

Below is our submission on the above Bill.

We welcome the opportunity to make a submission to the Joint Oireachtas Committee for your consideration. We are both mothers who lost children to adoption.

While we endorse and support the right of adopted people to their birth certificate and early life information, we have certain concerns in the proposed legislation which we will address below.

Firstly, Language and Terminology of the proposed Bill.

Terms "Birth parent", "Birth mother", "Birth father", "Birth sibling", "birth relative", "Mother and baby Home".

The term "Birth mother" has not always been part of the language around adoption. Its use became common in the United States in the 1950s and 60s with the help of author and adoptive mother, Pearl S. Buck and became formalized by Marietta Spencer, a social worker at Children's Home Society of Minnesota (and an adoptive mother) in 1979.

We find this term and other terms "Birth father" etc insulting, reductionist and exploitative. Given the evidence by many mothers to the Commission of Inquiry into Mother and Baby Homes, many historical adoptions were forced adoptions through coercion. By calling for example, the mothers "Birth mothers", it would mean denying that we had any feelings for our children after their birth. It would be denying that we are related as family in their lives to being only that of a willing gestator. Are we "birth mothers"? No, because we are still mothers to the sons and daughters we lost to adoption. It is as simple as that. The term "Birth mother" make us sound like a baby machine, a conduit without emotions. We prefer to use the term "Mothers". Simple as that.

Also the Dept. of Children has set up and funded a Steering Group for Collaborative Research Project on Language and Terminology in NUIG.

This project will report at the end of 2021.

As a member of this group (Alice McEvoy) we are discussing and holding consultations with survivors of mother and baby Institutions on preferred terms around the subject of adoption.

We strongly recommend that the Bill should include any recommendations from this group.

Secondly, "Birth parent's privacy rights"

The Irish courts have held the right to privacy is one of the unenumerated rights which flows from Art. 40.3 of the Constitution.

The State guarantees in its laws to respect, and as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.

Art. 8 of the European Convention on Human Rights enshrines the right to respect for private and family life,

In the proposed Bill, it does not explain or detail the "Birth parents" privacy rights.

See Head 10 Relevant Body to provide Medical information. Page 22 of the Bill.

(2) Where in the case of an application under Head 66 (relevant person may apply for items and information) a relevant body believes that medical information in relation to a "birth parent" or a "birth relative" of the applicant is relevant to the medical history or health of the applicant and that it is necessary for reasons of substantial public interest that the applicant be provided

What is "Substantial public interest" ?

According to GDPR and Data Protection legislation medical files of each citizen is private and considered sensitive information.

Not only is the "birth parents" medical information is at risk but also any other "birth relative " .

So, what are the privacy rights of "Birth Parents " ???

See Explanatory Notes Pages 22 and 23 for Medical Information legal basis.

We as mothers, are deeply concerned about any release of medical information contained in our files relating to time spent in the Institutions and birth information. Some mothers especially have very sensitive information relating to causes of pregnancy such as rape and incest. If this information was in their files was released without their consent to an adopted person or their relatives, the distress and harm that would be done is immeasurable.

Also comments were often made in files by religious "nurses" attending births which may be inappropriate in today's modern norms. These notes do not reflect actual facts.

Thirdly, Head 13 Agency and Authority may request information.

see Explanatory Notes. Page 27. Also see Head 14 Guidelines page 28.

We are concerned about information regarding relatives of "Birth parents"

In some cases, "birth mothers" have not informed some or all of their relatives of the existence of the their adopted children. Can relatives of "birth Parents" be contacted by Tusla or AAI having secured their addresses names etc from state agencies e.g. HSE ?

Informing them that an adopted person is seeking contact with them ?

What are the "birth parents" privacy rights here ?

Fourthly see Page 34 of the Bill Part 5 Contact Preference Register

Quote "It should be noted that a significant minority of birth mothers gave more than one child up for adoption, and may have different preferences in relation to each child".

We consider the above statement wholly insulting and derogatory to mothers, and is the statement based on facts and data re numbers of mothers and children ? Is it even relevant ?

The statement implies judgement and derogatory term "gave up for adoption", a term which we call forced adoption.

We would like you to consider our above submission.

Yours sincerely.,

Alice McEvoy
Joan McDermott