

Thank you to all the members of the Committee for your kind invitation to contribute to the discussion on the Bill and to discuss our submission.

As a recognised key stakeholder group our primary objective is that reform of the law in this area should be victim-survivor led and that, 'People before Paper', should be at the heart of any legislation.

We welcome this Bill as a step forward and Minister O'Gormans work to advance this matter.

I am an adoptee, but I feel I need to highlight that I was not born in a Mother and Baby Home, I did not come through the Mother and Baby Home system As such I was outside the remit of the Commission and, like thousands of others, could not participate in the commission's investigations due to its restrictive remit. So many were shut out of this process and were not included in An Taoiseach's apology and this needs to be acknowledged and addressed. There need to be clear pathways of participation for those who were outside the remit in any process moving forwards.

I have experienced this system and its shortcomings on a personal level, whether it was either as a 29 year old diagnosed with an autoimmune condition that I had no background medical information on and which I later discovered I was predisposed to, or as a new Mum being advised by our Doctor to seek clarification on a potentially inherited life threatening condition to protect myself and my children, having to liaise with agencies who simply did not care.

I have experienced the invasive and controlling nature of this system which withheld the existence of a biological sibling from me for six years, only revealing it years later when I sought information on my biological father. This system treats adoptees as if we are guilty of some wrongdoing and while we very much welcome this Bill as a signal of some progress and a move away from previous legislations 'much ado about doorsteps' approach it does not go far enough.

Most Adoptees concerns are very practical ones regarding medical information and access to identity information and while the Bill goes some way to recognising the significance of medical information, it is unrealistic that assume that a bank of information on this will suddenly become available, there still are considerable hurdles to overcome and as such we would seek for enhanced medical screening for adoptees and their children and earlier entry to existing screening programmes.

While we welcome Mr Glosters apology as an acknowledgement of the appalling treatment Adoptees have been subjected to, neither TUSLA nor the AAI should continue to play a part in adoptees lives or make determinations on access to information. In 2019 the AAI refused 9 applications for birth certificates, in 2018 they refused 6 but yet in this bill this self same agency who has already ruled on these applications will again have an integral part in the process of Adoptees applying for a copy of their birth certificate as set out in the general scheme of the Bill, this begs serious questions as to the constitutionality of this process.

If we are to move the legislative focus from the Clean Break/Clean Slate model to Clean access it needs to be within a new agency with a new social work model and most importantly, as legislation on this issue has languished for so long, the Bill needs to provide for a compulsory review period so that issues can be addressed and improved upon and we do not perpetuate the wrongs of the past.

I'll quickly recap the main issues with this Bill.

- Bill is a rehash of IOT v B, Supreme Court decision in 1998 which recognised the adoptee's right to identity as an unenumerated constitutional right. In this case, the court was clear that it was the role of the Oireachtas to regulate the law in this area
- We believe for the reasons set out in our submission that this bill is an unsatisfactory and unacceptable attempt to legislate for adoptees' right to identity.
- We believe that the Child and Family Agency (Tusla) and the Adoption Authority of Ireland ("Authority") are unfit for purpose in the context of this bill. We are calling for a new agency independent of the above bodies to be the main focus as a relevant body in the Birth Information and Tracing Bill.
- We do not accept the qualifications or restrictions in the release to adoptees of their birth certificate and birth information, in the form of a compulsory information session with a social worker
- We believe that this is a disproportionate restriction and goes too far in recognising and placing the constitutional right to privacy of the birth parent over and above the constitutional right to identity of the adoptee.
- We advocate for a suite of supports, including medical screening and counselling for adoptees if desired, in this process. We note the absence of counselling for adoptees when same is provided for birth parents as set out in this Bill.
- We are concerned at the lack of a provision in the Bill for a review of the legislation. This is a serious omission and one that needs to be addressed urgently.
- We note the conflicting explanatory notes throughout the Bill. On the one hand, GDPR is used to prevent access to adoptees for certain information. Elsewhere, attempts are made in the Bill to exempt the application of GDPR.
- We note a significant level of discretion and arbitrariness assigned to relevant bodies. This is of concern as it is an additional potential restriction to the exercise of adoptees to their constitutional right to identity.

- There is the necessity to have guidelines compulsory rather than optional in the various processes throughout the Bill.
- We believe that the provision on a Register of Acknowledged Identity and a Certificate of Acknowledged Identity needs to be clarified vis-à-vis the birth certificate.
- The issue of immunity to the State and relevant bodies as set out in the Bill is noteworthy and concerning

We very much appreciate the opportunity to speak before the committee today and would like to sincerely thank Members of the Committee, the Clerk and Staff for their assistance and we welcome your questions.