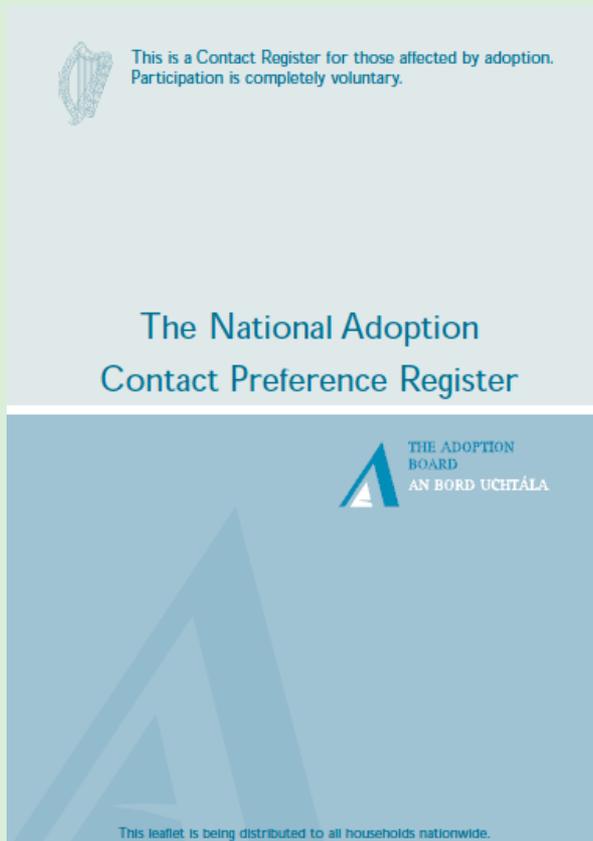
- Adoption often described as a 'complex & emotional' issue
- Former Minister for Justice, Alan Shatter in 1997:
 - *'I want to nail the suggestion that this is a hugely complex issue. It is an issue that has been properly and adequately addressed in a variety of other countries with the degree of insight and sensitivity necessary to ensure that birth mothers can make contact with adopted children where adopted children wish for such contact and to ensure that adopted children can trace their birth mothers and, indeed, their natural fathers where the information is available and where the natural parents wish for such contact. I urge the Minister to proceed hastily with bringing the necessary legislation before the House.'*



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NACPR – Do we just abandon it?



This is a Contact Register for those affected by adoption.
Participation is completely voluntary.

The National Adoption
Contact Preference Register

THE ADOPTION
BOARD
AN BORD UCHTÁLA

This leaflet is being distributed to all households nationwide.

- Launched in 2005
- Operated by the Adoption Authority
- Never given statutory footing
- Thus has never been operated to full capacity.
- Intended as an interim measure, designed to plug the gap in the absence of legislation.
- Additional leaflet drop and publicity campaign promised every two years after the initial launch has never occurred
- Resulting in a derisory matching rate of less than 0.5%



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Role of IHREC in combatting Political Cynicism & Indifference

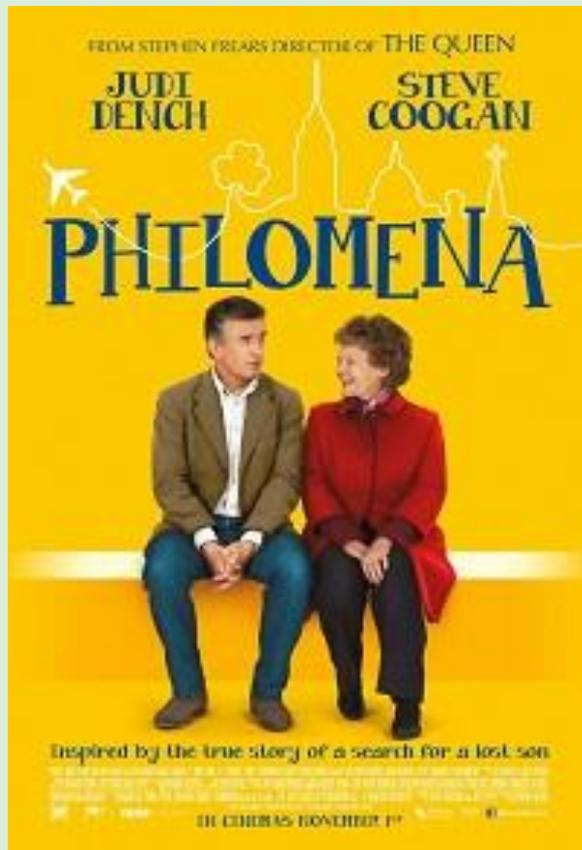
- A rerun of the very successful investigation into Magdalene Laundries but this time into Forced and Illegal Adoption Practices in Ireland
- See Opinion piece from Emily Logan 2013



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Is Hollywood more effective than Law?

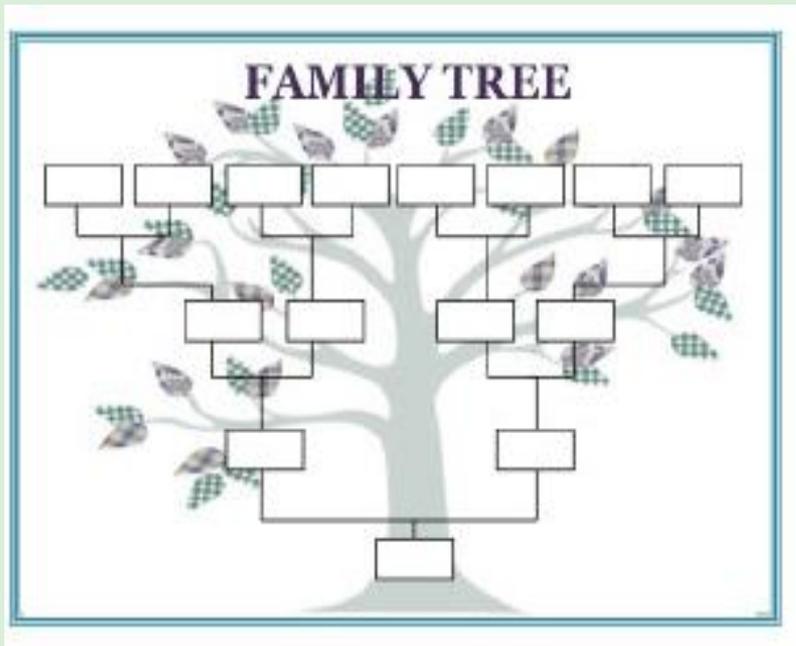




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Long-Term Consequences of Adoption



- Adoption is not a point of sale transaction; it is a life changing event with **generation wide** consequences.
- Need to learn from the past for present day adoptions
- Adoption is a long term intervention to problems that are usually temporary and solvable.



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Expectation to be Grateful

'Adoption Loss is the only trauma in the world where the victims are expected by the whole of society to be grateful'

Reverend Keith C. Griffith, MBE



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'In all of us there is a hunger, marrow-deep, to know our heritage — to know who we are and where we have come from. Without this enriching knowledge, there is a hollow yearning . . . and the most disquieting loneliness.'

-Alex Haley, Author of Roots



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For further information:

www.adoptionrightsalliance.com