

Natalie Don MSP
Minister for Children, Young People and The Promise
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

By email: MinisterCYPTP@gov.scot

3rd of July 2024

Dear Ms Don

Historic forced adoption – facilitating contact

We are writing to you to highlight the barriers we understand continue to exist for birth mothers, birth fathers and birth families seeking to find their children who were the victims of historic forced adoption, a practice which spanned from the 1930s to the 1980s in Scotland.

We have been contacted by Birthlink, who have raised concerns around varying practices across local authorities around the release of information to facilitate contact between birth families and their children. [A copy of their letter to you, to which the Commission was copied, is attached as it provides the full context and background.](#)

As you are aware, forced adoption engages a number of human rights, notably the right to respect for private and family life (Article 8 ECHR) and the rights of the child protected by the UN Convention on the Rights

of the Child. For many people affected by forced adoption, the importance of making connections with birth families cannot be overstated. It is therefore vital that local authorities in Scotland approach information sharing in a consistent way, centred around the human rights of all involved.

We believe appropriate national guidance, developed with organisations such as Birthlink and local authorities, around how to approach information sharing is necessary as a first step in ensuring that all those impacted by historic forced adoption have a chance at connecting with their birth families, should they wish to do so. Currently, the chances of this depend too much on the differing approaches of local authorities.

The state is also responsible for ensuring an effective remedy for historic human rights violations, which includes: access to relevant information concerning violations and reparation mechanisms; equal and effective access to justice; and adequate, effective prompt reparation for harm suffered.

The Commission would appreciate information on how the Scottish Government intends to proceed, and information on wider plans to ensure remedy for all those impacted by forced adoption in Scotland.

Yours sincerely



Shelley Gray
Commissioner

