

JFM Research welcomes UNCAT list of issues, citing grave concerns about Magdalene Scheme

Justice for Magdalenes Research (JFM Research) welcomes the publication of the UN Committee Against Torture's (UNCAT) 'List of Issues' for Ireland's forthcoming examination in 2015. In particular, we consider significant the strong signal of the Committee's ongoing concerns with the government's response to its earlier recommendation on the Magdalene Laundries (June 2011). That recommendation called for a 'prompt, thorough and independent investigation' and it underscored the State's obligation to ensure survivors obtain redress. That these concerns, and others related to the McAleese and Quirke Reports, are foregrounded once again in today's list of issues draws attention to continuing failures on the part of the Irish government.

Members of JFM Research, who are assisting survivors in a private capacity, have heard from women who have in recent days received their initial letters from the Department of Justice outlining their "Provisional assessment of length of stay." We are deeply concerned that some women are being offered compensation payments reflecting much shorter lengths of stay than the women endured. Moreover, the women have been told that records no longer exist to support their claims of longer durations of stay. The women in question (all of whom were minors when they were incarcerated in the laundries) should not be penalised because of the failures of church and State to maintain adequate records.

JFM Research is also critical of the government's decision to exclude women living in other jurisdictions from the enhanced medical card [See Editor's Note below]. Contrary to the Minister for Justice's statement on this matter (19th November 2013), this decision is not consistent with Mr Justice Quirke's '12th Recommendation,' which explicitly states in relation to survivors living in 'other jurisdictions' that 'social and other benefits' should 'apply with equal force' [See Editor's Note below]. Discriminating against Magdalene women who emigrated in the past to escape the stigma inflicted on them in Ireland, in this, the year of 'The Gathering,' is callous in the extreme. We have brought this matter to the attention of UNCAT and we welcome the fact that today's 'List of Issues' echoes our concern in this regard.

We are gravely concerned that, as outlined in the 'Government's agreed details of implementation of Quirke Scheme' [See Editor's Note below], women are being asked to sign a waiver of their legal rights in advance of the government offering detailed information on health care, pensions, and other provisions of the scheme. In February of this year, JFM Research called for the Restorative Justice Scheme to be given a statutory footing so that an opportunity could be afforded to debate the Scheme in both the Dáil and Seanad to ensure that its implementation is consistent with the tenor of the official State apology to all survivors of the Magdalene Laundries issued by An Taoiseach, Mr Kenny, T.D., on 19th February 2013.

In addition, JFM Research refutes the government's most recent assertion that the McAleese Report is 'a comprehensive and objective report of the factual position' and that it establishes 'the facts of the Magdalen Laundries'. We again point out that the Inter-departmental Committee's remit was limited to establishing the facts of State involvement. There has been no truth-finding investigation into abuses in Ireland's Magdalen Laundries. The McAleese Report offers a narrative—partial and incomplete—of State involvement only.

We also challenge the State's most recent claim [See editor's note below] that there exists no evidence of torture or other cruel, inhuman or degrading treatment of girls and women in the laundries warranting an independent investigation. This assertion is absolutely contradicted by survivor testimony. The UNCAT 'List of Issues' calls into question the seemingly arbitrary treatment

of survivor testimony in the McAleese Report. JFM Research remains especially troubled by the omission of written testimony submitted as part of the group's Principal Submission.

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Maeve O'Rourke, London – [Currently travelling and unavailable for interview]

Notes to editors:

1. Link to UNCAT List of Issues:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2fQPR%2f2&Lang=en

2. A press release from the Irish Council for Civil Liberties is available at <http://www.iccl.ie/>
3. Recommendations referred to from Mr Justice Quirke's Magdalen Commission Report (May 2013)

1ST RECOMMENDATION

Magdalen women should have access to the full range of services currently enjoyed by holders of the Health (Amendment) Act 1996 Card ("the HAA card").

As an integral part of the ex gratia Scheme a card entitling its holder to health services equivalent to those provided to the holder of a HAA card should be given to each of the women who were admitted to and worked in a designated Magdalen laundry.

Details of the range, extent and diversity of the community services to be provided to the Magdalen women are described within Appendix G.

Primary legislation similar to the Health (Amendment) Act 1996 or a statutory amendment to that Act is required in order to implement this recommendation. (A draft Heads of Bill is provided within Appendix E).

12TH RECOMMENDATION

Since the UK tax and benefit regime is governed and regulated by the UK authorities it is ultimately those authorities who will decide whether payments will be disregarded in the context of either tax or means-tested benefits or both.

Dialogue at a political level, where possible, with a view to ensuring certainty on this matter is all that I can recommend.

If dialogue at political level confirms that payments into "personal injury trusts" will have no adverse effects upon UK benefits then the Scheme should allow for payments (capped at ST£1000) in respect of the cost of establishing the requisite trust funds.

(Some Magdalen women now live in other jurisdictions, including the US, Canada, Australia, Germany, Switzerland and other countries.

Although my Terms of Reference do not expressly refer to those women the observations which I have just made apply with equal force to their circumstances, their tax liabilities and the social and other benefits to which they are entitled).

Source: <http://www.justice.ie/en/JELR/Pages/PB13000255>

4. Minister for Justice, Mr Alan Shatter, T.D., statement on Health Care benefits for survivors of the Magdalene Laundries

Written answers

Tuesday, 19 November 2013

Department of Justice and Equality

Magdalen Laundries Issues



[Maureen O'Sullivan](#) (Dublin Central, Independent)

504. To ask the Minister for Justice and Equality the way recommendations and entitlements regarding health care needs of the survivors of the Magdalen laundries will be met, particularly for those who live outside the jurisdiction. [48860/13]



[Alan Shatter](#) (Minister, Department of Justice, Equality and Defence; Dublin South, Fine Gael)

Legislation is required in order to implement Judge Quirke's recommendation with regard to the provision of medical services to the women who were admitted to and worked in the relevant institutions. My Department, in consultation with the Department of Health, are working on the preparation of the necessary legislation. In line with the recommendation of Judge Quirke these services will be provided in the State.

Source: <http://www.kildarestreet.com/wrans/?id=2013-11-19a.1127&s=magdalene+laundries>

5. For "Government agreed details of implementation of Quirke Scheme for women in Magdalen laundries," see <http://www.justice.ie/en/JELR/Pages/PR13000383~>
6. Letter from the Irish State to the Committee against Torture, August 2013: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/IRL/CO/1/Add.2&Lang=en