

From: Individual

Sent: 02 December 2025 22:18

To: +TEO Consultation Public Email <cteotrconsultation@niassembly.gov.uk>; [REDACTED]

Subject: Re: Briefing for today's meeting: re exclusion of workhouse victims

Dear Committee Members,

Further to my earlier email, I would like to submit a short additional briefing.

In my previous message, I mistakenly referred to workhouses as "relevant institutions" when I should have said "prescribed institutions." After going back to the Bill text to check the language, I realised that there is a problem in Clause 4, where a "pregnant woman or girl admitted to a prescribed workhouse" is defined as a relevant person. The clause does not specify that the woman or girl was unmarried, even though the redress scheme is intended to address harms arising from stigma and discrimination against unmarried mothers and their children. Leaving marital status unspecified in Clause 4 risks obscuring the intended focus of the Bill — namely, the discrimination and stigma historically directed at unmarried mothers and their children."

I am therefore attaching (and pasting below) a brief note for the Committee highlighting this drafting issue and suggesting an amendment for consideration.

Thank you for your time and attention.

Kind regards,

Individual

Briefing Note: Clause 4 and the Definition of a “Relevant Person” in Workhouses

Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill
For the Committee for the Executive Office

Purpose of Briefing

To highlight an ambiguity in Clause 4 of the Bill, where a “pregnant woman or girl admitted to a prescribed workhouse” is defined as a relevant person for redress. The clause does not specify marital status, even though the redress scheme’s stated rationale is to address the stigma, discrimination, and coercion experienced by unmarried mothers and their children.

1. The Issue

Clause 4 currently reads as if any pregnant woman or girl, married or unmarried, admitted to a prescribed workhouse could be considered a relevant person for redress purposes. However, the historical evidence, the Bill’s own policy intent, and the Government’s public justification all make clear that the scheme is designed to address the harm uniquely experienced by unmarried mothers and their babies. This creates a drafting inconsistency and a risk of misapplication.

2. Why Marital Status Matters

A. Historical reality

Workhouse stigma, coercion, surveillance, and infant separation were directed specifically at unmarried mothers and illegitimate children. Married pregnant women admitted for poverty or shelter did not experience the same moral condemnation or adoption pressures.

B. Policy consistency

The Executive Office has repeatedly stated that redress is designed to address: shame and stigma attached to unmarried motherhood; coercive family separation; and the treatment of illegitimate children. Yet Clause 4 does not reflect this core purpose.

C. Legal clarity and fairness

Leaving marital status undefined risks including individuals not intended to be covered, weakens the scheme’s discrimination-based rationale, and may expose the scheme to challenge for arbitrariness or overbreadth.

3. Recommended Amendment

Amend Clause 4 to read:

“a woman or girl who was unmarried and pregnant at the time of her admission to a prescribed workhouse.”

Alternatively:

“a pregnant woman or girl admitted to a prescribed workhouse on account of her unmarried status.”

4. Questions the Committee May Wish to Ask the Department

1. Why does Clause 4 not specify that the pregnant woman or girl must be unmarried?
2. What is the policy justification for including married pregnant residents who did not experience the targeted stigma?
3. How does the current drafting align with the purpose of providing redress for unmarried mothers and illegitimate children?
4. Would failure to specify “unmarried” create risks of inconsistency or misapplication?

5. Conclusion

The clause as drafted is incomplete and potentially misleading. A simple amendment to reflect the unmarried status of affected women and girls would better align the redress scheme with its policy intent, avoid unintended over-inclusion, and strengthen the legal defensibility of the scheme.

On Tue, Dec 2, 2025 at 1:14 PM Individual wrote:

Dear Committee Members,

I would be very grateful if you could read the attached document (also pasted below) before discussing the exclusion of workhouse victims from standardized redress at today's committee meeting.

Kind regards,
Individual

Committee Briefing: Inclusion of Unmarried Mothers and Their Children in Workhouses in the Redress Scheme

Purpose of Briefing

To urge the Executive Office Committee to amend the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill so that unmarried mothers and their children who were placed in workhouses are fully eligible for redress. Their current exclusion is inconsistent with the Bill's purpose, unsupported by evidence, and potentially discriminatory.

1. Background

The Bill recognises that unmarried mothers suffered stigma, coercion and human-rights violations across a range of institutions.

The Inquiry provisions rightly include workhouses as “relevant institutions.”

However, the redress provisions exclude unmarried mothers and children connected to workhouses — even when they experienced the same harms as those in Mother and Baby Homes.

This inconsistency is indefensible.

2. Key Issues for the Committee

A. Same Harm, Different Treatment (Unjustified Distinction)

Historical evidence demonstrates that unmarried mothers in workhouses experienced:

- Stigma and moral condemnation identical to that later found in Mother and Baby Homes.
- Segregation in lying-in wards and differential treatment on the basis of marital status.
- Coercive separation from their children.
- Children entering the same pathways of boarding-out, fostering, and adoption, without free, informed, or meaningful consent.

The nature of the harm — not the architecture of the institution — should govern eligibility for redress.

B. The Government's Rationale Is Contradictory

The Executive Office argues that:

- Redress is “institution-based”;

- Workhouses were multi-purpose;
- Entry does not demonstrate stigma.

However, because workhouses are included in the Inquiry section, the Government has already accepted that:

- Workhouses require examination;
- Serious concerns exist about the treatment of unmarried mothers there;
- These harms warrant formal investigation.

It is therefore logically inconsistent to investigate harms in workhouses but deny redress to victims of those same harms.

C. Equality and Human Rights Duties Are Engaged

Under Section 75 NI Act, the Executive Office must avoid unjustified differential treatment, particularly relating to sex, marital status, and social origin.

Exclusion also raises concerns under:

- Article 3 ECHR (degrading treatment),
- Article 8 ECHR (family life violations through coerced separation),
- Article 14 ECHR (non-discrimination),
- Windsor Framework Article 2, prohibiting diminution of rights for one group relative to comparable cohorts.

Failing to include workhouse mothers and children — despite identical harms — may place the Bill on weak legal ground.

D. The Consequence of Exclusion Is Reproduction of the Original Injustice

Excluding unmarried mothers and their children in workhouses:

- Revives the historical belief that early cohorts of unmarried mothers were less deserving,
- Erases the experiences of the most vulnerable mothers and babies, and
- Creates a two-tier system among unmarried mothers based solely on the building they were placed in.

This contradicts the purpose of a rights-based redress scheme.

3. Recommended Legislative Amendment

Amend the redress provisions so that a relevant institution includes:

“any institution or setting in which unmarried mothers were placed or confined through State, church, familial or societal pressure, including workhouses that functioned as de facto mother-and-baby facilities, and any setting in which their children were separated, boarded-out, fostered or adopted.”

This amendment is: simple, legally sound, consistent with the Inquiry's scope, and aligned with the Bill's purpose: recognising the harms suffered by unmarried mothers and their children.

4. What the Committee Must Consider

Is it justifiable to deny redress to one cohort of unmarried mothers when the Government acknowledges their experiences warrant investigation? — No.

Does the evidence demonstrate that unmarried mothers and children in workhouses suffered stigma, coercion, and separation? — Yes.

Would exclusion expose the scheme to equality or human-rights challenge? — Potentially, and avoidably.

Does excluding workhouse mothers uphold the Bill's purpose? — No — it undermines it.

5. Conclusion

Unmarried mothers and their children in workhouses were subject to the same patterns of stigma, coercion, and family rupture as those in Mother and Baby Homes. Their exclusion is inconsistent, unjustified, and risks breaching equality and human-rights obligations.

The Committee is urged to amend the Bill accordingly to ensure equal recognition, equal treatment, and equal redress for all survivors.