



JFM RESEARCH

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Justice for Magdalenes Research

The experience of women and girls incarcerated in Ireland's Magdalene Laundries

Support to Adult Survivors of Child Abuse in institutional settings -SASCA

[JUST/2015/JACC/AG/VICT/9292]

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1. The rationale for joining the SASCA Project

1.1 *Brief History of the Magdalene Institutions*

From the foundation of the Irish Free State in 1922 until 1996, at least 10,000 girls and women were imprisoned, forced to carry out unpaid labour and subjected to severe psychological and physical maltreatment in Ireland's Magdalene Institutions. These were carceral, punitive institutions that ran, commercial and for-profit businesses primarily laundries and needlework. After 1922, the Magdalene Laundries were operated by four religious orders in ten different locations around Ireland. The last Magdalene Laundry ceased operating on 25th October, 1996. The women and girls who suffered in the Magdalene Laundries included those who were perceived to be 'promiscuous', unmarried mothers, the daughters of unmarried mothers, those who were considered a burden on their families or the State, those who had been sexually abused, or had grown up in the care of the Church and State. Confined for decades on end – and isolated from their families and society at large – many of these women became institutionalised over time and therefore became utterly dependent on the relevant convents and unfit to re-enter society unaided.

1.2 *Aims and role of Justice for Magdalenes Research*

Justice for Magdalenes (JFM) was established in 2003. The group had two main objectives, which were: i) to bring about an official apology from the Irish State, and ii) the establishment of a compensation scheme for all Magdalene survivors. JFM was a not-for-profit, totally volunteer-run survivor advocacy group, advocating on behalf of women who spent time in Magdalene Laundries. The campaigning tools which JFM used included:

- archival and testimonial evidence-gathering was key to the JFM campaign; interviews with Magdalene survivors and other key informants described the abuse perpetrated on girls and women and, crucially, its ongoing effects (in the women's own words).
- lobbying political channels;
- engaging media interest (such as the production of documentaries, opinion editorials, news reports);
- working with allied NGOs (specifically the National Women's Council of Ireland, Amnesty International and the Irish Council for Civil Liberties) to lobby and advocate,
- drives to encourage the public to phone public representatives,
- using domestic and international human rights monitoring mechanisms. Legal submissions to international human rights treaty bodies focused on the continuing rights of those subjected to 'historic' abuse to an investigation and to effective reparation, including as full rehabilitation as possible.

JFM exited the political arena in May 2013 having achieved its aims of a State Apology and the establishment of a commission led by Mr Justice Quirke to establish a State Redress Scheme. At this point Justice for Magdalenes Research (JFMR) was established. The main aim of Justice for Magdalenes Research (JFMR) is to provide for the advancement of education of the general public by researching the Magdalene Laundries and similar institutions and by providing information and support to the women who spent time in the Magdalene Laundries and their families. The members of JFMR have been assisting survivors in a personal capacity since before May 2013 and continue to do this work.

The Magdalene Restorative Justice Scheme was announced on 26 June 2013. In response, JFMR published a *Survivor Guide to the Magdalene Restorative Justice Scheme* in July 2013 and a *Supplementary Guide to the Magdalene Restorative Justice Scheme* in February 2014. The archive of JFM materials has been

preserved on the JFM Research website, for the benefit of Magdalene survivors, family members and the general public.

JFM established the Magdalene Names Project in 2003 and at its inception it involved photographing the Magdalene graves and recording the names of those who died in the laundries so that they could be honoured and remembered. Thus far, JFMR has recorded the final resting place of 1,663 women. The online digitisation of the 1901 and 1911 censuses opened up new possibilities for the project, offering a snapshot of the number of women in the Magdalene Laundries during those years at a time when this information was not known. Comparisons between the census and grave data revealed the length of stay (lasting up to 74 years in some cases) of some of the women incarcerated in the laundries. Using a similar methodology, we are currently examining electoral registers containing the names of women who were registered to vote while confined in a Magdalene Laundry. More recently, we have been examining the online records provided by Glasnevin Cemetery for the Magdalene graves there. The work of the Names Project is ongoing. Further research is required to ascertain burial locations, while the remaining electoral registers also need to be analysed. We hope to build on this work by examining other records and archives so that eventually, a resource can be made freely available to family, friends, researchers and members of the public who wish to learn about the girls and women who died in Ireland's Magdalene Laundries.

In 2015 JFM Research published *'Death, Institutionalisation and Duration of Stay: A Critique of Chapter 16 of the Report of the Inter-Departmental Committee to Establish the Facts of State Involvement with the Magdalen Laundries and Related Issues'*. This report was largely informed by the work of the Names Project. For the past six years JFMR has jointly organised the annual Flowers for Magdalenes events, where members of the public are asked to visit Magdalene graves lay flowers to honour the girls and women who lived and died behind convent walls. This year's event takes place on Sunday, March 5th.

More recently, members of JFMR jointly developed the project *Clann: Ireland's Unmarried Mothers and their Children: Gathering the Data* in association with Adoption Rights Alliance and the international legal firm, Hogan Lovells. The purpose of Clann is to help establish the truth of what happened to unmarried mothers and their children in 20th century Ireland. Clann will assist those who wish to give evidence to Ireland's *Commission of Investigation into Mother and Baby Homes and Certain Related Matters* by arranging free legal assistance for individuals to make full written statements. The project will also anonymise shared statements, and will gather documentary and archival materials, in order to make a public group report to (1) the Commission of Investigation, (2) the Irish Government, and (3) international human rights bodies. Clann will also disseminate archival and contemporary documentary materials via this website.

1.3 Difficulties and actual needs in relation to stakeholders and context

The remedies which JFM sought on behalf of the survivors were set out in our Proposed Redress Scheme submitted to the Irish government on 14th October 2011. Although one of the elements sought was compensation in lieu of unpaid wages, the survivors and their families also sought other significant forms of redress from the State and the religious orders, including recognition of time worked in the laundries for the purposes of the Irish State pension. JFM also proposed a number of non-financial remedies, including an official State apology. Many survivors insisted on the importance of an apology as a key first step in effecting justice. The survivors had a great need for their suffering to be recognised – and that the State would accept responsibility for its part in causing that suffering, as well as encouraging the Religious Orders and the Church more generally to accept their share of responsibility.

2. The voice of Magdalenes

2.1 *Who are the survivors and the nature of the institutional abuse?*

In 2011, the Fine Gael/Labour government established an Inter-Departmental Committee to establish the facts of State involvement with the Magdalene Laundries (IDC). Although this inquiry failed to draw conclusions regarding the State's responsibility for abuse or failures to prevent it and was not an independent, thorough investigation into the abuse itself, the Committee's 1,212-page report revealed significant new information regarding the State's interactions with the institutions. It also provided some statistics about the number of girls and women who entered the Laundries, and their ages and routes of entry and exit – although these were hampered by gaps in the nuns' records, and the original data was not made available for examination outside the Committee.

In JFMR's experience, Magdalene survivors (and their family members) fall into five main categories: firstly, those who have spoken out and demanded justice; secondly, those who continue to live in silence; thirdly, women who are still living in institutional settings under the control of religious orders; fourthly, those who died both inside and outside the laundry; and finally, the family members of women incarcerated in the laundries, including adopted people.

Once inside the convents, girls and women were imprisoned behind locked doors, barred or unreachable windows and high walls (oftentimes with broken glass cemented at the apex). They were usually given no information as to when or whether they would be released. Upon entry, their names were often changed and they were given an identification number. Many women recall being instructed not to speak about their home-place or family. Their hair was cut and their clothes were taken away and replaced with a drab uniform. A rule of silence was imposed at almost all times in Magdalene Laundries and, in many women's experiences, friendships were forbidden. Correspondence with the outside was often intercepted or forbidden. Visits by friends or family were not encouraged and were monitored by nuns when they did occur.

The girls and women were forced to work from morning until evening – washing, ironing or packing laundry, and sewing, embroidering or doing other manual labour. These Laundries were run on a commercial, for-profit basis, but the girls and women received no pay. No contributions ('stamps') were paid on their behalf to statutory pension schemes. The laundry they washed came not only from members of the public, local businesses and religious institutions, but also from numerous government Departments, the defence forces, public hospitals, public schools, prisons and other State entities such as the parliament,, the Chief State Solicitor's Office, the Office of Public Works, the Land Commission, CIE and Áras an Uachtaráin (the President's Residence)(to name but a few).

Punishments for refusal to work included deprivation of meals, solitary confinement, physical abuse, forced kneeling for long periods or humiliation rituals, including shaving of hair. Survivors speak of constantly being under surveillance, being verbally insulted, feeling cold, having a poor diet and enduring humiliating and inadequate hygiene conditions. None of the girls received an education, and survivors dwell on this fact as determining their 'loss of opportunity' in later life.

It was common for the girls and women to believe that they would die inside. Many did: comparison of electoral registers against grave records at the Donnybrook location shows that over half of the women on electoral registers between 1954 and 1964 died in that institution. If girls or women escaped – perhaps in the back of a laundry van, out an open door at delivery or collection time, or by scaling the wall – they were often captured and returned by the local Gardaí. The nuns punished escapees, in many cases, by transferring

them to a different Magdalene Laundry. If and when a girl or women was released, it was invariably without warning, without money and with only the clothes she was wearing. Some girls and women were given jobs in other institutions run by nuns; many fled abroad as soon as they could.

The State never regulated the Magdalene Laundries, despite its use of the institutions both as places of detention and care, its commercial dealings with them, its knowledge of the detention of young girls of school-going age, and its awareness that the girls and women were working for no pay. The IDC noted that the commercial laundry premises were subject to the Factories Acts, and that Factories Inspectors visited the Laundries from 1957 onwards. According to the IDC's report, however, the inspectors were concerned with machinery and factory premises only. They did not question the age of the girls or the conditions under which the girls and women were forced to work and lived.

2.2 *The Magdalene Oral History Project*

Magdalene Institutions: Recording an Oral and Archival History is a Government of Ireland Collaborative Research Project funded by the Irish Research Council which was led by Assoc. Prof. Katherine O'Donnell of University College Dublin (UCD). The overall objective of this study is to contribute towards a better understanding of the Magdalene Laundry system that existed in Ireland through the gathering and study of testimonies from people who are directly or indirectly related to these institutions.

The pilot phase of the Magdalene Oral History Project was conducted in 2012 in conjunction with JFM and with support from the *Feminist Review* Trust. This phase of the project involved the gathering of testimonies from survivors, family members and others with experience of the Magdalene Laundries for the purposes of submitting evidence to the Inter-Departmental Committee on the Magdalene Laundries.

A central aim of the oral history project was to interview Magdalene survivors and their family members, religious sisters who worked at the Magdalene Laundries, as well as visitors to those institutions and other key informants. The Magdalene Oral History Project archive contains 84 transcripts (from 97 interviewees). The interviews and archival documents are being made as widely available as possible to the public through UCD Archives, the Irish Qualitative Data Archive and the project's own website.

Through the project scholars, teachers, artists and policy makers will be able to gain knowledge of Ireland's recent past so that we can begin to understand how abusive systems came to be established in our society. We hope that we can learn how to make better decisions about the vulnerable in our communities and gain inspiration from those who survived the Magdalene Laundry system. We hope that the project will form the basis of new educational programmes, art work (such as documentaries, films literature and paintings), and public policy initiatives.

2.3 *The main needs of survivors and how they received support*

For all Magdalene survivors, but particularly women living in silence, confidentiality is of the utmost importance. In many cases, survivors' families will not know that they were in a laundry and in most cases, their neighbours and friends do not know. Most survivors are not members of or in contact with advocacy and representative groups. The State apology aside, this population of women continues to live with the stigma attached to these institutions.

Many survivors expressed the need for counselling to help in coming to terms with what happened to them. Most women are unaware that they can contact the National Counselling Service for help and will not always feel able to make an approach for fear of being rejected and/or out of concerns about confidentiality. Other

survivors have medical issues which prevent them from travelling for counselling. Many survivors have severe medical problems and find themselves on lengthy waiting lists for treatment. In many cases it would appear that their medical problems arise as a direct result of their time in the Magdalene Laundries. There are other survivors also in need of disability supports.

Apart from seeking legal counsel with respect to engaging with the reparations scheme, many survivors have a need of legal advice for other reasons. For example, some women ended up in abusive relationships and/or have issues regarding succession rights to their family homes. Most survivors of pensionable age reported a difficulty in obtaining the State (Contributory) Pension because the religious orders did not pay contributions on their behalf during the time they worked in the Magdalene Laundry.

While some survivors have been able to access their records with very little difficulty, others have been met with denials and obfuscation, with the religious orders in some cases denying that the survivor was incarcerated in the laundry. Many survivors do not feel assertive enough to deal with such treatment and they should be provided with assistance in this regard. Likewise, family members have encountered resistance in obtaining information about their loved ones.

Some survivors are living in unsuitable accommodation, often in houses they cannot afford to heat, or houses that have no central heating. These women do not have the means to access alternative accommodation.

Most survivors in contact with JFM expressed the need to be in contact with other women who were incarcerated in Magdalene Laundries. Most survivors are elderly women and are unable to travel great distances for such meetings, and therefore JFMR would recommend that peer support is rolled out on a national basis, and that other means of contact are facilitated (for example, a service to facilitate the safe exchange of telephone numbers).

All survivors in contact with JFM expressed deep disappointment at having been denied access to educational opportunities because of the time they spent in the Magdalene Laundries. Most of them are of limited means as a direct result of their time in the laundries. While most women feel they are too old to avail of educational assistance, those who are mothers and grandmothers have expressed the desire to ensure that their children and grandchildren have educational opportunities, so that this aspect of the cross-generational consequences of the Magdalene Laundries can be alleviated.

In terms of our direct work with Magdalene survivors and families, JFM did not operate a membership scheme or require women to register as clients of our organisation as such and we do not provide support services such as regular survivor meetings or counselling. However, through JFM's information phone line and email account, we have over the years received queries and provided what advice and support we can to women and family members from Ireland and all over the world. In particular, we provide handbooks to assist people in tracing relatives and in obtaining records of their time (or their relative's time) in a Magdalene Laundry. We also actively assisted 22 Magdalene survivors, family members and witnesses in giving evidence to the Inter-Departmental Committee (McAleese Committee), by transcribing lengthy interviews and later facilitating meetings between Dr McAleese and seven women. On the evening of the government's apology, 19th February 2013, we arranged for a group of 20 women and family members to be present in the Dáil gallery.

Our advocacy work included working with local and national political representatives to bring motions in support of an apology and redress, to ask Parliamentary Questions, and to initiate debates. We have also

worked with a number of NGOs, including the National Women's Council of Ireland, the Irish Council for Civil Liberties, the Public Interest Law Alliance (a project of FLAC) and Amnesty International Ireland. Our legal advocacy work has included applying to the Irish Human Rights Commission in 2010 for an inquiry and subsequently raising the Magdalene Laundries abuse with the UN Committee against Torture in May 2011 and the UN Human Rights Council in October 2011. As to our engagement with the Inter-Departmental Committee, we submitted 12 bundles (3,707 pages) of archival and legislative documentation and testamentary evidence (795 pages) to the Committee, along with a 150-page Narrative of State Interaction, already provided to Judge Quirke via email.

2.4 Lessons learned, actual needs of the survivors

As JFM and subsequently, JFMR maintained active contact with survivors throughout the political campaign and beyond, we believe we accurately identified the needs of survivors, and brought them to the State's attention. However, the Magdalene Laundries abuse continues through the State's failure to implement many elements of the Redress Scheme.

3. The legal work

3.1 Actions in the framework of the existing legislation

Women and girls were confined in the Magdalene Laundries through a variety of channels, including: women and girls sent by the judicial system (including those committed informally or as a condition of probation, those held on remand, sent to the Laundries after release from Prison sentences and those sent to the Laundries instead of Reformatory Schools), transfers from Industrial Schools and transfers from Mother and Baby Homes. JFM also discovered evidence of girls who were sent to the laundries by social workers, members of the clergy, the Gardaí (police), hospitals, local authorities, County Councils, psychiatric hospitals. Most worryingly of all, a whole group of girls appear to have been sent to the Laundries because they were the victims of abuse.

It is true that some women and girls were committed to the laundries by non-State actors, including their families, or church groups, such as the Legion of Mary. This happened for an array of reasons – they feared scandal related to unmarried motherhood and illegitimacy, sexual abuse, incest, domestic abuse, disability and mental illness. Although the State was not directly involved in incarcerating these women and girls, it failed to protect and defend their individual liberty and human rights, as they had a right to expect in a democratic State governed by the rule of law. Whatever the reasons why women and girls were sent to the Magdalene Laundries, the State had duties to all of the women and girls in the Laundries (a) to prevent them from being held against their will, (b) not to exploit or benefit from their forced labour or servitude and (c) to care for these women and girls in terms of their rights to a safe workplace, to social welfare and (in terms of school-age girls) an education.

Ireland had human rights obligations under its own Constitution, the Universal Declaration of Human Rights (UDHR) and the European Convention on Human Rights (ECHR) to protect the women and girls who were incarcerated in the laundries. As the last Magdalene Laundry only closed its doors in 1996, Ireland also had obligations under the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Ireland ratified the UN Convention against Torture in 2002, and while the last Magdalene Laundry closed in 1996, JFM relied on the 'continuing violations' doctrine, which provides that the Committee may examine alleged violations of the Convention which occurred before a State Party's ratification of the Convention if the effects of those violations continued after ratification and if the effects constitute themselves a violation

of the Convention.

3.2 *Individual cases and collective responsibilities*

In the Magdalene Laundries, girls as young as nine and women were locked away and forced into penal servitude for a wide variety of reasons. Some had grown up in the care of the nuns, in residential schools funded and regulated by the State, and were deemed unsuited for independence and/or still in need of 'protection' upon reaching the age of release (typically 16 years old for Industrial Schools and 18 years for Reformatory Schools). Some had been sexually abused, by a family member or other person, and the Magdalene served the purposes of 'containing' the problem and avoiding shame in a society that prioritised respectability. Confining the female victim in the Magdalene also protected the perpetrator of the crime. Some girls and women who had given birth to a child outside marriage, oftentimes at a Mother and Baby Home or County Home, and had been separated from their child were then placed in a Magdalene to prevent the same thing happening again and/or because, cast out by her family, she had nowhere else to go.

Girls and women were involuntarily detained in Magdalene Laundries and not free to leave. They were completely deprived of their liberty and were never told when they might expect to be released. They were also deprived of contact with the outside world and were given no information regarding the reason(s) for their detention or their expected release date. The women and girls in the laundries were also denied contact with girls in other parts of the relevant convent complexes. Girls and women were also stripped of their identities. They suffered physical abuse and were forced to work constantly for no pay. Girls of school-going age in the Magdalene Laundries were not provided with any education. There were very limited opportunities for recreation and they were forbidden from communicating freely with each other. The women also suffered emotional abuse of various different kinds, including forcible hair cutting, degrading and humiliating punishments and taunting. The women and girls also suffered from neglect, including poor nutrition and opportunities to maintain personal hygiene, and a lack of heating and cleanliness in the dormitories. Many women were never released and died in the Magdalene Laundries after serving what was effectively a life sentence. In some cases, women were buried in unmarked graves and sometimes their deaths were not registered.

3.3 *The legal support: opportunities and limits*

On the night of the State apology, the Taoiseach Enda Kenny announced that he had asked Mr Justice John Quirke to make recommendations to government on a scheme for Magdalene Laundry survivors. In June 2013, Mr Justice Quirke published *The Magdalen Commission Report* and while the financial element of the ex gratia scheme fell far short of what survivors deserve, JFMR nonetheless welcomed it, in recognition of the other recommended benefits and services, particularly the establishment of a Dedicated Unit and the provision of an enhanced medical card which would provide access to '*the full range of services currently enjoyed*' by HAA Card holders. We were pleased when the government announced that it would accept all of Judge Quirke's recommendations.

It is now four years since the official State apology, and the government has seriously undermined Magdalene survivors' trust, as it has repeatedly cut corners on the implementation of the *ex gratia* scheme. Survivors are still awaiting the establishment of a Dedicated Unit, a measure that should have been put in place immediately and not after the women, in many cases, have had to navigate the Ex Gratia Scheme alone. The State has also failed to backdate survivors' pensions to retirement age, while vulnerable survivors (many of whom are still living in institutionalised settings) have not been provided with personal advocates to assist them in navigating the scheme. Some survivors have difficulty in proving duration of stay

because of the religious orders' poor record keeping, yet, the government affords greater belief in the religious orders' contentions than survivor testimony. This is despite the fact that all four orders have refused to make a financial contribution to the Redress Scheme.

The healthcare provisions as outlined in the Redress for Women Resident in Certain Institutions (RWRCI) Guide do not provide Magdalene survivors with the same range of drugs and services made available to HAA cardholders. The women who have signed up to the Magdalene scheme thus far were required first to waive their rights to take additional legal action against the State, In return, they were led to expect that they would receive the full range of benefits and services recommended by Mr Justice Quirke.

The government has also failed Magdalene survivors living overseas. In this regard the government has repeatedly said it is 'examining the practical arrangements' for the provision of health services to women living abroad, however no timeframe has been given as to when this 'administrative process' will be in place. The needs of elderly survivors who are part of our Diaspora appear to have dropped off the State's agenda. This is particularly the case for survivors based outside of Ireland and the UK.

JFMR is also concerned that the Department of Justice has deemed at least 40 women to lack sufficient capacity to apply to the Scheme and that these particularly vulnerable Magdalene survivors are being prevented from benefitting from the Scheme. The Minister for Justice chose not to legislate to provide these women with assistance and advocacy in applying to the Scheme, preferring to delay the processing of their applications until the Assisted Decision-Making (Capacity) Act 2015 is in operation. JFMR has requested that these women, and all those currently living in the custody or care of the religious congregations responsible for operating the Magdalene Laundries (many of whom do not have close family members), be provided with personal advocates under the Scheme.

4. The reaction of public opinion, institutions and State

4.1 Roles and responsibilities of different actors

JFM wrote to the four Religious Orders which ran the Magdalene institutions on four separate occasions between November 2009 and April 2011 requesting a meeting to exchange information and initiate a dialogue. Ultimately, two of the congregations declined to meet and two did not respond at all. The four orders issued coordinated 'statements of regret' from a public relations firm in Dublin on 5th February 2013, after the publication of the report of the Inter-Departmental Committee on the Magdalene Laundries (also known as the McAleese Report). They did not comment at all on Feb 19th 2013, the day of the official State apology and have insistently refused to apologise since. Likewise, the orders have refused to pay any financial contribution to the Redress Scheme, despite being asked in writing on three occasions by a former minister for Justice to do so. Initially, the State denied outright that it had any responsibility at all for women and girls being sent to or kept within the Magdalene Laundries. However, during our political campaign, JFM managed to find direct evidence that a number of State agencies referred women and girls to the Magdalene Laundries, as set out in Section 3.1 above.

4.2 Public disclosure

Within the Magdalene Laundries secrecy and silence was maintained, with identities changed and friendships discouraged and punished. Once outside the laundries, most women did not speak about their experiences because they were so ashamed of where they had been. The Irish State restricted discourse at the Residential Institutions Redress Board (RIRB), where survivors were discouraged from speaking about their Magdalene Laundry experiences and Magdalene institutions were not listed as relevant institutions suitable for inclusion in the State redress scheme for institutional abuse. Moreover, present-day contact and discussion between survivors is hindered because Magdalenes were given religious names

when they arrived into the institutions and there appears to have been little disclosure between the inmates as to their identities prior to being brought to the Magdalenes. Interaction between the inmates was strongly discouraged and girls and women remained isolated from each other. Besides the women who never left and died as Magdalene inmates, the Magdalene Laundry system's most silenced women are those who remain under the control of the religious orders in institutionalised settings.

Though the last Magdalene Laundry closed in 1996, the religious orders have maintained a culture of secrecy and silence by refusing to release their post-1900 archives into the public domain. The four religious orders that operated Magdalene Laundries did make their archives available to the IDC for its investigation, however the records have since been returned and remain out of public reach, and thus the State plays a continued role in suppressing a much-needed discourse which could be supported by archival evidence. Some women offered testimony to the IDC in a survivor-centred process conducted by JFM, however, none of the 796 pages of written testimony appeared in the IDC report, which itself has been heavily criticised by survivors, advocacy groups and the United Nations, yet vigorously defended by the government. While the State apology did signal a rupture in the national discourse, the government's repeated defence of a report which silenced survivors (and alleges that no physical abuse took place in the laundries) further marginalises the women's lived experience.

4.3 *The role of media*

Since its foundation JFMR (and previously, JFM) has had a survivor-centred ethos at its core. Over the years we have received repeated requests from journalists for survivors' contact details. Each time we have declined unless a survivor herself has specifically requested to be put in touch with a member of the media. On almost all occasions when we declined to provide survivors' contact details, we were told by the media that the campaign would not succeed without 'the human side'. In our view however, no campaign was worth winning at the expense of vulnerable, marginalised women, and thankfully we managed to raise awareness, by gathering testimonies in an ethical manner and by assisting women with participation in the Magdalene Oral History Project. JFMR continues its work in protecting the dignity of survivors and their wish to keep out of the media glare. Most of these women remain in silence because the stigma remains, and we encourage the media and the public to not focus on the salacious aspects of trauma, but rather on the continuing campaign for full restorative justice.

4.4 *The reparative impact of public acknowledgment of responsibility on the life paths of the survivors*

The Taoiseach(Prime Minister) Enda Kenny delivered an emotional apology to the survivors of the Magdalene Laundries on 19th February 2013. Although the survivors in contact with our organisation were deeply moved by the apology, many women now feel they have been 'hoodwinked' because of the State's action and inaction since that time.

In the four years since the Taoiseach's State apology, the Minister for Justice and her Department have issued numerous public statements denying any State responsibility for human rights abuses in the Magdalene Laundries. The government has never established an independent investigation into abuse in the Magdalene Laundries (the IDC's remit was limited to investigating State interaction with the institutions). The Minister and Department for Justice now rely on the State's own failure to investigate in order to justify their false claim that there is no publicly available evidence of State responsibility for systematic abuse in the Magdalene Laundries.

For example, a month previous to the publication of *The Magdalene Commission Report*, on 22nd May 2013, Felice Gaer, Rapporteur for Follow-up on Concluding Observations at the United Nations Committee

Against Torture (UNCAT) wrote to the Irish State as part of the follow-up process on UNCAT's recommendations in 2011. In this letter, the Rapporteur noted that the McAleese inquiry *'lacked many elements of a prompt, independent and thorough investigation, as recommended by the Committee [Against Torture] in its Concluding Observations'*. The letter went on to ask the Irish State whether it *'intends to set up an inquiry body that is independent, with definite terms of reference, and statutory powers to compel evidence, and retain evidence obtained from relevant religious bodies'*. On 8th August 2013, just six months after the apology, the Irish State responded to UNCAT, asserting that *'[n]o factual evidence to support allegations of systematic torture or ill treatment of a criminal nature in these institutions was found'* by the McAleese Committee and *'in light of facts uncovered by the McAleese Committee and in the absence of any credible evidence of systematic torture or criminal abuse being committed in the Magdalene Laundries, the Irish Government does not propose to set up a specific Magdalen inquiry body'*.

4.5 *Positive results and difficulties: what is transferable in other context?*

4.5.1 *Publicly accessible archival evidence*

JFMR is donating the archive of the JFM campaign (see also section 4.5.6) to the Irish Research Council project *Magdalene Institutions: Recording an Archival and Oral History*, conducted at UCD and to the Waterford Memories Project at Waterford Institute of Technology (WIT). The archive has been digitised by WIT, and will be made available online by WIT and by UCD Archives. Witness statements are not included in the JFM archive; however, some witnesses have donated their testimonies to the Magdalene Oral History Project. The Magdalene Oral History Project archive contains 84 transcripts (from 97 interviewees). The interviews and archival documents are being made as widely available as possible to the public through UCD Archives, the Irish Qualitative Data Archive and the project's own website. JFMR will also build on the work of the Magdalene Names Project, and will make the project's work available through an online resource. The witness statements, archival materials and documentary evidence which have been gathered by JFMR offer a permanent, freely accessible archive of evidence which can be availed of by survivors, family members, researchers and members of the public.

4.5.2 *Ethos*

Since the establishment of JFM in 2003 our survivor-centred ethos has underpinned every aspect of our work. We apply the strictest ethical standards to all of our interactions with, and advocacy on behalf of, women who spent time in Magdalene Laundries and their families. In addition, we seek to apply the highest academic and ethical standards to all of our research and legal argument. This ethic was at the core of our draft redress scheme submitted to the Irish government in October 2011. Our proposed scheme was comprised of four parts: 1) a State apology; 2) a Dedicated Unit within the Department of Justice for Survivors of Magdalene Laundries to facilitate the provision of pensions, lost wages and state services; 3) a Commission for Financial Reparation; and 4) transitional justice and preservation of the historical record. In addition, JFM made a submission to Judge Quirke in March 2013, outlining the main elements of our ethos and the needs of survivors. After meeting with Judge Quirke, we compiled a Survivor Guide to the Magdalen Commission, which provided a mechanism for survivors to engage with Judge Quirke and the Magdalen Commission. In June 2013, Mr Justice Quirke published *The Magdalen Commission Report* and while the financial element of the ex gratia scheme fell far short of what survivors deserve, JFMR nonetheless welcomed it, in recognition of the other recommended benefits and services, particularly the establishment of a Dedicated Unit and the provision of an enhanced medical card which would provide access to *'the full range of services currently enjoyed'* by HAA Card holders. It was clear to us that Mr Justice Quirke had listened to Magdalene survivors and that, in his recommendations, he focused on meeting their needs.

- *Political lobbying*

Our political strategy included meetings with officials from the Department of Justice, Department of Education and Department of Health, where Dr James Smith, advisory committee member of JFM, presented his archival research demonstrating State involvement with Magdalene Laundries. The Department of Justice acknowledged that it had placed women on remand at one Magdalene Laundry under the Criminal Justice Act 1960 and that numerous women were referred to Magdalene Laundries through the courts absent statutory authority; and the Department of Education acknowledged that it was aware, at least from 1970, that girls were confined in Magdalene Laundries and that Reformatory Schools transferred girls into Magdalene Laundries. In 2009, as a result of these early efforts, a cross-party *ad hoc committee* of TDs and Senators, was established and dedicated to addressing the issue of redress for Magdalene survivors. In 2010 an online petition with over 1,000 signatures was presented to the Taoiseach. With TDs from all parties, JFM also jointly coordinated the submission of approximately 30 parliamentary questions to government Ministers regarding State involvement with the Magdalene Laundries and redress for Magdalene survivors. A more detailed outline of the JFM campaign is available here: <http://jfmresearch.com/wp-content/uploads/2017/02/JFM-Campaign-Overview.pdf>

4.5.4 *NGO Alliances*

JFM became a member organisation of the National Women's Council of Ireland (NWC) in 2010 and have worked closely with the organisation since that time. In the initial stages of the campaign, the NWC, along with Labour Women, called for a redress scheme for Magdalene women. In addition to providing ongoing support with publicising our campaign, the NWC also ran its own campaign in encouraging female county councillors to table motions of support for Magdalene survivors at County Council meetings across the country. This action facilitated a high degree of awareness among local politicians for the plight of Magdalene survivors.

JFM also worked closely with other NGOs, including the Irish Council of Civil Liberties and Amnesty International, who provided support at Irish-based events, and who encouraged our representative to attend the NGO briefing session in Geneva when Ireland was being examined by the UN Committee Against Torture in 2011. The Irish Penal Reform Trust coordinated online streaming of these sessions, which meant that members of JFM were able to watch the proceedings and include video clips in our press releases. In addition, JFM representative were able to share the videos with women who had given their testimony to our organisation.

4.5.5 *Media strategy*

Since 2003 we have built up an extensive media contact list, which includes national and international outlets. Every step of our campaign was put on the record via a press release, all of which are archived on our website. In addition, we have fostered relationships with trusted journalists, most notably Conall O'Fatharta, who has been steadfast in his efforts to ensure that the issue stays in the public light.

4.5.6 *Legal arguments through human rights venues and feeding into state inquiry*

The recommendations of human rights bodies proved to be crucial milestones in our campaign. In June 2010, dissatisfied with the government's refusal to accept responsibility for abuse in the Magdalene Laundries, JFM decided to apply to the Irish Human Rights Commission (IHRC) for an inquiry. The IHRC's response was prompt: on 9 November 2010, it published a 27-page *Assessment of the Human Rights Issues Arising in relation to the 'Magdalen Laundries'*. The *Assessment* concluded with a formal recommendation to government 'that a statutory mechanism be established to investigate the matters

advanced by JFM and in appropriate cases to grant redress where warranted.’

In April 2011, faced with continued silence from government regarding the IHRC’s *Assessment*, JFM submitted a shadow report to the United Nations Committee against Torture (CAT) for the Committee’s first periodic review of Ireland. The Committee’s Concluding Observations expressed grave concern at ‘*the failure by the State party to protect girls and women who were involuntarily confined between 1922 and 1996 in Magdalene Laundries*’. The Committee recommended prompt, independent and thorough investigations into allegations of torture and other cruel, inhuman and degrading treatment or punishment in Magdalene Laundries; in appropriate cases, prosecution and punishment of perpetrators; and that the State ensure that all victims obtain redress and have an enforceable right to compensation. The Committee included this recommendation in its one year follow-up process, signalling its particularly urgent nature.

The Committee’s session with the government and its Concluding Observations were covered by all major Irish news outlets and international sources, including the New York Times, Time Magazine, the BBC and Guardian. In the following days, several Senators and TDs called for Seanad and Dáil debates on the IHRC and CAT recommendations and JFM organised an email campaign directed at government ministers. On 14 June 2011, just over a week after the Committee against Torture issued its recommendations, the Minister for Justice announced that the government would establish an Inter-departmental Committee to clarify any State interaction with the Magdalene Laundries and to produce a narrative detailing such interaction.

In August 2012, JFM made its principal submission, *State Involvement with the Magdalene Laundries* to the *Inter-Departmental Committee to establish the facts of State involvement with the Magdalene Laundries* (IDC). The submission consisted of a 145-page document which was supported by 795 pages of survivor testimony and 3,707 pages of archival evidence and legislative documentation. It outlined comprehensive evidence of State complicity in the abuses experienced by girls and women in Ireland’s Magdalene Laundries. JFM created a redacted version of the submission which was circulated to all TDs and Senators in September 2012 in advance of a private members’ debate on the laundries. None of the written testimony gathered by JFM appeared in the IDC report, and thus, on 16th February 2013, with permission from survivors, we made the submission publicly available so that politicians and the general public would have the opportunity to read and consider testimony from survivors and family members before the debate on 19th February 2013, in which the Taoiseach (Prime Minister) issued a State apology to the Magdalene women.

5. Advocating towards the national and European recognition of institutional abuse

5.1 Recent and on-going developments in Ireland

In response to the revelations about the deaths of children at the Bon Secours home at Tuam, then Minister for Children and Youth Affairs, Dr James Reilly, published the Terms of Reference for a *Commission of Investigation into Mother and Baby Homes and Certain Related Matters* (the Commission) on 9th January 2015. As detailed in Section 1.2, JFMR has launched the Clann project in association with Adoption Rights Alliance (ARA) and global law firm, Hogan Lovells to assist those who wish to give evidence to the Commission.

Although the Commission of Investigation is beginning its work by focusing on 14 Mother and Baby Homes and 4 County Homes, at least 180 institutions, organisations, agencies and individuals were involved with unmarried mothers and their children in 20th century Ireland. The Commission has statutory powers to request a widening of its focus and ARA and JFMR believe that if a thorough and transparent investigation is to be made, the Commission will need to include all relevant bodies. ARA and JFMR have made submissions in this regard to the Commission and have supplied the Commission with details of the 170+ bodies. Clann aims to enable individuals who were affected by any of the 170+ institutions, organisations,

agencies or individuals to contribute to the public record and is not limiting its assistance to the 18 institutions being investigated initially by the Commission. ARA and JFMR will continue to request that the Commission of Investigation takes a sufficiently comprehensive approach.

Although the Commission of Investigation into Mother and Baby Homes and Certain Related Matters will not pay for legal assistance, ARA and JFMR believe that it is crucial that those who wish to give evidence to the Commission of Investigation nonetheless have access to legal assistance, at no cost. The assistance of a lawyer will enable people to make a comprehensive statement, setting out all relevant matters, so that they are under less pressure on the day of giving 'live evidence' to the Commission (if they wish to meet the Commission in person), and so that they can still give evidence to the Commission even if they do not wish to do so in person. In addition, everyone who compiles a witness statement with Hogan Lovells' assistance will retain a copy of their witness statement and will be free to use it for any other purpose.

ARA and JFMR believe that it is important for those affected by Ireland's treatment of unmarried mothers and their children to give evidence collaboratively to the Commission of Investigation (which Clann will do by analysing statements alongside documentary materials). The benefit of a group submission, which draws on the evidence of many individuals, is that Clann will be able to highlight patterns of treatment, as each person's experience may shed further light on another's.

Finally, ARA and JFMR are concerned that the Commission of Investigation into Mother and Baby Homes and Certain Related matters has no current plans to hold any public hearings or to allow public access (or access to those affected) to the documentary/archival evidence that it is considering. The Commission has statutory powers to conduct public hearings and Clann hopes that in the interest of accountability and transparency of procedure the Commission will allow for regular public hearings and allow public access to the non-sensitive documents it is viewing. ARA and JFMR have made submissions to the Commission in this regard. Clann aims to provide public access to as much non-sensitive documentary evidence as possible, via the Clann website, in order to create public awareness of the Commission's investigations and in the hope that this in turn will encourage members of the public to contribute documentary evidence to both the Commission and Clann.

6. Bibliographies and online resources

6.1 A brief description

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Smith, J. M., O'Rourke, M., Hill, R. and McGettrick, C. (2013) 'State Involvement in the Magdalene Laundries'. Cavan: Justice for Magdalenes. Available from: http://www.magdalenelaundries.com/State_Involvement_in_the_Magdalene_Laundries_public.pdf [Accessed 4th March 2017].

Online resources

Justice for Magdalenes Research: <http://www.magdalenelaundries.com> [new website coming soon at www.jfmresearch.com]

JFM campaign overview: <http://jfmresearch.com/wp-content/uploads/2017/02/JFM-Campaign-Overview.pdf>

Magdalene Oral History project: <http://www.magdaleneoralhistory.com>

Magdalene Names Project: <http://www.magdalenelaundries.com/name.htm>

Adoption Rights Alliance: www.adoptionrightsalliance.com

Clann project: www.clannproject.org

Clann Information Pack: <http://clannproject.org/wp-content/uploads/Clann-Information-Pack.zip>

Survivor Guide to the Magdalen Commission:
<http://magdalenelaundries.com/Survivor%20Guide%20to%20Magdalen%20Commission.pdf>

Survivor Guide to Magdalene Restorative Justice Scheme:
<http://magdalenelaundries.com/Survivor%20Guide%20to%20Magdalene%20Restorative%20Justice%20Scheme.pdf>

Supplementary Survivor Guide to Magdalene Restorative Justice Scheme:
<http://magdalenelaundries.com/press/Supplementary%20Survivor%20Guide%20to%20Magdalene%20Restorative%20Justice%20Scheme.pdf>

Conall O'Fatharta: <https://conallofatharta.wordpress.com>

7. Annexes

Redress Scheme proposed by JFM in October 2011:

<http://magdalenelaundries.com/JFM%20Reparations%202014%20October.pdf>

ANNEX