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JUSTICE FOR MAGDALENES RESEARCH

Submission to Dublin City Council

regarding the proposed property development
at the former Magdalene Laundry at
Donnybrook, Dublin 4

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Justice for Magdalenes Research (JFM Research) was formed by co-ordinating and advisory committee members of the Justice for Magdalenes survivor advocacy group following Ireland's State apology to women who were incarcerated and forced into unpaid labour in Magdalene Laundries. We engage in archival and educational work, with the aim of recording and raising public awareness of the experiences of women held in Magdalene Laundries. The members of JFM Research also continue to assist survivors of Magdalene Laundries in our personal capacities.

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1. Introduction

Justice for Magdalenes Research (JFMR) makes this submission to Dublin City Council (DCC) in relation to the proposed development (**Application Reference: 3621/16**) at the site of the former Magdalene Laundry operated by the Religious Sisters of Charity at Donnybrook, Dublin 4.

The main aim of 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.

2. Consultation with survivors and family members

JFMR appreciates the developer's willingness to acknowledge the history of the Donnybrook site. However, to our knowledge, no consultation has taken place with survivors and family members regarding the proposed development at the former Magdalene Laundry at Donnybrook. We submit that DCC and the Department of Justice should facilitate this consultation.

2.1 Dublin City Council

We welcome DCC's 'Vision Statement' in its 2015-2019 Corporate Plan² for a council that is 'open, innovative, progressive and which provides leadership by engaging fully with its citizens and stakeholders'. We further welcome DCC's values³ of being 'open and inclusive', whereby the Council is 'willing and available to listen and interpret the views of the people of the city to create and deliver an inclusive city for its people'; and of 'respect',

¹ Planning Report, Pg 24. Available from: http://www.dublincity.ie/AnitePublicDocs/00581685.pdf

² Dublin City Council Corporate Plan 2015-2019, Pg 16. Available from: http://www.dublincity.ie/sites/default/files/content/YourCouncil/CouncilPublications/Documents/DCCCorporatePlan2015 2019.pdf

³ Dublin City Council Corporate Plan 2015-2019, Pg 17. Available from: http://www.dublincity.ie/sites/default/files/content/YourCouncil/CouncilPublications/Documents/DCCCorpo ratePlan2015 2019, pdf

because of which the Council has pledged to be 'mindful and respectful when making decisions on behalf of Dublin's ever diversifying community in order to advance the city according to the views of all its people. We will respect equality and human rights for all citizens as part of this value'.

We also note DCC's 'Mission Statement' to 'provide quality services for its citizens and visitors and act to protect and promote Dublin's distinct identity in a way that acknowledges our past and secures our future'. On 3rd May 2016, (then) Lord Mayor Críona Ní Dhalaigh exemplified this ideal in a powerful gesture, by presenting JFMR with a Dublin Lord Mayor Award on behalf of Magdalene Laundry survivors. We were honoured to have a number of survivors and family members with us on the night of the award ceremony; two of the survivors had been incarcerated in Dublin laundries, and four of the deceased women whose family members were present were also confined in Dublin laundries. The survivors reported to us afterwards how much it meant to them to be honoured by the Dublin Lord Mayor. The experience touched them deeply and all of the women said they will never forget the experience. Former Lord Mayor Ní Dhalaigh's actions are evidence of the power of acknowledgement and inclusivity, particularly for groups which have been marginalised. We urge DCC to follow her example by ensuring that the voices of those who are affected most by the Donnybrook development are heard.

2.2 The Department of Justice

In *The Magdalen Commission Report*,⁵ Mr Justice John Quirke's sixth recommendation concerned the establishment of a Dedicated Unit, which would (amongst other things⁶)

⁴ Dublin City Council Corporate Plan 2015-2019, Pg 16. Available from: http://www.dublincity.ie/sites/default/files/content/YourCouncil/CouncilPublications/Documents/DCCCorpo-ratePlan2015_2019.pdf

I am therefore recommending that the State should establish, fund, staff and accommodate a small Dedicated Unit which should be charged to provide the following services for eligible Magdalen women:

 A helpline accessible daily by the women to assist them to obtain the health, monetary and other benefits to which they will now be entitled

⁵ http://www.justice.ie/en/JELR/Pages/PB13000255

⁶ Judge Quirke's 6th recommendation is outlined in full below:

facilitate the 'acquisition, maintenance and administration of any garden, museum or other form of memorial which the Scheme's administrator, after consultation with the advisory body or committee referred to below has decided to construct or establish'. Judge Quirke said that the committee referred to 'should be broadly representative of the majority of Magdalen women and should include representatives of eligible women currently living within the UK or elsewhere'.

Although the government accepted Judge Quirke's recommendations in full,⁷ it has not implemented several aspects of the scheme (including the full healthcare package for all women who have signed up to the scheme) and has not followed through on the establishment of a Dedicated Unit as recommended. We suggest that the proposed development at Donnybrook is an ideal opportunity to rectify this deficiency. As a starting point, we propose that the Department of Justice immediately make contact with survivors who have expressed an interest in the ex gratia scheme to ascertain their views on the Donnybrook development, the issue of a memorial, and their needs in terms of what the Dedicated Unit should comprise. This consultation should be conducted by a suitably qualified facilitator with experience in dealing with vulnerable populations.

• Investigative and other help and assistance in obtaining such sheltered or other housing as they may be entitled to.

The Unit should be established after the Scheme's administrator has first consulted with and received written submissions from an advisory body or committee representing the needs and interests of the Magdalen women. That body or committee, in turn, should be broadly representative of the majority of Magdalen women and should include representatives of eligible women currently living within the UK or elsewhere. A simple appeal process to a single agreed independent person should also be provided to resolve disagreement or dissatisfaction with preliminary decisions made by the Scheme's administrator in respect of the matters identified above.

[•] Investigative and other help and assistance in obtaining such educational assistance as they may be entitled to.

[•] Practical and, if necessary professional, assistance to enable those women who wish to do so to meet with those members of the Religious Orders who have similar wishes to meet and interact.

Similar practical assistance to meet and interact with other Magdalen women.

[•] The acquisition, maintenance and administration of any garden, museum or other form of memorial which the Scheme's administrator, after consultation with the advisory body or committee referred to below has decided to construct or establish.

⁷ http://www.justice.ie/en/JELR/Pages/PR13000383

2.3 Survivors in institutionalised settings

We are also conscious that a number of former Magdalene women are still living in the Donnybrook complex in an institutionalised setting in the custody of the Sisters of Charity.⁸ These women are physically closer to the proposed development than any other resident in the Donnybrook area. Their lives were irreparably damaged by the Donnybrook laundry; and as is the case with the vast majority of women we have encountered in similar situations, it is likely that the majority of them were confined as young women or girls, thus spending most of their lives confined within the Magdalene Laundry system. Therefore, absolutely every effort should be made to ensure that this group of women is consulted about what happens at Donnybrook, again, through a suitably qualified facilitator. In the event of any demolition works and subsequent development, it is imperative that the process is explained to them, to ensure that they are not distressed by the changes taking place so close to them. We note that the developer and DCC have reached 'agreement in principal' [sic]9 on the requirements of Part V of the Planning and Development Act, 2000, in relation to the provision of social housing. We suggest that the women living in the institutionalised setting on the Donnybrook complex be afforded an opportunity to live in any social housing which is included in the proposed development (with the appropriate living supports in place), if this is what they wish.

2.4 JFMR position on the future of the Donnybrook site

JFMR believes that the views of Magdalene survivors and their families (including relatives of deceased women) should be afforded the highest priority. The positions we take as an organisation are always guided by the views of survivors and family members who are in contact with us. In considering our position we were mindful of the *Archaeological Assessment* carried out at the site of the proposed development, which

⁸ In 2013, the Sisters of Charity told Judge Quirke that a total of 39 women were still living in their care. (Magdalen Commission Report, Pg 28)

⁹ Planning Report, Pg 43. Available from: http://www.dublincity.ie/AnitePublicDocs/00581685.pdf

states: 1) that Donnybrook is 'the last Magdalen Laundry building which still contains much of its contents from when it was used as a Magdalen Laundry, much of which is intact; 10 and 2) that '...[t]here are no clear records as to what happened to some of the women who operated within the laundries once they died. It remains a possibility that some are buried within the area of proposed development. We are also concerned that another part of Ireland's difficult history – one which remains contested (see **Section 5**) – is about to be erased. With these issues in mind, we believe that the State is morally obliged to purchase the building from its existing owners so that it can be preserved as part of the historical record of what happened in Ireland's Magdalene Laundries. We realise however, that the State may not be willing to follow through on such a proposal, and therefore the contents of this submission take into account the possibility that the demolition of the site may go ahead.

3. Unmarked graves

3.1 Background

Justice for Magdalenes (now JFMR) was established in 2003 on foot of serious questions raised by the late Mary Raftery about the exhumations at the former Magdalene Laundry at High Park.¹² Since our organisation began, for JFMR and for survivors, those who died deserve justice every bit as much as those who are living. Therefore, we are extremely

¹⁰ Archaeological Assessment at The Crescent, Donnybrook, Dublin 4, Pg 11. Available from: http://www.dublincity.ie/AnitePublicDocs/00581659.pdf

¹¹ Archaeological Assessment at The Crescent, Donnybrook, Dublin 4, Pg 19-20. Available from: http://www.dublincity.ie/AnitePublicDocs/00581659.pdf

¹² In 1993 when the Sisters of Our Lady of Charity of Refuge decided to sell some of their land at High Park, Drumcondra, the Magdalene women who were buried in a graveyard on that land were exhumed and reinterred at Glasnevin Cemetery. There was much criticism of the exhumations at the time; however, in 2003 when Mary Raftery investigated the matter, troubling details of the circumstances surrounding the exhumations emerged. The Sisters had applied to the Department of the Environment for the exhumation of 133 women, however when the undertakers were carrying out the task of exhuming the bodies an additional 22 remains were discovered. The Department of the Environment was notified and it supplied an additional exhumation licence to allow the removal of 'all human remains' at the relevant site. It also emerged in 2003 that when they were making their application for an exhumation licence, the Sisters of Our Lady of Charity of Refuge told the Department of the Environment that they could not produce death certificates for 58 women, 24 of whom were listed under quasi-religious names.

concerned by the findings of the *Archaeological Assessment* at the proposed development site at Donnybrook (discussed further below). The Magdalene Names Project¹³ is a JFMR initiative which began 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. After the Magdalene graves are photographed, the names are inputted manually into databases using photographs taken at the grave sites and thus far, the final resting place of 1,663 women has been recorded. This includes 312 women who are interred in the graveyard adjacent to the proposed development at Donnybrook (see **Fig 1** below).¹⁴

More recently, the Names Project has expanded into the examination of archives, including digitised census records, electoral registers, exhumation orders, cemetery records and newspaper archives. The archival electoral registers have been particularly useful in ascertaining the duration of stay for many of the women confined in the laundries. JFMR has been able to obtain electoral registers for the Donnybrook laundry for some of the years between 1954-1964. The average number of women who were registered to vote during this time in Donnybrook was 102. Our analysis of the registers reveals that 63.1% of women confined in Donnybrook between 1954-55 were incarcerated for a minimum of nine years, while 67.9% of those in 1955-56 were incarcerated for a minimum of eight years. Analysis of the available electoral registers for 1954-64 indicate that over half of the women registered to vote during that time are buried in the graveyard at the site of the former laundry.¹⁵

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¹³ http://magdalenelaundries.com/name.htm

¹⁴ 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, Table 2, Pg 20. Available from: http://www.magdalenelaundries.com/JFMR Critique 190215.pdf

¹⁵ For further details please see 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', Table 2, Pg 57-60. Available from: http://www.magdalenelaundries.com/JFMR Critique 190215.pdf



Fig 1: Section of graveyard at Donnybrook

3.2 Archaeological Assessment findings

JFMR welcomes the thoroughness with which the *Archaeological Assessment* at Donnybrook was carried out; however, its findings give us cause for great concern. It is now 23 years since the High Park exhumations, and we fear that during this year of commemorations, we are in danger of repeating history if this issue is not dealt with appropriately and sensitively. The *Archaeological Assessment* observes that because of the religious orders' poor record keeping, their failure to register deaths, the lack of requirement to notify Local Authorities about burials in the orders' private plots and, 'the lack of transparency and cooperation of the religious orders...it is impossible to state with certainty the number of burials which may exist within the grounds of the original convent,

which includes the proposed development area'. 16 We also note, with concern, the Assessment's finding that:

It is possible that ground disturbances associated with the proposed development will have an adverse and negative impact on archaeological deposits or features that survive beneath the current ground level. This includes possible burials relating for the former use of the site as a Magdalen Laundry.¹⁷

In the event that the proposed development proceeds, we submit that the developer should make efforts to ascertain whether or not burials have taken place on the site. In this regard, we note the letter from Irish Archaeological Consultancy to DCC of 26th August 2016, which states that ground penetrating radar would not be 'of any great benefit or value'.¹⁸ Therefore, in the event that the proposed development is permitted to proceed, we request that DCC add a condition whereby if any human remains are discovered, that all demolition works will be immediately stopped and suitable experts are brought in to examine the site and ascertain the identity of those who are interred there and what became of them.

5. Memorial

As we have stated above, JFMR believes that survivors' views should be of paramount importance when considering any kind of Magdalene Laundry memorial, and we recognise that for some women, having a piece of art which honours their lives will mean a great deal. We note the developer's suggestion that DCC include a condition that the developer 'commission and deliver a piece of public art for this site. The exact design and location of the piece shall be agreed in writing with the Planning Authority'. We note that

¹⁶ Archaeological Assessment at The Crescent, Donnybrook, Dublin 4, Pg 13. Available from: http://www.dublincity.ie/AnitePublicDocs/00581659.pdf

¹⁷ Archaeological Assessment at The Crescent, Donnybrook, Dublin 4, Pg 21. Available from: http://www.dublincity.ie/AnitePublicDocs/00581659.pdf

¹⁸ Letter from Faith Bailey, Irish Archaeological Consultancy, to Principal Planning Officer, Dublin City Council, 26th August 2016. Available from: http://www.dublincity.ie/AnitePublicDocs/00581634.pdf

the rationale behind the memorial is '[i]n the interest of visual amenity'. 19 The developer has had discussions with the Public Art Department at DCC 'on how best to recognise the complex social history associated with the site' and says that '[a]dvice from the Public Art Manager would be greatly appreciated in terms of assisting with the potential location, brief, selection process and procedure for this commission'. 20 While we appreciate the developer's desire to acknowledge the history of the building, and the willingness to seek advice on the issue, we must point out a glaring omission: consultation with survivors and their family members, and we again refer to our recommendation above that DCC and the Department of Justice facilitate a thorough consultation. We also respectfully suggest that in lieu of 'visual amenity', the rationale behind the memorial should be 'respect and acknowledgement for those who were confined in the former laundry on this site'.

Furthermore, we are anxious to emphasise that 1) no memorial should ever act as a means to draw a line under an issue, particularly one which remains contested; and 2) given the human rights abuses which were committed in the laundries, we submit that in addition to any physical memorial(s), more 'active' methods of memorialisation are required so that we can learn from what happened in these institutions.

5.1 Ex gratia scheme and independent inquiry

As noted above, the Irish government has not rolled out the *ex gratia* scheme in the way that Judge Quirke recommended. Furthermore, in response to the United Nations Committee Against Torture's observations²¹ 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 Irish State asserted (just a few months after Enda Kenny's official apology) that '[n]o factual evidence to support

19 Planning Report, Pg 24. Available from: http://www.dublincity.ie/AnitePublicDocs/00581685.pdf

²⁰ Planning Report, Pg 8. Available from: http://www.dublincity.ie/AnitePublicDocs/00581685.pdf

²¹ Letter of 22nd May 2013 from Felice D. Gaer, Rapporteur, Office of the United Nations High Commissioner of Human Rights, Committee Against Torture to Gerard Corr, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Ireland to the United Nations Office at Geneva to. Available at: http://www2.ohchr.org/english/bodies/cat/docs/followup/IrelandFurtherInfo22May2013.pdf

<u>allegations of systematic torture or ill treatment of a criminal nature in these institutions</u>
<u>was found</u>' by the McAleese Committee, and 'in light of facts uncovered by the McAleese
Committee and <u>in [the] absence of any credible evidence of systematic torture or criminal</u>
<u>abuse being committed in the Magdalene Laundries</u>, the Irish Government does not propose to set up a specific Magdalen inquiry body'.²²

Given that the Irish State's official position is that '[n]o factual evidence to support allegations of systematic torture or ill treatment of a criminal nature in these institutions was found' and in light of the government's failure to fully implement the exgratia scheme, JFMR suggests that the most fitting memorial to the women confined in the Magdalene Laundries would be:

- i. the establishment of a 'prompt, independent and thorough investigation' which should be 'independent, with definite terms of reference, and statutory powers to compel evidence, and retain evidence obtained from relevant religious bodies';²³ and;
- ii. the full implementation of Judge Quirke's recommendations.

5.2 Active memorialisation

In recent years, JFMR has been working to ensure that the history of the Magdalene institutions is properly recorded, in order to leave an 'active' legacy with which survivors, family members, friends, researchers and the Irish public can engage. In doing so, our aim is to contribute towards a greater understanding of what happened in the laundries,

²² Letter of 8th August 2013 from Gerard Corr, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Ireland to the United Nations Office at Geneva to Felice D. Gaer, Rapporteur, Office of the United Nations High Commissioner of Human Rights, Committee Against Torture. Available at: http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/CAT_C_IRL_CO_1_Add-2_14838_E.pdf

²³ Letter of 22nd May 2013 from Felice D. Gaer, Rapporteur, Office of the United Nations High Commissioner of Human Rights, Committee Against Torture to Gerard Corr, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Ireland to the United Nations Office at Geneva to. Available at: http://www2.ohchr.org/english/bodies/cat/docs/followup/IrelandFurtherInfo22May2013.pdf

and so that similar abuses which may be happening to vulnerable populations in the present day can be more easily recognised.

We have gathered an archive of over 4,000 pages relating to the Magdalene Institutions; this archive has been scanned and will soon be available on-line.²⁴ We have also been gathering material for a 'virtual digital museum' where images, audio, transcripts and archive can be put on-line for people to learn from and donate to. As noted above, through the Magdalene Names Project, JFMR has been working on collating a complete list of names of women who died within the Magdalene walls from a variety of archival sources (as we do not have access to the records that the religious orders hold) and we are working to commemorate the women with appropriate headstones. We have also been involved for the past five years in co-organising the commemoration of the women buried at Magdalene grave sites around the country (always on the Sunday closest to International Women's Day).

Through the Irish Research Council project *Magdalene Institutions: Recording an Oral and Archival History* we have assisted with the collection of oral histories with over 90 people (survivors, relatives and others associated with the laundries) – these are being processed and are being put online.²⁵ 'Sara W', a survivor of the Donnybrook laundry, took part in the pilot phase of the oral history project, and her testimony offers a vivid insight into the harsh conditions at Donnybrook:

'I was asking them [the nuns] every day, I told them I wanted to leave, every day'

'...the doors were locked every night – the room door was locked and...the windows used to be up very high, like a small little window...and I used to climb up the top of the bed to look out the window'

http://www.waterford-today.ie/waterford-today-news/8732-heritage-week-heritage-council-and-wit-to-make-magdalene-archives-searchable-online-8732.html

²⁵ http://magdaleneoralhistory.com/

'I never seen daylight for two years'

'At nine o'clock every night you were locked into that cell – winter, summer'

'You could stand in half a foot of water sometimes down in the laundry all day²⁶

Sara attempted to escape from Donnybrook, however after one night of freedom, she was returned by the Gardaí. She spent two years in Donnybrook and was then sent to Peacock Lane Magdalene Laundry in Cork (also run by the Sisters of Charity) for a further two years. Her mother had died during that time, but the religious sisters had not told her.

5.3 Laundry chimney as a memorial

The *Archaeological Assessment* observes that the laundry chimney, which is a protected structure within the proposed development area, has been suggested by DCC as 'a way of honouring the women who were forced to work (in the Magdalene Laundry)²⁷ We wish to stress again that it is the views of survivors which matter most, particularly in this regard, but nonetheless, we can see the merit in having the chimney as a physical memorial to the women who lived and died behind the walls at Donnybrook. However, a stark memorial in the form of the laundry chimney will only ever be appropriate in the context of the full acknowledgement by the Irish State of the abuses that took place in the Magdalene laundries and in the context of the full implementation of the *ex gratia* scheme.

5.4 Artefacts

In Section 8.5 of the *Planning Report*, the developer has expressed a willingness to donate 'the contents, religious items, fixtures and fittings of the now-defunct laundry to a suitable Dublin-based museum'. ²⁸ The Archaeological Assessment recommends that 'a

http://www.magdalenelaundries.com/State Involvement in the Magdalene Laundries public.pdf

²⁶ For further anonymised extracts from survivor testimonies see: *State Involvement in the Magdalene Laundries*, JFMR's Principal Submission to the Inter-Departmental Committee on the Magdalene Laundries:

²⁷ Archaeological Assessment at The Crescent, Donnybrook, Dublin 4, Pg 11. Available from: http://www.dublincity.ie/AnitePublicDocs/00581659.pdf

²⁸ Planning Report, Pg 38. Available from: http://www.dublincity.ie/AnitePublicDocs/00581685.pdf

full measured, written and photographic record be made of the former laundry site, prior to demolition of the structures. This should include any internal features and machinery relevant to its past use'.²⁹ In this context, JFMR points out that there is one almost entirely intact Magdalene Institution in the hands of DCC on Sean MacDermott Street and we suggest that if the proposed development proceeds, artefacts that are salvaged and recorded from the Donnybrook site might find a place there.

²⁹ Archaeological Assessment at The Crescent, Donnybrook, Dublin 4, Pg 21. Available from: http://www.dublincity.ie/AnitePublicDocs/00581659.pdf