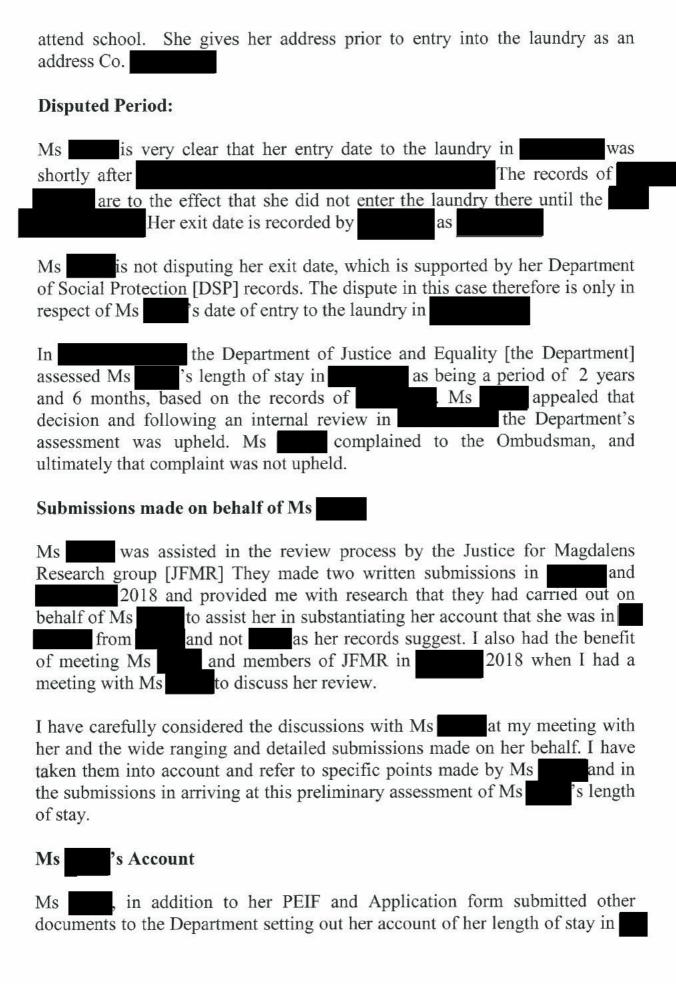
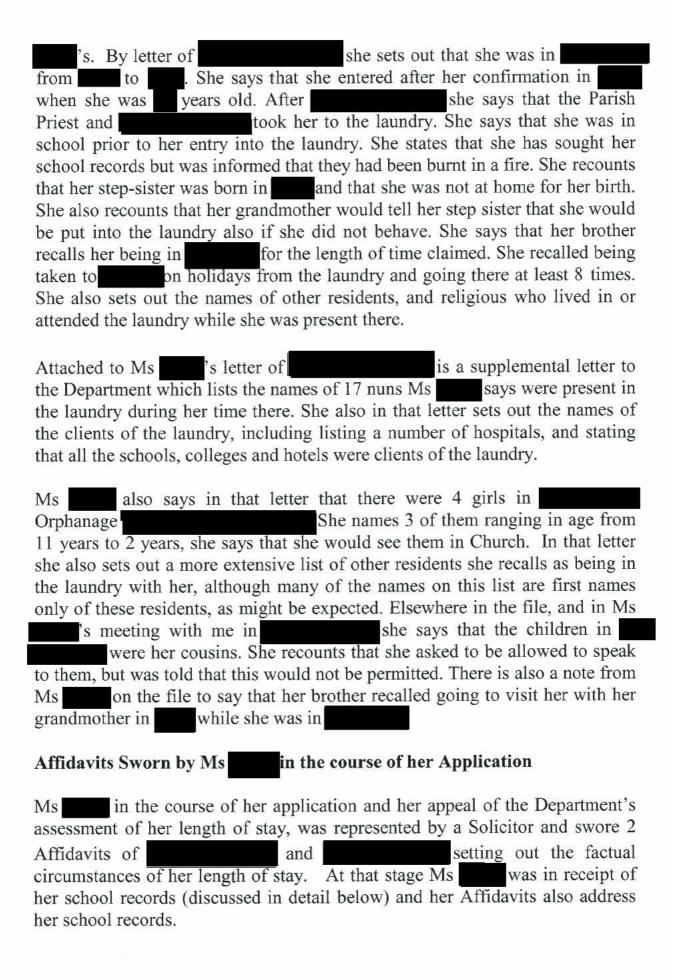
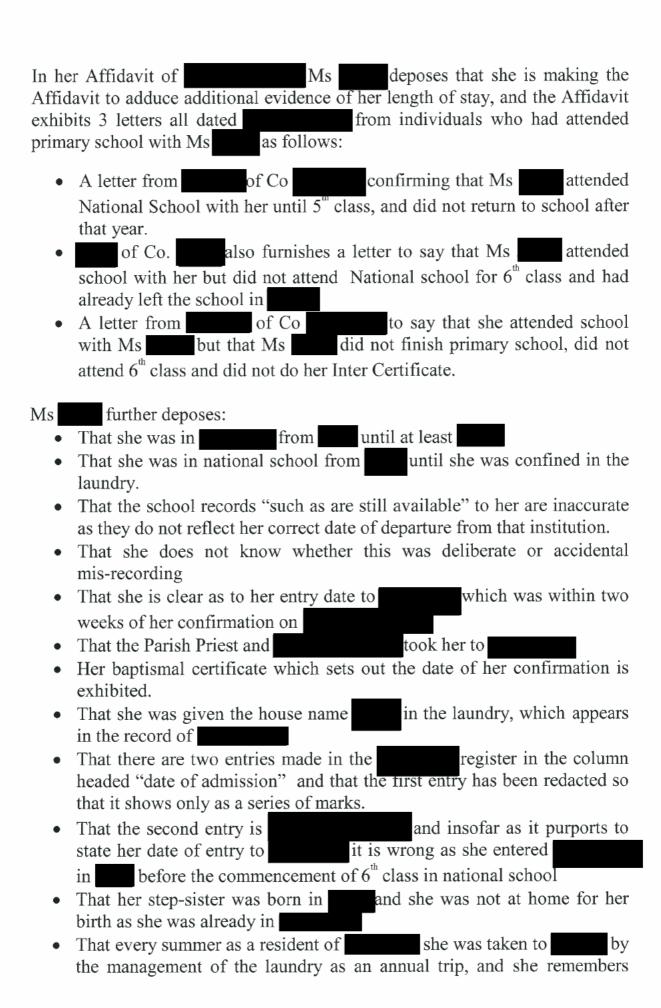
# Review of the Administration of the Magdalen Laundry Restorative Justice Ex Gratia Scheme

Preliminary Assessment of Mary O'Toole S.C.

Re the application of :
Date of Birth:
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 in circumstances where the length of stay claimed by Ms. 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 sapplication, and directed any relevant further inquiries as necessary, my preliminary assessment on review is as follows:
Background:
Ms 's claim is in respect of her length of stay in the laundry at
In her Preliminary Expression of Interest form [PEIF] submitted in  Ms recalled that she entered on and that her date of exit was on or 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 prior to her entry to and that the Parish Priest and brought her to the laundry. She says that on discharge she went to work in Her PEIF states that she does not have records from and that she had not previously received compensation for time spent in an institution.
In her subsequent Application Form, submitted in gives her length of stay in as between and a period of 7 years, stating that she worked in the laundry from the age of years and did not







- 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 while she was there.
- She deposes that some of the individuals named by her will have been present in prior to

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

- That she was in school from until she was sent to and confined in the laundry from until at least
- 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 which she left shortly after her confirmation in
- She says she is clear and certain in her memory about her date of entry to
- That within took her to the laundry.
- She attaches a letter from the Congregation of Our Lady of Charity of the Good Shepherd of wherein the congregation say that they have no records at all relating to Ms following a request to them for her records under the Data Protection legislation.

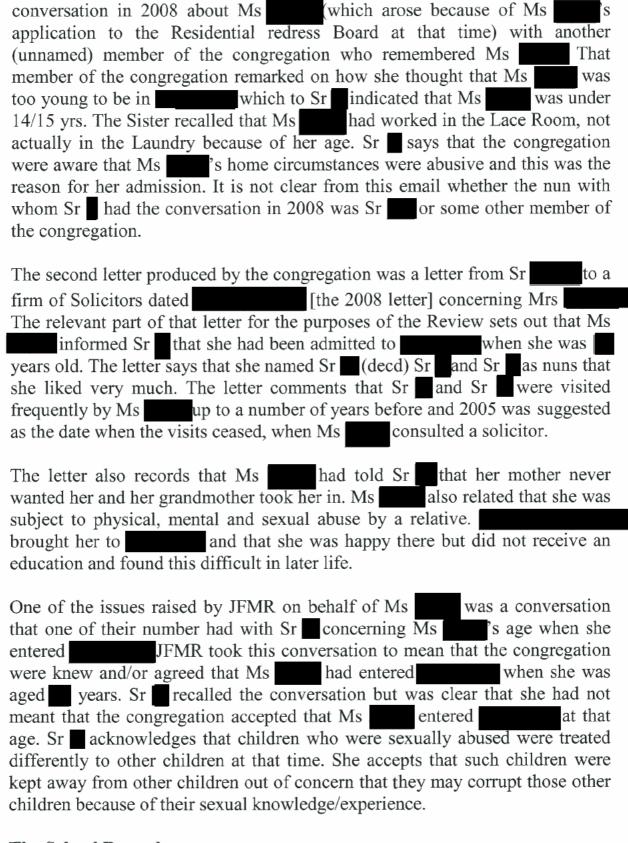
This latter point made in the Affidavit appears to be a reference to a controversy about the name of the congregation and whether the correct congregation had been addressed in seeking the Applicant's records. It seems that the Sisters of Our Lady of Charity and the Good Shepherd sisters had merged, 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 's Background

# The Religious Records:

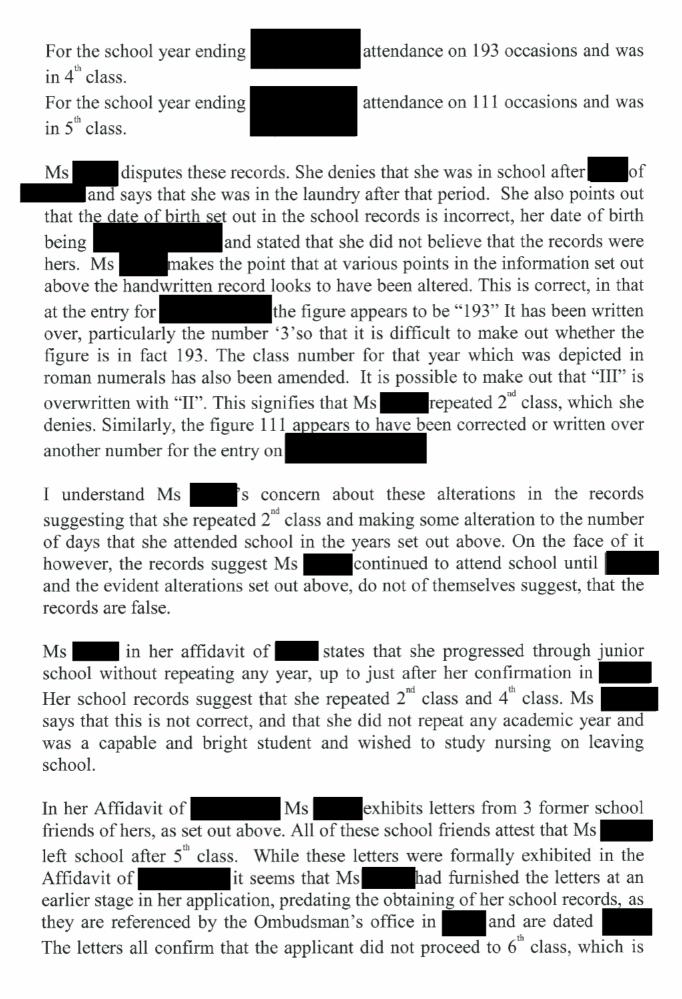
records were taken up as part of Ms records state that Ms was in from until  The records state that Ms was known as in the laundry, that she was years on entry. In Ms was years and
months old. Under the heading "By Whom Recommended" in the register is
Under
Grandmother and her mother, and her mother's address is also given. Mrs is recorded as having "left for home" in No specific date in is given. The record also noted that this was Ms
In addition to the extracts from their register, the congregation provided copies of 2 letters to Ms  The first was a letter dated  [the 2005]  [the 2006]  [the 2
In an email of Sr of the congregation says she recalled a

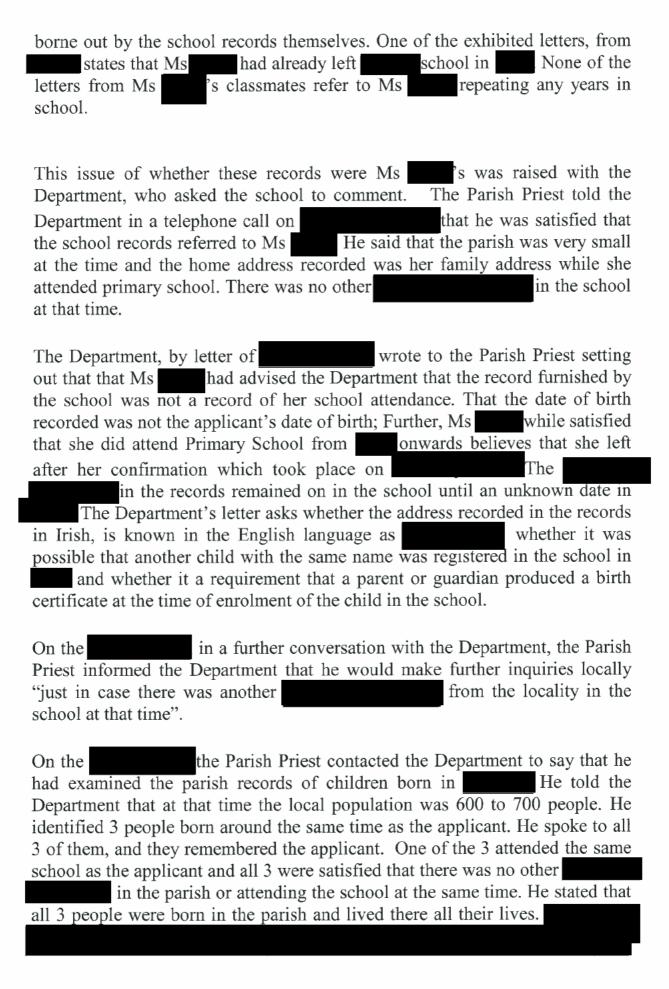


#### The School Records

Ms 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 sille was reviewed by the Ombudsman. In a letter from the Ombudsman's office to the Department of that office notes that Ms had said that she attended primary school up to 5th class, and shortly after making her confirmation was brought to The Ombudsman's office also refers to letters that Ms had furnished from school friends supporting her account (subsequently exhibited in her 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 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 no found any records for Ms The school offered to recheck if further information was supplied. The file discloses that Ms herself said that she had sought her records from the school between and to no avail. At that point Ms 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 the school contacted Ms 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 to By letter of the the Parish Priest sent in a photocopy of Ms registration and attendances at Primary School to the Department. He explained, that he had been asked to verify that Ms attended School from to 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





She was only in 3<sup>rd</sup> class in according to the records.

Ms has produced her Baptismal certificate, which sets out the date of her confirmation as

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 repeated academic years while in school.

### Inaccuracies on the Face of the Religious Records

It is submitted on Ms shalf 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 leger; it is followed by entry dates that are earlier than her alleged entry dates.
- 3. That the entry is partially redacted.

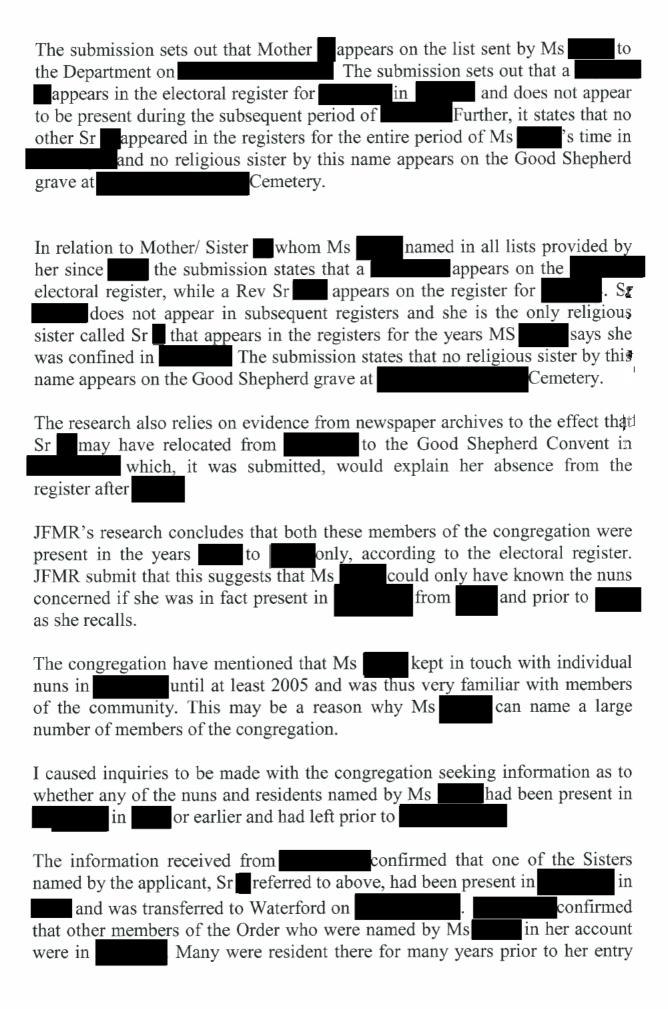
#### **Two Different Reference Numbers:**

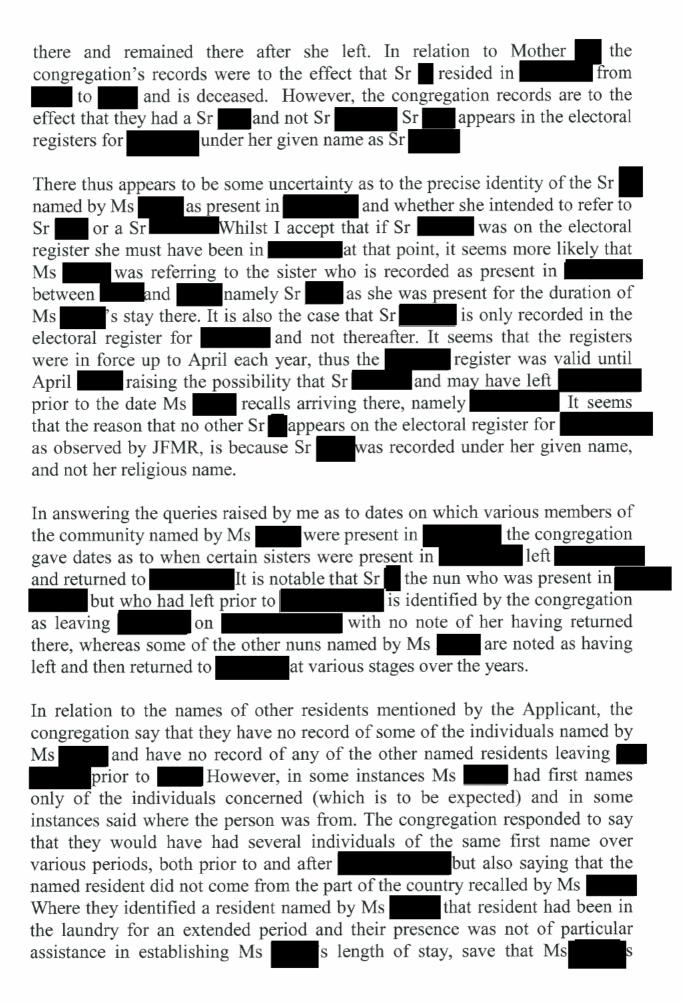
On the the Department emailed the congregation in respect of a copy of the extract from the register in respect of the Ms provided by her solicitors to the Ombudsman, who in turn raised a query with the Department. The email from the Department asks the congregation the significance of the reference 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 The numbers appearing on the register in respect of Ms sentry were and

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

The email states that there were no other registers concerning admissions. I have had the opportunity of seeing Ms and I accept this explanation as to why there are 2 different numbers beside Ms sentry.
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
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 sentry 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 's entry had been amended or redacted, as Ms expressed some concerns in this regard. I did not see any indication of interference in Ms 's records or redaction of same.
Whilst in Ms scase 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 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 seeds records show her as being
registered in and the previous entry refers to

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 ———————————————————————————————————
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 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 that the records were other than contemporary with their periods.
Members of the Congregation named by Ms
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  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.
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 the prior to the substantiate Ms is account that she was in the prior to the

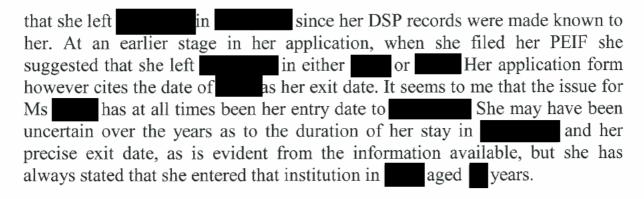




for a recollection of other residents suggested that she had been in considerable duration. Other Inquiries to the congregation: As Ms recalled being taken to on holiday during her period in I caused inquiries to be made with the congregation as to whether there were any records in relation to The congregation responded that school and the residents of went on annual children from summer holidays to on a rota basis, from when the property was purchased for this purpose. Date of Exit The Applicant initially said that she left the laundry in and in her application said it was

It is clear from the information in relation to her background, that Ms at years. This is evident from her account as per the extract from the psychiatric report in referred to in the submission. The register records her as leaving in "for home". Ms the course of her application says that her brother recalled visiting her in with their grandmother in 's Department of Social Protection [DSP] records were taken up as commencing to pay social part of the application. They show Ms making 3 contributions that year, insurance contributions on the She is described as a factory worker on as the tax year ended on her records, residing at the same home address as is set out in the records. Her DSP records state her mother's name and Ms 's correct date of birth. The details suggest that these are Ms s records, indeed I do not understand her to dispute that. Her DSP records do not support Ms account that she worked in a hospital on her discharge from St s. She did however, as her DSP records make clear, subsequently work in a number of hospitals. The submission made on behalf of Ms suggest that the DSP record that Ms left for home in records undermine the This is not correct as Ms. 's DSP records support the records on this point. 's recollection that she went straight into employment in a hospital is not borne out by her DSP records. Ms when she left 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



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

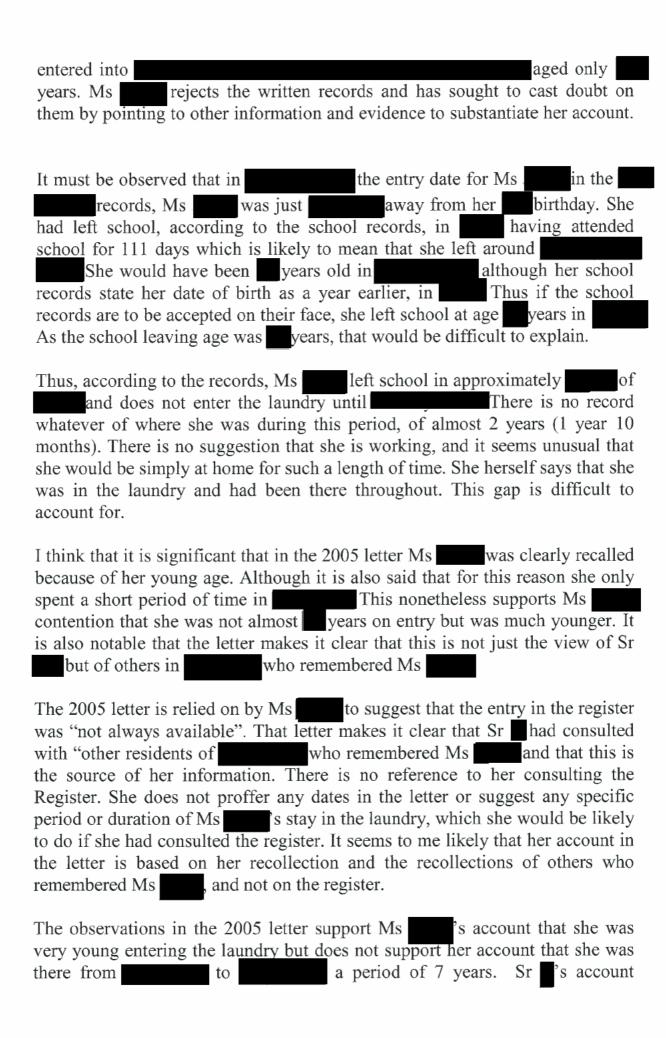
Thus, the date of Ms accepted as sexit from the laundry is not in dispute and is

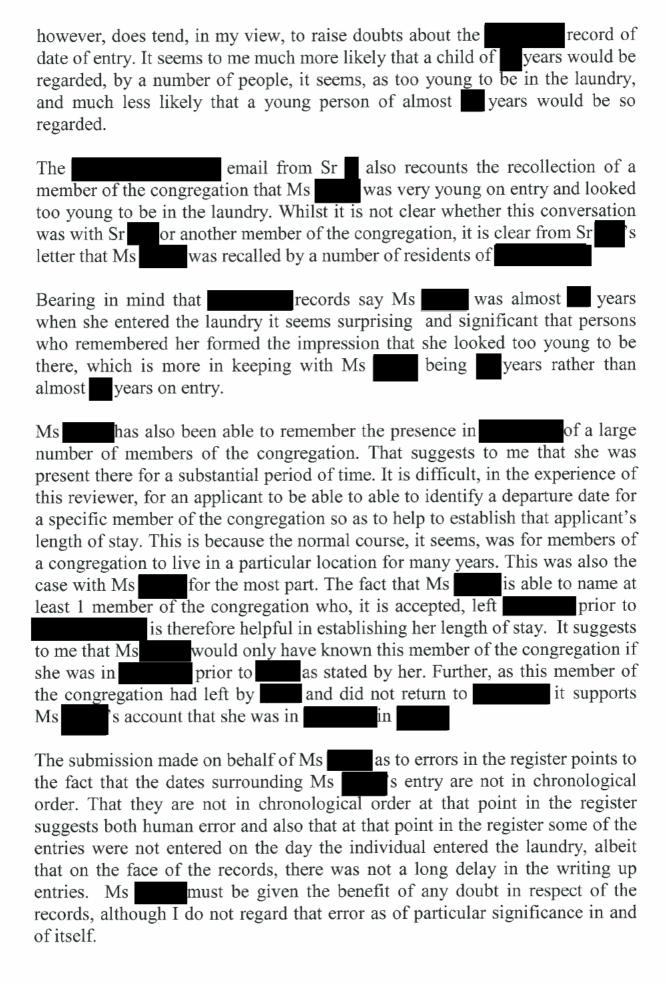
# Preliminary assessment of Date of Entry

Very wide ranging and detailed submissions have been made on behalf of Ms some of which I have referenced in this preliminary assessment and which I have carefully considered. In arriving at a preliminary assessment of Ms series in I must consider the submissions made, Ms sevidence, 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 into On the one hand there are the written records of the congregation, and of the school, which suggest that Ms could not have been in the laundry in as she recalls, as she is recorded as present in school until and then entering the laundry in 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 The school records may contain particulars which are incorrect in some respects, such as the error in respect of Ms state 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

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





The school records do not support Ms saccount that she left school in The school records show Ms as being present for a further 3 years after that time, setting out the number of days she was present each year thereafter until

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 is that whilst this is correct, it must not be forgotten that Ms 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 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 '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 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.

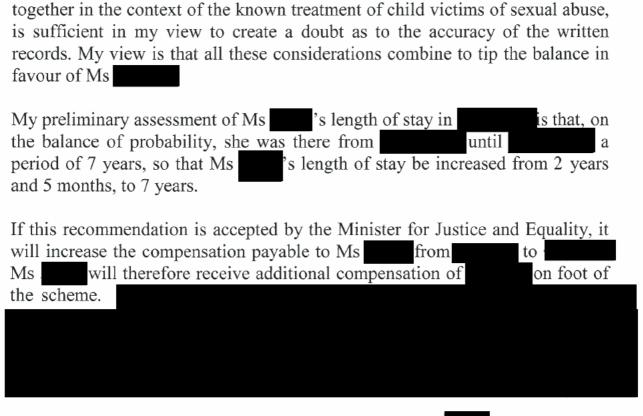
McAleese reports that for children in the industrial school system, a special girl's school, St Anne's in Kilmacud was set up to cater for children who were guilty of "immorality". This apparently included children who had been sexually abused.

Ms 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 was brought to the Good Shepherd's in It seems likely that the Good Shepherd congregation were approached to take Ms 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 saccount that she was not placed in school on the campus and was in the laundry where the other residents were much older than she was. It would also explain the who remembered Ms observations of members of 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 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 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 being in school for the sake of her family. It is impossible to know at this remove of time whether this happened in Ms scase. 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 was a victim of sexual abuse and that this was known to the school. This factor coupled with Ms 's steadfast and consistent account that she left school at 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 school friends, one of whom specifically recalls that Ms left in The Parish Priest who consulted with other parishioners who were born around the same time as Ms said that they knew her, identifies that only one of those persons said they attended school with Ms

That person does not offer any view of when Ms 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 in the parish at the time. It is also significant that Ms gives an account of knowing at least one member of the congregation who was present in between and

only. This account is undisputed as far as Sr is concerned. As Sr is not recorded as returning to after she left in this suggests that Ms knew her because she was present in and not because she was familiar with the community over the years.
There is also the gap in Ms services as leaving school and her date of entry into the laundry. Ms 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 of her experiences, and all of the other information, records and evidence. I must decide on the balance of probabilities Ms selections is length of stay in 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 was a victim of sexual abuse. This factor lends great weight to Ms s account of being taken out of school and kept away from other children. There is no dispute that Ms was sexually abused and that is why she found herself placed in the laundry. It thus seems to me more likely that Ms 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
Ms 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 must be given the benefit of that doubt.
Ms sundisputed account of being abused as the reason for her entry into the laundry, the gap in her records between and as discussed above, the reported recollections of residents in who remembered Ms and felt she looked too young to be in the laundry, Ms sknowledge of a member of the congregation who was present in a but not thereafter, the account of her schoolfriend that she left school in and her longstanding and consistent account that she entered at the age of years, taken



It must be stressed that this is a preliminary view. If Ms 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 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.