

JUSTICE FOR MAGDALENES RESEARCH

Submission to Cork City Council

regarding the proposed property development

at the former Magdalene Laundry at

Sundays Well

20th March 2017

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.

JFM Research
Crocknahattina
Baillieborough
Co Cavan

Tel: 086-3659516

Email: info@jfmresearch.com

1. Introduction

Justice for Magdalenes Research (JFMR) makes this submission to Cork City Council (CCC) in relation to the proposed development (**Application Reference: 1737279**) at the site of the former Magdalene Laundry operated by the Good Shepherd Sisters at Sundays Well in Cork City.

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.

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.

2. Consultation with survivors and family members

JFMR appreciates the developer's willingness to acknowledge the history of the Sundays Well site through the proposed '*dedicated space to reflect on the site's social history*'.¹ However, to our knowledge, no specific consultation has taken place with survivors and family members regarding the proposed development at Sundays Well. We submit that CCC and the Department of Justice should facilitate the consultation process regarding Sundays Well. This consultation should be conducted by a suitably qualified facilitator with experience in dealing with vulnerable populations.

In *The Magdalen Commission Report*,² Mr Justice John Quirke's sixth recommendation concerned the establishment of a Dedicated Unit, which would (amongst other things³)

¹ *Planning Report*, Pg 19. Available from: <http://planning.corkcity.ie/AppFileRefDetails/1737279/0>

² <http://www.justice.ie/en/JELR/Pages/PB13000255>

³ 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,⁴ 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.

JFMR submits that the proposed developments at Sundays Well and Donnybrook, as well as the proposed sale of the former Magdalene Laundry at Sean McDermott Street⁵

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

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.

⁴ <http://www.justice.ie/en/JELR/Pages/PR13000383>

⁵ Now halted until consultation with survivors has taken place
<https://twitter.com/1GaryGannon/status/838847232279457795>

provide an ideal opportunity to rectify this deficiency. Already, Dublin City Council (DCC) has begun discussions with JFMR around ensuring that Judge Quirke's recommendations are fulfilled and on consultation with survivors regarding the memorialisation of the Magdalene Laundries. We ask CCC to show the same leadership and we would welcome an opportunity to have similar discussions regarding Sundays Well.

3. Graves at Sundays Well

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.⁶ Since our organisation began, for JFMR and for survivors, those who died deserve justice every bit as much as those who are living. The Magdalene Names Project⁷ 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.

⁶ 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.

⁷ <http://magdalenelaundries.com/name.htm>

Included in our databases are the names of 30 women who are interred in the graveyard adjacent to the proposed development at Sundays Well (see **Fig 1** below).⁸



Fig 1: Magdalene grave at Sundays Well (Copyright Fiona Ward and JFMR)

3.2 Magdalene grave at Sundays Well

In 2012 Fiona Ward, a Cork-based adoption activist, assisted JFMR (then Justice for Magdalenes, JFM) in locating the grave at Sundays Well in Cork. Ms Ward provided our organisation with a number of photographs which indicated that at least 30 women and girls are recorded as buried in this grave. We were concerned by a large gap from 1896–1928 during which period there are no names recorded. JFM subsequently discovered from survivor testimony that the 30 women buried at Sunday’s Well were ‘auxiliaries’ –

⁸ *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

women who were promoted in status within the laundry system to help the nuns maintain order on foot of their declared intention to volunteer to spend the rest of their lives in the institution. With assistance from Ms Ward, it was established that there are two other Good Shepherd grave sites at St Joseph's Cemetery in Cork where a total of 137 women are buried. A further 27 women who died at the Good Shepherd are buried at Kilcully Cemetery in Cork. On examining the names, it became apparent that a similar gap existed between 1891 and 1922. The analysis also revealed a number of apparent errors, where names are duplicated between graves and it is therefore unclear which grave some women are buried in. There was also one case where the same (relatively unusual) name is on the grave with two different dates.

As shown in the documentaries *CBS 60 Minutes*⁹ and *Les Blanchisseuses de Magdalene*¹⁰, a Sunday's Well survivor campaigned to have names retrospectively inscribed on the Good Shepherd graves. While the Good Shepherd Sisters did indeed place inscribed headstones at Sundays Well and at St Joseph's Cemetery, they nonetheless contained the discrepancies described above. In this context, it is also concerning to note an incident which occurred while the late Mary Raftery and her co-producer Sheila Ahern were filming the *States of Fear* documentary at Sundays Well. At that point the Good Shepherd Sisters had vacated the building, however an accounts ledger relating to the laundry was discovered and given to Ms Raftery and Ms Ahern. Ms Raftery asked the Good Shepherd several questions based on the information in the ledger and returned it to the order.¹¹ Moreover, following on from JFM's research, *The Irish Examiner* newspaper raised the issue of duplications with the Good Shepherd Sisters,¹² however, the order refused to answer any questions on the issue. It emerged subsequently that the Good Shepherds had amended the gravestone at St. Joseph's

⁹ <http://www.cbsnews.com/videos/magdalen-laundries-women-confined-in-convents/>

¹⁰ Produced by France 3/Sunset Presse, 1998.
http://sunsetpresse.fr/index.php?option=com_content&view=category&layout=blog&id=41&Itemid=53

¹¹ Source: Conversation with Sheila Ahern

¹² <http://www.irishexaminer.com/ireland/order-refuses-to-offer-explanation-on-burials-221538.html>

Cemetery, with asterisks noting that three of the women were buried at Sunday's Well.¹³ Thus, it is unclear whether the Good Shepherd Sisters are in possession of all records pertaining to their institution, and despite the fact that there have been two fires at the site, the possibility of there being further documentation at the Sundays Well site cannot and should not be ruled out. Absolutely every effort should be made to locate and preserve any and all documentation at the site prior to the commencement of any development.

3.3 Identification of remains

In light of the Good Shepherds Sisters' poor record-keeping, and given that there are significant discrepancies and gaps in the existing headstones marking Good Shepherd graves in Cork, every effort should be made to identify all human remains that may be interred at Sundays Well. It is absolutely imperative that the nature of the identification process is determined and carried out by independent experts and the results made publicly available.

3.4 Nellie Organ/access to graves

We fervently agree that Nellie Organ's final resting place should be accessible and we recognise the place she holds in the hearts of the people of Cork, and thus we understand the specific reference to this particular grave in the planning application documents. However, while Nellie is buried with members of the Good Shepherd order, the Magdalene women are buried at the back of the site in a separate area – marginalised in death as they were in life. While we are cognisant that the Magdalene grave at Sundays Well is not technically part of the proposed development, it is nonetheless inextricably linked to the site, and we are seriously concerned for the Magdalene women buried at the Sunday's Well site. The site remains inaccessible to the families and friends of these women and the general public, and the graveyard is located behind a ten-foot wall which is covered in razor wire. In this context, in recent years, JFMR has supported the

¹³ <http://www.irishexaminer.com/ireland/religious-order-amends-headstone-after-magdalene-burial-duplication-222402.html>

Survivors Community Garden Project, which has been established to ensure access to the grave at Sundays Well.

4. Memorialisation

As we have stated above, JFMR appreciates the developer's willingness to acknowledge the history of the Sundays Well site through the proposed '*dedicated space to reflect on the site's social history*'.¹⁴ However, survivors' views should be of paramount importance when considering any kind of Magdalene Laundry memorial. We recognise that for some women, having a piece of art which honours their lives will mean a great deal. Nonetheless, 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.

4.1 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 observations¹⁵ 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 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*

¹⁴ *Planning Report*, Pg 19. Available from: <http://planning.corkcity.ie/AppFileRefDetails/1737279/0>

¹⁵ 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>

abuse being committed in the Magdalene Laundries, the Irish Government does not propose to set up a specific Magdalen inquiry body'.¹⁶

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 *ex gratia* 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'*;¹⁷ and;
- ii. the full implementation of Judge Quirke's recommendations.

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

¹⁶ 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

¹⁷ 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>

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.¹⁸ 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).

The Irish Times dated 27th April 1932 contains a report concerning Margaret G, described as a 'young woman', who was sentenced to twelve months' imprisonment for the 'concealment of the birth of her illegitimate child'. The judge said the sentence 'would not come into effect of the court to the effect that [sic] she should remain in the Convent of the Good Shepherd, Cork, and be subject to the supervision and direction of the Superioress there for a period of two years'. A Margaret G is buried in the Good Shepherd grave located at Sundays Well in Cork, having died on 11th February 1978. If the Margaret G referred to in the article is the same woman who is buried at Sunday's Well, she spent a total of 46 years in Sunday's Well, 44 years on top of her original sentence for concealing the birth of what was then termed an 'illegitimate' child.

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

¹⁸ <http://www.waterford-today.ie/waterford-today-news/8732-heritage-week-heritage-council-and-wit-to-make-magdalene-archives-searchable-online-8732.html>

processed and are being put online.¹⁹ We urge CCC to read the compelling testimony of the women and girls who were incarcerated at Sundays Well.²⁰

¹⁹ <http://magdaleneoralhistory.com/>

²⁰ For example:

http://www.magdaleneoralhistory.com/MAGOHP15_Mary%20Currington.pdf

http://www.magdaleneoralhistory.com/MAGOHP13_Bernadette%20&%20Francis%20Murphy_ANON.pdf

http://www.magdaleneoralhistory.com/MAGOHP31_Mary%20Smith.pdf