

From: Individual
Sent: 24 October 2025 00:39
Subject: Fwd: Re changing the Bill's title

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From: Individual
Date: Thu, Oct 23, 2025 at 4:35 PM
Subject: Re changing the Bill's title

Dear Nick and Committee Members,

Thank you for the very careful consideration you are giving to this Bill.

It was really helpful to hear the discussion at yesterday's meeting on the consultation responses. I was particularly interested in the point that the title of a Bill may have implications for what can be considered within its scope. I would imagine that the title of the Truth Recovery Design Panel Report was chosen for brevity and simplicity and was not intended to define its meaning or limit its scope. The authors made it clear throughout the report that what requires investigation is a system of institutions, agencies, and state actors operating through interconnected pathways and practices. These pathways and practices are referenced repeatedly and are essential to understanding how coercive family separation occurred across both institutional and non-institutional settings. The report explicitly includes within this system the adoption system, related institutions such as baby homes and private nursing homes, and cross-border transfers of children and women. It follows that the title of the Bill, like that of the Report, should not be used to restrict or reinterpret its scope from that set out by the Design Panel. I am hoping the Committee will consider amending the Bill's title to include wording such as "pathways and practices," to ensure that the inquiry addresses the entire system of coercive separation rather than a narrow list of institutions. I've attached a document outlining the argument for doing so below.

Sincere thanks for all the hard work the committee is doing to consider this Bill. I very much appreciate your outreach to those impacted and your willingness to consider a variety of views.

With kind regards,
Individual

Argument for Revising the Title of the Bill

1. Scope as Defined by the Truth Recovery Design Panel Report (2021)

The Truth, Acknowledgement and Accountability Report (2021) clearly envisaged that the Public Inquiry would investigate all forms of coerced family separation, not solely those occurring within the physical confines of listed institutions. The Report states:

“The purpose of the Public Inquiry will be: to investigate issues of individual, institutional, organisational and state departmental/agent responsibility concerning human rights violations experienced in Mother and Baby Institutions, Magdalene Laundries, Workhouses and their pathways and practices (including the adoption system, related institutions such as ‘baby homes’ and private nursing homes, and cross-border and international transfers of children and women).” (TRDP 2021, p.13)

The inclusion of private nursing homes within the parenthetical expansion of “pathways and practices” implies that this phrase cannot be limited to institution-linked cases. Mothers who gave birth and lost their infants to adoption while residing in private nursing homes were not also resident in Mother and Baby Homes, Magdalene Laundries, or Workhouses. These settings were mutually exclusive. A narrow reading would therefore render this reference meaningless. The only coherent interpretation is that the Design Panel intended “pathways and practices” to encompass all contexts in which state and non-state actors facilitated coercive separation of mothers and children.

2. Human Rights Obligations Demand Comprehensive Inclusion

The Report affirms that the State has an obligation to investigate serious human rights violations once it “receives relevant information”. It further identifies denial of identity and disappearance as ongoing abuses, clearly referring to the continuing effects of coerced and illegal adoptions:

“The State has an obligation to investigate serious human rights violations as soon as it receives relevant information... A specialised truth-telling investigation should also contribute to redress and reparation... and help to end ongoing abuses such as unlawful denial of identity and the disappearance of relatives”. (TRDP 2021, pp.113–114)

Can the State maintain that adoption coercion based on gender discrimination constitutes a violation in one setting but not in another? Such a distinction would contravene Articles 3, 8 and 14 of the European Convention on Human Rights (ECHR) and Articles 2 and 16 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Accordingly, once coerced adoption is recognised as a human-rights violation, the State’s duty of effective investigation extends to all victims, regardless of where the coercion occurred.

3. The Report Defines a System, not a List of Institutions

Throughout its chapters, the Report describes a single, gender-based system of institutionalisation, forced labour, and family separation:

“Victims and survivors seek truth about the practices of those professionals and agencies that were part of the operations of incarceration, forced labour, forced family separation and adoption”. (TRDP 2021, p.59)

The Report refers explicitly to “the family separation system as a whole” and to “forced adoption practices... which occurred inside and outside Mother and Baby

Homes throughout Northern Ireland” (p.62). This language makes plain that the Inquiry’s mandate concerns the entire structure of coercive adoption — encompassing adoption agencies, social workers, and hospitals, including those operating outside institutional walls.

4. The Independent Panel’s Mandate Requires Flexibility

The Independent Panel’s findings are to inform the statutory Public Inquiry, The Report directs that the Panel’s work must be guided by evidence brought by survivors to the Independent Panel and must not be confined to pre-listed institutions:

“A human rights analysis will require a focus on the lived experiences of those affected and should be sufficiently flexible... rather than being rigidly constrained by investigating only what happened within the four walls of certain pre-listed institutions.” (TRDP 2021, p.115)

This instruction obliges both the Independent Panel and thus the Public Inquiry to follow the evidence of survivors wherever it leads, including into non-institutional contexts such as hospitals, private homes, and cross-border adoptions.

6. Legal and Policy Consistency

I would ask the Committee to consider whether a limiting the Bill by excluding coerced adoptions outside listed institutions would:

- create unequal treatment of victims of the same systemic practice, contrary to equality duties under Section 75 of the Northern Ireland Act 1998
- contradict the Truth, Acknowledgement and Accountability Report’s recommendations and

- violate the State's international obligations to provide a prompt, effective, and comprehensive investigation of known human-rights violations.

I believe that including all adoptions where coercion was exerted solely on the basis of marital status would ensure compliance with the Report's human-rights framework and the principle of equal treatment for all victims of the same discriminatory policy. I also believe this would clarify the nature and reality of systemic gender discrimination during the time period in question—an important step toward the government's goal of ending violence against women and girls today.

7. Summary

The Truth Recovery Design Panel envisaged the Inquiry as an investigation into a system of coercive family separation, not a catalogue of discrete institutions. I would like to respectfully ask the Committee to consider whether restricting the Inquiry to pre-listed institutions would distort the Report's meaning, breach equality principles, and fail those the Truth Recovery process was established to serve. As an adoptee whose mother was resident in a Mother and Baby Institution, I cannot logically see how coerced adoption outside these institutional walls can logically be severed from the same coercive system recognised as a human-rights violation within them.

I'd also like to add that while I appreciate and share concerns around timescale and cost, I do not think that expanding the Bill's scope beyond a list of institutions would necessarily increase the cost or timescale of the inquiry beyond feasibility. A modular approach and the use of sampling are but two of several methods by which a thematic inquiry could be conducted in a manner that is both timely and inclusive, ensuring that everyone who should be included is represented without compromising focus or efficiency. Other jurisdictions have conducted

investigations of systemic coerced adoption in reasonable timescales and within a reasonable budget.

The Truth Recovery process was established on the fundamental principle of uncovering the *whole truth*. To remain faithful to the intent and scope of the Truth Recovery Design Panel Report, I suggest that the Bill's title should be amended to include reference to "pathways and practices," thereby ensuring that the inquiry addresses the *entire system of coercive separation* rather than a limited list of institutions. Only through a comprehensive and inclusive approach can the State fulfil its obligation to acknowledge and learn from past injustices. The coerced adoptions of the twentieth century, and the structural discrimination that facilitated them, will continue to cast a long shadow until they are fully and openly addressed.

Appendix: Source Extracts from the Truth, Acknowledgement and Accountability Report (2021) and Related Correspondence

(All citations are to the Truth Recovery Design Panel, 2021.)

1. "The purpose of the Public Inquiry will be: ... 'baby homes' and private nursing homes, and cross-border and international transfers of children and women". (p.13)
2. "The State has an obligation to investigate serious human rights violations as soon as it receives relevant information..." (pp.113–114)
3. "A human rights analysis will require a focus on the lived experiences of those affected and should be sufficiently flexible... rather than being rigidly constrained by investigating only what happened within the four walls of certain pre-listed institutions". (p.115)

4. "Beyond the personal... the campaign for wider truth in terms of the operation of the institutions but also the practices of those professionals and agencies that were part of the operations of incarceration, forced labour, forced family separation and adoption". (p.59)
"Was coercion, closed/forced adoption practices happening outside Mother and Baby Homes?" (p.61)
5. "I would envisage that this inquiry will include an investigation into the cruel and unethical adoption practices, which occurred inside and outside Mother and Baby Homes throughout Northern Ireland". (p.62)
6. "The denial of information to victims-survivors about their identity... lies at the core of the abuses suffered in the past and continuing today". (p.118)