



JFM Submission to Justice John Quirke, Magdalen Commission

13th March 2013

**A note on JFM's survivor ethos, interaction with survivors
and our advocacy and campaign work**

1. JFM is an independent, voluntary advocacy organisation which was established in 2003 by Mari Steed, whose mother spent time in a Magdalene Laundry and now lives in the UK, and Claire McGettrick, who is an adoption rights activist and also established the voluntary organisation Adoption Rights Alliance. Over the past three years, Ms Steed and Ms McGettrick have been actively assisted by four other individuals, the first three being advisory committee members of JFM: Dr Katherine O'Donnell, Director of Women's Studies at UCD; Dr James Smith, Associate Professor of English Literature at Boston College; Maeve O'Rourke, Pupil Barrister at 4 Paper Buildings in London; and Raymond Hill, Barrister at Monckton Chambers in London.
2. In terms of our direct work with Magdalene survivors and families, JFM does not have 'members' as such and we do not provide support services such as regular survivor meetings or counselling. However, through JFM's information phone line and email account, we have over the years received queries and provided what advice and support we can to women and family members from Ireland and all over the world. In particular, we provide handbooks to assist people in tracing relatives and in obtaining records of their time (or their relative's time) in a Magdalene Laundry. We also actively assisted 22 Magdalene survivors, family members and witnesses in giving evidence to the Inter-Departmental Committee (McAleese Committee), by transcribing lengthy interviews and later facilitating meetings between Dr McAleese and seven women. On the evening of the government's apology, 19th February 2013, we arranged for a group of 20 women and family members to be present in the Dáil gallery.

3. Our advocacy work has included working with local and national political representatives to bring motions in support of an apology and redress, to ask Parliamentary Questions, and to initiate debates. We have also worked with a number of NGOs, including the National Women's Council of Ireland, the Irish Council for Civil Liberties, the Public Interest Law Alliance (a project of FLAC) and Amnesty International Ireland. Our legal advocacy work has included applying to the Irish Human Rights Commission in 2010 for an inquiry and subsequently raising the Magdalene Laundries abuse with the UN Committee against Torture in May 2011 and the UN Human Rights Council in October 2011. As to our engagement with the Inter-Departmental Committee, we submitted 12 bundles (3,707 pages) of archival and legislative documentation and testamentary evidence (795 pages) to the Committee, along with a 150-page Narrative of State Interaction, already provided to Judge Quirke via email.
4. JFM seeks to apply the strictest ethical standards to all of our interactions with, and advocacy on behalf of, women who spent time in Magdalene Laundries and their families. In addition, we seek to apply the highest academic and ethical standards to all of our research and legal argument.
5. JFM's recommendations and concerns, which we share with you in relation to the design and implementation of a Scheme, reflect our discussions with Magdalene survivors and family members; our experience from compiling 3,707 pages of evidence for submission to the Inter-Departmental Committee; our discussions with support service providers in the UK, experts in alternative dispute resolution, human rights experts, and lawyers in Ireland and the UK with experience of representing victims of abuse before the Residential Institutions Redress Board; our research into human rights-based and gender sensitive reparations frameworks; and our comparative research into reparations mechanisms in Ireland and other countries.

JFM Submissions on the State's legal obligations to ensure that Magdalene survivors obtain reparation

Abuse suffered

1. Justice for Magdalenes (JFM) has consistently argued, and has been joined in so doing by the Irish Human Rights Commission, the UN Committee against Torture, the government's Special Rapporteur on Child Protection Dr Geoffrey Shannon, numerous political representatives (including the Tánaiste Eamon Gilmore in his contribution to the state apology on 19th February 2013) and numerous NGOs including the NWCI, ICCL and Amnesty International, that the abuse of girls and women in Ireland's Magdalene Laundries amounted to international human rights violations of the highest order. JFM also submits that the abuse amounted to Constitutional rights violations and tortious wrongs including false imprisonment, assault and battery.
2. In answer to a Parliamentary Question by Jack Wall, TD, on 7th March 2013 as to the reason for the exclusion of the Sisters of Mercy laundry in Athy from the terms of reference for Mr Justice Quirke, the Minister for Justice, Alan Shatter, TD, responded that "In particular key factors [characterising the 10 named Magdalene Laundries] include State involvement, an enclosed residential institution, loss of identity, women who did not choose to be there and women having to work without pay in a commercial laundry."¹
3. While the Inter-Departmental Committee's Report ("the Report") described limited physical ill-treatment in the Magdalene Laundries, pages 22 to 27 of JFM's Principal Submission to the Inter-Departmental Committee summarise the testamentary evidence which we provided to the effect that physical punishment was in fact experienced by many women in different time periods throughout the Laundries' period of operation. For reasons which are as yet unspecified, none of the 795 pages of written testimony as submitted by JFM appears in Chapter 19 of the Report, which deals with living and working conditions in the Laundries. The Report also cites "psychological punishments" which should also be deemed "physical", namely the use of solitary confinement cells and deprivation of food for those girls and women who refused to work.
4. The neglect suffered by girls and women in the Magdalene Laundries, according to the testimony gathered by JFM, is described at pages 31 to 33 of JFM's Principal Submission.
5. The effects of this abuse on the women who are still alive have been summarised (although not in a medical sense) in the Inter-Departmental Committee's Report and are also evident in the testimonies submitted by JFM to the Committee. Pages 33 to 37 of JFM's Principal

¹ Question No. 177 of Dáil Questions addressed to the Minister for Justice and Equality (Mr Shatter) by Deputies for Written on Thursday, 7th March, 2013.

Submission also deals with the effects of the abuse on family members of women who are now deceased – particularly with regard to problems accessing records. JFM’s Restorative Justice and Reparations Proposals at page 8 list what we consider to be the most prevalent forms of injury suffered by women who spent time in Magdalene Laundries.

6. JFM submits that abuse and neglect may be ongoing in the cases of some women who are still institutionalised. One example is given at pages 91 and 145 of JFM’s Principal Submission.

General observations regarding the reparations process

7. JFM submits that reparation provided through the Scheme must be commensurate to the gravity of the abuse and harm suffered by the women in the Laundries and responsive to the needs of the women and the families of women now deceased.
8. Crucially, JFM submits that reparation must be administered through a process which is:
 - (a) independent and on a statutory footing;
 - (b) accessible and non-adversarial; and
 - (c) subject to appeals and monitoring.
9. The importance of transparency and openness in the reparations process cannot be overstated. This is particularly the case where the Report of the Inter-departmental Committee to Inquire into State Involvement with the Magdalene Laundries acknowledges that:
 - (a) many records are unavailable or incomplete;
 - (b) the duration of stay is known only for 6,151 admissions [page 168] of a total 14,607 admissions cited in the Report (42%); and
 - (c) the figures in the Report for average duration of stay (3.22 years) and median duration of stay (27.6 weeks), where those durations are known, do not appear to collate the durations of repeat entries or transfers from one laundry to another.
10. JFM submits that statutory footing is essential not only for reasons of independence but also to overcome obstacles that the Inter-departmental Committee and the Minister for Justice have cited in terms of accessing records belonging to the Religious Orders. Access to records is an essential element of the reparation sought by Magdalene survivors and family members of women now deceased. However, on 6th March 2013, the Minister for

Justice stated in a reply to a Parliamentary Question that he has no power to make these available, as follows:

QUESTION NO: 170

DAIL QUESTION addressed to the Minister for Justice and Equality (Mr. Shatter) by Deputy Catherine Murphy

for **WRITTEN** on **Wednesday, 6th March, 2013.**

* To ask the Minister for Justice and Equality if he will consider, as part of the wider redress scheme that is to materialise in due course for survivors of the Magdalene Institutions, enabling a thorough and comprehensive record facility to be established that would allow survivors and their families access to all available genealogical and other records necessary to locate their families and reconstruct their family identities; and if he will make a statement on the matter.

- Catherine Murphy

REPLY.

I have no control over records held by the religious congregations or other non State bodies. However from my contact with the religious congregations I understand that they will facilitate individual's access to records with the necessary regard being given to their privacy and data protection.

It is not within my power to establish a facility that would allow the women who were admitted to the Magdalen Laundries and their families access to all genealogical and other records necessary to locate their families and reconstruct their family identities.

11. JFM is not aware of whether or not the potential contribution of the Religious Orders to the Scheme will come within the Commission's deliberations. However, if relevant, JFM suggests that statutory powers may assist in determining the profitability or otherwise of the Magdalene Laundries, further to the details that were produced in the Inter-Departmental Committee's Report. JFM notes that Expenditure is not broken down in the Accounts provided by the Religious Orders to the Inter-departmental Committee. JFM is aware of the existence of financial accounts in a diocesan archive which provide far more detail of what amounted to Expenditure in the case of that particular Magdalene Laundry, but which did not appear in the Report. JFM notes further that even on the accounts provided, page 1007 of the Report states that the Good Shepherd Laundry in Limerick made an average yearly profit of €102,301 (2011 value) from 1976 to 1982.

JFM's Restorative Justice and Reparations Proposals

12. JFM formulated its Restorative Justice and Reparations Proposals on the basis of consultation with women who spent time in Magdalene Laundries, family members of women now deceased, service providers in the UK, experts in alternative dispute resolution and lawyers with experience of the Residential Institutions Redress Board. Our proposals are also based on comparative research into reparations mechanisms used previously in Ireland and elsewhere, and on research into the applicable international human rights standards and methods of ensuring gender-sensitive reparations.

13. In addition to a State apology, there are three components to JFM's Restorative Justice and Reparations Proposals: (a) a dedicated unit within the Department of Justice for survivors of Magdalene Laundries to facilitate the provision of pensions, lost wages and State services, (b) a Commission for Financial Reparation, and (c) preservation of the historical record and transitional justice.

(a) Dedicated unit. The "Dedicated Unit" should function as an inter-departmental hub to facilitate access to all State social services and financial entitlements due to surviving women and the families of deceased women. Financial entitlements include pensions and lost wages for the duration of time spent in these institutions, calculated at the rate of the average industrial weekly wage for 2011. Services required include access to records; social housing; assistance in returning to Ireland for women who wish to do so; medical services including disability supports, counselling and psychotherapy services; educational funding; access to mediated reconciliation services with an apology from the religious congregations; upkeep and maintenance of burial plots; and memorials.

(b) Commission for Financial Reparation. JFM proposes a simple, accessible and non-adversarial financial compensation mechanism, which will accept as a proven fact that Magdalene Laundries were by their nature abusive, punitive institutions in which girls and women were routinely subjected to forced unpaid labour and unlawful imprisonment. Therefore, every woman who spent time in a Magdalene Laundry will be entitled to a certain level of compensation. In addition to the automatically accepted minimum of abuse suffered, women should be entitled to demonstrate further abuse and injuries and be compensated accordingly.

JFM recommends several additional, crucial changes from the type of scheme previously implemented by the Residential Institutions Redress Board:

(i) *Changes to confidentiality requirements.* Women will not be restricted from publicly discussing or publishing their accounts of their experiences in the Magdalene Laundries and the ongoing effects of those experiences on the rest of their lives.

- (ii) *Changes to causation requirements.* Applicants for compensation will not have the burden of demonstrating that injuries shown are or were caused directly by the abuse suffered in the Magdalene institution(s). It will be sufficient that injuries shown are generally congruent with the accepted experience of deprivation and abuse in the Magdalene institution(s) at the time. Similarly, if the applicant is found to have suffered injury while resident in a Magdalene institution, the applicant will not have the burden of proving the abuse that led to the injury.
 - (iii) *Non-adversarial process.* A core objective of this process will be to remain as non-adversarial as possible. A Victim Impact Statement should form the core of the claim. Hearings will not be compulsory, and where hearings do take place they should include a person experienced in alternative dispute resolution, such as mediation.
- (c) Historical Record and transitional justice.** JFM recommends that the State support² academic research and educational initiatives that seek to address an understanding of the Magdalene Laundry system. Such initiatives would complement the Irish Research Council funded *Magdalene Laundries: Recording an Archival and Oral History* project at the Women’s Studies Centre at UCD’s School of Social Justice and JFM’s “Names Project”, which seeks to restore the identity and dignity of all the women who died in the Magdalene Laundries, many lying in unmarked mass graves or under the sign of “penitent” or “sinner”. JFM also asks the State to fund an appropriate national memorial to commemorate the Magdalene Laundries and the women confined therein. Finally, JFM recommends the teaching of the history of the Magdalene Laundries to current and future generations in Ireland’s schools.

The State’s positive obligation under international law to provide reparation

14. As the UN Committee against Torture emphasised in its June 2011 Recommendation, the Irish government is obliged under article 14 of the Convention Against Torture to “ensure that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible”.
15. The content of Magdalene survivors’ right to redress and a remedy under article 14 UNCAT is elaborated by the UN General Assembly’s Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (the “Basic Principles”).³

² Note: The original version submitted in hard copy to Justice Quirke contained inaccuracies in this paragraph as they related to an older document. These inaccuracies have now been corrected.

³ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, G.A. Res. 60/147, U.N. Doc. A/RES/60/147 (Dec. 16, 2005) (hereinafter the “Basic Principles”), <http://www2.ohchr.org/english/law/remedy.htm>

16. According to these Basic Principles, the Irish government must provide Magdalene survivors with:
- (a) equal and effective access to justice;
 - (b) adequate, effective and prompt reparation for harm suffered; and
 - (c) access to relevant information concerning violations and reparation mechanisms.
17. Regarding the government's obligation to provide reparation where responsibility for the abuse is shared between the State and non-state actors, the Basic Principles state: "[i]n accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law". The Basic Principles continue: "States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations." The Basic Principles add: "In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim."⁴
18. JFM contends that by its acts and omissions regarding the Magdalene Laundries, the Irish State is responsible for gross violations of international human rights law, such that it is obliged to provide reparation in accordance with the Basic Principles. JFM acknowledges that the four religious orders who operated the Magdalene Laundries also hold responsibility for the treatment of girls and women in the Laundries; however, JFM emphasises that the obligation to provide reparation under UNCAT and other international human rights instruments falls on the State, and in this case the State is responsible by its own acts and omissions for gross violations of international human rights law with regard to every girl and women who spent time in a Magdalene Laundry.

International principles on forms of reparation / gender-sensitive reparation

19. The Basic Principles clarify that Magdalene survivors are entitled to five distinct aspects of reparation: (a) restitution, (b) compensation, (c) rehabilitation, (d) satisfaction, and (e) guarantees of non-repetition.
- (a) Restitution.** According to the Basic Principles, survivors of gross violations of international human rights law should, to the extent possible, be restored to the original situation before the violations occurred. Restitution includes, for example, restoration of liberty, enjoyment of human rights, identity, family life and citizenship, and return of property. However, in situations where gender discrimination or structural inequality was a root cause of the violations, the idea of simply returning survivors to their original

⁴ Basic Principles, *ibid*, Chapter IX

position is inadequate. Reparations for Magdalene survivors must instead eliminate previous discrimination and seek to transform the discriminatory structures which led to the violation of their human rights, by involving the survivors centrally in the process, addressing their particular needs, and tackling the structural inequality and marginalisation at the root of the Magdalene Laundries abuse and the failure to provide reparation for it in the past.

(b) Compensation. The Basic Principles state that compensation should be proportional to the gravity of the violation and the circumstances of each case. It should be provided for any economically assessable damage, such as physical or mental harm; lost opportunities; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services. The government may not discriminate against or allow any prejudice to Magdalene survivors on the basis of their sex in the calculation and provision of compensation. Non-discrimination in all elements of reparation is a fundamental requirement of the Basic Principles.

(c) Rehabilitation. This should include medical and psychological care as well as legal and social services.

(d) Satisfaction. According to the Basic Principles, satisfaction should include, where applicable, any or all of the following:

- (i) Effective measures aimed at the cessation of continuing violations;
- (ii) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- (iii) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- (iv) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- (v) Public apology, including acknowledgment of the facts and acceptance of responsibility;
- (vi) Judicial and administrative sanctions against persons liable for the violations;
- (vii) Commemorations and tributes to the victims; and
- (viii) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law and in educational material at all levels.

(e) Guarantees of non-repetition. The government should take measures to guarantee non-repetition of the gross violations of international human rights law and which will also contribute to prevention. The guarantees outlined in the Basic Principles include human rights education for all sectors of society and training for law enforcement officials; promotion of the observance of codes of conduct and ethical norms, in particular international standards, by public servants, as well as by economic enterprises; and reviewing and reforming laws. In this case, given the structural causes of the Magdalene Laundries abuse – gender inequality, official deference to Church authority, and discrimination against women on the basis of controlling their sexuality – the government’s guarantees of nonrepetition must specifically seek to transform these structures and ensure nonrepetition of violations of women’s human rights in Ireland in the future.

JFM Submission on practical needs of survivors and relatives

Magdalene survivors and relatives have a number of practical needs that exist as a result of their/their relative's incarceration in a Magdalene Laundry. JFM asserts that these needs can and should be met as soon as possible, but that they should not be considered as alternative to the wages and/or compensation owed to survivors. JFM is conscious of the time involved in establishing new services and therefore many of our recommendations encourage maximising the use of existing services. Our recommendations are informed by our interactions with survivors and family members over the past ten years, during which time the needs outlined below have been constantly and consistently raised.

1. Survivors living in Ireland

1.1 Survivors living in silence

In JFM's experience, most survivors based in Ireland live in silence. Some of them have contact with, or are members of advocacy and representative groups. Most of the women in contact with JFM fall into this category and in many cases, their families and/or friends do not know that they were incarcerated in a Magdalene Laundry. There are additional survivors who are more isolated and are not in contact with advocacy and representative groups and every effort should be made to ensure that they have an opportunity to engage with the reparations process and that they can do so in a confidential manner.

1.2 Survivors who speak out

There are a number of survivors who have spoken publicly about their experiences in Magdalene Laundries. JFM is in contact with some of these women and we greatly admire their courage, as we do the survivors who live in silence. JFM is also in contact with a number of women who decided to speak out a number of years ago, but who now prefer to live in privacy and we assist these women in avoiding approaches by the media.

Common issues/needs for survivors based in Ireland:

Helpline

JFM has seen a significant rise in the number of queries to its volunteer-run information service (both phone and email based). As an unfunded, all-volunteer organisation, we are not equipped to adequately serve the needs of this vulnerable population. JFM has been calling for the establishment of a helpline and a dedicated unit in the Department of Justice since last September, but to no avail. Survivors need a single point of contact so they can be referred to appropriate services.

JFM strongly recommends the immediate establishment of an independent, confidential helpline for Magdalene survivors.

Confidentiality

For all Magdalene survivors, but particularly women living in silence, confidentiality is of the utmost importance. In many cases, survivors' families will not know that they were in a laundry and in most cases, their neighbours and friends do not know. Most survivors are not members of or in contact with advocacy and representative groups. The State apology aside, this population of women live with the stigma attached to these institutions and for them it is keenly felt in 2013.

JFM recommends therefore that the government reparations scheme is widely advertised. JFM further recommends that access to the scheme is not dependent on group membership or affiliation, and that it is operated on a strictly confidential basis.

Counselling/psychotherapy

Many survivors have expressed the need for counselling to help in coming to terms with what happened to them. Most women are unaware that they can contact the National Counselling Service for help and will not always feel able to make an approach for fear of being rejected

and/or out of concerns about confidentiality. Other survivors have medical issues which prevent them from travelling for counselling.

JFM recommends that the National Counselling Service is officially extended to Magdalene survivors, with advertisements in the media communicating this. JFM further recommends that travel facilities or home counselling services are put in place for survivors who have difficulty in travelling via public transport.

Legal advice

Apart from seeking legal counsel with respect to engaging with the reparations scheme, many survivors have a need of legal advice for other reasons. For example, some women ended up in abusive relationships and/or have issues regarding succession rights to their family homes.

JFM recommends that free legal advice is extended to Magdalene survivors through the Free Legal Aid Board.

Medical services

Many survivors have severe medical problems and find themselves on lengthy waiting lists for treatment. In many cases it would appear that their medical problems arise as a direct result of their time in the Magdalene Laundries. There are other survivors also in need of disability supports.

JFM recommends the provision of medical cards to survivors and their families, regardless of their age. JFM further recommends that all survivors on waiting lists for medical treatment are dealt with immediately and that appropriate disability supports are put in place for those who need them.

Pensions

Most survivors of pensionable age report a difficulty in obtaining the State (Contributory) Pension because the religious orders did not pay contributions on their behalf during the time they worked in the Magdalene Laundry.

JFM recommends that survivors' pension contributions are immediately rectified and their pension entitlements recalculated to reflect the time spent working in the Magdalene Laundry, and that these entitlements are dealt with in an efficient and compassionate manner, taking into account the delay and difficulties they have experienced to date.

Access to records

While some survivors have been able to access their records with very little difficulty, others have been met with denials and obfuscation, with the religious orders in some cases denying that the survivor was incarcerated in the laundry. Many survivors do not feel assertive enough to deal with such treatment and they should be provided with assistance in this regard. Likewise, family members have encountered resistance in obtaining information about their loved ones.

JFM recommends that the State takes appropriate action to compel the religious orders to hand over their records to a properly resourced, suitable data-protection agency. JFM further recommends that a competent, independent archivist is employed to ensure access for survivors. In the meantime, JFM recommends that independent, professional advocacy is provided to survivors who are seeking records to assist them in asserting their needs.

Housing

Some survivors are living in unsuitable accommodation, often in houses they cannot afford to heat, or houses that have no central heating. These women do not have the means to access alternative accommodation.

JFM recommends that social housing is provided to Magdalene survivors who are in need of it. JFM further recommends that fuel allowances and heating grants are provided to those who wish to remain in their residences but who have no heating facilities.

Peer support

Most survivors in contact with JFM express the need to be in contact with other women who were incarcerated in Magdalene Laundries. Most survivors are elderly women and are unable to travel great distances for such meetings, and therefore JFM would not recommend that peer support is rolled out on a national basis.

JFM recommends that facilitated survivor support groups are implemented in regional areas, organised through Family Resource Centres. To ensure that all women who attend such meetings feel they are on an equal footing, JFM further recommends that such groups are not dependent on, or associated with membership of advocacy or representative groups.

Education

All survivors in contact with JFM express deep disappointment at having been denied access to educational opportunities because of the time they spent in the Magdalene Laundries. Most of them are of limited means as a direct result of their time in the laundries. While most women feel they are too old to avail of educational assistance, those who are mothers and grandmothers have expressed the desire to ensure that their children and grandchildren have educational

opportunities, so that this aspect of the cross-generational consequences of the Magdalene Laundries can be alleviated.

JFM recommends that the Education Fund is extended to Magdalene Laundry survivors and their families.

Mediated reconciliation services with the religious congregations

While none of the survivors in contact with JFM have expressed the above need, JFM nonetheless believes this service should be made available for those who desire it.

JFM recommends the establishment of independent mediated reconciliation services with the religious congregations.

Impact on benefits

There is a real fear among survivors that their current social welfare and other benefits will be affected by anything they receive as part of the reparations process.

JFM recommends that reassurance is given to survivors and asks that policies are put in place to ensure they are not penalised because of any compensation received as part of the reparations scheme.

Education/memorial

JFM is gravely concerned that many members of Irish society continue to doubt the abuse experienced by Magdalene women, and that many persist with taunts and begrudging attitudes. JFM asserts that if An Taoiseach truly believes that the women “are and always were wholly

blameless”, the government must continually take steps to demonstrate this and thereby discourage prejudice against Magdalene survivors on an ongoing basis.

JFM recommends the establishment of a permanent, educational memorial to all women who were incarcerated in the Magdalene Laundries.

Oral history

The subject of the Magdalene Laundries has been extremely popular in the media and amongst researchers, artists and writers, with a huge demand for survivors who wish to speak. JFM has always protected survivors from such approaches unless the women themselves wish to speak. Since the release of the report of the Inter-Departmental Committee, the demand for survivor interviews has greatly increased and JFM is deeply concerned about additional pressure being put on survivors. It is also important however, that survivors’ voices are heard and survivors themselves have expressed a desire to be remembered as part of the history of the laundries. JFM therefore supports the Irish Research Council funded Magdalene Oral History Project at University College Dublin, so that survivors’ voices can be preserved and then accessed in a sensitive and ethical way.

JFM recommends that the government brings the Magdalene Oral History Project at UCD to the attention of survivors to ensure that those who wish to participate are afforded an opportunity to do so.

Access to the Inter-Departmental Committee Report

Because the Inter-Departmental Committee Report was only published online, most survivors do not have access to it and have expressed their great disappointment about this.

JFM recommends that copies of the Inter-Departmental Committee Report are provided to survivors, including survivors who provided testimony to the Inter-departmental Committee but are yet to receive a hard-copy of the Report.

2. Survivors who have emigrated

An unknown number of survivors emigrated from Ireland to the United Kingdom, the United States, Canada, Australia and elsewhere. Most of these women in contact with JFM say they emigrated as a direct result of having been incarcerated in a Magdalene Laundry. While most of these survivors will have similar needs to those outlined above, they also have needs and concerns specific to where they now reside.

Common issues/needs specific to survivors who have emigrated:

Advertising/access to information

Not all survivors who emigrated are in contact with advocacy and representative groups – in fact, JFM asserts that most are not, particularly those outside the London area of the UK and those in other countries. JFM is anxious that the government makes every effort to reach out to those who live in isolation and are not members of groups, perhaps through the complex of Irish embassies and consulates, ethnic Irish newspapers, immigrant centers and pastoral agencies, and similar organisations. Survivors who have emigrated also contend that they are not kept informed of developments in Ireland regarding the Magdalene Laundries reparations process.

JFM recommends that the government reparations scheme is widely advertised in other countries. JFM further recommends that the government issues regular updates to immigrant centres and other contacts regarding its reparations scheme.

Assistance for repatriation/visits to Ireland

Some survivors who have emigrated have expressed a desire to return home to Ireland. Others may not want to return permanently, but cannot afford to visit and have not been back in many years. Some survivors have expressed deep hurt that events such as “The Gathering” have been organised without thinking of them.

JFM recommends that the government provides assistance for repatriation to Ireland for those who wish to do so. JFM further recommends that visits to Ireland are facilitated for those survivors who would like to come back for a holiday.

Access to peer support

Not all survivors who have emigrated are members of or have access to representative groups, but many express the need to avail of peer support. Survivors cannot be further discriminated against due to the non-availability of a State-funded services in their particular place of residency. If State-funded services are made available in one location, be that in Ireland or in one part of the UK, then comparable services must be extended to survivors living in other locations.

JFM recommends that peer support and counselling is established for survivors who have emigrated, particularly in areas that do not have existing services.

Impact on benefits

Survivors who have emigrated – particularly those in the UK – have expressed a worry that their existing benefits will be affected by payments made as part of the reparations scheme.

JFM recommends that policies are put in place to ensure that the making of an ex gratia payment to a person who is resident outside of Ireland and the UK will not adversely affect their existing entitlements to benefits and supports.

3. Survivors who are institutionalised

The Report of the Inter-Departmental Committee revealed that there are at least 58 women who had been incarcerated in Magdalene Laundries and who remain institutionalised, still living with religious congregations and/or in the care of the Health Service Executive. JFM raised this issue with Minister Alan Shatter in June 2011 and Minister for State Kathleen Lynch in August 2011, however neither has responded to our correspondence. JFM is most anxious that these vulnerable women are dealt with in as sensitive a manner as possible, with their best interests at the forefront.

Issues/needs of institutionalised survivors:

Guardian ad litem

This particularly vulnerable population of women should not be excluded from the reparations scheme. Given the extremely vulnerable situation they are in and the sensitivities involved, each woman should be afforded the opportunity for independent representation.

JFM recommends that a guardian ad litem or independent advocate is provided to assist institutionalised women through the reparations process.

Independent advocacy

It is JFM's experience that women who are still institutionalised are not always in a position to assert their needs. It is also our experience that survivors in this population who express difficulties are victimised and bullied. JFM is gravely concerned about this issue and is anxious that these women are offered protection.

JFM therefore strongly recommends that a permanent independent advocacy service is implemented for these survivors in their places of residence.

Housing issues

JFM is aware of a group of women who were moved from their place of residence against their will. This relocation caused huge distress to the women involved and mechanisms must be put in place to avoid such situations arising again. JFM is also aware of a number of women who wish to be relocated from their places of residence in the charge of the religious sisters and/or HSE and have difficulty in doing so. Those women who wish to relocate should be facilitated in doing so in a sensitive manner that has their interests at the forefront.

JFM recommends a sensitive, independent assessment of the individual housing needs of women who are institutionalised so that their wishes can be ascertained and implemented.

Institutionalised women still working

JFM is aware that some of the women who are institutionalised are still carrying out menial labour for “pocket money”. It is unclear whether they are being paid this “pocket money” out of their (non-contributory) pension (if indeed such pensions are being claimed).

JFM strongly recommends a sensitive, independent assessment of the situation of each of the institutionalised women to ascertain if they are working, whether they are working against their will, how much they are being paid and from where and that any necessary changes are made to ensure they are being treated fairly and ethically.

4. Deceased women

JFM strongly believes that women who are buried in Magdalene graves should not be omitted from the government’s reparations scheme.

High Park exhumations

JFM began its campaign by asking questions about the circumstances surrounding the exhumations at High Park. The Report of the Inter-Departmental Committee has unfortunately posed more questions than answers in this regard. JFM is currently compiling a detailed report of its concerns.

JFM recommends an independent inquiry into the circumstances surrounding the exhumation in 1993 of 155 women in High Park.

Unmarked graves

There are women buried in some Magdalene graves whose names are not inscribed on the headstones. Apart from denying dignity and respect to the women themselves, it is a source of deep distress to relatives (including adopted people) who wish to pay their respects and who have no way of knowing where their deceased relative is buried.

JFM recommends that the government ensure that all women buried in Magdalene graves have their names and date of death inscribed accurately on the headstones.

Graves with inaccuracies

JFM is aware of a number of inaccuracies on Magdalene graves. In one particular case – Sunday's Well in Cork – there is a 30 year gap in the dates recorded on the headstone. There are also duplications in the names on headstones, meaning that it is unclear which grave a number of the women are buried in. This has caused great distress to family members. JFM brought this issue to the attention of the Inter-Departmental Committee but it was completely ignored in the Report.

JFM recommends that the government ensures that all Magdalene grave sites contain accurate information. JFM further recommends that the government compels the Good Shepherd Sisters to ensure that all records are up to date and that inaccuracies are corrected and clarified.

Inaccessible graves

One of the Sunday's Well graves on the grounds of the old laundry building is inaccessible to the public and family members who may wish to pay their respects. JFM also brought this issue to the attention of the Inter-Departmental Committee, but this too was completely ignored in the Report.

JFM recommends that the government takes immediate steps to ensure that the Sunday's Well grave is accessible to the public and family members.

Upkeep and maintenance of burial plots and memorials

Some of the Magdalene graves around the country have fallen into disarray. Out of respect for the women buried in these graves, steps should be taken to ensure their upkeep.

JFM recommends that the government implements a scheme to ensure the upkeep of Magdalene graves.

5. Relatives of deceased Magdalene women

JFM is often contacted by relatives of Magdalene survivors and victims. These include adopted and fostered people, sons and daughters raised by Magdalene survivors and other relatives. Some of the relatives in contact with JFM wish to submit their views to the Magdalen Commission and JFM will forward these submissions.

Issues/needs of relatives of deceased Magdalene women:

Engagement with the reparations scheme

These relatives have expressed deep disappointment at being left out of the reparations process. In some cases, the relatives simply want to ensure that their mother/relative is not forgotten about. In others, they may want to educate their own children in honour of their mothers.

JFM recommends that the government assists family members of deceased Magdalene women in engaging with the process.

Access to records

Many of the relatives who contact JFM are sons or daughters of Magdalene women who are now deceased. Often, the woman will have died behind convent walls. These sons and daughters express deep hurt and sadness at discovering that their mothers did not go on to have fulfilling lives, instead ending up institutionalised. All of the adopted people in this situation wish to honour their mothers by piecing together her story – regardless of how difficult that story is to hear. However, because of Ireland’s closed, secret adoption system this is not always possible.

JFM recommends that the government takes this opportunity to grant adopted people access to their birth certificates and files. JFM further recommends that the sons and daughters of deceased Magdalene women are given access to their mothers’ records from their period of incarceration.