



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

Submissions on behalf of KRW Law

Introduction

KRW Law are grateful for the opportunity to provide submissions to the Executive Committee regarding the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill. We represent a broad spectrum of victims and survivors, including individuals subjected to forced adoption and abuse in these institutions. Our submission aims to highlight critical concerns and recommendations to ensure justice, transparency, and meaningful redress for those affected.

We have already provided a comprehensive response to the draft Bill, and it is our intention to highlight the key issues that our clients have with the current proposals. From our experience the main issues that arise for victims are

1. The need for victims and survivors to be listened to throughout the Inquiry and to play a central role in the shaping and progress of the Inquiry.
2. Legal advice and support throughout the Inquiry and their applications for Redress
3. The Urgency to establish the Inquiry and Redress Scheme
4. The current limitations on “posthumous” claims
5. The current exclusion of certain institutions from the Redress Scheme
6. The need for institutions found to have caused stigma, abused victims or participated in wrongdoing to financially contribute to the Redress Scheme

We will deal with each in turn.

The Public Inquiry

KRW Law and its clients welcome the establishment of a Public Inquiry into these institutions and are eager for the Inquiry to commence as soon as possible. The Inquiry represents the first time that many Victims will have the opportunity to tell their story in a public setting and to have their experiences vindicated. For many victims this will be cathartic but also extremely emotionally and psychologically difficult

It is imperative that the Inquiry, from its inception, is, and is seen to be, independent, impartial, and thorough in its investigation. The Inquiry must have full access to relevant documentation and compel testimony from individuals involved in the operation of these institutions. It is vital that individuals who ran these institutions, participated in forced adoptions, or placed vulnerable women in these institutions should be compelled to give evidence if they are able to do so. Victims who wish to provide their testimony are given the time and space to discuss their experiences.

Victims must be given a safe and supportive environment to share their experiences, with access to psychological support and legal representation.

Counselling or other psychological support is vital prior to victims giving evidence, to ensure that they are in the best frame of mind for doing so. It is also necessary to provide appropriate

psychological aftercare as, from our experience, victims find recounting their experiences in institutions retraumatising. The Inquiry must acknowledge and act upon its duty to protect and care for victims. This will ensure trust in the process and ensure the fullest engagement possible with the Inquiry.

It is also important to ensure that victims can avail themselves of independent legal advice and representation. This is essential to uphold their rights, to assure victims that the process is fair and to protect the interests of the victims. Practically, legal representatives can assist victims in preparing statements, accessing and reviewing records and other relevant documents and preparing victims to give oral evidence. Legal representatives are also ideally placed to engage with the Inquiry to ensure that specific needs of victims can be met.

It is also likely that religious and state institutions will avail themselves of independent legal advice when engaging with the Inquiry, it is therefore vital, in the interests of equality and fairness, that victims can also obtain legal representation. The Committee must ensure the protection of the rights under Article 6 of the ECHR and the obligation to ensure effective access to justice. An inequality of arms between institutions and victims would be anathema to these rights. Arrangements should therefore be made to ensure that there is appropriate funding to ensure that legal representatives can effectively represent victims.

Central Role of Victims and Survivors

Victims and survivors must be actively involved in shaping the Inquiry from its inception. This includes consultation on the Terms of Reference, ensuring that their voices guide the scope and direction of the investigation. We note that the Executive Office retains the ability to subsequently amend the Terms of Reference, and we again believe that this power should not be exercised without consultation with victims and survivors.

It is our belief that any Terms of Reference need to clearly define the scope of the institutions that fall within the Inquiry, the types of harm that will be investigated including a clear and encompassing definition of stigma, a commitment to consider systemic and thematic failings and their impact on victims and wider society. Within any conclusion, the Inquiry must assign blame where there is evidence to do so.

The Terms of Reference should clarify from the outset contentious issues such as the standard of proof to be applied, how the Inquiry will address the conflict between oral evidence and written evidence, how it defines harm, stigma and systemic/thematic failings to ensure that victims fully understand the intention of the Inquiry. Finally, the Terms of Reference should commit to comply with and respect Human Rights norms and best practice to ensure trust in the Inquiry.

It would be our view that the most effective and efficient method to engage with victims and survivors throughout the Inquiry process is to make it a legal requirement to establish the advisory panel immediately after the legislation is passed, ensure that it continues to exist

throughout the lifetime of the Inquiry, ensure a right to access material and an obligation on the Executive Office and the Chair of the Inquiry to consult with the Advisory panel when required.

We welcome the ability for witnesses to give evidence via live link. We believe this is an effective tool for victims to give evidence who otherwise may feel pressured by being physically in the Inquiry setting as well as for victims who are based outside of the jurisdiction. From our own experience victims can better engage with the Inquiry and give evidence in a familiar and comfortable setting.

However, to ensure that victims can avail of the opportunity to provide evidence by live link, and conscious of the fact that many victims are now of an advanced age, the Inquiry must ensure suitable provision is in place to support and assist victims in navigating the live link software and to ensure that the use of this software is not an additional point of anxiety when victims are giving evidence. We believe that legal representatives can play a valuable role in assisting victims in this.

Urgency in Establishing the Inquiry and Redress Scheme

The prolonged delay in initiating the Inquiry has caused significant distress among victims. It is essential that the Inquiry and Redress Scheme be established without further delay to ensure that oral testimonies can be collected while witnesses are still available. Prompt action will demonstrate a genuine commitment to justice and healing.

Redress Scheme

KRW Law supports the creation of a Redress Scheme, including both Standardised and Individually Assessed Payments. The scheme must be transparent, fair, and inclusive, with clear guidelines on eligibility and compensation. We believe that this is an important acknowledgement at an early stage of the pain and stigma that victims have suffered.

We are encouraged that the Redress Scheme will be headed by a judge and believe this provides a strong basis for the Redress Scheme to be viewed as independent.

While we appreciate that the further Individual Assessed Payment scheme will be contingent somewhat on the findings of the Inquiry we would call for the parameters of such a scheme to be publicised as soon as possible.

We welcome the assurance that Standardised Payments under the Redress Scheme will not be considered when assessing eligibility for social security benefits, residential care costs, or Legal Aid within the jurisdiction.

However, many victims and survivors now reside outside the jurisdiction, including in the Republic of Ireland, Great Britain, and further afield. It is essential that the Executive Office commits to engaging with relevant authorities in other jurisdictions to secure equivalent protection for these individuals.

Posthumous Claims

KRW Law acknowledges the inclusion of posthumous claims within the Standardised Payment Scheme as a step toward recognising the enduring impact of institutional abuse. However, we must express our concern regarding the restrictive cut-off date currently proposed for eligibility. This limitation has caused significant distress among families of deceased victims.

We strongly urge the Committee to reconsider and extend the eligibility date for posthumous claims. Such an extension would acknowledge the suffering of victims who have passed away without the opportunity to engage with the Inquiry or Redress Scheme, recognise the intergenerational trauma experienced by families and ensure fairness and inclusivity, preventing a hierarchy of recognition based solely on survivorship at a specific date.

Providing access to redress is not only a matter of compensation but also a symbolic act of validation. We recommend that the legislation be amended to allow claims on behalf of any deceased individual who would have otherwise qualified for redress, regardless of the date of their passing.

Institutions Not Included Within the Redress Scheme

We are disappointed by the exclusion of certain institutions from the scope of the proposed Redress Scheme. This omission risks creating a hierarchy of victims and undermines the principle of equal recognition for all who suffered harm.

We urge the Committee to include Workhouses and other facilities where women and children were placed under similar conditions of control, neglect, and abuse, recognise privately admitted individuals, who may have experienced identical forms of harm but are currently excluded due to the nature of their admission. Indeed, we believe that the eligibility criteria of the Redress Scheme should reflect the scope of the Inquiry itself, ensuring consistency and fairness across both processes.

Institutional Contributions to the Redress Scheme

A fundamental principle of restorative justice is accountability. While many individuals responsible for the operation and abuses within Mother and Baby Homes, Magdalene Laundries, and Workhouses may no longer be alive, the institutions themselves continue to exist and must be held accountable.

KRW Law strongly advocates for a statutory obligation requiring institutions found to have facilitated, perpetrated, or enabled abuse or systemic harm to contribute financially to the Redress Scheme. This contribution should be proportionate to the findings of the Inquiry and the volume of claims associated with each institution. This would demonstrate meaningful accountability, beyond recognition.

We recommend that the legislation include provisions for the recovery of funds from Institutions found at fault in the Inquiry. This would send a clear message to victims and the wider public that institutional wrongdoing will not be met with impunity.

Conclusion

KRW Law appreciates the opportunity to contribute to this critical process. We urge the Committee to consider our expanded submissions alongside previous responses. Our goal is to ensure that the voices of victims and survivors are heard, respected, and acted upon. We remain committed to supporting our clients throughout this journey.