

**Independent Panel Submission to the Executive
Office Committee regarding**

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



Truth Recovery Independent Panel
Seeking the Truth

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1.0 The Truth Recovery Programme: Independent Panel and Public Inquiry

The Committee will be aware that the Truth Recovery Programme was established in response to a long campaign by victims and survivors for an investigation into Northern Ireland's mother and baby institutions, Magdalene laundries and workhouses. It was designed based on recommendations contained in a 2021 report by Deirdre Mahon (a Director of Women and Children's Services and the Executive Director of Social Work in Health and Social Care in Northern Ireland), Dr Maeve O'Rourke (Lecturer in Human Rights, NUI Galway) and Professor Phil Scraton (Professor Emeritus, Queen's University Belfast). The Programme incorporates a non-statutory Truth Recovery Independent Panel and a statutory Public Inquiry. The Independent Panel was appointed in 2023 and is composed of three victims and survivors with lived experience of mother and baby institutions and family separation with seven independent experts in relevant disciplines, including social and oral history, trauma-informed practice, sociology of discrimination and gender-based violence, archiving, genealogy and human rights law and domestic law.

The Independent Panel has provided victims and survivors with an opportunity to have their testimony recorded in a safe, confidential and non-adversarial forum. In cooperation with the Public Records Office of Northern Ireland, it has gathered and catalogued large amounts of relevant documents from public and private archives. It has also published detailed guidance for victims and survivors on access to records which has been positively received. The Independent Panel's report, now in preparation and due for publication in March 2026, will inform the work of the statutory public inquiry as to the most serious human rights issues emerging from the testimony and the records. This will allow the public inquiry, which will have powers to compel the production of evidence and the appearance of witnesses, to be more focused in its work.

On the basis of our expertise and experience, we make the following observations and recommendations on the Bill currently under consideration by the Committee.

2.0 Part One of the Bill: The Public Inquiry

It will be the role of the Public Inquiry to determine whether there were systemic failings by institutions, public bodies or other persons. Because it took evidence in confidence and because it has no powers of compulsion and no statutory privilege, the Independent Panel cannot make findings of wrongdoing against individuals or organisations, but the Independent Panel hopes that its report, together with the testimony and records it has gathered, will be of real value and assistance to the Public Inquiry.

The Independent Panel is pleased to note that the provisions of the Bill relating to the Public Inquiry are not unduly prescriptive in terms of the institutions covered. Institutions not previously identified as mother and baby institutions – such as the Clogrennan mother and baby institution in Larne, Co. Antrim, identified first by the Independent Panel based on witness testimony – will be included. Clause 2 gives the Executive Office power to set terms of reference which are broad enough to embrace associated pathways and practices, and the power to prescribe further institutions in Clause 3 is also to be welcomed, especially given the close relationship between mother and baby institutions and baby institutions and private nursing homes and the fact that artificial distinctions based on particular institutions should, in general, be avoided.

When the Truth Recovery Process was designed, it was envisaged that the Independent Panel and the Public Inquiry would enjoy a period of coexistence, allowing them to divide areas of responsibility and to work together. Unfortunately, it now appears likely that the Independent Panel will have been dissolved by the time the Public Inquiry is established.

Even so, the findings and recommendations in the Independent Panel's final report should still be of real assistance to the Public Inquiry in focusing its efforts so that its work can be completed as expeditiously as possible. The Independent Panel urges the Committee to press the Executive Office to identify a Chair for the Public Inquiry as soon as possible, and we endorse the view expressed by the designers of the

Truth Recovery Process that individuals with lived experience of the institutions under investigation should be appointed to the Public Inquiry, and not solely to the Advisory Panel to be created under clause 10. It has been the experience of the Independent Panel that the involvement of people with lived experience in every aspect of its activities is a very positive model for transitional justice mechanisms here and abroad, ensuring that the interests of victims and survivors are at the centre of the process.

Feedback from victims and survivors who gave testimony to the Independent Panel has been overwhelmingly positive. However, we are acutely aware that research carried out by Professor Patricia Lundy, Ulster University, with victims and survivors who gave evidence to the Public Inquiry into historical institutional abuse indicates that nearly half of witnesses were re-traumatised by the experience.[1] The terms of reference of the Public Inquiry have not yet been set and the rules of procedure and evidence, which will be made under clause 27, have yet to be published. Even so, the Independent Panel takes this opportunity to urge the Committee to ensure that the lessons from the negative experience of victims and survivors at the Historical Institutional Abuse Inquiry are learned so that past mistakes are not repeated. By the time those terms of reference are finalised, and the rules of procedure and evidence are made, the Independent Panel will likely be finished its work, and so we suggest that the Committee scrutinise those arrangements rigorously to make certain that the rights of victims and survivors are properly protected. In particular, we suggest that the Inquiry's procedures should be inquisitorial rather than adversarial, and that they should provide for timely disclosure of all documents which it is proposed to put to victims and survivors as witnesses. Regrettably, this is something that Professor Lundy's research suggests that, often, did not happen before the Historical Institutional Abuse Inquiry.

[1] P. Lundy, "I just want justice": the impact of historical institutional child abuse inquiries from the survivor's perspective', Eire-Ireland, volume 55, numbers 1 & 2 (2020).

3.0 Part Two of the Bill: Payment of Redress

The Independent Panel welcomes the provisions in Part Two of the Bill for a standardised payment redress scheme. We note previous commitment by the Executive that this scheme will be established pending a system of individualised payments following the conclusion of the Public Inquiry.

3.1 Workhouses

While the Independent Panel supports the awarding of redress to individuals who were admitted to mother and baby institutions and Magdalene laundries between 1922 and 1995, we respectfully disagree with the decision to exclude from redress destitute women who before 1948, gave birth in workhouse infirmaries while resident in the workhouse, and their children born there. After all, the criteria for ‘indoor relief’ in a workhouse were so strict that only women with no support whatsoever would have been resident there, and detailed records exist in the form of admission registers for the majority of Northern Irish workhouses. The Independent Panel believes that this group deserves recognition and redress, and that a fair and evidence-based mechanism can be developed to include them.

3.2 Posthumous Acknowledgement

The Independent Panel regrets that it cannot agree with the decision to limit posthumous awards to families of individuals who died after 29 September 2011. This date, which appears to have been selected based on an unrelated decision on child abuse inquiries, has no connection with the current Truth Recovery Process, and is, we suggest, impossible to defend on rational grounds. Unfortunately, we know from engagement with victims and survivors on the issue that this approach has already caused avoidable harm to affected people, and as the Committee has itself recognised, the case for it to be changed is unanswerable.

It appears from the Executive Office defence of the proposal that the reason for it is that this was the date on which people affected could expect some form of redress, and that people who died after that date ought not to be excluded.

Yet, if the purpose of the payments is acknowledgement, we can identify no good reason why the relevant date ought not to be the same as that for living people, especially in circumstances where we have seen no evidence (despite having requested it of the Executive Office) that such a measure would include an unduly large number of beneficiaries, or impose an undue burden on the public finances.

Further, we agree with victims and survivors from whom the Committee has already heard that the definition of 'eligible relative' in Schedule 3 should be amended so as to include birth mothers of deceased children who would, but for their deaths, have been eligible for redress.

In this context, we understand that much of the hurt that the current proposal has caused arises from a feeling that a deceased relative's experience is not being acknowledged. Part of the difficulty may be that the Bill establishes a redress system in which financial payments are the only form of acknowledgement provided for. Clause 30 establishing the Redress Service is followed immediately by provisions in relation to payments. It needs to be stressed that other forms of acknowledgement may be equally valid, whether they take the form, for example, of individual acknowledgement letters or collective memorials. In this context, the Committee may consider recommending broadening the remit of the Redress Service beyond financial redress, so that immediate family members – parents, spouses and partners, siblings and children - of deceased people who would, but for their deaths, have been eligible for redress can be included in the important process of acknowledgement.

3.3 Flexibility

The Panel welcomes the fact that the Bill allows for the future inclusion of other institutions in the redress scheme based on recommendations by the Independent

Panel or the Public Inquiry. In this regard, we recommend that the list of relevant institutions in Schedule 2 should be amended so as to include Clogrennan mother and baby institution, which the Independent Panel has discovered operated in Larne, Co. Antrim, between 1970 and 1975.

3.4 Positive Aspects of the Part Two

The Independent Panel congratulates the Executive on the decision not to include a requirement of a minimum stay in an institution as a condition of eligibility for redress. This ensures that victims and survivors are not subjected to arbitrary eligibility conditions such as those imposed under the Republic of Ireland's payment scheme for residents of mother and baby institutions and county homes.

Furthermore, it is welcome that victims and survivors will retain the right to pursue legal avenues alongside receiving redress. This approach demonstrates a bona fide intention to promote reconciliation which is likely to be a positive example for other jurisdictions.

3.5 Quantum

Finally, although, as has been said, we welcome the establishment of a system of standardised payments, we recommend that the standardised payment amount should not be less than £15,000, to take into account recent increases in the cost of living.

4.0 Conclusion

The draft legislation has many positive aspects as described above, yet the effect it could have in terms of rebuilding civic trust for victims and survivors has been undermined by the exclusion from redress of women who gave birth while living in workhouses and their children, and the narrow approach taken to redress for families of people who would have been eligible for redress but for their deaths. Fortunately, there remains the opportunity to correct these mistakes by amending the Bill before

its enactment. The Independent Panel urges the Committee to do all it can to ensure that the Executive makes the necessary amendments without delay.

