

**Review of the Administration of the Magdalen Laundry Restorative
Justice Ex Gratia Scheme**

Preliminary Assessment of Mary O'Toole S.C.

Re the application of : [REDACTED]

Date of Birth : [REDACTED]

I, Mary O'Toole SC having been appointed by the Minister for Justice and Equality to carry out a review in relation to the administration of the above scheme, have reviewed the application of the above named [REDACTED] in circumstances where the length of stay claimed by Ms. [REDACTED] was assessed as being shorter than the length of stay claimed by her, with a view to identifying and considering any available relevant evidence that may not have been taken into account in the assessment and with a view to recommending any changes to awards arising from any revised assessment of length of stay. Having carefully considered Ms [REDACTED]'s application, and directed any relevant further inquiries as necessary, my preliminary assessment on review is as follows:

Background:

Ms [REDACTED]'s claim is in respect of her length of stay in the laundry at [REDACTED]
[REDACTED]

In her Preliminary Expression of Interest form [PEIF] submitted in [REDACTED] Ms [REDACTED] recalled that she entered [REDACTED] on [REDACTED] and that her date of exit was on [REDACTED] or [REDACTED] being a length of stay of 8 to 9 years in the laundry. She sets out that she was attending the national school in Co [REDACTED] prior to her entry to [REDACTED] and that the Parish Priest and [REDACTED] brought her to the laundry. She says that on discharge she went to work in [REDACTED] Her PEIF states that she does not have records from [REDACTED] and that she had not previously received compensation for time spent in an institution.

In her subsequent Application Form, submitted in [REDACTED] [REDACTED] gives her length of stay in [REDACTED] as between [REDACTED] and [REDACTED] a period of 7 years, stating that she worked in the laundry from the age of [REDACTED] years and did not

attend school. She gives her address prior to entry into the laundry as an address Co. [REDACTED]

Disputed Period:

Ms [REDACTED] is very clear that her entry date to the laundry in [REDACTED] was shortly after [REDACTED]. The records of [REDACTED] are to the effect that she did not enter the laundry there until the [REDACTED]. Her exit date is recorded by [REDACTED] as [REDACTED].

Ms [REDACTED] is not disputing her exit date, which is supported by her Department of Social Protection [DSP] records. The dispute in this case therefore is only in respect of Ms [REDACTED]'s date of entry to the laundry in [REDACTED].

In [REDACTED] the Department of Justice and Equality [the Department] assessed Ms [REDACTED]'s length of stay in [REDACTED] as being a period of 2 years and 6 months, based on the records of [REDACTED]. Ms [REDACTED] appealed that decision and following an internal review in [REDACTED] the Department's assessment was upheld. Ms [REDACTED] complained to the Ombudsman, and ultimately that complaint was not upheld.

Submissions made on behalf of Ms [REDACTED]

Ms [REDACTED] was assisted in the review process by the Justice for Magdalens Research group [JFMR]. They made two written submissions in [REDACTED] and [REDACTED] 2018 and provided me with research that they had carried out on behalf of Ms [REDACTED] to assist her in substantiating her account that she was in [REDACTED] from [REDACTED] and not [REDACTED] as her records suggest. I also had the benefit of meeting Ms [REDACTED] and members of JFMR in [REDACTED] 2018 when I had a meeting with Ms [REDACTED] to discuss her review.

I have carefully considered the discussions with Ms [REDACTED] at my meeting with her and the wide ranging and detailed submissions made on her behalf. I have taken them into account and refer to specific points made by Ms [REDACTED] and in the submissions in arriving at this preliminary assessment of Ms [REDACTED]'s length of stay.

Ms [REDACTED]'s Account

Ms [REDACTED], in addition to her PEIF and Application form submitted other documents to the Department setting out her account of her length of stay in [REDACTED].

█'s. By letter of █ she sets out that she was in █ from █ to █. She says that she entered after her confirmation in █ when she was █ years old. After █ she says that the Parish Priest and █ took her to the laundry. She says that she was in school prior to her entry into the laundry. She states that she has sought her school records but was informed that they had been burnt in a fire. She recounts that her step-sister was born in █ and that she was not at home for her birth. She also recounts that her grandmother would tell her step sister that she would be put into the laundry also if she did not behave. She says that her brother recalls her being in █ for the length of time claimed. She recalled being taken to █ on holidays from the laundry and going there at least 8 times. She also sets out the names of other residents, and religious who lived in or attended the laundry while she was present there.

Attached to Ms █'s letter of █ is a supplemental letter to the Department which lists the names of 17 nuns Ms █ says were present in the laundry during her time there. She also in that letter sets out the names of the clients of the laundry, including listing a number of hospitals, and stating that all the schools, colleges and hotels were clients of the laundry.

Ms █ also says in that letter that there were 4 girls in █ Orphanage █. She names 3 of them ranging in age from 11 years to 2 years, she says that she would see them in Church. In that letter she also sets out a more extensive list of other residents she recalls as being in the laundry with her, although many of the names on this list are first names only of these residents, as might be expected. Elsewhere in the file, and in Ms █'s meeting with me in █ she says that the children in █ were her cousins. She recounts that she asked to be allowed to speak to them, but was told that this would not be permitted. There is also a note from Ms █ on the file to say that her brother recalled going to visit her with her grandmother in █ while she was in █.

Affidavits Sworn by Ms █ in the course of her Application

Ms █ in the course of her application and her appeal of the Department's assessment of her length of stay, was represented by a Solicitor and swore 2 Affidavits of █ and █ setting out the factual circumstances of her length of stay. At that stage Ms █ was in receipt of her school records (discussed in detail below) and her Affidavits also address her school records.

In her Affidavit of [REDACTED] Ms [REDACTED] deposes that she is making the Affidavit to adduce additional evidence of her length of stay, and the Affidavit exhibits 3 letters all dated [REDACTED] from individuals who had attended primary school with Ms [REDACTED] as follows:

- A letter from [REDACTED] of Co [REDACTED] confirming that Ms [REDACTED] attended National School with her until 5th class, and did not return to school after that year.
- [REDACTED] of Co. [REDACTED] also furnishes a letter to say that Ms [REDACTED] attended school with her but did not attend National school for 6th class and had already left the school in [REDACTED]
- A letter from [REDACTED] of Co [REDACTED] to say that she attended school with Ms [REDACTED] but that Ms [REDACTED] did not finish primary school, did not attend 6th class and did not do her Inter Certificate.

Ms [REDACTED] further deposes:

- That she was in [REDACTED] from [REDACTED] until at least [REDACTED]
- That she was in national school from [REDACTED] until she was confined in the laundry.
- That the school records “such as are still available” to her are inaccurate as they do not reflect her correct date of departure from that institution.
- That she does not know whether this was deliberate or accidental mis-recording
- That she is clear as to her entry date to [REDACTED] which was within two weeks of her confirmation on [REDACTED]
- That the Parish Priest and [REDACTED] took her to [REDACTED]
- Her baptismal certificate which sets out the date of her confirmation is exhibited.
- That she was given the house name [REDACTED] in the laundry, which appears in the record of [REDACTED]
- That there are two entries made in the [REDACTED] register in the column headed “date of admission” and that the first entry has been redacted so that it shows only as a series of marks.
- That the second entry is [REDACTED] and insofar as it purports to state her date of entry to [REDACTED] it is wrong as she entered [REDACTED] in [REDACTED] before the commencement of 6th class in national school
- That her step-sister was born in [REDACTED] and she was not at home for her birth as she was already in [REDACTED]
- That every summer as a resident of [REDACTED] she was taken to [REDACTED] by the management of the laundry as an annual trip, and she remembers

going there at least 8 times.

- She lists the names of 5 other residents who she deposes were in the laundry at the same time as she was.
- She lists the names of 21 sisters who she deposes were in the laundry during her time there.
- She lists 5 Priests who said Mass in [REDACTED] while she was there.
- She deposes that some of the individuals named by her will have been present in [REDACTED] prior to [REDACTED]

Ms [REDACTED] swore a second Affidavit dated [REDACTED]. This Affidavit was sworn to adduce additional evidence to support Ms [REDACTED]'s application and address the details of her school records. In that Affidavit she deposes to the following:

- That she was in school from [REDACTED] until she was sent to and confined in the [REDACTED] laundry from [REDACTED] until at least [REDACTED]
- That the school records as have been produced are inaccurate as they do not reflect her academic history, her years of attendance at school or the correct date of her departure from school
- That she did not repeat any academic year in school (as the records suggested) and proceeded from Junior Infants in [REDACTED] up to 5th Class, which she left shortly after her confirmation in [REDACTED]
- She says she is clear and certain in her memory about her date of entry to [REDACTED]

- That within [REDACTED] her Parish Priest and [REDACTED] took her to the laundry.
- She attaches a letter from the Congregation of Our Lady of Charity of the Good Shepherd of [REDACTED] wherein the congregation say that they have no records at all relating to Ms [REDACTED] following a request to them for her records under the Data Protection legislation.

This latter point made in the Affidavit appears to be a reference to a controversy about the name of the congregation and whether the correct congregation had been addressed in seeking the Applicant's records. It seems that the Sisters of Our Lady of Charity and the Good Shepherd sisters had merged, as a matter of canon law to become "The Congregation of Our Lady of Charity of the Good Shepherd" This merger had not however been completed under Irish Civil Law. In an email of 12th April 2017 the congregation say that until the merger process is completed as a matter of Irish Law, both congregations remain separate legal entities and separate

registered charities, The email confirms that the archives also remain separate. This issue appears to have been resolved during the course of the application and is not relevant to the review process.

Additional Information about Ms [REDACTED]'s Background

Submissions made by JRMR on behalf of Ms [REDACTED] state that a Consultant Psychiatrist provided a report in respect of Ms [REDACTED] in [REDACTED]. The report is not provided but the submission quotes extracts from the report, including that Ms [REDACTED] was intelligent, had good insight and judgment and had no signs of paranoid ideas or of cognitive impairment, made good eye contact throughout her assessment and was very pleasant during interviews. Ms [REDACTED] recounts her history including that in her early years she believed her grandparents to be her parents, and her mother to be her sister. She gave a history of a disturbed early upbringing with physical and sexual abuse in the home. She also stated that she entered the laundry at age [REDACTED] years, working there without pay until she was [REDACTED] years. She stated that she did not get any education as a result and that she was being the youngest person by far in the laundry.

The Religious Records:

[REDACTED] records were taken up as part of Ms [REDACTED]'s application. Those records state that Ms [REDACTED] was in [REDACTED] from [REDACTED] until [REDACTED]. The records state that Ms [REDACTED] was known as [REDACTED] in the laundry, that she was [REDACTED] years on entry. In [REDACTED] Ms [REDACTED] was [REDACTED] years and [REDACTED] months old. Under the heading "By Whom Recommended" in the register is [REDACTED]. Under the heading "Address of Relatives or Friends" in the register is the name of her Grandmother and her mother, and her mother's address is also given. Mrs [REDACTED] is recorded as having "left for home" in [REDACTED]. No specific date in [REDACTED] is given. The record also noted that this was Ms [REDACTED]'s first admission.

In addition to the extracts from their register, the congregation provided copies of 2 letters to Ms [REDACTED]. The first was a letter dated [REDACTED] [the 2005 letter] from a Sr [REDACTED] in which she says that having consulted with former residents of [REDACTED] Ms [REDACTED] was clearly recalled and that because of her age she only spent a short period of time in [REDACTED] and not four years as stated. The letter goes on to say that it is not known where Ms [REDACTED] went on being discharged.

In an email of [REDACTED] Sr [REDACTED] of the congregation says she recalled a

conversation in 2008 about Ms [REDACTED] (which arose because of Ms [REDACTED]'s application to the Residential redress Board at that time) with another (unnamed) member of the congregation who remembered Ms [REDACTED]. That member of the congregation remarked on how she thought that Ms [REDACTED] was too young to be in [REDACTED] which to Sr [REDACTED] indicated that Ms [REDACTED] was under 14/15 yrs. The Sister recalled that Ms [REDACTED] had worked in the Lace Room, not actually in the Laundry because of her age. Sr [REDACTED] says that the congregation were aware that Ms [REDACTED]'s home circumstances were abusive and this was the reason for her admission. It is not clear from this email whether the nun with whom Sr [REDACTED] had the conversation in 2008 was Sr [REDACTED] or some other member of the congregation.

The second letter produced by the congregation was a letter from Sr [REDACTED] to a firm of Solicitors dated [REDACTED] [the 2008 letter] concerning Mrs [REDACTED]. The relevant part of that letter for the purposes of the Review sets out that Ms [REDACTED] informed Sr [REDACTED] that she had been admitted to [REDACTED] when she was [REDACTED] years old. The letter says that she named Sr [REDACTED] (decd) Sr [REDACTED] and Sr [REDACTED] as nuns that she liked very much. The letter comments that Sr [REDACTED] and Sr [REDACTED] were visited frequently by Ms [REDACTED] up to a number of years before and 2005 was suggested as the date when the visits ceased, when Ms [REDACTED] consulted a solicitor.

The letter also records that Ms [REDACTED] had told Sr [REDACTED] that her mother never wanted her and her grandmother took her in. Ms [REDACTED] also related that she was subject to physical, mental and sexual abuse by a relative. [REDACTED] brought her to [REDACTED] and that she was happy there but did not receive an education and found this difficult in later life.

One of the issues raised by JFMR on behalf of Ms [REDACTED] was a conversation that one of their number had with Sr [REDACTED] concerning Ms [REDACTED]'s age when she entered [REDACTED]. JFMR took this conversation to mean that the congregation were knew and/or agreed that Ms [REDACTED] had entered [REDACTED] when she was aged [REDACTED] years. Sr [REDACTED] recalled the conversation but was clear that she had not meant that the congregation accepted that Ms [REDACTED] entered [REDACTED] at that age. Sr [REDACTED] acknowledges that children who were sexually abused were treated differently to other children at that time. She accepts that such children were kept away from other children out of concern that they may corrupt those other children because of their sexual knowledge/experience.

The School Records

Ms [REDACTED] sought to take up her school records from her primary school, which she attended, she recalls, until she entered the laundry. She was informed that

the school records had been destroyed in a fire. During the course of the initial application, Ms [REDACTED]'s file was reviewed by the Ombudsman. In a letter from the Ombudsman's office to the Department of [REDACTED] that office notes that Ms [REDACTED] had said that she attended primary school up to 5th class, and shortly after making her confirmation was brought to [REDACTED]. The Ombudsman's office also refers to letters that Ms [REDACTED] had furnished from school friends supporting her account (subsequently exhibited in her [REDACTED] Affidavit as set out above) stating that she had left the school after 5th class. The Ombudsman's office was of the view that the primary school records were an important piece of evidence in the application. They had made their own inquiries and had ascertained that the current primary school, which replaced the school Ms [REDACTED] had attended, held the records of the previous school, for the relevant period. Following this letter, and after some difficulty, the records were furnished by the school. Initially the school responded by saying that they had checked the school and baptismal records for the date of birth given, and they had not found any records for Ms [REDACTED]. The school offered to recheck if further information was supplied. The file discloses that Ms [REDACTED] herself said that she had sought her records from the school between [REDACTED] and [REDACTED] to no avail. At that point Ms [REDACTED] took up the offer of the Department's assistance to obtain her records from the school, because of the difficulty that she had obtaining the records.

The Department wrote to the school on the [REDACTED]. On the [REDACTED] [REDACTED] the school contacted Ms [REDACTED] to tell her that they had located her records. The school provided a letter to her, of the same date, stating that she attended Primary School from [REDACTED] to [REDACTED]. By letter of the [REDACTED] the Parish Priest sent in a photocopy of Ms [REDACTED]'s registration and attendances at Primary School to the Department. He explained, that he had been asked to verify that Ms [REDACTED] attended School from [REDACTED] to [REDACTED], which he did after inspection of the school roll. The school roll however showed more extensive attendances than that period.

The school records stated that [REDACTED], D of B [REDACTED], a Roman Catholic, of [REDACTED] entered the school on the [REDACTED]. Her father is recorded as a "Fear-oibre". The Clar Leabhar provided show that the Applicant's attendance at school, from [REDACTED] as follows:

For the school year ending [REDACTED] attendance on 192 occasions and was in 3rd class.

For the school year ending [REDACTED] attendance on 188 occasions and was in 4th class.

For the school year ending [REDACTED] attendance on 193 occasions and was in 4th class.

For the school year ending [REDACTED] attendance on 111 occasions and was in 5th class.

Ms [REDACTED] disputes these records. She denies that she was in school after [REDACTED] of [REDACTED] and says that she was in the laundry after that period. She also points out that the date of birth set out in the school records is incorrect, her date of birth being [REDACTED] and stated that she did not believe that the records were hers. Ms [REDACTED] makes the point that at various points in the information set out above the handwritten record looks to have been altered. This is correct, in that at the entry for [REDACTED] the figure appears to be "193" It has been written over, particularly the number '3' so that it is difficult to make out whether the figure is in fact 193. The class number for that year which was depicted in roman numerals has also been amended. It is possible to make out that "III" is overwritten with "II". This signifies that Ms [REDACTED] repeated 2nd class, which she denies. Similarly, the figure 111 appears to have been corrected or written over another number for the entry on [REDACTED]

I understand Ms [REDACTED]'s concern about these alterations in the records suggesting that she repeated 2nd class and making some alteration to the number of days that she attended school in the years set out above. On the face of it however, the records suggest Ms [REDACTED] continued to attend school until [REDACTED] and the evident alterations set out above, do not of themselves suggest, that the records are false.

Ms [REDACTED] in her affidavit of [REDACTED] states that she progressed through junior school without repeating any year, up to just after her confirmation in [REDACTED] Her school records suggest that she repeated 2nd class and 4th class. Ms [REDACTED] says that this is not correct, and that she did not repeat any academic year and was a capable and bright student and wished to study nursing on leaving school.

In her Affidavit of [REDACTED] Ms [REDACTED] exhibits letters from 3 former school friends of hers, as set out above. All of these school friends attest that Ms [REDACTED] left school after 5th class. While these letters were formally exhibited in the Affidavit of [REDACTED] it seems that Ms [REDACTED] had furnished the letters at an earlier stage in her application, predating the obtaining of her school records, as they are referenced by the Ombudsman's office in [REDACTED] and are dated [REDACTED] The letters all confirm that the applicant did not proceed to 6th class, which is

borne out by the school records themselves. One of the exhibited letters, from [REDACTED] states that Ms [REDACTED] had already left [REDACTED] school in [REDACTED]. None of the letters from Ms [REDACTED]'s classmates refer to Ms [REDACTED] repeating any years in school.

This issue of whether these records were Ms [REDACTED]'s was raised with the Department, who asked the school to comment. The Parish Priest told the Department in a telephone call on [REDACTED] that he was satisfied that the school records referred to Ms [REDACTED]. He said that the parish was very small at the time and the home address recorded was her family address while she attended primary school. There was no other [REDACTED] in the school at that time.

The Department, by letter of [REDACTED] wrote to the Parish Priest setting out that that Ms [REDACTED] had advised the Department that the record furnished by the school was not a record of her school attendance. That the date of birth recorded was not the applicant's date of birth; Further, Ms [REDACTED] while satisfied that she did attend Primary School from [REDACTED] onwards believes that she left after her confirmation which took place on [REDACTED]. The [REDACTED] [REDACTED] in the records remained on in the school until an unknown date in [REDACTED]. The Department's letter asks whether the address recorded in the records in Irish, is known in the English language as [REDACTED] whether it was possible that another child with the same name was registered in the school in [REDACTED] and whether it a requirement that a parent or guardian produced a birth certificate at the time of enrolment of the child in the school.

On the [REDACTED] in a further conversation with the Department, the Parish Priest informed the Department that he would make further inquiries locally "just in case there was another [REDACTED] from the locality in the school at that time".

On the [REDACTED] the Parish Priest contacted the Department to say that he had examined the parish records of children born in [REDACTED]. He told the Department that at that time the local population was 600 to 700 people. He identified 3 people born around the same time as the applicant. He spoke to all 3 of them, and they remembered the applicant. One of the 3 attended the same school as the applicant and all 3 were satisfied that there was no other [REDACTED] [REDACTED] in the parish or attending the school at the same time. He stated that all 3 people were born in the parish and lived there all their lives. [REDACTED]

[REDACTED]

Ms [REDACTED]

[REDACTED] She was only in 3rd class in [REDACTED] according to the records. Ms [REDACTED] has produced her Baptismal certificate, which sets out the date of her confirmation as [REDACTED]. She also points out that the Parish Priest's account of his conversations with the 3 parishioners does not record whether he had asked any of those persons whether they remember if Ms [REDACTED] repeated academic years while in school.

Inaccuracies on the Face of the Religious Records

It is submitted on Ms [REDACTED]'s behalf that there are inaccuracies on the face of the congregation's records as follows:

1. That there are 2 different reference numbers in the first column of the records.
2. That the Applicant's entry is not in the correct chronological order on the full page of the ledger; it is followed by entry dates that are earlier than her alleged entry dates.
3. That the entry is partially redacted.

Two Different Reference Numbers:

On the [REDACTED] the Department emailed the congregation in respect of a copy of the extract from the register in respect of the Ms [REDACTED] provided by her solicitors to the Ombudsman, who in turn raised a query with the Department. The email from the Department asks the congregation the significance of the reference numbers listed, such as whether they cross reference to another register or something of that nature which was one of the concerns expressed by Ms [REDACTED]. The numbers appearing on the register in respect of Ms [REDACTED]'s entry were [REDACTED] and [REDACTED].

The congregation responds saying that it had been noted by 2 sisters compiling the database of admissions that there had been a human error in the numbering on the register. They give the example that an entry of 2099 was at the end of a page and when it was turned over the next number should have been 2100 and 3000 was inserted. This, the email states, is an example of what had occurred not the actual page concerned. This erroneous numbering continued and had not been spotted. The sisters compiling the database inserted in pencil on the

register the correct number, which on the Applicant's record should have been [REDACTED]. The email states that there were no other registers concerning admissions. I have had the opportunity of seeing Ms [REDACTED]'s register entry in the original, and I accept this explanation as to why there are 2 different numbers beside Ms [REDACTED]'s entry.

Applicant's entry in the Register is not in the correct chronological order:

An extract from the register has been provided, and is on the file, comprising 2x A4 photocopied pages, suitably redacted to respect the privacy of others. That extract shows admissions from [REDACTED], going through to the beginning of [REDACTED], which entry appears on the end of a page. On the next page, the first entry is dated the [REDACTED] with the Register Number of [REDACTED] (their original numbering), the next 2 entries are numbered [REDACTED] and [REDACTED] and are dated a [REDACTED]. Ms [REDACTED]'s entry is next, being entry no [REDACTED] dated [REDACTED]. The entries go on in chronological order, both as to date and number, save that the entry following Ms [REDACTED]'s appears to be the [REDACTED]. Clearly the Applicant is correct in saying that the register is not in correct chronological order.

As part of the Review I visited the archives of the Good Shepherd congregation which are held at Pennywell Road in Limerick and had the opportunity to view Ms [REDACTED]'s entry in the original. Whilst at that at that point in the register there is a disruption of chronology in the dates, as described above there did not appear to be any indication that were frequent errors of this nature in the register.

Having sight of the Register, I looked to see if there was any sign that Ms [REDACTED]'s entry had been amended or redacted, as Ms [REDACTED] expressed some concerns in this regard. I did not see any indication of interference in Ms [REDACTED]'s records or redaction of same.

Whilst in Ms [REDACTED]'s case it was evident that there was some disruption in the chronology before and after her entry, this seemed to me to be likely to be due to human error. I viewed the entries of other applicants on the [REDACTED] register and there was nothing otherwise which suggested to me that entries were made consistently non-chronologically. Nor was there anything on the face of those records to suggest that they were generally written up after the fact, so that they were not contemporaneous, and thus increasing the likelihood of errors being made. The fact that Ms [REDACTED]'s records show her as being registered in [REDACTED] and the previous entry refers to [REDACTED]

instead of █████ looked to me like human error, and not a systemic flaw in the records such as would per se cast doubt on the congregation's record keeping.

Nonetheless Ms █████'s entry appears in the register at a point where there are a number of chronological errors as set out above, which raises the possibility that Ms █████'s entry was not contemporaneous with her arrival in █████. However, the indications on the face of the records are that even if the entry was not immediately contemporaneous, the sequencing of entries at that point in the register suggests that there was only a short delay in writing up the entries.

The submission has also been made on behalf of Ms █████ that the register may "not have been always available". In so far as that submission may suggest that the █████ register was written up some time after the letter of 2005, [referred to elsewhere in this preliminary assessment] I do not accept that that is so. I had the opportunity to view Ms █████'s entry in the register of █████ and the entries of other applicants in respect of █████ and other institutions run by the congregation, and there was nothing that suggested to me that the records were other than contemporary with their periods.

Members of the Congregation named by Ms █████

JFRM very helpfully carried out extensive research to identify the members of the congregation named by Ms █████ in her account. The objective of this research was both to show that Ms █████ had accurately recalled the names of members of the congregation from her time in █████ and also to demonstrate, where possible, that some of those named had been in █████ and had left there prior to █████, the disputed date set out in █████ records to substantiate Ms █████'s account that she was in █████ prior to █████ by virtue of her knowledge of the Sisters who were there prior to that date.

The research compared the list of nuns that Ms █████ had named by reference to the archival electoral registers for the █████ Magdalen Laundry from █████ to █████ the gravestones at the Good Shepherds' plot in █████ Cemetery in █████ and newspaper archives.

The submission made in █████ focusses on research in respect of two nuns in particular, recalled by Ms █████, Mother █████ and Mother/Sister █████ who were present in █████ in █████ and left prior to █████ according to the JFMR research.

The submission sets out that Mother [redacted] appears on the list sent by Ms [redacted] to the Department on [redacted]. The submission sets out that a [redacted] appears in the electoral register for [redacted] in [redacted] and does not appear to be present during the subsequent period of [redacted]. Further, it states that no other Sr [redacted] appeared in the registers for the entire period of Ms [redacted]'s time in [redacted] and no religious sister by this name appears on the Good Shepherd grave at [redacted] Cemetery.

In relation to Mother/ Sister [redacted] whom Ms [redacted] named in all lists provided by her since [redacted] the submission states that a [redacted] appears on the [redacted] electoral register, while a Rev Sr [redacted] appears on the register for [redacted]. Sr [redacted] does not appear in subsequent registers and she is the only religious sister called Sr [redacted] that appears in the registers for the years MS [redacted] says she was confined in [redacted]. The submission states that no religious sister by this name appears on the Good Shepherd grave at [redacted] Cemetery.

The research also relies on evidence from newspaper archives to the effect that Sr [redacted] may have relocated from [redacted] to the Good Shepherd Convent in [redacted] which, it was submitted, would explain her absence from the register after [redacted].

JFMR's research concludes that both these members of the congregation were present in the years [redacted] to [redacted] only, according to the electoral register. JFMR submit that this suggests that Ms [redacted] could only have known the nuns concerned if she was in fact present in [redacted] from [redacted] and prior to [redacted] as she recalls.

The congregation have mentioned that Ms [redacted] kept in touch with individual nuns in [redacted] until at least 2005 and was thus very familiar with members of the community. This may be a reason why Ms [redacted] can name a large number of members of the congregation.

I caused inquiries to be made with the congregation seeking information as to whether any of the nuns and residents named by Ms [redacted] had been present in [redacted] in [redacted] or earlier and had left prior to [redacted].

The information received from [redacted] confirmed that one of the Sisters named by the applicant, Sr [redacted] referred to above, had been present in [redacted] in [redacted] and was transferred to Waterford on [redacted]. [redacted] confirmed that other members of the Order who were named by Ms [redacted] in her account were in [redacted]. Many were resident there for many years prior to her entry

there and remained there after she left. In relation to Mother [REDACTED] the congregation's records were to the effect that Sr [REDACTED] resided in [REDACTED] from [REDACTED] to [REDACTED] and is deceased. However, the congregation records are to the effect that they had a Sr [REDACTED] and not Sr [REDACTED]. Sr [REDACTED] appears in the electoral registers for [REDACTED] under her given name as Sr [REDACTED].

There thus appears to be some uncertainty as to the precise identity of the Sr [REDACTED] named by Ms [REDACTED] as present in [REDACTED] and whether she intended to refer to Sr [REDACTED] or a Sr [REDACTED]. Whilst I accept that if Sr [REDACTED] was on the electoral register she must have been in [REDACTED] at that point, it seems more likely that Ms [REDACTED] was referring to the sister who is recorded as present in [REDACTED] between [REDACTED] and [REDACTED] namely Sr [REDACTED] as she was present for the duration of Ms [REDACTED]'s stay there. It is also the case that Sr [REDACTED] is only recorded in the electoral register for [REDACTED] and not thereafter. It seems that the registers were in force up to April each year, thus the [REDACTED] register was valid until April [REDACTED] raising the possibility that Sr [REDACTED] and may have left [REDACTED] prior to the date Ms [REDACTED] recalls arriving there, namely [REDACTED]. It seems that the reason that no other Sr [REDACTED] appears on the electoral register for [REDACTED] as observed by JFMR, is because Sr [REDACTED] was recorded under her given name, and not her religious name.

In answering the queries raised by me as to dates on which various members of the community named by Ms [REDACTED] were present in [REDACTED] the congregation gave dates as to when certain sisters were present in [REDACTED] left [REDACTED] and returned to [REDACTED]. It is notable that Sr [REDACTED] the nun who was present in [REDACTED] but who had left prior to [REDACTED] is identified by the congregation as leaving [REDACTED] on [REDACTED] with no note of her having returned there, whereas some of the other nuns named by Ms [REDACTED] are noted as having left and then returned to [REDACTED] at various stages over the years.

In relation to the names of other residents mentioned by the Applicant, the congregation say that they have no record of some of the individuals named by Ms [REDACTED] and have no record of any of the other named residents leaving [REDACTED] prior to [REDACTED]. However, in some instances Ms [REDACTED] had first names only of the individuals concerned (which is to be expected) and in some instances said where the person was from. The congregation responded to say that they would have had several individuals of the same first name over various periods, both prior to and after [REDACTED] but also saying that the named resident did not come from the part of the country recalled by Ms [REDACTED]. Where they identified a resident named by Ms [REDACTED] that resident had been in the laundry for an extended period and their presence was not of particular assistance in establishing Ms [REDACTED]'s length of stay, save that Ms [REDACTED]'s

recollection of other residents suggested that she had been in [REDACTED] for a considerable duration.

Other Inquiries to the congregation:

As Ms [REDACTED] recalled being taken to [REDACTED] on holiday during her period in [REDACTED] [REDACTED] I caused inquiries to be made with the congregation as to whether there were any records in relation to [REDACTED] The congregation responded that children from [REDACTED] school and the residents of [REDACTED] went on annual summer holidays to [REDACTED] on a rota basis, from [REDACTED] when the property was purchased for this purpose.

Date of Exit

The Applicant initially said that she left the laundry in [REDACTED] of [REDACTED] or [REDACTED] and in her application said it was [REDACTED]. It is clear from the information in relation to her background, that Ms [REDACTED] at one time was of the view that she left [REDACTED] at [REDACTED] years. This is evident from her account as per the extract from the psychiatric report in [REDACTED] referred to in the submission. The [REDACTED] [REDACTED] register records her as leaving in [REDACTED] "for home". Ms [REDACTED] in the course of her application says that her brother recalled visiting her in [REDACTED] with their grandmother in [REDACTED]

Ms [REDACTED]'s Department of Social Protection [DSP] records were taken up as part of the application. They show Ms [REDACTED] commencing to pay social insurance contributions on the [REDACTED] making 3 contributions that year, as the tax year ended on [REDACTED]. She is described as a factory worker on her records, residing at the same home address as is set out in the [REDACTED] records. Her DSP records state her mother's name and Ms [REDACTED]'s correct date of birth. The details suggest that these are Ms [REDACTED]'s records, indeed I do not understand her to dispute that. Her DSP records do not support Ms [REDACTED]'s account that she worked in a hospital on her discharge from St [REDACTED]'s. She did however, as her DSP records make clear, subsequently work in a number of hospitals. The submission made on behalf of Ms [REDACTED] suggest that the DSP records undermine the [REDACTED] record that Ms [REDACTED] left for home in [REDACTED] [REDACTED]. This is not correct as Ms [REDACTED]'s DSP records support the [REDACTED] records on this point.

Ms [REDACTED]'s recollection that she went straight into employment in a hospital when she left [REDACTED] is not borne out by her DSP records. Ms [REDACTED] however, in contrast to her views on her religious and school records, does not dispute her DSP records. As pointed out in the submission, she has accepted

that she left [REDACTED] in [REDACTED] since her DSP records were made known to her. At an earlier stage in her application, when she filed her PEIF she suggested that she left [REDACTED] in either [REDACTED] or [REDACTED]. Her application form however cites the date of [REDACTED] as her exit date. It seems to me that the issue for Ms [REDACTED] has at all times been her entry date to [REDACTED]. She may have been uncertain over the years as to the duration of her stay in [REDACTED] and her precise exit date, as is evident from the information available, but she has always stated that she entered that institution in [REDACTED] aged [REDACTED] years.

In a conversation with the Department during the review, Ms [REDACTED] went through her DSP records in detail and confirmed that they were accurate, including the various addresses set out in those records.

Thus, the date of Ms [REDACTED]'s exit from the laundry is not in dispute and is accepted as [REDACTED].

Preliminary assessment of Date of Entry

Very wide ranging and detailed submissions have been made on behalf of Ms [REDACTED] some of which I have referenced in this preliminary assessment and which I have carefully considered. In arriving at a preliminary assessment of Ms [REDACTED]'s length of stay in [REDACTED] I must consider the submissions made, Ms [REDACTED]'s evidence, the records of the congregation and the school records, as well as all the other information and evidence as summarised above. I must bear in mind that the aim of the scheme is restorative justice which requires me to look to the interests of the applicant concerned.

In this case there is conflicting evidence concerning Ms [REDACTED]'s date of entry into [REDACTED]. On the one hand there are the written records of the congregation, and of the school, which suggest that Ms [REDACTED] could not have been in the laundry in [REDACTED] as she recalls, as she is recorded as present in school until [REDACTED] and then entering the laundry in [REDACTED]. I do not find anything on the face of either records that would suggest they can be per se disregarded as inaccurate. Neither do I think that the evidence suggests that the records relate to someone other than Ms [REDACTED]. The school records may contain particulars which are incorrect in some respects, such as the error in respect of Ms [REDACTED]'s date of birth which gets both her month and year of birth wrong. There is sufficient detail, however, to suggest that it is likely that those records do relate to Ms [REDACTED].

As against this compelling documentary evidence, is the equally compelling account of Ms [REDACTED] steadfastly maintained over many years, that she was

entered into [REDACTED] aged only [REDACTED] years. Ms [REDACTED] rejects the written records and has sought to cast doubt on them by pointing to other information and evidence to substantiate her account.

It must be observed that in [REDACTED] the entry date for Ms [REDACTED] in the [REDACTED] records, Ms [REDACTED] was just [REDACTED] away from her [REDACTED] birthday. She had left school, according to the school records, in [REDACTED] having attended school for 111 days which is likely to mean that she left around [REDACTED]. She would have been [REDACTED] years old in [REDACTED] although her school records state her date of birth as a year earlier, in [REDACTED]. Thus if the school records are to be accepted on their face, she left school at age [REDACTED] years in [REDACTED]. As the school leaving age was [REDACTED] years, that would be difficult to explain.

Thus, according to the records, Ms [REDACTED] left school in approximately [REDACTED] of [REDACTED] and does not enter the laundry until [REDACTED]. There is no record whatever of where she was during this period, of almost 2 years (1 year 10 months). There is no suggestion that she is working, and it seems unusual that she would be simply at home for such a length of time. She herself says that she was in the laundry and had been there throughout. This gap is difficult to account for.

I think that it is significant that in the 2005 letter Ms [REDACTED] was clearly recalled because of her young age. Although it is also said that for this reason she only spent a short period of time in [REDACTED]. This nonetheless supports Ms [REDACTED] contention that she was not almost [REDACTED] years on entry but was much younger. It is also notable that the letter makes it clear that this is not just the view of Sr [REDACTED] but of others in [REDACTED] who remembered Ms [REDACTED].

The 2005 letter is relied on by Ms [REDACTED] to suggest that the entry in the register was "not always available". That letter makes it clear that Sr [REDACTED] had consulted with "other residents of [REDACTED] who remembered Ms [REDACTED] and that this is the source of her information. There is no reference to her consulting the Register. She does not proffer any dates in the letter or suggest any specific period or duration of Ms [REDACTED]'s stay in the laundry, which she would be likely to do if she had consulted the register. It seems to me likely that her account in the letter is based on her recollection and the recollections of others who remembered Ms [REDACTED], and not on the register.

The observations in the 2005 letter support Ms [REDACTED]'s account that she was very young entering the laundry but does not support her account that she was there from [REDACTED] to [REDACTED] a period of 7 years. Sr [REDACTED]'s account

however, does tend, in my view, to raise doubts about the [REDACTED] record of date of entry. It seems to me much more likely that a child of [REDACTED] years would be regarded, by a number of people, it seems, as too young to be in the laundry, and much less likely that a young person of almost [REDACTED] years would be so regarded.

The [REDACTED] email from Sr [REDACTED] also recounts the recollection of a member of the congregation that Ms [REDACTED] was very young on entry and looked too young to be in the laundry. Whilst it is not clear whether this conversation was with Sr [REDACTED] or another member of the congregation, it is clear from Sr [REDACTED]'s letter that Ms [REDACTED] was recalled by a number of residents of [REDACTED]

Bearing in mind that [REDACTED] records say Ms [REDACTED] was almost [REDACTED] years when she entered the laundry it seems surprising and significant that persons who remembered her formed the impression that she looked too young to be there, which is more in keeping with Ms [REDACTED] being [REDACTED] years rather than almost [REDACTED] years on entry.

Ms [REDACTED] has also been able to remember the presence in [REDACTED] of a large number of members of the congregation. That suggests to me that she was present there for a substantial period of time. It is difficult, in the experience of this reviewer, for an applicant to be able to identify a departure date for a specific member of the congregation so as to help to establish that applicant's length of stay. This is because the normal course, it seems, was for members of a congregation to live in a particular location for many years. This was also the case with Ms [REDACTED] for the most part. The fact that Ms [REDACTED] is able to name at least 1 member of the congregation who, it is accepted, left [REDACTED] prior to [REDACTED] is therefore helpful in establishing her length of stay. It suggests to me that Ms [REDACTED] would only have known this member of the congregation if she was in [REDACTED] prior to [REDACTED] as stated by her. Further, as this member of the congregation had left by [REDACTED] and did not return to [REDACTED] it supports Ms [REDACTED]'s account that she was in [REDACTED] in [REDACTED]

The submission made on behalf of Ms [REDACTED] as to errors in the register points to the fact that the dates surrounding Ms [REDACTED]'s entry are not in chronological order. That they are not in chronological order at that point in the register suggests both human error and also that at that point in the register some of the entries were not entered on the day the individual entered the laundry, albeit that on the face of the records, there was not a long delay in the writing up entries. Ms [REDACTED] must be given the benefit of any doubt in respect of the records, although I do not regard that error as of particular significance in and of itself.

The school records do not support Ms [REDACTED]'s account that she left school in [REDACTED]. The school records show Ms [REDACTED] as being present for a further 3 years after that time, setting out the number of days she was present each year thereafter until [REDACTED]. There is no suggestion that the school was run by the same congregation who ran the laundry, and there is no identified connection between the two. The submission made on behalf of Ms [REDACTED] is that whilst this is correct, it must not be forgotten that Ms [REDACTED]'s consistent account is that the Parish Priest at the time brought her to the laundry. It seems likely he did so because he was aware that Ms [REDACTED] had been subject to sexual abuse at home, as this was the reason for her admission according to the congregation. The submission points out that the Parish Priest would have been in a position of authority in the school, because of the Catholic Church's control of the governance of primary schools. It is also pointed out that there would have been connections between the catholic hierarchy in general and the laundries. It is also submitted that the issue of sexual abuse would have been treated in a very particular way at the time, and that Ms [REDACTED]'s account is entirely consistent with what is known about the approach of the church authorities during that era.

It is known that during that era the view was taken that a child who had been sexually abused posed a risk to other children and was potentially a corrupting influence. The McAleese report [The Interdepartmental Committee to Establish the Facts of State Involvement With Magdalen Laundries] refers to the fact that there is evidence that such children were removed from the company of other children, and some ended up in Magdalen laundries, even though they were of school age, and ought to have been in school. This is the account that Ms [REDACTED] gives.

McAleese recounts that this became a phenomenon in industrial schools, where a number of young girls were sexually abused by a male member of staff there. When this came to light, the children concerned were removed from the industrial schools, as a corrupting influence on the other children there. Other schools refused to take these children. It appears that the Good Shepherd order were willing to take such children.

McAleese reports that for children in the industrial school system, a special girl's school, St Anne's in Kilmacud was set up to cater for children who were guilty of "immorality". This apparently included children who had been sexually abused.

Ms [REDACTED] was not in an industrial school and was living at home when she

became the victim of sexual abuse. Thus, it is likely that it is not a coincidence that Ms [REDACTED] was brought to the Good Shepherd's in [REDACTED]. It seems likely that the Good Shepherd congregation were approached to take Ms [REDACTED] as they were willing to take on such children.

The congregation accept that children suspected of being sexually abused were kept away from other children. This would explain Ms [REDACTED]'s account that she was not placed in school on the [REDACTED] campus and was in the laundry where the other residents were much older than she was. It would also explain the observations of members of [REDACTED] who remembered Ms [REDACTED] as seeming too young to be in the laundry.

There is another case in the Review where similar circumstances arise in respect of the written records of an applicant who was the victim of sexual abuse. Thus, the circumstances Ms [REDACTED] describes do not appear to be unique.

It is difficult at this remove of time to really understand the treatment of children sexually abused during that era, and the fear that they would corrupt other children. It may have been considered that it was necessary to continue the fiction that Ms [REDACTED] was in school because she was of school age but could not be permitted to stay in school in the company of other children. She should not have been in a laundry. It is conceivable that it was regarded as charitable in all the circumstances to continue the fiction of Ms [REDACTED] being in school for the sake of her family. It is impossible to know at this remove of time whether this happened in Ms [REDACTED]'s case. I think it is fair to say that there may have been a motive for her school records to appear as they do because Ms [REDACTED] was a victim of sexual abuse and that this was known to the school. This factor coupled with Ms [REDACTED]'s steadfast and consistent account that she left school at [REDACTED] years because she had been the victim of sexual abuse in my view raises a doubt as to the accuracy of the school and laundry records in her case.

I must also consider the testimony of Ms [REDACTED]'s school friends, one of whom specifically recalls that Ms [REDACTED] left in [REDACTED]. The Parish Priest who consulted with other parishioners who were born around the same time as Ms [REDACTED] and said that they knew her, identifies that only one of those persons said they attended school with Ms [REDACTED]. That person does not offer any view of when Ms [REDACTED] left school, and indeed the only purpose of the Parish Priest speaking to people concerned, was to ask them did they know any other person named [REDACTED] in the parish at the time.

It is also significant that Ms [REDACTED] gives an account of knowing at least one member of the congregation who was present in [REDACTED] between [REDACTED] and [REDACTED].

only. This account is undisputed as far as Sr [REDACTED] is concerned. As Sr [REDACTED] is not recorded as returning to [REDACTED] after she left in [REDACTED] this suggests that Ms [REDACTED] knew her because she was present in [REDACTED] and not because she was familiar with the [REDACTED] community over the years.

There is also the gap in Ms [REDACTED]'s records between the date she is recorded as leaving school and her date of entry into the laundry. Ms [REDACTED] says that she was in the laundry throughout this period. There are no other records to contradict her account.

Preliminary Assessment of Length of Stay

I must carefully consider the account of Ms [REDACTED] of her experiences, and all of the other information, records and evidence. I must decide on the balance of probabilities Ms [REDACTED]'s length of stay in [REDACTED] bearing in mind that the aim of the scheme is restorative justice which requires an approach that emphasises the interests of the applicant concerned.

In this case a large consideration in the assessment of length of stay is the acknowledged context in which all of the events took place, namely that Ms [REDACTED] was a victim of sexual abuse. This factor lends great weight to Ms [REDACTED]'s account of being taken out of school and kept away from other children. There is no dispute that Ms [REDACTED] was sexually abused and that is why she found herself placed in the laundry. It thus seems to me more likely that Ms [REDACTED] would accurately recall such traumatic events and what age she was when they occurred, and the consequences of their disclosure. She is also able to tie her entry into the laundry to [REDACTED]

Ms [REDACTED] has identified that because she was sexually abused, there may have been good reason why her school and laundry records are contrary to her recollection. She has also adduced other evidence to cast doubt on those records as discussed above. She has therefore raised doubts as to the accuracy of the written records. Ms [REDACTED] must be given the benefit of that doubt.

Ms [REDACTED]'s undisputed account of being abused as the reason for her entry into the laundry, the gap in her records between [REDACTED] and [REDACTED] as discussed above, the reported recollections of residents in [REDACTED] who remembered Ms [REDACTED] and felt she looked too young to be in the laundry, Ms [REDACTED]'s knowledge of a member of the congregation who was present in [REDACTED] but not thereafter, the account of her schoolfriend that she left school in [REDACTED] and her longstanding and consistent account that she entered [REDACTED] at the age of [REDACTED] years, taken

together in the context of the known treatment of child victims of sexual abuse, is sufficient in my view to create a doubt as to the accuracy of the written records. My view is that all these considerations combine to tip the balance in favour of Ms [REDACTED]

My preliminary assessment of Ms [REDACTED]'s length of stay in [REDACTED] is that, on the balance of probability, she was there from [REDACTED] until [REDACTED] a period of 7 years, so that Ms [REDACTED]'s length of stay be increased from 2 years and 5 months, to 7 years.

If this recommendation is accepted by the Minister for Justice and Equality, it will increase the compensation payable to Ms [REDACTED] from [REDACTED] to [REDACTED]. Ms [REDACTED] will therefore receive additional compensation of [REDACTED] on foot of the scheme. [REDACTED]

It must be stressed that this is a preliminary view. If Ms [REDACTED] disputes any of the above information, or believes that there is other available relevant evidence which has not been taken into account in assessing her application, or if there is any other matter or observation she would wish to draw to my attention before I proceed to make my final recommendation she must contact the Department of Justice and Equality at the address set out in the accompanying letter, by the date specified in that letter. I may reconsider my preliminary assessment in the light of any further information that she may furnish to me.

Ms [REDACTED] must indicate whether she accepts this preliminary assessment by completing the form enclosed and returning same by the date set out in the accompanying letter.

Dated this 16th day of September 2019.

Mary O'Toole S.C.

