

Justice for Magdalenes Research
Crocknahattina
Baileborough
Co Cavan

Minister Frances Fitzgerald, TD
Department of Justice and Equality
94 St Stephen's Green
Dublin 2

By post and email to frances.fitzgerald@oireachtas.ie

19th November 2014

Re: Magdalene Restorative Justice Scheme

Dear Minister,

Thank you for your letter of 31st October last and the enclosed Information Note on the proposed interview process.

We are pleased to hear that your officials have been in touch with the Department of Foreign Affairs and Trade regarding the dissemination of information about the Restorative Justice Scheme among the Irish embassies abroad. We are also pleased to hear that your department plans to advertise the Scheme in the *Ireland's Own* magazine.

In terms of the proposed interview process, we would appreciate a more comprehensive outline of what will take place so that we are in a position to advise women in contact with us who may be attending. With this in mind we have the following questions:

1. How much notice will be given to survivors about their interview?
2. Can survivors bring more than one person with them?
3. Will survivors be asked to provide a list of any other persons who can corroborate the survivor's testimony and will an interview with each of these persons be offered?
4. Will visits be undertaken to women who cannot travel?
5. If a woman has not yet made use of the €500 provided for legal advice under the Scheme, can it be used for legal representation at the interview?

6. If a list of pro bono lawyers and their contact details is provided to the Department, will the Department inform each of the survivors called for interview of this list and provide it to anyone who wishes to have it?
7. Will the Department of Justice disclose the records it has gathered to survivors before the interview process?
8. Will the Department of Justice outline to each survivor before the interview what searches of departmental records have been carried out?
9. What format will the interview process take? What questions will be asked of survivors?
10. Will survivors be informed of any and all evidence which appears to contradict their testimony and will they be given an opportunity to refute it before or during the interview?
11. Will the records of the religious orders be given greater weight than survivor testimony?
12. Will the testimony of members of the religious orders be given greater weight than survivor testimony?
13. Will the survivor be given a copy of the report of the interviewers? Will she be given an opportunity to amend the report if it is inaccurate?
14. Who is the 'separate designated decision maker' as outlined in the Information Note supplied by the Department of Justice to Justice for Magdalenes Research? Will that person be drawn from the Department of Justice or elsewhere? Will that person be independent of the government?
15. Will the 'separate designated decision maker' be present at the interview? If not, why not?
16. What criteria have been set out for the 'separate decision maker' for the decision making process?
17. Will the 'separate decision maker' provide detailed reasons for his/her decision, including reasons for preferring some evidence over other evidence?
18. Will the 'separate decision maker' set out in his/her decision whether the survivor was afforded the opportunity to suggest other persons who could corroborate her testimony, the efforts that were made to interview those persons and a record of what those persons said in their interview?
19. What is the proposed interview process for women lacking capacity?

20. Have any awards or determinations regarding duration of stay already been made in respect of women lacking capacity? Whose evidence was relied upon if so?

There are also a number of outstanding items from our last letter concerning the procedure for determining duration of stay, namely the procedure with women who are deemed to lack capacity and the position of the Department regarding women who discover new evidence relating to their duration of stay after they have signed waivers.

We look forward to hearing from you,

Yours sincerely,

Maeve O'Rourke, Claire McGettrick, Mari Steed, Katherine O'Donnell and James M. Smith