



## Truth Recovery Independent Panel Seeking the Truth

### TRUTH RECOVERY INDEPENDENT PANEL

#### TERMS OF REFERENCE<sup>1</sup>

**An Independent Panel will be guided by the following principles:**

- respect for the human rights of victims-survivors and relatives and a commitment to protecting and fulfilling human rights;
- full access to information for victims-survivors and relatives of the deceased;
- central involvement of, and accountability to, victims-survivors and relatives;
- accessibility, particularly to persons with disabilities;
- inclusion of victims-survivors and relatives affected by cross-border practices and in the Diaspora, and relatives of the deceased.

**An Independent Panel will:**

- gather, preserve, catalogue, and digitise relevant records and archives, engaging with authorities and institutions, organisations and individuals in Ireland North and South and across jurisdictions;
- provide archival, genealogical, advocacy, and any other necessary assistance, to victims-survivors and relatives to seek and obtain information from records and archives relating to the institutions and practices under investigation, including information about the fate and whereabouts of deceased children and women;

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<sup>1</sup> Note - the Independent Panel's Terms of Reference was established in the "Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland: Truth, Acknowledgement and Accountability" report published in October 2021.

- commission geophysical surveys and archaeological investigations at former institutional sites to ascertain the presence or otherwise of unmarked graves;
- record testimony through a non-adversarial, disability-aware and trauma-sensitive process, ensuring informed choice in giving testimonies (confidential/in public; oral/written) and how testimonies are used (restricted to the Independent Panel/forwarded to the Inquiry/preserved in a permanent independent archive);
- ensure personal support enabling participation in the Independent Panel's investigation, including psychological services, independent advocacy, disability-related support services, and access to a legal information service;
- investigate and publish findings regarding human rights violations experienced by individuals and families in Mother and Baby Institutions, Magdalene Laundries, Workhouses and their pathways and practices (including the adoption system, related institutions such as 'baby homes' and private nursing homes, and cross-border and international transfers of children and women). The investigation should include in its examination:
  - i. the harms suffered at the time of the institutions' operation and those continuing to the present, including gender-based harms and harms recognised in international human rights law;
  - ii. how violations were inflicted and persisted;
  - iii. the institutional and societal causes of the violations;
  - iv. the impact and consequences of the violations and harms experienced;
  - v. the responses of involved institutions, organisations and agencies to individuals and families affected.
- make recommendations regarding measures necessary to respond to, and prevent recurrence of, the human rights violations experienced, including periodic recommendations to the Public Inquiry, Ministers or any other state authority;
- secure the maximum possible publication of records and documentary material while protecting human rights, including the publication of personal testimonies with informed consent;
- establish and publish a protocol for discharging its duty to disclose certain information for criminal investigation;
- preserve its archive in full to be deposited in a permanent independent repository, ensuring informed consent for the deposit of witness testimony and compliance with data protection law;

- contribute to the drafting of legislation to establish a permanent independent archive of historical institutional and adoption records, and other records relating to children in state care;
- review and analyse: implementation of the Truth Recovery Design Panel's recommendations; victims-survivors' and relatives' access to civil proceedings, criminal justice investigation and inquests; and implementation of data protection and freedom of information laws;
- publicise its work widely to encourage participation, including of people with disabilities and those across the Diaspora;
- initiate events to encourage public engagement in its work.