

**Inquiry (Mother and Baby Institutions,
Magdalene Laundries and Workhouses) and
Redress Scheme Bill**

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**ADOPT NI Service User
Response to Consultation**



adoptni

Table of Contents

Introduction	...3
Part 1 – key parts of Draft Bill Relating to Public Enquiry	...5
Part 2 – key parts of Draft Bill Relating to Redress	...33
Conclusion	...50
Key Concerns and Recommendations	...51
References	...79

Introduction

This response is being submitted on behalf of a cohort of service users from Adopt NI, who expressed an interest in working together to complete a submission based on their lived experience. All have contributed their views to this response, including several others whose preference was to provide feedback via one-to-one support or in written form via email outside of a group setting. All service users who engaged were kept up to date via a mailing list to receive updates as we worked together through drafts of the document.

Between the beginning of August and mid-September 2024 a group of 11 individuals met for a total of 6 sessions with each session lasting around 2 hours. Between the beginning of August and mid-September 2025, two groups of 18 individuals in total met for an additional 4 sessions. Many also worked outside of group meetings on compiling evidence, literature and academic research to contribute to this response. Additional service users provided written and verbal feedback and case examples based on their own lived experience on a one-to-one basis via Adopt NI's Advocacy service as per their preference and their views are also reflected here.

Age range varies across service users who participated, but for information this was approximately between ages 40 – 80. The groups and those who submitted one to one feedback were made up of males and females with experience of various institutions, some listed in the Draft Bill consultation, many not.

The feedback received during the consultation period in August- September 2025 included adopted adults, care experienced adults, birth mothers, connected relatives and descendants. This included people who had contributed to previous consultations and those who are relatively new to this process.

Participants who have been engaging in consultation processes for a long time felt it was important to highlight how exhausting the various consultation processes have been with the same points being made each time. Ultimately, they hope that they will be listened to.

All participants felt it important to highlight that on reading the consultation materials, that the QUB report and Truth, Acknowledgement and Accountability Report were referenced heavily. However, it is the understanding of the group that the Inquiry is centred on the recommendations in the Truth Recovery Report, which is cited less in the consultation documents. Participants reflected on the strength it took to provide substantial testimonies to the Truth Recovery Panel, yet these testimonies are largely not reflected in the Draft Bill. This has caused feelings of hurt amongst participants who gave testimonies. Both reports will offer insights into the broad experiences of both those admitted to and born in the MBMLW as well as associated pathways and practices. An issue that was raised repeatedly was how difficult it was to understand what the Draft Bill consultation questions and terms of reference were referring to, and many raised concerns that this will have been a deterrent for those wishing to submit an individual response.

Adopt NI would like to offer a heartfelt and sincere thank you to all involved in this submission and the amount of work that has went into it. Some of these participants have been involved with Adopt NI for several years and have also been negotiating their own access to records, trace and reunion journeys with various agencies and organisations, in parallel with the Truth Recovery process and public consultation. Many are relatively new to Adopt NI and are at the beginning of this process. The value of all of their contributions to this consultation cannot be underestimated and we feel they deserve recognition and response where possible.

The following is divided into two parts. Part 1 addresses the main clauses relating to the Public Inquiry. Part 2 address the main clauses relating to the Redress process.

Part 1 – Key parts of Draft Bill Relating to Public Inquiry

Clause 1.

Subsection (2) The inquiry is to be known as the Truth Recovery Public Inquiry into Mother and Baby Institutions, Magdalene Laundries and Workhouses 1922 to 1995.

Participants raised concern that the focus of the proposed title is on the place i.e. a specific type of institution and that this does not reflect the events that lead to their placement into the institution, the decisions relating to the subsequent removal of their children nor the pathways out of the institution for both mother and child including forced adoption and care pathways.

They raised concern that whoever had written the Draft had not read the many testimonies those with lived experience had given previously and more recently to the Independent Panel whose report is pending. They also raised further concern about the very narrow list of institutions named within the Bill is merely excluding people before the Inquiry has even started. They hope that the scope of Inquiry will not only focus on events within the institution itself e.g. abuse, neglect, maltreatment by staff and the internal failures, lack of inspections etc that enabled this to happen as the HIA Inquiry did.

Participants want to ensure that the Inquiry will maintain a broader focus not only on what happened within the institution but also on the pathways to and from the institution for both mother and child including the adoption and care system and the systemic failures, gender-based issues and state attitudes about unmarried mothers that lead to this being able to happen.

Some participants felt a more appropriate title would include language such as 'pathways to the institutions, practices within them and exit pathways out of the institutions'. They raised concern that if this is not mentioned specifically the role of the State, social services and other third parties in forced familial separation may be overlooked or only briefly looked at as a side issue. This potential for blame avoidance is a concern for participants. Others highlighted that the title does not reflect gender so does not clearly express what the Inquiry should be about- the gender-based issues that led to unmarried mothers being placed in institutions and separated from their children as they were unmarried. This is particularly true of the Workhouses- the Inquiry into these needs to look at the unmarried pregnant mothers who were admitted there who were not allowed to keep their children and not Workhouses residents in general who were there for other reasons.

Others felt caution was needed in relation to the term Mother and Baby Home- they feel that this is a retrospective term, a terminology that has been applied to these institutions at a later stage and not necessarily the terminology that all birth mothers would have known them as at the time or now. They also emphasise that this language does not reflect the difference between an institution and a home as highlighted in the testimonies given.

Other feedback received proposes that the Inquiry should cover all cases of forced familial separation and adoption including examining the social, cultural, legal, and economic forces that enabled or condoned these practices, including the roles of both state and non-state actors. Feedback received from birth mothers who participated emphasised that the role of the care system needs looked at as well as many children were placed in the care system and not adopted. It should be noted that not all 'care systems' meant state care, other circumstances such as children being boarded out and informal arrangements for care must also be considered. The issue of coerced consent and forced familial separation is still relevant to those mothers and their children now adults born to them.

Subsection (4) The inquiry is to cover the period from 1922 to 1995 (inclusive of both of those years).

Participants confirmed that their experiences occurred within the period of 1922 to 1995. They agreed that individuals institutionalised before 1995, including those later transferred to other institutional settings, should remain eligible for support. This includes long-term institutionalised women who never returned to their families or lived independently after the institution's closure, as their experiences remain valid.

Participants stressed the need for a trauma-informed approach and urged the Inquiry to acknowledge the enduring impact of institutional trauma. Many also highlighted the importance of recognising intergenerational trauma, noting that the harm caused continues to affect families and communities today.

Subsection (5) Nothing in subsection (4) prevents the inquiry from considering the effect on any person after 1995 of anything that occurred during the period referred to in subsection (4) in so far as it is relevant to the inquiry's terms of reference.

Participants who gave feedback felt that it is imperative that the Public Inquiry maintains a trauma informed focus which recognises the long-term impacts post 1995 on all affected persons including birth mothers, their children now adults born to them, women detained in laundries, descendants and other connected relatives. Many participants emphasised that the Inquiry needs to also recognise the impact of intergenerational trauma and the impact on the wider family including siblings.

Familial separation and adoption, their process and consequences, have had a lasting impact on mothers and their now adult children. Children lost their mothers and mothers their children. The long-term impacts of familial separation cannot be understated when it comes to assessing the harm caused by the experiences of victims and survivors. A significant body of research has arisen since the 1950s on Attachment Theory (Bowlby J (1958); (1973); (1979); (1980); (1982); (1988); Brodzinsky DM and Palacios J (2005); Cohen S (1996); Dunbar N and Grotevant HD (2004); Frisk M (1964); Grotevant H D (1997a); Ryburn M (1995); Sants (1964)). The evidence from psychological research is clear: When children are separated from their mother and do not have a secure base, it can have traumatic repercussions for their entire lives.

As outlined in both the QUB and Truth and Acknowledgement Report, and will be reflected in the personal testimonies given to the Truth Recovery Panel; babies were taken from mothers who loved them and wanted to keep them, simply because the mothers were not married. Where this severance happened—whether in a hospital, a Workhouse, a Mother and Baby Institution, a private nursing home or other institutional setting is not the salient fact. It is merely a detail. What matters most is that women were deemed unworthy of raising their own children, solely on the basis of their marital status.

In this way, thousands of women were subjected to a lifetime of mental anguish, the promise that they would ‘get over’ and ‘forget’ their child revealing itself, too late, to be a lie. The children they lost were deprived of their mother’s loving arms during their precious early months (sometimes years) and consigned to institutional coldness and isolation until adopted by or boarded out to strangers or remaining in institutional care throughout their childhood. As Verrier (1993, p.17) has recognised “severing of that connection between the adopted child and her birth mother causes a primal or narcissistic wound, which affects the adoptee’s sense of Self and often manifests in a sense of loss, basic mistrust, anxiety and depression, emotional and/or behavioural problems, and difficulties in relationships with significant others” whilst Doka, (2008) notes that “central to the first mother’s loss of her child through closed adoption is the experience of disenfranchised grief, i.e. grief that is not openly acknowledged, socially validated or publicly mourned” (cited in McNamara et al 2021:140).

Unmarried women and their children now adults born to them were treated as shameful secrets for decades by government agencies when they tried to seek information about themselves, which has contributed to lifelong mental health adversity. For many participants this issue remains a current one as they continue to experience barriers and negative attitudes from some staff within agencies when searching for records relating to them including medical records. One participant highlighted how some staff do not always recognise the traumatic impact of finding out they were born to a mother in one of these institutions. Their children now adults need to know this information, but sensitivity is needed.

Others discussed the long-term traumatic impact where there is a discrepancy in what the records say and is taken as fact by agencies, and the truth that has been revealed through discussions with their birth mother in recent years. Other participants reflected on the view by some staff that a consent form was signed so the adoption is considered consensual and not forced, alongside the many additional challenges to accessing information when there was a cross-border adoption.

One participant reflected on the lifelong impact of not having familial medical history and information relating to medical trials they may have been subjected to and the concerns they have for what this means as they get older and the implications for their children as they get older. Participants also emphasised the long-term impacts of family reunifications where they have been possible. This point was emphasised by birth mothers, their children now adults and other connected relatives who grew up without their sibling and they all hope that the Inquiry recognises that reunions are not a simple one off event that fixes the many harms that were caused by forced familial separation. The process of rebuilding relationships is an emotional journey that is lifelong. For many, reunion has been made very difficult, or impossible, because of the lasting trauma, shame and stigma felt by those impacted meaning that one party could not engage. For others the opportunity for this to happen has come too late as their mother or the child born to them has already passed away. There are others who have been searching for years and are still searching.

In relation to the intergenerational impact the Truth, Acknowledgement and Accountability Report recommended an Inquiry panel with expertise in intergenerational trauma, yet the Bill does not specifically acknowledge intergenerational impact. This omission is significant as the harm caused reverberated across generations- not only adopted children now adults, but also those who remained with their mothers, and children later born to survivors' families, they all live with the psychological, relational, and social impacts. Without acknowledging the impact of intergenerational trauma at this stage there is a concern that future support services may fail to adequately meet these needs. The Inquiry should recognise, record, and factor in intergenerational trauma for all survivors' families.

Subsection (6) Where HIA enquiry already looked at the facts these people are to be excluded from Public Inquiry

While participants understand the importance of avoiding duplication and acknowledge the limitations of the HIA Inquiry, they strongly oppose the exclusion of survivors—particularly birth mothers who were under 18 at the time and children now adults who were placed in baby homes. The HIA Inquiry only examined the experiences of under-18s in Good Shepherd Sisters’ institutions.

The HIA Inquiry only examined the experiences of under-18s in Good Shepherd Sisters’ institutions. Birth mothers who provided feedback expressed anger at the suggestion that their prior testimony to the HIA Inquiry would disqualify them from participating in this Inquiry. They emphasised that their testimony to the HIA Inquiry related to their experiences as children suffering abuse and neglect—not as young mothers coerced into giving up their children for adoption.

They stressed the need for this Inquiry to allow women who were under 18 at the time of their pregnancy to give testimony as birth mothers. Their previous testimony was accepted under the terms of the HIA Inquiry as children, not as birth mothers. Similarly, HIA Redress awards were granted based on childhood experiences within institutions and did not acknowledge the lifelong trauma of being a young mother separated from her child.

One birth mother stated that these need to be viewed as “two completely different Inquiries, looking at two very different types of trauma, with different long-term impacts on our lives”.

Other concerns relate to birth mothers who were admitted to mother and baby homes as pregnant adults but may have given prior testimony to the HIA Inquiry based on their earlier experiences within a children’s institution, as a child or a training school as a teenager. There is a concern that this subsection would mean that they are unable to give testimony to this Inquiry.

Additionally, the HIA Inquiry did not fully report on children under 4.5 years old, as both the Inquiry and Redress scheme relied on memory recall. Participants are concerned that these youngest victims will again be overlooked.

In the Republic of Ireland, the Commission chose not to examine baby homes, citing a desire to avoid duplicating previous inquiries—even though those inquiries had not addressed baby homes. Participants fear a similar oversight in Northern Ireland, despite the widespread use of baby homes and the inappropriate placement of infants in children’s homes.

For example, there is evidence of this in St Joseph's. A report by the Eastern Health & Social Services Board, dated 1983 of St. Josephs Children’s Home, Ravenhill Road, Belfast (as it was known from 1978, previously, St. Joseph’s Babies Home), was obtained via a FOI request to the Department of Health NI. It is the earliest report found. The previous/earlier reports are missing from PRONI. Page 87 "section 5.2" noted that the home was used for housing pre-adoption babies but that it was an inappropriate environment for them. It also notes supervision was an issue. Additionally, the HIA report did not investigate or report on the effects of the environment on infants and young children, in the settings it did cover. It also did not comment on or look into the circumstances of babies’ admission to the home nor the circumstances of their exit.

A key task for the Panel is truth recovery, by gathering and preserving testimonies to ‘...establish facts, analyse those facts, and produce a report to address a matter of public concern...based on the evidence presented, and to seek to hold those in authority to account...’ (Ireton, 2014). It is therefore important to include as many institutions/authorities as possible, to capture the testimonies of as many survivors and victims of forced adoptions and familial separation as possible. Participants who give feedback here hope that baby homes, and inappropriate placements of young infants in children’s homes and other unsuitable settings, are considered within this Inquiry.

They are aware of adopted adults who were moved numerous times from baby homes to other children's settings before being adopted, including the cross-border movements of children. Generally, the bill is very weak on identifying the cross-border dimensions of institutionalisation and abuse. Here, the North South Ministerial Council may provide a means to facilitate information sharing that would be required for this Public Inquiry to start addressing the cross-border dimensions. Many participants have concerns that the significant role the baby homes including Fahan, Portadown Nursery Home, and St Joseph's will be overlooked. Whilst they acknowledge some Nazareth institutions were included in the HIA Inquiry, this Inquiry had a different focus- abuse and neglect of children within these institutions.

The remit of this Inquiry was not to focus on their links with the mother and baby homes and other settings where unmarried mothers were sent to have their children, nor was the focus on the link between these children's institution and the adoption and care system. The birth mothers who provided feedback recalled trying to visit their babies at baby homes after they had been taken away and they were turned away or lied to that their baby was gone. They feel that the baby homes were part of the pattern of institutional abuse that they experienced and their role needs to be looked at within the scope of this Inquiry.

Clause 2:

Subsection (4) Before preparing or amending the terms of reference, the Executive Office must— (a) consult the chairperson; (b) consider the Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland Truth, Acknowledgement and Accountability Report published in October 2021.

Participants who contributed raised concern that whilst this clause requires TEO to consult ‘the chairperson’ and consider the 5th October 2021 Truth, Acknowledgement and Accountability report, it does clearly state the Executive to consider the subsequent work of the Truth Recovery Independent Panel (Interim and Final Report) or the large body of personal testimonies collected in recent months.

This omission risks sidelining months of evidence gathered by participants; participants who engaged with the Panel under the impression that their testimonies would directly influence the legislative framework. In fact, Dr Denis McMahon, Permanent Secretary of TEO said, “This work will be critical to supporting and shaping not only the future statutory public inquiry but other elements of the Truth Recovery Programme which are progressing in parallel” (TEO, 2023). Additionally, Professor Leanne McCormick and Professor Sean O’Connell of the Truth Recovery Independent Panel stated, “This work is laying strong foundations for the Public Inquiry, enabling it to carry out its work more effectively and we look forward to engaging with the Inquiry” (Truth Recovery Independent Panel, 2024). The current draft gives limited reassurance that those testimonies will inform the terms of reference or Redress criteria which is a concern. It is recommended to amend Subsection 4 to include a requirement to consult the final and interim reports of the Truth Recovery Independent Panel, not just the 2021 Design Panel report.

Further to this, the Clause should require TEO to also consider the testimonies gathered by the Panel as part of the legislative process in line with participants beliefs. Hundreds of testimonies have been collected from those affected and the Panel has committed to preserving these testimonies

in a long-term archive, with some to publish to educate and inform the public. Excluding these would undermine the integrated truth recovery model.

Moreover, to ensure transparency, a statement should be included acknowledging the financial and emotional investment in the Truth Recovery process and its intended influence on legislation. The process has cost two million GBP over two years, and survivors and the public deserve clarity on how this investment is being used to shape outcomes. Without this, the process risks being perceived as symbolic rather than substantive.

International precedent has supported these recommendations. The Royal Commission into Institutional Responses to Childhood Sexual Abuse in Australia, more than 8,000 testimonies were gathered in private sessions and heavily influenced the Commission's recommendations. The National Redress Scheme was directly shaped by these accounts, and the final report is cited in ongoing legislative reforms (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017)

In contrast, Ireland omitted the survivors' voices in the final report leading the Mother and Baby Homes Inquiry which led to wide spread controversy and calls for a new approach. The report was criticised as being 'fundamentally flawed' and said it 'harms survivors' (Amnesty International, 2021). This highlights the risks of excluding testimonies and the importance of survivor-led processes

The omission of the Truth Recovery Independent Panel's work and the testimonies gathered from survivors, mothers, and adopted adults from Clause 2(4) risks undermining confidence in this process. Survivors engaged with the Independent Panel in good faith, with the clear understanding that their voices would help shape both the Inquiry and the legislation. Considerable public money has already been invested in gathering these testimonies and provide evidence-based recommendations. To disregard this would not only waste those resources but, more importantly, deepen

the hurt and mistrust if those who came forward to share their lived experiences. International precedents from Canada, Australia, and Ireland demonstrate that survivor-led processes are essential to building credible, compassionate, and effective inquiries and redress frameworks. A truly accountable and healing process must be built on the voices of those who lived it.

International Precedents

- **Canada’s Truth and Reconciliation Commission** collected over 6,750 survivor statements, which directly shaped its *Calls to Action* and influenced federal and provincial legislation.
- **Australia’s Royal Commission into Institutional Responses to Childhood Sexual Abuse** gathered over 8,000 private testimonies, which informed its recommendations and led to the creation of the *National Redress Scheme*.
- In contrast, **Ireland’s Mother and Baby Homes Inquiry** excluded survivor voices from its final report, leading to widespread criticism. Amnesty International (2021) described the report as “*fundamentally flawed*” and “*harmful to survivors.*”

Subsection (2) The terms of reference must include provision requiring the inquiry to determine whether, and if so to what extent there were any systemic failings by prescribed institutions, public bodies or other persons:

- a) in their care of relevant persons whilst in institution, their admission, their departure
- b) in the registration, regulation or inspection of the institutions;
- c) in the placement of children for the purposes of care arrangements:
 - (i) who were born while their mothers were under the care of prescribed institutions;

- (ii) whose mothers were under the care of prescribed institutions until immediately before the birth of the children.**

Clause 2 (2). The Bill intends for the Inquiry to find out:

- (i) there were failings in the system/systemic failures**
- (ii) by an agreed list of organisations and public bodies (these are organisations that are funded with public money to deliver a public or government service).**

Whilst participants who contributed welcome specific mention of systemic failures, beyond internal failures within the named institutions themselves, they queried the TEO's definition of 'systemic failings?'. They also raised concerns regarding how the Bill lists institutions but name (and as such is excluding institutions not listed) but public bodies are not listed by name. Whilst this does offer flexibility to the Inquiry to examine any organisation that played a role, there is a concern that this may make it easier to overlook the role played by particular public bodies, especially the role of statutory social services in the placement of mothers in the institutions and the subsequent adoption of their children. Participants raised concern that this may remove the focus of responsibility and attribute all blame to institutions themselves and the religious orders that ran them as it is easier to do so.

Participants are concerned that focusing solely on systemic failings does not fully address the nature, or scope of the Human Rights violations resultant from societal norms, the lack of legislation at the time and state beliefs. The group hope that recognition and acknowledgement of identifiable Human Rights violations would emerge during the inquiry, but are concerned that unless they are specifically detailed, they may be missed out. A range of potential Human Rights Violations were emphasised including the serious violations of privacy and family life, denial of identity, disappearances of those admitted, violation of freedom of information through ongoing denial of access to information and records, inhumane and degrading treatment, slavery and forced servitude and arbitrary detention. Other participants

highlighted the human rights implications of information relating to siblings also placed in institutions before or after their birth being withheld and the long term implications of this.

Moreover, violations can be grounded in both system-based failings and wrong-doing. The term 'systemic' should not be used to suggest that what happened was somehow so inevitable – and perhaps tied to human nature – that it was somehow beyond the remit, responsibility, or reach of those who held power or influence (as state or church authorities).

Participants also raised concern that blaming wider society, or families, for example, disperses culpability and deflects blame away from the state and church authorities who were responsible for protecting vulnerable children and mothers and for preventing their abusive treatments. It's essential to note that Human Rights would have been understood differently in the past and did not necessarily apply to certain situations in the sense that they are interpreted today (Parliament.uk, 2022). Prior to the enactment of the Human Rights Act 1998, The UK was a signatory state of The European Convention on Human rights since 1951; whilst not a binding contract, the UK cannot simply turn a blind eye to its obligations. The UK Government has increasingly come to better acknowledge the nature of its human rights obligations under international law.

Although no apology has yet been forthcoming from the UK government (Lambert, M., 2023;2024), The 2022 report previously cited did place great emphasis upon the nature and concept of forced adoptions as a central issue and at least acknowledged that breaches of obligations and human rights violations took place.

Although human rights are ostensibly framed as a core consideration, the Bill then goes on to suggest – confusingly - that focussing solely upon them might represent an insufficiently wide approach (3.3). Although some wrongs or abuses might not amount to a human rights violation (under the ECHR for example), there will clearly be examples of 'acts or omissions that were otherwise wrong, unlawful or illegal'. Wide-ranging abuses were noted

in earlier investigations in Northern Ireland (Mahon et al (2021); McCormick et al (2021); Ireland, (Commission of Inquiry (2021), Shannon (2018); the UK (JHRC, 2022) Canada (Andrews, 2018; Hamilton, 2022; The Standing Senate Committee on Social Affairs, Science and Technology (2018) and Australia, (Short, 2012) and in ongoing ones in e.g. S Korea (Jinsil.go.kr. (2023).

As such, focussing primarily upon systemic violations or issues, requires a clear definition of 'systemic'. Wider sociocultural, societal, and historical factors might include public attitudes, biases, and prejudices, but this could serve to deflect blame from those who were in power at the time, in terms of how they tolerated or enabled forced adoptions/relinquishments. The state needs held to account along with the church, because the church could not have acted without the state apparatus, and the state had the power to prevent the abuses being perpetrated on women and their children. The Church, medical and judicial systems colluded, and the impact of this systemic and societal shame has had a profound impact on women psychologically and contributed significantly to intergenerational trauma. (Iyengar, U., Kim, S., Martinez, S., Fonagy, P. and Strathearn, L.; 2014).

If the draft legislation will be referring to 'a wider range of activities than "Human Rights Violations" when directing the Inquiry to investigate the institutions and their functions' then this approach should be fully explained. We assume systemic failings always include Human Rights violations and would recommend clarity in the legislation to ensure that the inquiry knows exactly what they are looking for and reporting on, while remaining open-minded as to discovering wrong-doing and rights violations that might not have been envisaged.

Another concern participants raised was that the broader system isn't being directly referenced. They reflected on the cross-border movement of women and children born to them and how this issue needs to be examined within the Inquiry. At present, the draft Bill does little to address the cross-border dimensions of institutionalisation, systemic failures and abuse. One example of this involved the use of Fahan Baby Home which was mentioned

in the Commission of Investigation into Mother and Baby Homes final report which recognises the cross-border transfer of children.

The birth mothers who contributed feedback welcomed that the Inquiry examine not just what happened in the institutions themselves but also outside of the institutions. They provided a list of other people who they feel played a role including: social workers, the police, solicitors if they were involved in forced adoptions, the court system who granted the court orders, maternity staff, and psychiatric institutions where women were admitted due to ‘moral issues’. They also want reassurances that the role of social services is not overlooked and for the Inquiry to ensure the financial element of what happened is investigated including who was paying for the institutions to run. Concern was raised again about the many testimonies given and if these have been considered in the drafting of the Bill.

Clause 3:

Subsection (1) For the purposes of this Part, “prescribed institutions” means such — (a) institutions known as “mother and baby institutions”; (b) institutions known as “magdalene laundries”; (c) workhouses (within the meaning of the Poor Relief Acts (Northern Ireland) 1838 to 1937); (d) other institutions (irrespective of whether such institutions are public bodies or not, and whether the activities of such institutions are carried on for, or not for, profit), as may be prescribed in regulations made by the Executive Office.

Participants who contributed feedback raised queries regarding the proposed eligibility of institutions to be considered for inquiry, due to no criteria being listed to trigger addition of an excluded or overlooked institution. As such, considerable ambiguity is created around the decision-making process as it appears to be at the complete discretion of the inquiry panel.

Further to this concern was raised around the exclusion of experiences that are not included in the current proposed list of institutions. From 1931 -1987 an estimated 18,000 adoptions took place, with 10,000 women coming

through institutions, meaning the institutions listed in the report are not an exhaustive list and a small, but not insignificant number would be left out. These figures of course do not reflect the many other children who entered the care system and were not adopted. The birth mums who contributed noted the issues of coerced consent as still relevant to these birth mothers whose children were removed under pressure and placed in care.

Participants therefore expressed a desire for all institutions linked to historical adoptions and familial separation to be included in the scope of the inquiry. This would also help avoid discriminatory or unfair treatment of some survivors/victims on the basis of birthplace or venue. The group felt that the list of institutions is being limited before the inquiry has had a chance to review the institutions that victims and survivors had experiences in.

Another issue raised regarding accessibility for survivors was the umbrella term of the report of 'mother and baby institutions.' This may exclude those survivors from services that were not known of at the time but were still operating the same practices of forced adoption, orphanisation, or familial separation, with long term or permanent effects, including intergenerational harms. All experiences are valid. In relation to the workhouses the date 1838-1937 raises a concern. It remains unclear if this means unmarried women admitted to workhouses post 1937 are included in the scope of the inquiry. There are a number of adults in their 80s who are engaging with support services who were born between 1937-1948. Their mothers were there because they were unmarried and many of the children born to them were adopted, boarded out in informal arrangements or placed in children's institutions.

Participants raised significant concern that the draft bill is not be based on the lived experiences and testimonies of those affected. There's also a perceived disconnect between whoever drafted the bill and prior engagement with those with lived experiences. as well as the many testimonies given. Prior testimonies suggest a need to include a clear examination of the roles of various institutions beyond just the mother and baby homes themselves. This includes looking at the role of society, the

family, the church, the state, and social services, as well as the role of baby homes and nursing homes that have not been mentioned. If an unmarried mother was placed in a nursing home by a family member, the church or social services and coercion was used to separate them from their babies then they should be included in the inquiry.

Many participants have given personal testimonies relating to the nursing homes and whilst they acknowledge not all women who entered there are relevant to this inquiry, those who were unmarried and had their child removed and placed for adoption under coercion as they were unmarried, are relevant to the inquiry.

As discussed elsewhere, participants highlighted that the review should not only focus on the time spent in the institutions but also on what led to admission and the pathways out including the foster care and adoption systems. The focus needs to be wider and more inclusive than the organisations and individuals linked to only the prescribed list of institutions. Participants noted the need for an Inquiry that would deliver the whole truth of what happened.

Clause 3:

Subsection (1) For the purposes of this Part, subject to subsections (2) and (3) “relevant persons” are the following:

(a) in relation to a prescribed mother and baby institution or a prescribed magdalene laundry:

- **(i) any person admitted to the institution;**
- **(ii) any person born while their mother was under the care of the institution**
- **(iii) any person whose mother was under the care of the institution until immediately before the person’s birth;**

(b) in relation to a prescribed workhouse

- **(i) a pregnant woman or pregnant girl admitted to the workhouse;**

- **(ii) a woman or girl who had given birth while she was under the care of the workhouse;**
- **(iii) a person born while their mother was under the care of the workhouse;**
- **(iv) a person whose mother was under the care of the workhouse until immediately before the person's birth**

Participants who contributed believe that “relevant person” as set out in the Bill was not inclusive enough. Women admitted to mother and baby homes in Ireland often brought children who were already born with them, and there is evidence that this also happened in Northern Ireland. These homes housed unmarried mothers and their children, providing a place for them during a time when being pregnant outside of marriage was socially unacceptable. For example, the QUB report highlights how by 1980 five women had entered Marianvale to give birth and were accompanied by another child whose ages ranged from 9 months to 6 years old (p.67). Similar may have happened in other mother and baby homes and the experiences of these children whilst there also need to be recognised. As these children were not born in the institution, their experiences will be missed. However, they were subject to shame and stigma also as they were living in an institution meant to house women and their children who did not conform to societal norms. (Dalton, N., 2022).

They also raised concern about the use of the phrase ‘immediately before the persons birth’ and queried what the timescale for this was.

The theology of the church lead to a strategy of isolating mothers from the fathers of their children through refusal of visitation and the forming of a family. There were potentially Fathers who wanted to take the children born out of the MBMLW and did not want their children to be adopted. Participants raised that there may be fathers who sought their children and were prevented from knowing or connecting with them and how children lost their right to have a relationship with or identity associated with their father and extended family members. Separate to this, many pregnancies were as the result of abuse/rape. Women were not asked about the circumstances of the pregnancy. The perpetrators got away with their crimes that

contributed to the stigmatisation of women. The role of men; good or bad is being edited out; no awareness or acknowledgement of the consequences of their actions. Participants would welcome engagement with victims and survivors through established forums in relation to consideration of fathers.

In relation to the laundries there is a substantial amount of evidence to acknowledge the roles of older girls in Magdalene laundries, including their responsibilities in looking after younger girls.

- *'Ireland's Magdalene Laundries and the Nation's Architecture of Containment'*- James M. Smith (2007), details how the older girls were often given responsibilities to look after younger girls, acting as informal supervisors and helping with daily tasks. They were expected to maintain discipline and assist in the operation of the laundries.
- *'Do Penance or Perish: A Study of Magdalene Asylums in Ireland'*- Frances Finnegan (2004) also offers an in-depth historical account of the daily lives and duties including the caregiving roles of older girls. Finnegan's work highlights the hierarchical structure within the laundries, where older girls, sometimes referred to as "senior girls," were tasked with overseeing the younger girls. This included ensuring they followed the rules and completed their work.
- *'The Magdalene's: Prostitution in the Nineteenth Century'* by Linda Mahood (2013) includes valuable insight into the operations of Magdalene laundries and the roles assigned to older girls. Mahood discusses the roles of older girls in providing care and supervision to younger inmates, emphasising the exploitative nature of these responsibilities, which were often imposed without any formal training or support.
- *'Ireland's Hidden Diaspora: The 'Abandoned' Irish in Britain'* by Anne M. O'Connor explores the experiences of Irish women who were in Magdalene laundries, and discusses the caregiving roles that older girls often assumed. Therefore, it is important to acknowledge and remember the significant hardship and treatment of older girls assigned to duties of Childcare, domestic work, Laundry work and often emotional support for younger children in an environment that was often abusive and uncaring. In relation to the workhouses,

participants who contributed welcomed the inclusion of the 4 categories who are relevant to the inquiry, and they hope this will reflect the extent to which these institutions operated as mother and baby homes.

Participants also felt that there is a need for evidence showing the discrepancies between birth and death figures. Consideration would also need to be given to the number of births, correlated with adoptions both local and international during the same period and any significant discrepancies investigated to address the missing children. There are examples of mass graves in for example Canada (BBC News, 2021) The United States (Press, 2022) and the Republic of Ireland (BBC, 2021) therefore it is likely it happened here on some scale. It may not have been on a large scale, but even one child was one too many.

Clause 9:

Subsection (1) The chairperson may appoint one or more persons to act as assessors to assist the inquiry panel.

(2) A person may be appointed as an assessor only if it appears to the chairperson that the person has expertise that makes the person a suitable person to provide assistance to the inquiry panel.

(3) The chairperson may at any time suspend or terminate the appointment of an assessor

Participants who contributed felt the legislation lacks a clear definition of the assessor's role and fails to specify the intended application of their expertise. This therefore casts ambiguity surrounding the difference in role between this position and that of the lived experience representatives, they queried if there would be a hierarchy of opinion here. The suspension and or termination of an assessor or the lived experienced panel is given neither any limits, nor criteria that must be met. It does not set out an appeals process or even that the chair's decision must be justified. This is necessary to give a confidence that the process of the inquiry is robust and transparent.

Regarding expertise participants strongly asserted that it is fundamental for the appointed assessor to possess a clear understanding that gender discrimination is a defining factor underpinning this inquiry. The placement of mothers in Mother and Baby Homes, Magdalene Laundries, and Workhouses was not incidental but instead a direct consequence of the gendered social stigma and shame associated with unmarried motherhood at the time resultantly routinely deeming individuals as unfit. Recognising this context is critical to ensuring that the inquiry reflects the structural nature of the harm experienced.

Any assessor must be able to demonstrate comprehensive expertise in human rights. This includes a sound understanding of the state's duties under the European Convention on Human Rights (ECHR) which is essential for contextualising the abuses that have been raised during the inquiry including institutional neglect and coercive treatment. This is to ensure these incidents are not just considered in isolation but understood as breaches of obligation from the state to individuals, in order to provide accountability.

Further to this, engagement with those with lived experience must be meaningful. That means the role needs to be tasked and resourced to engage with the community affected by these institutions. It needs to acknowledge and reflect the (not just a) diaspora of views and issues individuals may have, as well as ensure it seeks out and represents those with an intersection of protected characteristics. It must have a position of power. That may mean an ongoing obligation for the inquiry chair to take the views into consideration of affected persons and justify when they are not or cannot. The function will need funded structures to develop and articulate informed views of the diverse group of affected persons.

Participants agreed that an assessor must also be trauma informed beyond a basic level. This must incorporate knowledge of attachment trauma, complex trauma and complex PTSD. This is to ensure that processes and procedures avoid any risk of re-traumatisation and be appropriate and responsive to the needs of the victims and survivors within the inquiry in

addition to contextualising the lifelong impact and harm. Intergenerational trauma must also be considered within required expertise due to the long standing, biological, psychological and social impact on subsequent generations. It is far from being a historical harm, as it remains a present and evolving issue with contemporary implications across families.

Referring to Verrier and additional research cited in question 8 participants emphasised the critical importance that an assessor has knowledge of attachment trauma and the legacy of significant emotional and psychological impact that can present later in life as a direct effect of attachment disruption. There must be understanding that this harm is a significant underpinning factor that touches many aspects of an adoptee's life. For many individuals it is a way of being, not a one off lived experience. This is to ensure the magnitude and nuance of the situation is reflected in appropriate processes and support.

Finally, participants emphasised knowledge of intermediary reunions. Assessors must demonstrate a strong awareness of the nuanced and often complex nature of the reunion process; it is not a one off process that fixes the harms caused by familial separation. For example, relationship breakdowns between siblings may have far-reaching impacts that extend beyond the individuals directly involved, often influencing — or being influenced by — the wider family network, with potentially lifelong consequences. O'Neill, McAuley, and Loughran (2016) highlight several factors that can hinder the development of post-reunion relationships. Notably, where family support was lacking, there was a significant negative effect on the adopted person's ability to maintain a relationship with their birth family.

Clause 10:

Subsection (1) The chairperson may appoint a panel of persons to act as advisers to the inquiry panel on such matters as the inquiry panel considers appropriate.

(2) The panel is to be known as “the advisory panel”.

(3) A person may be appointed to the advisory panel under subsection (1) only if the person — (a) was admitted to a prescribed institution, (b) was born while his or her mother was under the care of a prescribed institution, (c) is or was a relative of a person specified in paragraph (a) or (b), or (d) has experience in providing support to persons specified in paragraph (a) or (b).

Do you have any overall comments or views on this Clause?

Participants who contributed agreed including individuals with lived experience is essential for understanding the complexity and nuance of this social context. Their firsthand perspectives offer valuable insights that often go beyond academic or expert knowledge. This inclusion also leads to more empathetic and responsive approaches that better reflect the needs of those directly affected. Participants who contributed emphasised that this needs to be meaningful participation and not merely a tick box exercise.

Similar to appointed assessors, those appointed with lived experience also need access to resources that ensure a wider group of victims are considered and engaged with, as clarified above. This is to ensure they accurately represent and clearly understand and acknowledge the needs of all with lived experience. Therefore, clarification surrounding who will make up the panel is welcomed; will this include adopted adults, birth mothers and their children now adults, will this include affected persons from a range of institutions?

Further to this it should be clarified that as to why a focus on lived experience has been reinstated when lived experience regarding the work of the Truth Recovery and testimony gathered has been overlooked by the process thus far. Participants would like explanation as to why it seemed previous feedback has been disregarded and be provided with acknowledgment that their feedback was read as this is fundamental to the focus of lived experience.

The distribution of power amongst advisory roles must be reflected upon. Confirmation is required that the opinions of the lived experience representatives will be respected especially in the instance that they were to

disagree with for example the professional assessors or the views of institutions. Confirmation is additionally required regarding the representatives influence within the inquiry process, that their views will not become secondary to experts and that they will have opportunity to challenge opposing views to safeguard against a hierarchy of opinion. This will ensure that including individuals with lived experience does not become a token appointment/ tick box exercise ensures proper representation and accountability of experience. It is consequently vital that those with lived experience appointed are representative and clearly understand the needs of all those with lived experience. In order to achieve this Similar to appointed assessors, those appointed with lived experience also need access to resources that ensure a wider group of victims are considered and engaged with, as clarified above.

Clause 23:

(1) A person is guilty of an offence if the person, without reasonable excuse— (a) contravenes a restriction order, or (b) fails to do anything that the person is required to do by a notice under section 16.

(2) A person is guilty of an offence if, during the course of the inquiry, the person does anything— (a) that is intended to have the effect of— (i) distorting or otherwise altering any evidence, document or other thing that is given, produced or provided to the inquiry, or (ii) preventing any evidence, document or other thing from being given, produced or provided to the inquiry, or (b) that the person knows or believes is likely to have such an effect.

(3) A person is guilty of an offence if, during the course of the inquiry, the person intentionally— (a) suppresses or conceals a document which is, and which the person knows or believes to be, a relevant document, or (b) alters or destroys a relevant document.

(4) For the purposes of subsection (3) a document is a “relevant document” if it is likely that the chairperson would (if aware of its existence) wish to be provided with it.

Participants who contributed to discussion about this clause raised several themes: the ongoing barriers to accessing adoption and historical records;

the need for accountability of institutions, church, and statutory agencies; and the difficulties inherent in the process often being re-traumatizing. Many highlighted that these are not legacy issues and despite reassurances from institutions there are still issues and challenges here. Participants shared that they continue to face significant challenges when attempting to access historical records related to adoption, institutional care, and medical treatment. They reported these barriers as dismissive, distressing, and perpetuating the lack of trust in public and religious institutions. There is a belief that these barriers are obstructing truth and justice and have broader implications on human rights. A major concern for participants is the inability to account for the loss or destruction of records. In many cases, individuals have been told that records were destroyed—such as in a fire. However, they shared that institutions frequently fail to provide adequate documentation or explanation for these events. A recommendation is to implement mechanisms to hold church, institutions and statutory agencies responsible for missing records and misinformation.

Clients reported being told that records no longer exist due to retention limits, only to later discover reference to the same records in summaries, or files from a decade ago which would indicate that these records did exist past the advised retention limits. This was felt to be particularly concerning in cases involving maternity records from the 1950s, where documentation was known to exist relatively recently, but can no longer be found. Our clients collectively found the lack of clarity and consistency around retention regimes to be confusing and unreasonable, with the inconsistent application of policies raising serious questions about the reliability of institutional record-keeping and the accountability of those responsible. They shared the lack of transparency as more distressing when records subsequently later discovered after repeated requests. Participants recounted cases where multiple approaches to institutions were necessary before progress was made; often requiring external proof of their adoption or time in care.

Participants repeatedly raised the issue of the attitude of some agencies, and being made to feel like a burden with agencies responding with “we

have dealt with requests from person many times and they already have everything”. However, clients shared instances where agencies claimed to have provided all available information, despite client’s reporting evidence to the contrary, and additional information then becoming available. Missing statutory care files and adoption records continue to be common, and participants advised that there remains a lack of transparency about process is being followed to locate them. A recommendation is to create an independent body to oversee record access, retention, and destruction policies across church, institutions and statutory agencies and mandate disclosure of retention policies, and reasons for missing records.

Participants had questions around the ethical frameworks, and legal authority under which consent was given for medical procedures involving children in care or awaiting adoption, and whether those who made decisions had any legitimate legal power to do so, especially prior to the implementation of the Children Order in 1995 as the concept of parental responsibility, as understood today, did not always apply. Participants who are adopted adults highlighted that the absence of medical records has serious implications, particularly when individuals are trying to understand decisions made on their behalf during childhood and concerns about genetic medical issues in the future impacted them and their children. This is compounded by the fact that adopted adults are also unable to access their pre-adoption health records; the consequences of which they consider to be particularly serious, affecting understanding of their health history. A recommendation is to Investigate and clarify historical legal authority for consent in institutional settings, especially pre-1995. Participants understand these issues as pointing towards serious human rights violations, and there was a strong sentiment that the current legislation fails to adequately acknowledge or address these past abuses.

Birth mothers who provided feedback felt strongly about transparency regarding financial transactions and the broader collusion between statutory agencies bodies and religious institutions. Participants were particularly concerned about openness around records of any payments made by birth mothers. These payments may have covered personal

upkeep, for their children, or other related costs. Yet, these financial transactions often absent from institutional notes or official documentation. The birth mothers shared that at the same time, the statutory agencies were frequently funding placements. They want to understand the financial and administrative arrangements of the time and how financial responsibilities were shared. They have concerns that this information is being concealed, and transparency around it is essential for accountability and acknowledging the full extent of the injustices experienced by those affected. A recommendation is to mandate disclosure of all financial transactions.

Participants who provided feedback communicated that, despite new policy guidance and reassurances from social services and institutions aimed at improving access to files; the reality remains far from ideal. Participants shared their personal, ongoing difficulties. They spoke of the long-term emotional, psychological, and legal consequences caused by the continued lack of access to records and it being treated as merely a bureaucratic issue—when it is a matter of dignity, human rights and justice. Clients called for the barriers to accessing their records to be removed and institutions to be held accountable. They want meaningful reform and assurance that transparency, fairness, and compassion will be the guiding factors of future policy and practice alongside survivor-led consultation.

Part 2 – Key parts of Draft Bill Relating to Redress

Clause 31

(1) For the purposes of this Part, subject to subsection (6), “eligible person” means a person who is eligible under subsection (2), (4) or (5).

(2) A person is eligible under this subsection if— (a) the person was admitted to a relevant institution at any time during the relevant years for the institution, and (b) the primary purpose of admission was for the person to receive shelter or maintenance (or both) from the institution.

(3) In subsection (2)— (a) the references to admission include admission as an adult or as a child and (in the case of a child) whether or not accompanied by an adult; (b) the reference to the receipt of shelter or maintenance does not include the receipt of shelter or maintenance incidental to the provision of medical, surgical or maternity services.

Participants who contributed raised concern that confirmation is required whether any previous HIA payment would affect this Redress payment. It was expressed by the group that these two inquiries cover different harms rather than being exclusive to the location in which they occurred it is therefore essential that the two Redress schemes do not influence each other. This concern has been discussed in response to Clause 1, subsection 6. For example, participants noted if an HIA Redress award was previously granted to a birth mother under 18 this was awarded based on a child’s experience within the institution, not on their experience as a birth mother and did not acknowledge the life-long trauma of being a young mother who was separated from their child. As per previous responses given participants communicated the need for any place unmarried mothers were sent and their babies were sent should be included not simply an exclusive list of institutions. Many participants have provided personal testimonies relating to their circumstances in settings not listed in this draft Bill and they urge full consideration of testimonies provided when determining eligibility. Some participants strongly expressed the desire for anyone in an institution to be entitled for Redress regardless if the institution they were involved with is not listed. All historic pathways and practices had a gender-specific shame. The experiences of mothers and children that are not captured by

the pre-determined list, are still relevant and it should be made easy for these individuals to come forward and feel included. In relation to the private nursing homes it remains unclear who was running these and if there was a link to the other institutions and religious bodies. From a Human Rights aspect- if wrong was done in these nursing homes and evidence of these harms including pressure and coercion from social services resulting in coerced familial separation and adoption has been found they should be included and treated the same as other institutions. Consideration of any testimonies given in relation to these homes is important here. Some participants reflected on similar schemes in other jurisdictions where the focus is on the issue of forced adoption and familial separation- not the building/institution this happened in.

For some participants the wording of 'admitted' introduced concern regarding the corroboration of evidence for women and children born to them due to potential missing recordings of these individuals time in an institution. The potential issues with access to records is discussed in more detail in Clause 23. These participants who gave feedback seek clarity on what evidence will be needed to access the standardised payment. They are concerned that providing evidence for the standardised payment may need to come from third parties that may not be forthcoming, or impossible, in cases where records have been allegedly destroyed.

Whilst it appears to be positive that section (a) is specifying that both adult women and young women under 18 admitted to institutions are included as eligible it is however, it is unclear if this includes those admitted to laundries as well as those admitted to mother and baby homes. Clarity is needed if this also includes under 18s placed in laundries as a care placement/alternative to training school/under supervision orders. Furthermore, those who contributed highlighted that pregnant women admitted to workhouses and the children born to them should not be excluded from the standardised payment as these were institutions were part of a system born out of historical discrimination against unmarried women and therefore it is wrong to exclude some groups that would have incorporated these practices. This cohort of survivors is relatively small and

elderly but equally deserving of recognition and justice and for many their care and adoption pathways were informal and unregulated. The Truth Recovery report emphasised that the Panel's view was that human rights law applies to all events. It recommends that all institutional abuse, regardless of the age of the woman or the status of the specific institution, should be investigated by the enquiry and that Redress, compensation and rehabilitation support services should be secured for all survivors including all those children born to girls and women whilst institutionalised within these settings. Finally, participants raised that the process for an institution to be added needs to be a clearer pathway.

Subsection (4) A person is eligible under this subsection if— (a) the person was born while his or her mother was under the care of a relevant institution, or (b) the person's mother was under the care of a relevant institution until immediately before his or her birth; and the person was born during the relevant years for the institution.

Participants who contributed raised concern about children born to mothers who were admitted to an institution before the cut-off dates, but their birth was outside of the cut-off date and if they would still be eligible. In instances where the cut-off date relates to the closure date of the institution consideration needs to be given to where these mothers were subsequently moved to if their child was still placed for adoption or in care. Many participants felt that this clause is potentially overlooking the impact of maternal trauma and stress during the pregnancy on both the mother and the unborn child. Many birth mothers have reported maltreatment whilst in institutions, even if their child was born after the cut-off date this maltreatment is still unacceptable. Many who have given testimonies have also emphasised that the decision that their child was to be removed was made before they even entered the institution and long before they had given birth. Many participants also felt clarity was needed about the phrase 'immediately before birth' and what the timescale for this was.

Subsection (5) A person is eligible under this subsection if— (a) the person is an eligible relative of a deceased person who would (if alive) have been eligible under subsection (2) or (4), and (b) the deceased died on or after 29th September 2011.

Participants who contributed strongly felt that this date is not reflective of lived experience, and consider it exclusionary and reductive. They would like clarity where this date has come from and what relevance this date has to this Inquiry? They feel it is linked to an unrelated decision on child abuse inquiries which should have no impact on the context of this Inquiry. They also feel that this date is a mere cost saving measure and that is the only factor that has been considered here. Some participants felt that no date should be used, and others felt that the date needs to be moved back at least to the 1950s. Discussion centred around the reasons why people would apply for Redress for relatives now deceased. They emphasised that these relatives would be doing so as a symbol of truth, acknowledgement and accountability of the harms caused and for many this is reflective of both intergeneration trauma and the systemic impact of the harms done on the family. Others raised concern about the impact of this cut of date on the families of the many long-term institutionalised women admitted to the laundries who died before this date after being detained in laundries as young women and never returned to their families. Some of these women are buried in graveyards linked to the institution and for the children born to them this has been a long journey over many decades to locate them. Many of the women of this generation had their babies in the workhouse so their children born to them who were removed from their care are completely ineligible in all categories. Birth mothers who contributed to discussion remember some of these women when they were admitted; they were much older than them, and they had been advised by other young women admitted to give birth, that they had been living there for many years and were not able to leave. Participants who contributed felt that if Redress payments are to be part of the scheme, then it is essential that they are applied fairly and consistently. The current exclusion of women and families connected with workhouses is deeply unjust, risks creating a hierarchy of suffering and causes real harm. They also feel it is legally questionable and ethically indefensible. Any approach to posthumous Redress should respect equality

across all categories of survivors. For others who contributed they felt that the absence of recognition for those who have died can feel like another injustice for families. They emphasised alongside potential posthumous financial Redress alternative forms of recognition and acknowledgement are required.

Subsection (6) The Executive Office may by regulations provide that persons specified in the regulations who would otherwise be “eligible persons” are to be treated for the purposes of this section as if they were not eligible persons.

Participants who contributed felt this clause gives the Executive Office broad discretionary power to exclude groups from Redress, many feeling the clause being used as a ‘loophole’ to reduce eligibility. Survivors cannot feel supported or reassured if their eligibility can be revoked later by regulation; this risks retraumatising those who gave testimony in good faith with the reasonable expectation of an inclusive redress scheme. This clause further undermines survivor confidence by the lack of transparency and clarity, creating the risk that exclusions could be unjust or motivated by factors not mentioned in the Bill. Therefore, without clear safeguarding, the Bill could reduce the number of eligible survivors and undermine the method recommended by the Truth Recovery Independent Panel, where survivors believe eligibility should be maximised rather than restricted.

Participants believe the Bill should specify any narrow or exceptional circumstances for exclusion. For example, like in Canada (Residential Schools, 2007) or Australia (National Redress, 2018) where exclusions were limited and predefined to perpetrators and those linked to serious sexual offences being excluded from redress, with appeals available. By contrast, NI’s draft Bill allows open-ended exclusions by regulation, offering weaker protection than international standards or comparable redress schemes. Participants further advocated for reassurance that survivors must be guaranteed that eligibility cannot be unfairly restricted. This is in line with International Standards such as, the UN Basic Principles on the Right to a Remedy and Reparation (2005) where states must guarantee equal and effective access to justice and reparation and the UN Convention on the

Elimination of All Forms of Discrimination against Women (CEDAW) where restricting eligibility for women who suffered institutional harm risks discrimination. Furthermore, unfair discretion and restriction may also prohibit rights under the ECHR Articles 13 and 14 where survivors have the right to effective remedy and non-discrimination.

Finally, it is suggested that any use of exclusion powers must require assembly scrutiny, survivor consultation and a right of appeal for excluded applicants. This safeguarding is vital to ensure accountability and prevent unjust and arbitrary decisions. Without this recommendation, exclusion risks being imposed in secret, without explanation and without recourse, which could not only retraumatise those already harmed but compound a further sense of powerlessness in this process.

Subsection (8) A person who was admitted to more than one relevant institution, or who is eligible under both subsection (2) and subsection (4), is eligible for one payment.

The drafted clause does not account for complexity and leaves major questions unanswered. It appears the clause restricts survivors to a single payment, even if they were admitted to multiple institutions or are eligible under more than one part of the scheme. For example, participants stated that some birth mothers have experienced mistreatment and abuse in more than one mother and baby home across different years, yet they will be limited to only one payment. Participants suggested that this may make those who experienced harm in more than one setting feel their suffering is being minimised. Moreover, if a woman is admitted herself and is also a next-of-kin to another admitted relative, the clause limits her to only one payment. This risks blending her own lived trauma with her role in representing a deceased relative, which should be considered distinct. Furthermore, if this clause restricts survivors to a single payment, even when representing a relative, this could unfairly force survivors to ‘choose’ between honouring that relative and recognition of their own abuse.

This clause carelessly creates an inequality between survivors as someone who was harmed in a single setting will receive the same as someone

harmed across several settings, despite the compounded trauma. For example, where an adult who was born to a mother in one of the institutions, and later admitted as a birth mother herself, would still be limited to only one payment – reducing two distinct and serious harms into a single award. Consequently, this may be perceived as prioritising administrative simplicity and cost control over meaningful recognition of the full scale of survivors’ experiences. Many have questioned whether this approach is fair or adequately aligns with the purpose of truth recovery and justice. If the extent of their trauma cannot be acknowledged through the standard payment scheme alone then this should be reflected in the enhanced payment scheme to follow.

Similarly, many women and babies have been overlooked due to the disregard of Southern Mother and Baby Homes, such as Fahan. Without explicit recognition of the cross-border movement, many survivors’ risk exclusion. It is important to consider how evidence from Tulsa or Southern records that confirm Northern admissions will be used in this Redress to ensure no survivor falls through the cracks.

It is recommended that the scheme should allow additional payments or higher awards where survivors experienced abuse in more than one institution, reflecting the cumulative impact of harm, as is being suggested with the proposed future enhanced payment scheme. The Board should consider a model where severity, duration, or multiple admissions are recognised through enhanced payments. Similarly, survivors who were admitted should always receive their own payment, regardless of also being next-of-kin for another. Posthumous awards should be additional and distinct, not counted against the survivor’s entitlement. The clause should clearly state whether the one payment applies to individual survivors only, not to next-of-kin roles. Additionally, the clause should provide that admissions to institutions in the South or movements across the border, will not disadvantage survivors. The clause should include that records from Tulsa, Irish Civil Registration and Southern Court files will be accepted as admissible evidence.

It can be seen in Ireland payments are tiered based on length of stay, but multiple institutions do not multiply payments – this is heavily criticised by survivor groups as failing to reflect harm. Whereas in Australia awards are individualised taking account of the extent and nature of abuse, meaning multiple experiences can lead to higher payments within a capped system (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017) Similarly, Canada allowed claims for multiple incidents across different schools with awards reflecting the full range of harms (Final Report, 2012).

Consequently, if the government insists on a single payment model, it should clearly explain the rationale (to avoid double counting the same harms) and show how fairness will still be achieved. Survivors should be consulted and asked how they think multiple admissions should be recognised and their voices should shape whether additional or high payments are required.

Subsection (9) The payment is to be— 10 (a) £10,000, if the person is eligible under subsection (2) or (4); (b) £2,000, if the person is eligible under subsection (5).

Firstly, participants who contributed would like to make it clear that no amount of money can compensate for the events that took place. The group expressed the view that being asked to make decisions based on questions of this nature was unfair. This is due to not being properly informed of the context to how the baseline of £10,000 was chosen for redress. With no guidance or options being given to those who may be eligible, as well as no financial modelling being demonstrated. The group also expressed the need for clarification on the following points. The first is, if the £10,000 redress from the HIA report was used as a basis for this inquiry's redress amount, and if so, the view was that this amount should be reviewed against inflation and cost of living and be brought up accordingly. The overall view of the group was that the redress must be fair and equitable to all, with no taxation. A lump sum that is not labelled as an asset and as such does not have to be declared. Therefore, it would be exempt from being used for payments to cover situations such as residential, nursing and end of life care.

Concern was raised about people who were awarded this money who lived in other countries and if there was any way to safeguard this impacting on benefits etc. Further to this, the group would like clarified if the redress payment enters them into a non-disclosure agreement once the payment is received, similar to that of the Irish redress in which once payment was taken, individuals were unable to take a civil case against an institution or public body and the details of which were not allowed to be discussed with any other individuals. In addition to these clarifications, it was noted that the process of engaging with the redress needs to be clear and user friendly, as well as incorporating guidance around whether an individual would need to seek legal help. Finally, a strong concern was raised around privacy of those that receive the redress. The group advocated the necessity for extra privacy laws to ensure safeguarding of the individual's information, so that under no circumstances can this be released or shared after redress is received. Many who contributed to discussion wanted clarification about where this money was coming from and if the institutions and religious orders themselves are contributing.

(10) The table in Schedule 2 sets out— (a) what a “relevant institution” is, and (b) what the “relevant years” for an institution are.

For participants who contributed this narrow list of relevant institutions and dates is a contentious issue. Their thoughts regarding this have been reflected at length in part 1 for the submission, especially in clauses 1, 2,3 and in part 2 answers above especially clause 31. They strongly feel that all institutions where unmarried women were sent and their children removed under coercion from family, state and the church should be included here and this needs to include the workhouses and those nursing homes that have been identified within the Truth Recovery testimony gathering process. Whilst participants did think it was positive that there appears to be a clause to add in new institutions there remains serious concerns about what this decision-making process will look like. Participants who contributed felt that regardless of the physical building events took place the same issues of shame, maltreatment and coercion impacted unmarried women and their children. For these women the outcome was the same, their children were

removed and placed for adoption, foster care or institutional childcare. Again, concern was raised about the lack of clear mention of cross-border elements of institutionalisation which impacted on these women and their children.

(11) Schedule 3 sets out who the eligible relatives are.

Paragraph 1 means that the eligible relatives are the partner of the deceased, and any child of the deceased.

Paragraph 2 defines a partner as a cohabiting partner of at least two years, or a spouse or a civil partner. This means that if a person has a spouse or civil partner but lives together with another person for two years or more, the cohabitee (rather than the spouse or civil partner) will be eligible for the payment.

Paragraph 3 clarifies that a child includes a child of the deceased who has been adopted by another person.

The group was in complete agreement that the complexities of this issue appear to have not been thought through thoroughly and thus felt that this question was difficult to answer. It was expressed that posthumous claims could be based on a next of kin approach, however, it needs to be acknowledged that this is extremely personal and resultantly needs to be considered on a case-by-case basis. It was suggested that this issue is explored with established survivors' forums.

Do you have any suggestion for methods of redress other than a financial payment? For example this could include a memorial, official apologies, or other symbolic actions etc?

It was highlighted by participants that any alternative redress methods to financial payment would be useful only in addition of the payment scheme and this should not be replaced by other means. Participants strongly felt that a lifelong commitment to funding support services is one of the most fundamental methods that must be considered. They emphasised that for many years, the social issues related to the inquiry were not openly discussed. Now, as individuals begin to come forward—and will likely

continue to do so—it is essential that ongoing support remains available, especially for those yet to come forward. This support must provide a safe, trauma-informed environment where individuals can speak openly and receive appropriate care. Ensuring that all support services are trauma-informed is critical. Further to this the group felt it is essential that an official apology is made from the church bodies for the role they played. This must include apology from the individual orders contained within these institutions. I was also considered fitting that the church should take symbolic responsibility in the form of institutions contributing to Redress monies. Redress in the form of a fund to support adoptees or permit further research into adoption's ongoing impacts e.g. the effects of rejection / reunion and its intergenerational harms was considered an appropriate additional method. In addition to this a campaign regarding awareness to raise initiatives of modern-day adoption impacts would also be considered suitable.

It was raised by participants that evidence concerning unmarked graves or inappropriate burials still hasn't been addressed. There is a need for evidence showing the discrepancies between birth and death figures. Consideration would also need to be given to the number of births, correlated with adoptions both local and international during the same period and any significant discrepancies investigated to address the missing children. Previous evidence of mass graves cited earlier in the consultation document makes it likely that similar burials occurred here, especially given the scale involved. Even if not widespread, the loss of even one child in such circumstances is unacceptable. Previous evidence of mass graves makes it likely that similar burials occurred here, especially given the scale involved. Even if not widespread, the loss of even one child in such circumstances is unacceptable. There are rumours of the Bog Meadows being used for this purpose and an MLA is bringing it to the Assembly (Purdy, 2024).

Clause 31 (6) states “The Executive Office may by regulations provide that persons specified in the regulations who would otherwise be “eligible persons” are to be treated for the purposes of this section as if there were not eligible persons.

The group were concerned in what circumstances would it be envisaged that someone deemed otherwise eligible would be considered as not eligible. Therefore, clarification is required as to who this relates to and when it will be implemented. It was also questioned as to whether the process would include a right to appeal.

This is a question best addressed by the TEO as to their intentions in this section. Comparable schemes have run into controversy by excluding people who were otherwise eligible but had criminal convictions. Such exclusions fail to account for the ways in which engagement with institutionalisation and experiences of abuse can overlap with criminal conduct.

Clause 32

(1) An application for a payment must be made to the Service— (a) before the end of the period of three years beginning with the date on which the establishment of the Service is advertised in the Belfast Gazette, and (b) in accordance with such provision as may be made by regulations under section 42.

There was agreement among the group that the three-year window for applications may not be appropriate depending on how many people apply in the latter stages of the scheme. The group also felt that consideration needs to be given for those late discovery adoptees who might not learn of their birth status until after their parents have died, also for any birth mothers coming forward towards the end of the 3-year period. Concern was raised again here about ongoing issues with locating records and a potential reluctance to come forward due to secrecy and stigma. Survivors' lives are often marked by trauma, secrecy, and stigma, meaning disclosure and applications may come very late. Participants conveyed that if coerced adoption is seen as primarily a human rights matter – identity, health, family rights, best interests – then any time limit is inappropriate.

International evidence shows that short application windows risk excluding some of the most vulnerable survivors:

- **Republic of Ireland – Residential Institutions Redress Board (2002-2015):** initially set at 3 years, but the deadline was extended multiple times due to low uptake and concerns that survivors were not given sufficient opportunity
- **Canada – Indian Residential Schools Settlement Agreement (2006):** allowed applications for 5 years, but extensions were permitted in cases of exceptional circumstances.
- **UK – Scottish Redress Scheme (2021):** No short cut-off. Instead, applications can be made until at least 2026, with provision for extension.

It was unclear to participants that once the standardised payment ends if individuals seeking to apply for the standard amount without the need of giving a statement. Some individuals may be late in coming forward who do not wish to recount their experience due to emotional distress, there is ambiguity as to whether there be an option for them to apply on an evidence of admission basis or if statement of lived experience will be compulsory. In addition, there is a need for clarity that applying for standardised payment now will not exclude individuals from applying for the enhanced payment based on a statement of lived experience at later stage. Another concern was if additional institutions are eventually added to the list of eligible institutions at a later stage will survivors impacted by these institutions have to apply within the initial 3 year window as well?

Although this question relates to the standard payment participants who provided feedback are already raising concerns about the future enhanced payment, especially in relation to the issue of consent. They raised concern that a mother's verbal or written 'consent' to relinquish her child is used to argue that the adoption wasn't forced. This implies that the state or church didn't coerce the decision, making the mother and child potentially ineligible. The group highlighted the risk of relying too heavily on paperwork, noting that 'consent' can be a double-edged sword if used to deny future claims and urge the Redress board to consider the many testimonies given in relation to the issue of consent.

Clause 35

(2) The judicial member may issue a notice in writing that requires a person— (a) to provide specified records, documents, objects or other items of evidence on or before a specified date, or (b) to attend a hearing on one or more specified dates and to give oral evidence on oath.

(5) Subsection (6) applies where a person is required by a notice under this section to provide records or documents and— (a) providing the records or documents would disclose information about another person which is irrelevant to the determination of the application, and (b) the disclosure of the information would breach an obligation of confidence.

(6) The person must provide the records or documents in an appropriately redacted form.

Clause 35. The Bill gives the Redress Service the power to compel relevant evidence from relevant organisations to support an application. Do you agree with the Redress Service having this power? Are there other powers to compel you would give the Redress Service?

Participants highlighted significant ambiguity surrounding Clause 35 (2), particularly regarding the consequences of non-compliance. It remains unclear whether a failure to meet any of the stated clauses could constitute contempt of court or attract other legal penalties. In cases where subsection (6) applies, further clarity is required around the term “another person.”, does this mean a survivor could be accused of withholding information or does this relate specifically to professionals and institutions? Participants also questioned who holds the authority to determine what constitutes relevant versus irrelevant information under this clause. Is there an established process or right of appeal if a party disagrees with such a determination? There is uncertainty regarding whom this section is intended to protect. Is it designed to uphold the promised privacy of mothers? To shield fathers who may have committed offences i.e sexual? Or to protect other individuals such as clergy, nuns, social workers, general practitioners, or community workers involved in the arrangement of adoptions, including those that were illicit or cross-border? Further clarification is needed on this point.

Additionally, participants raised concerns about whether it would be a criminal offence to have destroyed, falsified, redacted, or lost key documents—particularly those related to birth, adoption, or medical history. Clear guidance is needed on whether such actions constitute a criminal offense. Participants felt there was a need for further clarification on the definition of ‘appropriate redaction’. This could potentially permit a complete erasure of an adoptees past, their identity, ancestry and Kinships. In addition, it could lead to the concealment of illegal aspects of their relinquishment/ adoption. Clarity is being sought as to whether there will be a right of appeal against such redaction. Redactions should have no place in a ‘truth recovery’ process. Participants highlighted that other jurisdictions have made this error, which makes a mockery of the ‘right’ to receive one’s information, an example being Quebec where birth records were opened in 2024 but have been so heavily redacted as to be rendered useless.

Participants strongly advocated for greater transparency from the Redress Board regarding the records used in decision making. Specifically, it was suggested that applicants should receive a clear indication as to where these records are held and how to apply for them as they may be records they were unable to locate or access by themselves previously.

Concern was raised that requiring adoptees to make formal applications for access to these records amounts to discrimination based on birth rights. Under Article 10 of the European Convention on Human Rights, individuals have the right to access personal information about themselves. This right is afforded to non-adopted persons as a matter of course, and should equally apply to adopted individuals. It allows for further gate keeping and a further rights violation [identity, information] all designed to prevent us from attempting contact and to protect those who facilitated forced/illegal adoptions/ relinquishments [and who are perpetuating discrimination and unfair/unequal treatment of adoptees]. Please do not repeat the mistakes of the ROI scheme where GPs decide what health info might be given to adoptees or where adoptees must be ‘counselled’ prior to receiving their

own info/records. These practices were labelled dehumanising and demeaning.

Clause 38

(1) A person who applied for a payment may appeal to the Service against a decision to refuse the application.

(2) An appeal must be made within— (a) 30 days of the person being notified of the decision, or (b) such longer period as the Service may, in exceptional circumstances, permit.

Feedback from Adopted Adults:

The circumstances described in Clause 38 may appear exceptional to others, but for adoptees, they are quite common. Many feel that the Bill's drafters lack a real understanding of the lifelong impacts of adoption, and that there is a noticeable absence of empathy and compassion in the way the appeal process has been designed.

Regarding the appeal window, the consensus is that 30 days not long enough. For comparison, even a judicial review allows 12 weeks. The short timeframe is seen as yet another example of discriminatory treatment, and some view it as a deliberate strategy to exclude as many potential applicants as possible. Adoptees, as a vulnerable group, should be afforded more protections—not fewer.

Feedback from birth mothers:

The birth mothers who contributed suggested that the appeal window should be extended to **at least three months**, especially considering the time it can take to gather necessary evidence. There is concern about whether applicants will be required to provide documentation to support their appeal, and if so, how long that process might take.

Another key issue raised was the possibility of finding new evidence after the appeal window has closed. Many people are still struggling to access their records, and it's not uncommon for relevant documents to surface later.

There was a strong suggestion to include an additional clause that allows reapplication or appeal if new evidence emerges outside the 30-day window.

Conclusion

There is a call for all institutions linked to historical adoptions and forced familial separation to be included in the scope of the inquiry. This avoids risk of discrimination of some survivors/victims on the basis of birthplace or venue. The umbrella term of the report of ‘mother and baby institutions’ may exclude survivors from services that were not known of at the time but were still operating the same practices of forced adoption, orphanisation, or familial separation, with long term or permanent effects, including intergenerational harms. All experiences are valid.

Participants who have been engaging in consultation processes for a long time feel that they have been ignored previously and are largely disenfranchised, unheard and devalued in their lived experience. Ultimately, they hope that they will be listened to in this consultation. We talk about the value of the lived experience, yet throughout the responses it is evident that those who have engaged since the outset believe that has been a tokenistic and box ticking exercise. The many who contributed to this response, as well as many others engaging in the services, would welcome acknowledgement that this submission has been read and considered, and would particularly welcome explanations on rationale behind decisions made as the Bill progresses to the next stage. The practices that led to babies being placed in the care (statutory or informal) or adoption system, and Mother’s shamed for ‘out of wedlock’ pregnancies were systemic and wide ranging.

Key Concerns and Recommendations

Part 1 – Key parts of Draft Bill Relating to Public Inquiry

Clause 1.

Subsection (2) The inquiry is to be known as the Truth Recovery Public Inquiry into Mother and Baby Institutions, Magdalene Laundries and Workhouses 1922 to 1995.

1. Title of the Inquiry

The title should be revised to reflect the broader scope of experiences and systemic issues. This would:

- Acknowledge entry and exit pathways, not just the institutions.
- Include forced adoption, care system involvement, and coerced consent.
- Reflect gender-based discrimination and state/social service roles.

A considered revision may be something like:

“Truth Recovery Inquiry into Pathways to, Experiences within, and Exits from Mother and Baby Institutions, Magdalene Laundries, and Workhouses (1922–1995)”

2. Scope of Institutions

To ensure inclusivity and to avoid pre-emptive exclusion, it needs to be clarified that the Inquiry will not be limited to a narrow list of named institutions. Inclusive language could be such as:

“The Inquiry will include all relevant institutions and settings where forced familial separation occurred, including but not limited to those named in the title.”

3. Gender-Based Focus

Add a separate clause, or embed in the purpose statement, that the Inquiry will examine gendered societal attitudes, particularly toward unmarried mothers, and how these contributed to institutionalisation and separation.

4. Terminology Sensitivity

Acknowledge that terms like *“Mother and Baby Home”* may not reflect lived experience or historical naming. Consider a clause or footnote that states:

“Terminology used in this Bill reflects commonly understood references but does not presume uniformity of experience or naming by those affected.”

5. Inclusion of Care System and Adoption Pathways

Ensure the scope of the Inquiry includes:

- Children placed in care systems (not just adopted).
- The role of coerced consent.
- Long-term impacts on both mothers and children.

6. Role of State and Third Parties

To help address concerns about blame avoidance and ensure accountability, a clause should be added that commits to examining the actions and omissions of:

- State bodies
- Social services
- Religious organisations
- Legal and medical professionals

Subsection (4) The inquiry is to cover the period from 1922 to 1995 (inclusive of both of those years).

The Inquiry are urged to ensure that all survivors—particularly those who were transferred to other institutional settings following the closure of the original institution—are fully recognised and supported.

Subsection (5) Nothing in subsection (4) prevents the inquiry from considering the effect on any person after 1995 of anything that occurred during the period referred to in subsection (4) as it is relevant to the inquiry’s terms of reference.

Victims and survivors urge the Inquiry and relevant government departments to formally acknowledge and address the long-term and intergenerational impacts of institutionalisation, forced familial separation, and adoption practices. Survivors and their families continue to live with the psychological, relational, and social consequences of these experiences.

It is imperative that the Inquiry adopts a trauma-informed approach—one that ensures sensitive and respectful access to records, and recognises that reunification is not a resolution, but the beginning of a lifelong healing process. A trauma-informed framework must acknowledge not only the enduring impact of institutionalisation but also the intergenerational harm experienced by families and communities. Victims and survivors call for a commitment to meaningful

redress and accountability. The establishment of specialised long-term support services that reflect the complexity and depth of harm caused is necessary to provide sustained support for all those affected.

Subsection (6) Where HIA enquiry already looked at the facts these people are to be excluded from Public Inquiry:

Victims and survivors call on the Inquiry and government officials to ensure that those who gave testimony to the HIA Inquiry are not excluded from this process. The experiences of birth mothers and adopted adults must be recognised in their full context—not solely as children in care, but as individuals subjected to forced separation, coercion, and lifelong trauma.

The Inquiry must include baby homes and inappropriate placements of infants in children’s institutions, and address the cross-border dimensions of institutionalisation. Only by acknowledging the full scope of harm—including the overlooked experiences of the youngest children and the interlinked systems of care and adoption—can the Inquiry fulfil its mandate of truth recovery, accountability, and justice.

Clause 2.

Subsection (4) Before preparing or amending the terms of reference, the Executive Office must— (a) consult the chairperson; (b) consider the Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland Truth, Acknowledgement and Accountability Report published in October 2021.

International precedents—such as those in Canada and Australia, as highlighted in the Adopt NI Service User response—demonstrate that survivor-led processes are essential to building credible, compassionate, and effective inquiries and redress frameworks.

In light of this, we make the following recommendations:

1. **Amend Subsection (4)** to require the Executive Office to consult:
 - The body of testimonies collected from survivors, birth mothers, adopted adults, and affected families.
 - The Interim Report, and Final Report of the Truth Recovery Independent Panel, once published.

2. **Include a formal statement** acknowledging the financial and emotional investment in the Truth Recovery process. Over £2 million has been spent

over two years; survivors deserve transparency regarding how this investment is shaping outcomes.

3. **Ensure survivor testimonies are central** to shaping the Inquiry's terms of reference and redress framework, in line with international best practice.

Subsection (2) The terms of reference must include provision requiring the inquiry to determine whether, and if so to what extent there were any systemic failings by prescribed institutions, public bodies or other persons:

- d) **in their care of relevant persons whilst in institution, their admission, their departure**
- e) **in the registration, regulation or inspection of the institutions;**
- f) **in the placement of children for the purposes of care arrangements:**
 - (iii) **who were born while their mothers were under the care of prescribed institutions;**
 - (iv) **whose mothers were under the care of prescribed institutions until immediately before the birth of the children.**

Clause 2 (2). The Bill intends for the Inquiry to find out:

- (iii) **there were failings in the system/systemic failures**
- (iv) **by an agreed list of organisations and public bodies (these are organisations that are funded with public money to deliver a public or government service).**

1. Definition of “Systemic Failings”

The Bill should include a clear definition of “systemic failings” and explicitly name public bodies involved, to ensure accountability is not deflected solely onto religious institutions.

2. Human Rights Violations Must Be Explicit

The Bill should explicitly require the Inquiry to investigate human rights violations, not just systemic failings. These should be framed within the UK's obligations under the European Convention on Human Rights (ECHR), which it signed in 1951.

3. Avoiding Blame Deflection

Recommendation: The Inquiry must hold both state and church authorities accountable, recognising their collusion and the role of societal shame in perpetuating abuse and trauma.

4. Scope Beyond Institutions

The Inquiry must investigate the financial structures, decision-making processes, and roles of all actors involved in institutionalisation and forced adoptions.

5. Testimonies Must Inform the Inquiry

Survivor testimonies must be central to shaping the Inquiry's scope, definitions, and investigative priorities.

Clause 3:

Subsection (1) For the purposes of this Part, “prescribed institutions” means such —

(a) institutions known as “mother and baby institutions”;

(b) institutions known as “magdalene laundries”;

(c) workhouses (within the meaning of the Poor Relief Acts (Northern Ireland) 1838 to 1937);

(d) other institutions (irrespective of whether such institutions are public bodies or not, and whether the activities of such institutions are carried on for, or not for, profit), as may be prescribed in regulations made by the Executive Office.

1. Lack of Inclusion Criteria

The Bill should include clear criteria for adding institutions to the scope of the Inquiry, based on survivor testimony, historical evidence, and patterns of abuse.

2. Incomplete Institutional List

All institutions linked to historical adoptions and familial separation should be eligible for inclusion, to avoid discriminatory treatment based on birthplace or venue.

3. Terminology and Accessibility

The Bill should clarify that function, not just name, determines inclusion—i.e., any institution involved in coercive separation or adoption practices should be considered.

4. Workhouses Post-1937

The Bill should explicitly include workhouse experiences post-1937, especially where coercion and separation occurred.

5. Disconnect from Survivor Testimony

The Inquiry must include nursing homes and other non-listed institutions where unmarried mothers were placed and coerced into relinquishing their children.

6. Beyond Institutional Walls

The Inquiry's scope must extend to all individuals and systems involved in coercive separation and adoption practices.

Subsection (1) For the purposes of this Part, subject to subsections (2) and (3) “relevant persons” are the following:

(a) in relation to a prescribed mother and baby institution or a prescribed magdalene laundry:

- **(i) any person admitted to the institution;**
- **(ii) any person born while their mother was under the care of the institution**
- **(iii) any person whose mother was under the care of the institution until immediately before the person's birth;**

(b) in relation to a prescribed workhouse

- **(i) a pregnant woman or pregnant girl admitted to the workhouse;**
- **(ii) a woman or girl who had given birth while she was under the care of the workhouse;**
- **(iii) a person born while their mother was under the care of the workhouse;**
- **(iv) a person whose mother was under the care of the workhouse until immediately before the person's birth**

1. Ambiguity Around Institutional Eligibility

Establish transparent criteria for adding institutions, informed by survivor testimony and historical evidence.

2. Exclusion of Unlisted Institutions

Expand the definition of “relevant persons” to include those affected by coerced consent, informal care arrangements, and placements in non-listed institutions such as nursing homes and private facilities.

3. Terminology and Accessibility

Clarify that inclusion is based on function and experience, not just institutional name.

4. Workhouses Post-1937

Recommendation: Extend the scope to include workhouse experiences post-1937, especially where coercion and separation occurred.

5. Disconnect from Survivor Testimony

Ensure that survivor testimony guides the definition of “relevant persons” and the scope of the Inquiry.

6. Beyond Institutional Timeframes

Broaden the definition of “relevant persons” to include those affected by institutional decisions and practices, even if they were not formally admitted.

Clause 9:

Subsection (1) The chairperson may appoint one or more persons to act as assessors to assist the inquiry panel.

(2) A person may be appointed as an assessor only if it appears to the chairperson that the person has expertise that makes the person a suitable person to provide assistance to the inquiry panel.

(3) The chairperson may at any time suspend or terminate the appointment of an assessor

1. Lack of Role Definition and Transparency

The Bill should include a clear definition of the assessor’s role, their responsibilities, and how their expertise will be applied in relation to survivor input.

2. Unregulated Suspension or Termination

Introduce criteria and procedural safeguards for suspension or termination, including written justification and an appeals mechanism.

3. Essential Expertise Requirements

The Bill should specify minimum expertise requirements for assessors, including trauma-informed and human rights-based qualifications.

4. Meaningful Engagement with Lived Experience

Establish a formal obligation for assessors to engage with affected communities and for the chairperson to justify decisions that diverge from survivor input.

5. Funding and Support Structures

Allocate dedicated funding to support assessor engagement, survivor consultation, and community outreach.

Clause 10:

Subsection (1) The chairperson may appoint a panel of persons to act as advisers to the inquiry panel on such matters as the inquiry panel considers appropriate.

(2) The panel is to be known as “the advisory panel”.

(3) A person may be appointed to the advisory panel under subsection (1) only if the person — (a) was admitted to a prescribed institution, (b) was born while his or her mother was under the care of a prescribed institution, (c) is or was a relative of a person specified in paragraph (a) or (b), or (d) has experience in providing support to persons specified in paragraph (a) or (b).

Do you have any overall comments or views on this Clause?

1. Meaningful Participation, Not Tokenism

The Bill should include provisions to ensure active, empowered participation of advisory panel members, with mechanisms for their input to influence Inquiry decisions.

2. Clarify Panel Composition

The Bill should specify that the advisory panel will be representative of the full spectrum of lived experience, across different institutions and roles.

3. Address Disregard of Previous Testimony

The Executive Office should acknowledge and respond to prior testimony, and clarify how it has informed the Bill and Inquiry design.

4. Power and Influence Within the Inquiry

The Bill should include a requirement for the Inquiry chair to justify decisions that diverge from advisory panel input, ensuring transparency and accountability.

5. Resources and Support Structures

Allocate dedicated resources to support advisory panel members in engaging with the wider survivor community and developing informed, representative input.

Clause 23

(1) A person is guilty of an offence if the person, without reasonable excuse— (a) contravenes a restriction order, or (b) fails to do anything that the person is required to do by a notice under section 16.

(2) A person is guilty of an offence if, during the course of the inquiry, the person does anything— (a) that is intended to have the effect of— (i) distorting or otherwise altering any evidence, document or other thing that is given, produced or provided to the inquiry, or (ii) preventing any evidence, document or other thing from being given, produced or provided to the inquiry, or (b) that the person knows or believes is likely to have such an effect.

(3) A person is guilty of an offence if, during the course of the inquiry, the person intentionally— (a) suppresses or conceals a document which is, and which the person knows or believes to be, a relevant document, or (b) alters or destroys a relevant document.

(4) For the purposes of subsection (3) a document is a “relevant document” if it is likely that the chairperson would (if aware of its existence) wish to be provided with it.

1. Ongoing Barriers to Record Access

The Inquiry must investigate and address ongoing record access issues, including dismissive responses, misinformation, and inconsistent application of retention policies.

2. Unaccounted Loss or Destruction of Records

Implement mechanisms to hold institutions, churches, and statutory agencies accountable for missing records and misinformation. Require documentation of destruction events and retention policies.

3. Inconsistent Retention Practices

Establish an independent oversight body to monitor record retention, access, and destruction across all relevant institutions. Mandate disclosure of retention policies and reasons for missing records.

4. Medical Records and Consent

Investigate and clarify the legal frameworks under which consent was given for medical procedures in institutional settings, particularly before the Children Order 1995.

5. Financial Transparency

Mandate full disclosure of financial records and transactions related to institutional placements, including payments made by birth mothers and funding provided by public bodies.

6. Human Rights Violations

Recognise and investigate human rights implications of record access barriers, misinformation, and institutional obstruction.

Part 2 – Key parts of Draft Bill Relating to Redress

Clause 31

(1) For the purposes of this Part, subject to subsection (6), “eligible person” means a person who is eligible under subsection (2), (4) or (5).

(2) A person is eligible under this subsection if— (a) the person was admitted to a relevant institution at any time during the relevant years for the institution, and (b) the primary purpose of admission was for the person to receive shelter or maintenance (or both) from the institution.

(3) In subsection (2)— (a) the references to admission include admission as an adult or as a child and (in the case of a child) whether or not accompanied by an adult; (b) the reference to the receipt of shelter or maintenance does not include the receipt of shelter or maintenance incidental to the provision of medical, surgical or maternity services.

1. Interaction with HIA Redress Scheme

Clarify that prior HIA Redress does not disqualify individuals from receiving Redress under this scheme, especially where different harms are involved.

2. Scope of Institutions

Expand eligibility to include any institution or setting where coercion, separation, or adoption occurred, regardless of its name or formal designation.

3. Definition of “Admitted” and Record Access

Provide flexible and survivor-sensitive pathways for proving eligibility, including acceptance of personal testimony, third-party corroboration, and historical context. Survivors worry they may be excluded due to lack of documentation, despite lived experience—especially where records are missing or destroyed.

4. Inclusion of Laundries and Under-18s

Confirm that pregnant women admitted to workhouses and their children are not excluded. Participants also requested clarity on whether under-18s placed in laundries—often as alternatives to training schools or under supervision orders—are eligible.

5. Human Rights and Institutional Discrimination

Ensure that Redress eligibility reflects human rights principles, and does not exclude survivors based on arbitrary institutional definitions. The Truth Recovery Report recommended that human rights law applies to all events, and that Redress should be available to all survivors, regardless of age or institutional status.

6. Pathway for Adding Institutions

Establish a formal mechanism for reviewing and adding institutions to the Redress scheme, with survivor input and oversight. This will ensure that a clear and transparent process for adding institutions to the eligibility list based on survivor testimony and historical evidence.

Subsection (4) A person is eligible under this subsection if— (a) the person was born while his or her mother was under the care of a relevant institution, or (b) the person’s mother was under the care of a relevant institution until immediately before his or her birth; and the person was born during the relevant years for the institution.

1. Exclusion Based on Cut-Off Dates

Extend eligibility to include children born shortly after institutional closure, where the mother’s admission and treatment occurred during the relevant period and the child was subsequently adopted or placed in care.

Participants raised concern that children born just outside the institutional cut-off dates may be excluded, even if their mothers were admitted before the closure and subjected to trauma. This risks denying Redress to individuals whose experiences are directly tied to institutional harm.

2. Maternal Trauma During Pregnancy

Recognise the pre-birth context of institutional harm, including coercive decisions made prior to delivery, and ensure these experiences are considered in eligibility assessments.

Participants emphasised that maternal trauma and stress during pregnancy—including maltreatment within institutions—can have lasting impacts on both mother and child. Many birth mothers reported that decisions to remove their child were made before birth, often before entering the institution.

3. Ambiguity of “Immediately Before Birth”

Provide a clear definition of “immediately before birth” to ensure consistent and fair application of eligibility criteria. Participants asked for clarification on the timeframe this covers—days, weeks, or months—and how it will be interpreted in practice.

4. Post-Institutional Transfers

Ensure eligibility includes individuals affected by post-closure transfers, where institutional decisions and outcomes remained unchanged. Participants noted that some mothers were transferred to other institutional settings after the closure of the original institution, yet their children were still adopted or placed in care. These cases must not be excluded.

Subsection (5) A person is eligible under this subsection if— (a) the person is an eligible relative of a deceased person who would (if alive) have been eligible under subsection (2) or (4), and (b) the deceased died on or after 29th September 2011.

1. Arbitrary Cut-Off Date

Participants strongly objected to the use of 29th September 2011 as the cut-off date for posthumous eligibility. They questioned its relevance to this Inquiry and believe it may be linked to the Historical Institutional Abuse inquiry, which should not influence the scope or fairness of this process. A recommendation is to revise the cut-off date. If a date must be used, it should reflect the historical context of institutionalisation. A consideration might be moving it back to at least the 1950s, or, ideally, removing it entirely.

2. Exclusion of Long-Term Institutionalised Women

Participants highlighted that many elderly women detained in laundries or workhouses died before 2011, having spent decades institutionalised and separated from their families. Their exclusion from Redress is seen as deeply unjust and risks creating a hierarchy of suffering. Survivors call for families of long-term institutionalised women, including those who died before 2011, to be eligible for Redress and recognition.

3. Recognition of Intergenerational Trauma

Recognise posthumous Redress as a form of symbolic justice, and ensure that families can access it regardless of the date of death. Participants emphasised that applications for posthumous Redress are often motivated by a desire for truth, acknowledgement, and accountability. These efforts reflect the intergenerational impact of institutional harm and the systemic trauma experienced by families.

4. Inclusion of Workhouse-Related Cases

Include workhouse-related cases in the Redress scheme, especially where coercion, separation, and institutionalisation occurred. Participants noted that many women gave birth in workhouses, and their children were adopted or placed in care through unregulated pathways. These families are currently excluded from all categories of Redress.

5. Alternative Forms of Recognition

Develop alternative recognition mechanisms alongside financial Redress, to honour those who have passed and support healing for their families. Participants called for non-financial forms of recognition for deceased individuals, including memorialisation, public acknowledgement, and historical documentation.

Subsection (6) The Executive Office may by regulations provide that persons specified in the regulations who would otherwise be “eligible persons” are to be treated for the purposes of this section as if they were not eligible persons.

1. Broad Discretion and Lack of Safeguards

The Bill must limit and define the circumstances under which exclusions can be made, ensuring they are exceptional, justified, and subject to oversight. Participants expressed deep concern that this clause gives the Executive Office unfettered power to exclude individuals from Redress, even if they meet eligibility criteria. This creates a loophole that could be used to reduce the number of eligible survivors without transparency or justification.

2. Risk of Retraumatization

Guarantee that survivors who meet eligibility criteria cannot be excluded arbitrarily, and that any changes to eligibility must be consulted on and justified

publicly. Survivors who gave testimony in good faith did so with the expectation of an inclusive and fair Redress scheme. The possibility of later exclusion undermines trust and risks retraumatizing those already harmed.

3. International Standards and Comparisons

Align the Bill with international best practice, limiting exclusions to clearly defined cases, and ensuring access to appeal and review. Participants noted that similar schemes in Canada (Residential Schools, 2007) and Australia (National Redress Scheme, 2018) only excluded individuals in narrow, predefined circumstances, such as those convicted of serious sexual offences—with appeals processes available.

4. Human Rights Implications

Ensure that any exclusion powers are compliant with international human rights obligations, and do not disproportionately affect women or other vulnerable groups. Unjust or opaque exclusions may violate survivors' rights under:

- **UN Basic Principles on the Right to a Remedy and Reparation (2005)** – guaranteeing equal and effective access to justice
- **CEDAW** – prohibiting discrimination against women who suffered institutional harm
- **ECHR Articles 13 and 14** – ensuring the right to an effective remedy and protection from discrimination

5. Need for Oversight and Appeals

Participants strongly advocated for **Assembly scrutiny, survivor consultation,** and a **right of appeal** for any excluded applicants. Without these safeguards, exclusions could be imposed **without explanation or recourse,** compounding harm and undermining the Inquiry's credibility.

A recommendation is to Require that any use of exclusion powers be subject to:

- **Legislative scrutiny**
- **Transparent justification**
- **Survivor-led consultation**
- **Independent appeals process**

Subsection (8) A person who was admitted to more than one relevant institution, or who is eligible under both subsection (2) and subsection (4), is eligible for one payment.

Allow for additional or enhanced payments where survivors experienced harm in more than one institution, recognising the cumulative impact of trauma.

1. Oversimplification of Complex Experiences

Participants expressed concern that this clause fails to reflect the complexity of survivor experiences. Many birth mothers were admitted to multiple institutions across different years and endured distinct forms of harm in each. Limiting them to a single payment risks minimising their suffering.

2. Dual Roles: Survivor and Next-of-Kin

Ensure that posthumous awards are distinct and do not count against a survivor's personal entitlement. Survivors should receive both payments where applicable. The clause appears to restrict individuals to one payment even if they are both a survivor in their own right and a next-of-kin to a deceased relative. This risks forcing survivors to choose between honouring a loved one and receiving recognition for their own abuse.

3. Cross-Border Movement and Southern Institutions

Confirm that Southern records (e.g. Tulsa, Irish Civil Registration, Southern court files) will be accepted as admissible evidence, and that cross-border admissions will not disadvantage survivors. Participants highlighted that many survivors were affected by cross-border transfers, including admissions to Southern institutions such as Fahan. Without explicit recognition of these movements, survivors risk exclusion.

4. Fairness and Survivor Consultation

Participants felt that the single-payment model prioritises administrative simplicity and cost control over meaningful recognition. Survivors who experienced multiple admissions, or compounded harm should not be treated the same as those with a single institutional experience. If a single-payment model is retained, survivor would ask for:

- A clearly explained rationale
- Consult survivors on how multiple admissions should be recognised
- Ensure fairness through a tiered or enhanced payment scheme

5. International Comparisons

Align the Northern Ireland scheme with international best practice, ensuring that multiple experiences are recognised and fairly compensated.

Participants noted that:

- Ireland’s scheme uses tiered payments based on length of stay but does not account for multiple institutions—this has been heavily criticised.
- Australia’s scheme allows individualised awards based on severity and nature of abuse.
- Canada’s scheme permitted multiple claims across different schools, reflecting the full range of harm.

Subsection (9) The payment is to be— 10 (a) £10,000, if the person is eligible under subsection (2) or (4); (b) £2,000, if the person is eligible under subsection (5).

1. No Amount Can Truly Compensate

Participants unanimously agreed that no financial amount can compensate for the trauma and lifelong impact of institutionalisation, forced separation, and adoption. The redress payment must be understood as symbolic recognition, not a valuation of suffering.

2. Lack of Transparency on Payment Basis

Publish the financial modelling and rationale behind the payment amounts, and review the figures in line with inflation and comparative schemes. This will allow survivors to be informed:

- How the £10,000 figure was determined
- Whether it was based on the HIA Redress Scheme
- Whether inflation or cost-of-living adjustments were considered

3. Taxation and Asset Protection

Confirm that payments will be exempt from taxation and benefit assessments, including for survivors living in Great Britain, where similar protections have been legislated. Participants requested assurance that redress payments:

- Will be tax-free
- Will not be treated as assets for means-tested benefits or care costs
- Will be protected for survivors living abroad

4. Non-Disclosure Agreements

Guarantee that no NDA or waiver of legal rights will be required to receive redress. Participants raised concern about the possibility of non-disclosure agreements (NDAs) being attached to redress payments, as seen in the Irish scheme. Survivors must retain the right to speak freely and pursue civil action if they choose.

5. Privacy and Data Protection

Introduce specific privacy safeguards in the legislation to protect survivor data. Participants emphasised the need for strong privacy protections. Survivors must be assured that their personal information will not be shared or published after receiving redress.

6. Clarity on Legal Support

Provide accessible guidance and free legal support for applicants, ensuring the process is survivor-friendly. Participants requested clear guidance on:

- Whether legal advice is required
- Whether legal costs will be covered
- How to access support during the application process

7. Funding Sources and Institutional Accountability

Disclose the funding breakdown and confirm whether religious orders are contributing. To date, only a few institutions have made payments into Northern Ireland's historical abuse redress schemes. Participants asked for transparency on where the redress funding is coming from, and whether religious institutions are contributing. Survivors feel strongly that institutions responsible for harm must be held financially accountable.

(10) The table in Schedule 2 sets out— (a) what a “relevant institution” is, and (b) what the “relevant years” for an institution are.

1. Narrow Institutional List

Expand Schedule 2 to include **all institutions** where unmarried women were sent and children were removed under **coercion by family, state, or church**. This must include **workhouses and nursing homes** identified through the Truth Recovery testimony process. Participants expressed strong concern that the current list of institutions and dates in Schedule 2 is **too narrow** and risks excluding survivors whose experiences occurred in **unlisted settings**. These include:

- **Workhouses** (especially post-1937)
- **Private nursing homes**
- **Unregulated placements**
- **Cross-border institutions**, such as those in the Republic of Ireland

2. Events Over Buildings

Define “relevant institution” based on function and experience, not just name or legal status. Participants emphasised that the physical building is not the defining factor. The nature of the harm—shame, coercion, maltreatment, and forced separation—is what matters. Survivors should not be excluded because the institution they were placed in was not formally named in the schedule.

3. Cross-Border Institutionalisation

Explicitly include cross-border admissions in the scope of Schedule 2, and accept Southern records (e.g. Tulsa, Irish Civil Registration, court files) as admissible evidence. Participants raised concern about the lack of recognition for cross-border movement, particularly involving institutions in the Republic of Ireland. Many women and children were transferred across borders, and their experiences must be acknowledged.

4. Transparency in Adding Institutions

Establish a clear, survivor-led process for reviewing and adding institutions to Schedule 2, with published criteria and oversight. While participants welcomed the clause allowing for new institutions to be added, they remain concerned about the lack of clarity in how this process will work. Survivors fear that decisions may be made without consultation or transparency.

(11) Schedule 3 sets out who the eligible relatives are.

.....Schedule 3 This Schedule sets out who is to be an eligible relative for the purpose of claims on behalf of the deceased.

Paragraph 1 means that the eligible relatives are the partner of the deceased, and any child of the deceased.

Paragraph 2 defines a partner as a cohabiting partner of at least two years, or a spouse or a civil partner. This means that if a person has a spouse or civil partner but lives together with another person for two years or more, the cohabitee (rather than the spouse or civil partner) will be eligible for the payment.

Paragraph 3 clarifies that a child includes a child of the deceased who has been adopted by another person.

To ensure fairness, compassion, and clarity in the treatment of bereaved families, we urge the Inquiry and relevant officials to address the following critical issues and adopt corresponding measures:

1. Clarify Relationship Hierarchies

Establish a transparent and equitable hierarchy of eligible relatives, with clear guidance for resolving conflicts between cohabiting partners and legal spouses. Prioritising a cohabiting partner over a legal spouse or civil partner may cause disputes, particularly in cases of estrangement or complex family dynamics.

2. Broaden the Definition of “Child”

Expand the definition to include all dependents who had a demonstrable relationship with the deceased, regardless of legal status. The current definition may exclude stepchildren, foster children, or others who were emotionally or financially dependent on the deceased.

3. Introduce Flexibility for Unique Circumstances

Implement a discretionary review mechanism to allow case-by-case assessments where standard definitions may result in unfair exclusion. Rigid eligibility criteria fail to reflect the deeply personal and varied nature of family relationships, potentially leading to unjust outcomes.

4. Enhance Stakeholder Engagement

Engage meaningfully with survivors' forums and advocacy groups to ensure policies reflect lived experiences and diverse family structures. Survivors and affected families have not been adequately consulted on how definitions impact real-life claims and grieving processes.

5. Improve Transparency and Accessibility

Publish comprehensive guidance and illustrative case examples to support families and administrators in interpreting and applying the criteria. Families may struggle to understand eligibility and navigate the claims process due to lack of clear information.

Do you have any suggestion for methods of redress other than a financial payment? For example this could include a memorial, official apologies, or other symbolic actions etc?

1. Lifelong, Trauma-Informed Support Services

Recommendations:

- Establish a permanent support infrastructure for survivors and adoptees.
- Ensure all staff are trained in trauma-informed practices.
- Guarantee indefinite funding to maintain service continuity.

Many social issues linked to the Inquiry are only now emerging. Survivors need ongoing, accessible, and trauma-informed care, regardless of when they come forward. Safe spaces are essential for open dialogue and healing.

2. Symbolic and Institutional Accountability

Recommendations:

- Deliver full, public apologies from all responsible entities, including individual religious orders.
- Ensure apologies are specific, public, and backed by tangible actions.
- Require church bodies to contribute financially to redress schemes.

Survivors emphasised the need for formal apologies from both the state and religious institutions. Financial contributions from church bodies are seen as necessary for meaningful redress.

3. Recognition Through Memorialisation and Education

Recommendations:

- Create a national memorial or remembrance site.
- Launch public awareness campaigns on the long-term impacts of institutional abuse and forced adoption.

There is a strong desire for national remembrance to honour those affected. Public education is needed to address the legacy of adoption, including trauma and reunion experiences.

4. Support for Research and Adoptee-Led Initiatives

Recommendations:

- Establish a dedicated fund for adoptee-led research and community initiatives.
- Support studies on intergenerational trauma and identity.
- Provide grants for education, advocacy, and healing projects.

Adoptees seek resources to explore identity, loss, and healing. There is a need for research into the long-term effects of adoption and modern-day practices.

5. Addressing Historical Injustices: Unmarked Graves and Missing Children

Recommendations:

- Launch a comprehensive investigation into burial practices and missing records.
- Collaborate with archaeologists, historians, and international experts.
- Learn from global precedents (e.g. Canada, U.S., Ireland) to guide inquiry and accountability.

Ongoing distress over unmarked graves and missing children, including sites like the Bog Meadows. Discrepancies in birth and death records raise serious questions. Survivors urge action, noting that “one child is one too many.”

Clause 31 (6) states “The Executive Office may by regulations provide that persons specified in the regulations who would otherwise be “eligible persons” are to be treated for the purposes of this section as if there were not eligible persons.

1. Lack of Transparency and Definition

Publish clear, evidence-based criteria for exclusion and make them publicly available to ensure transparency and consistency. Clause 31(6) fails to specify who may be excluded or under what circumstances, leaving survivors vulnerable to arbitrary decisions.

2. Risk of Discriminatory or Unjust Exclusions

Avoid blanket exclusions based on criminal records. Instead, assess each case individually using a trauma-informed and context-sensitive approach. UK precedents show exclusions based on criminal convictions—even when linked to abuse—risk retraumatizing survivors and undermining redress.

3. Absence of Procedural Safeguards

Introduce a formal, accessible appeals process with independent oversight and timely resolution. Engage survivors and advocacy groups in shaping exclusion policies. The lack of appeal rights, independent review, or survivor consultation raises serious concerns about fairness and accountability.

4. Potential Conflict with Human Rights Principles

Ensure all exclusion decisions align with human rights standards through transparent processes, survivor engagement, and public accountability. Exclusions made without procedural safeguards may violate fundamental rights, including the right to a fair hearing and equal treatment.

5. Accountability and Oversight

Require the Executive Office (TEO) to publish annual reports detailing the number and nature of exclusions, appeal outcomes, and steps taken to uphold fairness. Without reporting mechanisms, there is no way to monitor or evaluate the fairness of exclusions.

Clause 32

(2) An application for a payment must be made to the Service— (a) before the end of the period of three years beginning with the date on which the establishment of the Service is advertised in the Belfast Gazette, and (b) in accordance with such provision as may be made by regulations under section 42.

1. Inflexibility of the Three-Year Application Window

Recommendations:

- Extend or remove the application deadline.
- Allow rolling or open-ended applications.
- Build in flexibility for exceptional or delayed-discovery cases.

The fixed timeframe may exclude:

- Late-discovery adoptees who only learn of their adoption after parental death.
- Birth mothers who may only feel able to come forward near the scheme's end.
- Lifelong trauma, secrecy, and stigma often delay disclosure and application.
- Survivors emphasised that if coerced adoption is recognised as a human rights violation—impacting identity, health, and family—then arbitrary deadlines are inappropriate.

International Precedents:

- *Republic of Ireland*: Initial 3-year deadline extended multiple times due to low uptake and survivor feedback.
- *Canada*: Allowed 5-year application period with extensions for exceptional cases.
- *Scotland*: No short cut-off; applications accepted until at least 2026, with provisions for further extension.

2. Barriers to Accessing Standardised Payments

Recommendations:

- Ensure survivors can apply for standardised payments without a lived experience statement.
- Confirm that applying for a standardised payment does not disqualify future enhanced payment applications.

Unclear whether survivors can apply for standardised payments without submitting a statement of lived experience. Survivors emotionally unable to recount their experiences may be excluded. Ambiguity around whether applying for a standardised payment now affects eligibility for future enhanced payments.

3. Future-Proofing the Scheme

Recommendations:

- Guarantee eligibility for survivors of newly recognised institutions, regardless of when they're added.
- Avoid blanket disqualification based on historical "consent"; assess claims within the context of systemic coercion.

If new institutions are added after the initial three-year period, it's unclear whether affected survivors can still apply. Use of historical "consent" documentation to deny eligibility is problematic. Survivors stressed that written or verbal "consent" does not negate coercion, especially under institutional pressure, shame, or fear.

4. Survivor Engagement and Co-Design

Recommendations:

- Collaborate with survivors and advocacy groups to co-design application processes and eligibility criteria.
- Ensure the scheme is trauma-informed, accessible, and responsive to lived experience.

Clause 35

(2) The judicial member may issue a notice in writing that requires a person— (a) to provide specified records, documents, objects or other items of evidence on or before a specified date, or (b) to attend a hearing on one or more specified dates and to give oral evidence on oath.

(5) Subsection (6) applies where a person is required by a notice under this section to provide records or documents and— (a) providing the records or documents would disclose information about another person which is irrelevant to the determination of the application, and (b) the disclosure of the information would breach an obligation of confidence.

(6) The person must provide the records or documents in an appropriately redacted form.

Clause 35. The Bill gives the Redress Service the power to compel relevant evidence from relevant organisations to support an application. Do you agree with the Redress Service having this power? Are there other powers to compel you would give the Redress Service?

1. Legal Ambiguity and Enforcement

Recommendation:

- Clearly define the legal consequences of non-compliance with Clause 35(2).
- Specify whether it constitutes a civil or criminal offence.
- Clarify who is subject to these powers.

Clause 35(2) lacks clarity regarding enforcement. Survivors and stakeholders are uncertain whether non-compliance could lead to contempt of court, civil penalties, or criminal charges. There's also confusion over who is subject to these powers—survivors, institutions, or professionals.

2. Redaction and Confidentiality

Recommendation:

- Precisely define “another person” in subsection (6).
- Ensure redactions are minimal, justified, and subject to appeal.
- Prohibit redactions that obscure identity, ancestry, or evidence of wrongdoing.

Subsection (6)'s reference to "another person" is vague—potentially referring to other survivors, birth parents, or professionals. There's concern that "appropriate redaction" could:

- Erase adoptees' identities, ancestry, and kinship ties.
- Conceal unethical or illegal practices in historical adoptions.

Survivors cited Quebec's experience, where excessive redactions rendered records meaningless.

3. Evidence Tampering and Accountability

Recommendation:

- Criminalise the tampering, destruction, or concealment of relevant records.
- Introduce penalties for individuals or institutions that compromise evidence.

There is no clear guidance on whether the destruction, falsification, or concealment of records—especially those related to birth, adoption, or medical history—constitutes a criminal offence.

4. Discriminatory Access to Personal Records

Recommendation:

- Guarantee adoptees unrestricted access to their personal records.
- Eliminate requirements for justification or counselling.
- Uphold identity and information access as a fundamental human right.

Adopted adults are required to formally apply for access to their own records, unlike non-adopted individuals. This is viewed as discriminatory and a violation of Article 10 of the European Convention on Human Rights. Gatekeeping practices—such as requiring GPs or counsellors to mediate access—are seen as dehumanising.

5. Transparency in Record Use and Location

Recommendation:

- Require the Redress Service to disclose which records informed each decision.
- Provide survivors with clear guidance on how to locate and access these records independently as they often struggle to do so.

Clause 38

(1) A person who applied for a payment may appeal to the Service against a decision to refuse the application.

(2) An appeal must be made within— (a) 30 days of the person being notified of the decision, or (b) such longer period as the Service may, in exceptional circumstances, permit.

1. Extend the Standard Appeal Window

Increase the appeal period from 30 days to at least 3 months, in line with other legal processes and to reflect the unique challenges faced by adoptees and birth mothers.

The 30-day timeframe is considered insufficient. Adopted adults and birth mothers may be experiencing emotional overwhelm, are in the process of accessing records and/or navigating trauma. For comparison, judicial reviews allow 12 weeks, making the 30-day limit appear disproportionate and discriminatory.

2. Allow Appeals Based on New Evidence:

Introduce a clause that permits reapplication or appeal if new evidence emerges after the initial appeal window has closed.

Birth mothers and adopted adults may need significant time to locate or obtain supporting documentation—especially given the well-documented difficulties in accessing records. There is uncertainty about whether documentation will be required for appeals, and if so, how long applicants will be given to provide it.

3. Clarify Documentation Requirements

Provide clear guidance on:

- Whether documentation is required for an appeal.
- What types of evidence are acceptable.
- How long applicants have to submit supporting materials.

4. Ensure Trauma-Informed Flexibility

- Recognise that what may be considered “exceptional circumstances” for others are commonplace for survivors of forced or coercive adoption.
- Build flexibility and compassion into the appeals process to avoid retraumatisation and exclusion.

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