



Maeve O'Rourke

Magdalene ex gratia scheme: ongoing problems

Maeve O'Rourke >

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To: info@ombudsman.ie

Cc: Katherine O'Donnell >, Claire McGettrick >

Dear Mr Tyndall,

I write in relation to the Magdalene 'ex gratia' scheme. Since your office's extremely important *Opportunity Lost* report, we in the voluntary Justice for Magdalenes Research group (my colleagues Claire McGettrick and Dr Katherine O'Donnell are cc'd) have been keeping in contact with the Department of Justice about ongoing issues with the scheme's administration, and we have also met with Mary O'Toole SC in relation to one particular survivor's case.

In late April I had a meeting with the Minister and Noel Dowling, at which I gave him the attached briefing note expressing our concerns regarding a number of ongoing problems with the scheme. I also gave the Minister a copy of correspondence between his Department and Wendy Lyon, solicitor (with Ms Lyon's permission), demonstrating that there are ongoing problems regarding the fairness of the Department's process of assessing women's applications.


Mr Dowling had just received some figures regarding the processing of applications, and the number of women (i) still to receive a first decision and (ii) in the queue for a decision by Ms O'Toole seem worryingly high. In our view - as JFMR - the delays are linked to the Department's continuing refusal to give the women's testimony the appropriate evidentiary value. We recommended to the Minister that the Department and Mary O'Toole SC accept the women's written accounts - and if necessary ask the women to swear these accounts - rather than putting them through an extremely unclear, and arguably unfair, decision-making process (which generally occurs in the absence of any advocacy on the women's behalf and at which it is not clear that the women are provided with all evidence held by the Department in relation to their claim). Having experienced a hearing with Ms O'Toole SC, we also believe that - if hearings are to continue - many women may be in need of research assistance and in general should be offered advocacy assistance. We repeated our request - which we have been making for many years of the Department - for all women eligible for the scheme to be given access to the National Advocacy Service. We understand that the NAS is ready and willing to assist but does not know who the women are who may need their services to engage with the Department.


You will see from the attached that we are extremely concerned about additional aspects of the scheme's administration and also by the censorship of the entire McAleese archive. This censorship is hampering survivors' ability to write their life stories and to know the facts of their experiences, and we are particularly worried about testimonies in the archive that the McAleese Committee promised to return to JFMR so that they could be replaced with redacted versions.

We would welcome a meeting with your office at any time to discuss these issues.

Best wishes,
Dr Maeve O'Rourke
on behalf of Justice for Magdalenes Research

4 attachments

 **Briefing 26.4.19.docx**
25K

 **JFMR Briefing Note Re McAleese Archive.pdf**
587K **ltr to noel dowling.pdf**
76K **scanned-20190329175035.pdf**
62K