From: [redacted]
Sent: 30 September 2025 22:05
To: Mitford, Nick <Nick.Mitford@niassembly.gov.uk>; +TEO Consultation Public Email <cteotrconsultation@niassembly.gov.uk>
Subject: submissions re Truth Recovery Bill

Dear Nick,

Here are the three docs in one email.

Many thanks,
[redacted]

Dear TEO Committee members,

Thank you for the opportunity to provide input while you consider the Truth Recovery Bill. I have submitted my questionnaire response, but I would like to add more context than was possible in that document. One issue I would like to address is access to information.

My background:
I was born to a mother in Marianvale and transported to an institution in Dublin by the Good Shepherd Sisters (without any court documents, which was against the law at the time though the statute of limitations has since run out). I have participated in the Consultative Forum since its founding. I worked with other victims and survivors and social workers to develop the document that currently guides access to adoption records.

My comments pertain to today's TEO Committee hearing with TEO, VSS, WAVE, and AdoptNI.

Committee member Timothy Gaston rightly zeroed in on the fact that adoptees may be blocked from accessing information about themselves that is accessible to the Inquiry or the Redress Panel. [redacted] cited "mixed data and complicated balancing decisions that have to be made by social workers as the "reason".

This is exactly why the current system is not fit for purpose. People who were severed from their family of origin by a system that ignored their basic rights should not, decades later, be forced to await the outcome of balancing decisions made by social workers operating in the same Trusts that engineered these separations in the first place.

A simple solution to this problem has already been invented.

Ireland acknowledged the need to recognize adopted people's right to identity in 2022, when they developed legislation—the Birth Information and Tracing Act 2022—that grants individual adopted or impacted by an incorrect birth registration or certain care arrangements an **unqualified right** to access their birth, early life, care, and medical information.

What the Truth Recovery Report Says:
The Truth Recovery Report's Recommendation 4 states that TEO should develop legislation granting adopted people maximal access to information. This has not been done. Why not? TEO's only answer has been that as the "practice guidance" is adequate, there is no need for a statutory right to information. This response disregards the many complaints that have been brought forward at forum meetings to TEO and DOH about the failures of the current system and ignores our fundamental right to know the full details concerning how we came to lose our identities and our families through the coercive adoption practices that were the norm during much of the 20th century.

Recommendation 4 also states that TEO should develop legislation on a permanent archive (in PRONI) to contain all records relating to historical adoption. It also states that this legislation should include maximal access to records for those impacted. However, TEO informed the forum last week that it has no plans to develop legislation providing access to the archive to those whose records are contained in it. Why? Because the ministers have not requested that they do so.

According to the Truth Recovery Report, this archive should contain ALL adoption records and associated care records, both state and private. But the Department of Health and the Trusts have not agreed that they will hand over their records to the archive. Why not? I would like to hear an explanation for this years-long delay?

If Ireland can assemble and digitize all of its adoption and related care records in one place and create a system whereby people can access this information without having to join a long waiting list, why can't Northern Ireland do the same for its citizens?

Four years ago, the Design Panel gave us hope that our records would soon be accessible to us. Yet, we still find ourselves subjected to long waits and subjective decision making by over-worked social workers. They are doing their best, but the system is not fit for purpose. It is based on a belief that we are not "victims/survivors" and entitled to these records, and it is carried out in an inefficient manner whereby the Trusts operate independently of each other and have to send requests to their own warehouses to see what boxes of information might exist there. These same social workers are also responsible for responding to requests from recent adoptees, whose files contain thousands of pages of documents, which are released in a piecemeal fashion in order not to overwhelm the recipients. Our records might contain a single page, but we have to wait in line with all adoptees.

Historical adoptions are completely different from more recent adoptions. The laws, practices, regulations, and quantity of documentation couldn't be more different. Our records should be recognized as unique and requiring bespoke handling, not lumped in under the one heading—Adoption.

What needs to be done now:

- The state adoption records and associated care records for the years pertaining to this inquiry should be transferred over to the PRONI archive (which has already acquired the private adoption files), and legislation should be written giving adoptees in Northern Ireland the same right of access to their own records as Irish adoptees.

- Given the cross-border nature of this issue, we also need to establish communication between the archives in Northern Ireland and the Republic of Ireland to everyone's mutual benefit. This too is contained in the Truth Recovery Recommendations.

Since the Truth Recovery Report was accepted by the government in 2021, we have endured four more years of discussions about what is in fact a simple matter. If the government genuinely regrets what happened, why is it still keeping access to the historical documents from us? The documents, what few are left, are all that remains of the lives that were taken from us. They are needed to reconstruct our histories so that we can move past them. Until the government accepts our right to have them, how can it claim to regret what was stolen from us and our families?

Thank you for considering my suggestions. I would be happy to provide any further information.

Respectfully,
[redacted]

Below please find a few quotes from the Report that illustrate my points:

From Recommendation 4:

"Under Data Protection Guidance:
Following publication and implementation of the DOH Guidance, ***the Executive Office should take responsibility for overseeing the development of a statutory form of guidance binding all personal data controllers regarding the administration of historical institutional and adoption records.*** *This statutory guidance should be created in consultation with victims-survivors;*

Under Archive Legislation:
In consultation with the Independent Panel, ***the Executive Office should take responsibility for progressing legislation to establish a dedicated permanent independent repository of all personal and administrative records relating to historical practices within a range of social care institutions and the adoption system.***

It is envisaged that the legislation would, ***at a minimum****:*

- *Create a permanent, comprehensive independent repository of* ***historical institutional and adoption records, and other records relating to children in state care****;*
- *Require the preservation and production of all relevant records, including administrative as well as personal information, whether currently held by state or non-state personnel, and including the archives of truth telling investigations;*
- ***Provide the maximum possible access to information for those personally affected, i****ncluding relatives of the deceased, thus protecting and vindicating their human rights, including their rights to identity and truth";*

Submission on the Draft Bill and Human Rights Framework

For this inquiry to be effective, it must meet the core requirements set out in the Truth Recovery Report (2021).

Chapter 2 of the Report, A Human Rights Framework, provides a clear standard against which the draft Bill can be measured. A comparison shows that the Bill as drafted fails to incorporate the required human rights approach.

Chapter 2 identifies several essential requirements:

1. Recognition of rights violations – That people suffered, and continue to suffer, human rights violations due to the gender-based institutional, forced labour, and family-separation system that operated in Northern Ireland, with cross-border and international movements, during the 20th century. Those affected have a right to an investigation into these violations. (p27)

2. Discrimination and barriers – That discrimination was manifested through “the state’s authorities’ failure to clearly and precisely regulate disclosure, and to ensure respect for the rights of people formerly institutionalized **and/or** affected by adoption or other care arrangements appears to breach the state’s human rights law obligations”. (p31)

3. Systemic practices – That prejudice, discrimination, and coerced adoption were inflicted by midwives, doctors, and social workers, and were not unique to mother and baby institutions. (p36)

4. Applicability of treaties – That key human rights treaties applied to the UK throughout the period under investigation, including prior to 1998 and prior to 1953 (contrary to the position taken by TEO). (p28)

5. Consultation obligations – That, under the Orentlicher Principles, “decisions about the inquiry must be based on consultations in which the views of victims and survivors especially are sought”. Crucially, these views must be meaningfully taken into account, not merely solicited. (p27)

6. Consent and adoption – That the denial of parents’ informed consent to so-called “voluntary adoptions” and other permanent placements of children in state care is a key issue requiring investigation. (p36)

7. Purposes of a rights-compliant inquiry – That under European and international law, a compliant inquiry must: establish the facts and the comprehensive truth; impose state, institutional, and individual accountability for serious human rights violations, including gender-based violations; and provide guarantees of non-recurrence. (p37)

8. Panel composition – That the Istanbul Protocol requires an investigation to be conducted by a panel of three or more, not a single individual. (p38)

9. Gender balance – That investigators must reflect gender balance and possess expertise in gender issues. (p38)

10. Neutral terms of reference – That the inquiry’s terms of reference must be framed neutrally, guarding against any predetermined outcome. They must not limit investigations where these might uncover state responsibility for serious violations. (p39)

11. Flexibility in scope – That the Istanbul Protocol requires flexibility in the terms of reference, so the inquiry is not hampered by overly restrictive or overly broad limitations. (p38)

Concerns with the Bill

The Bill ignores the framing of human rights violations, substituting instead the narrower concept of “systemic harms”. This is inadequate and fails to capture the violations the Report identified as requiring investigation.

The Report is clear that forced family separation on the basis of gender discrimination is one such violation. Yet the Bill narrows this to cases connected only to a prescribed institution. The terms of reference may expand the list of institutions, but only in that limited way. This exclusion means many who suffered the same violations in other settings would not be included in the remit.

If human rights were violated, the location of the violation cannot determine eligibility for investigation. By framing the inquiry in purely institutional terms, the Bill shifts responsibility away from the State and undermines neutrality. International standards forbid limiting investigations where this might conceal state responsibility. How then can this Bill lawfully exclude those affected by coerced and illegal adoptions simply because they were not confined in a listed building?

Mother and baby institutions did not exist in isolation. They operated within, and to serve, the State’s adoption system. That system—established and regulated by law—facilitated coercion by state agents, including doctors, nurses, and social workers, who separated mothers and infants on the sole basis of marital status. Religious institutions were complicit, but responsibility to protect rights lay with government. Instead of ensuring protection of rights, the State tolerated, enabled, and even legislated systemic discrimination. Unmarried mothers were told by state agents that they were unfit and that surrendering their child was proof of love. Babies were trafficked illegally across borders for adoption, with oversight abandoned. Appalling infant mortality rates in adoption institutions were accepted.

This raises two urgent questions:

1. Why has the Bill been designed so narrowly to investigate only private institutions?
2. Why does the Bill exclude the human rights violations upon which the Truth Recovery Report was based, reducing them to “systemic harms”?

How to Rectify the Omissions

The inquiry could be structured modularly, ensuring comprehensive coverage without requiring adjudication of every individual case. For example:

- Adoption system evidence should be included to establish whether consent was free and informed and whether babies were illegally transported across borders.
- Case sampling could be used to identify systemic practices, without requiring determinations on every adoption between 1920 and 1995.

In January 2021, responding to the UU/QUB Report, the First Minister, Deputy First Minister, and Minister for Health acknowledged that in the institutional, forced labour, and family separation system, “rights were ignored” and treatment was “cruel, unjust and inhumane”, with “devastating impact”. Under this bill, those impacted by coerced adoption but not connected to a prescribed institution will not receive acknowledgement.

Requested Amendment

The Bill should be amended to align with the Truth Recovery Report’s human rights framework. Specifically, the restricted list of prescribed institutions should be removed and replaced with a scope based on systemic harms and human rights violations, examining gender-based discrimination and coerced adoption in:

- Mother and baby institutions
- Magdalene laundries
- Workhouses

- Associated institutions such as baby homes, private nursing homes, and hospitals

To be clear, the inquiry should not be tasked with investigating all gender discrimination. Its focus should be the distinct system of gendered oppression that targeted unmarried mothers and women confined in Magdalene Laundries and related institutions. These women and girls were unjustly judged unfit, immoral, or burdensome on the basis of pregnancy, marital status, or perceived moral failings. This discrimination justified their institutionalisation, coerced separation from their children, subjection to forced labour, and the denial of rights and dignity to them and their children.

The inquiry should be enabled to fulfil its mandate to deliver truth, accountability, and justice to all whose rights were violated. If the Bill restricts the inquiry's remit to prescribed institutions selected by TEO, many impacted by coerced adoption and cross-border trafficking will be excluded. That would mean not only a failure to acknowledge, but also a failure to protect against the repetition of harms. And how can we prevent repetition unless we fully confront and understand our past?

Submission on the Exclusion of Workhouse Victims from Standardised Redress

The draft Bill proposes a standardised redress scheme for those affected by mother and baby institutions and Magdalene Laundries. However, it excludes victims of the workhouse system, despite clear evidence that unmarried women and girls experienced the same forms of harm there.

Why this exclusion is wrong

1. Workhouses functioned as mother and baby institutions for unmarried mothers
   Although workhouses housed different categories of residents, unmarried pregnant women and girls formed a distinct and stigmatised group. They were not admitted for poor relief in the ordinary sense but because they were unmarried, pregnant, and had nowhere else to go. For these women, the workhouse operated in the same way as a mother and baby institution: they were confined, separated from their children, and subjected to stigma and coercion.

2. Forced separation and adoption occurred in workhouses
   Like the mother and baby institutions, workhouses were part of the wider system of family separation. Children were taken from unmarried mothers and placed for adoption. These mothers were denied the right to raise their children. To exclude these victims from redress is to ignore that they experienced precisely the same pattern of harm.

3. Exclusion undermines equality and ignores intersectional harms
   The Truth Recovery Report stressed that redress must be based on principles of equality, dignity, and fairness. To include women who were separated from their

children in one setting but exclude those separated in another setting is arbitrary and discriminatory. It also ignores the intersectional harms at play: the poorest unmarried women—those with the fewest resources and options—were the ones most likely to end up in workhouses. They suffered a double stigma, both as unmarried mothers and as poor women. Excluding them from redress repeats the historic injustice by once again disregarding their marginalisation.

4. The State bears responsibility regardless of the setting
   Workhouses were state institutions, established by law, regulated by local authorities, and overseen by government. The State cannot displace its responsibility by saying that harms happened in a “different type” of institution. If unmarried mothers and their children suffered violations in workhouses, they are equally entitled to redress.

5. International human rights obligations require inclusion
   Excluding workhouse victims breaches the UK’s international human rights obligations.

- CEDAW requires states to eliminate discrimination against women in all forms, including where gender-based harms intersect with socio-economic disadvantage.

- The European Convention on Human Rights (ECHR) guarantees equality before the law and prohibits discrimination in the enjoyment of Convention rights, including the right to family and private life (Article 8).

- The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) likewise require non-discrimination on intersecting grounds, including gender and socio-economic status. By excluding the poorest unmarried women and their children—the very group most vulnerable to institutionalisation and family

separation—the Bill contravenes these obligations and fails to provide equal protection under the law.

6. Redress for unmarried mothers and their children is compatible with equality law It is important to emphasise that extending redress to unmarried mothers and their children in workhouses is not discriminatory against other workhouse residents. The Equality Act 2010 and established equality principles permit positive measures to rectify historic disadvantage experienced by a particular group. Redress for unmarried mothers and their children is not about excluding others arbitrarily, but about recognising and remedying the specific gender-based and class-based discrimination that they endured. Providing targeted redress to address past discrimination is both lawful and necessary.

Requested Amendment

The redress scheme should be extended to cover victims of the workhouse system, specifically unmarried mothers and their children who were confined, separated, and subjected to stigma, and loss. To exclude them is to deny their suffering, perpetuate inequality, and breach the UK's obligations under international human rights law.

Redress should reflect the reality that workhouses, like mother and baby institutions and Magdalene Laundries, were part of a single system of gender-based and class-based discrimination and forced family separation. The standardised scheme must therefore cover victims from all such settings if it is to achieve truth, justice, and non-repetition.