

JFM Research Meeting with Minister Frances Fitzgerald
20th October 2014, Department of Justice, 94 St Stephen's Green

JFMR Delegation: Maeve O'Rourke, Katherine O'Donnell, Claire McGettrick
Dept of Justice: Minister Frances Fitzgerald, James Martin, Liam Lavelle, Janet Lacey
Observing: Kathy Sheridan, Irish Times

Healthcare

- The DOJ and the DOH are working on it and it will be before the Dáil this term. Some issues took more time than they should have.
- The Minister asked us to outline any specific issues on the healthcare side
 - We cited Appendix G of Quirke's Report and outlined the issues we discussed in our recent letter
- James Martin said the DOJ was issuing the legislation, that originally a number of departments were involved and that ultimately the DOH would determine the issues
- The Minister said it was a government decision about what is in the legislation
- We explained about the women signing waivers in good faith and if the healthcare is less than Quirke recommended that in her legal opinion those waivers would be on shaky ground
- James Martin said that Quirke qualified the HAA card saying not all services would apply to Magdalene women. The Minister said some services weren't transferrable
- The Minister confirmed that healthcare for women abroad was under discussion

Scheme end date

- We cited the terms of the scheme which referred to advertising an end date and explained that Quirke recommended no time limit
 - The Minister said there was no intention to end the scheme at present but that it was open to government to do so. She agreed to reach out to the Irish embassies and to put an advertisement in Ireland's Own (our suggestion)

Duration of stay/the scheme

- We pointed out that most women have accepted less than what they are entitled to and stressed the need for a robust scheme of adjudication
- James Martin went through an outline of the application process
 - Application is received
 - The women are asked to provide institutional records [again the burden of proof is put on the women]
 - The team checks the institutional records
 - School records were checked
 - Phone conversations are had with the women
 - One person makes the decision in the unit
 - The letter is sent to the woman and she can appeal if she wishes

- James Martin said the Ombudsman has praised the scheme as one of the fairest. We are not sure of the source of this information.
- 4% have contested their original assessment
- James Martin said (repeatedly) that the women were 'confused' that they 'think' they were there for a certain length of time, but when they are presented with 'the facts' they agree they were mistaken
 - We pointed out that the state's records, e.g. industrial schools often contradict the reality
 - James Martin accepted about industrial schools and said he was talking about primary schools
 - The Minister said that employment records were more reliable
 - Wee disagreed and said there was at least one woman who had been sent out to employment but returned to the laundry
 - We asked in a situation like this, who is believed, the survivor or the state?
 - The Minister said there needed to be a way of dealing with the issue of discretion
 - The Minister/James Martin said there were about 20 who disagreed with their assessment
 - 18 had gone to the Ombudsman
 - 10 of these had the DOJ decision upheld
 - 8 are waiting

Proposed interview process

- We asked for a clear outline of the interview process, preferably in writing as we need to be able to convey to the women what is involved before they attend any meetings. Eventually the Minister agreed to provide this in writing but in the meantime she/her officials said:
 - It was an opportunity for the women to meet officials and tell their 'story'
 - Oral testimony will be given weight
 - They can bring someone
 - They can bring corroborating witnesses
 - They can have it recorded
 - That it will be dealt with in a sensitive manner
 - That it would be an open ended interview
 - There would be an opportunity for appeal
 - They did not respond clearly when asked if there would be an independent person to oversee the process
 - The women can use the €500 + VAT to hire a solicitor if they hadn't already done so
 - The interviews will start in the next few weeks
- The interview process will not be opened to women who accepted lesser amounts but there is a chance that those with new evidence can come back and asked for their cases to be reopened

An Grianan

- Despite our efforts, the Minister/officials indicated that An Grianan would not be included in the scheme
- The Minister said they would be asking the DOH if An Grianan could be included in the mother and baby home inquiry
- The Minister said it was not likely that the RIRB would be extended for An Grianan

Pension payments

- We pointed out that Judge Quirke recommended that the women should be put in a position as if they had paid stamps so the pension should be backdated to when they turned 66
 - James Martin said pensions were a government decision and wouldn't budge further on it

Effect of death on lump sum

- We raised the issue of the payments expiring when the women died, to no avail

Dedicated Unit

- This will be established when most compensations are paid

Organising the women/funding for groups

- We raised the point that, unlike the situation in London, the Irish women are not afforded funding to organise and support each other.
 - James Martin talked about using an RIRB model to set up a support group though we were unclear about what was meant and we are concerned about this issue.