

Subject: Clarification requested regarding scope of Clause 3(d) – Inclusion of adoption agencies and coercive adoption practices

Dear Nick,

I would be grateful if the following question could be placed on record for the Committee's consideration during its scrutiny of the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill.

The question seeks clarification on whether Clause 3(d)—which refers to “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)” —is intended to encompass adoption agencies, adoption societies, or other non-residential bodies that were directly involved in the coercive separation and adoption of children.

Even if the answer is yes, given the central role played by adoption agencies in arranging coerced adoptions, would it not be more appropriate and consistent with the Truth, Acknowledgement and Accountability (2021) Report for such bodies to be explicitly listed in the Bill or its schedules now, rather than left to be added later by regulation? This would provide legal certainty that the Inquiry will address the full range of practices and institutions through which family separation occurred, which is critical to ensuring the Inquiry's scope aligns with the human-rights framework set out in the Truth, Acknowledgement and Accountability Report (2021).