

Justice for Magdalenes

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Mr. Enda Kenny, T.D.

Taoiseach

Department of the Taoiseach

Government Buildings

Upper Merrion Street

Dublin 2

12 June 2011

Dear Taoiseach Kenny,

Justice for Magdalenes (JFM), the survivors advocacy group, is writing to ask you to do three things prior to this week's Cabinet discussion of the Department of Justice's "Memorandum to the Government" addressing Ireland's Magdalene Laundries. It is important from JFM's perspective that each cabinet member enters that discussion with the following information.

(i) First, JFM is asking that you to watch one short video clip from the recent UN Committee Against Torture hearings in Geneva--even if you read no further please do that (see link below).

Why is it important to watch this clip? UNCAT's Acting Chairperson, Felice Gaer (US), outlines the Committee's response to the State's current position with regard to the Magdalene Laundries. The clip, as such, explains the force of the UNCAT recommendation. If the "Memorandum to the Government" reflects the now discredited arguments as presented by the Head of the Irish Delegation in Geneva, then each cabinet member needs also to be aware of the following:

- (a) UNCAT rejected the government's argument that this abuse happened 'a considerable time ago in private institutions'
- (b) UNCAT rejected the State's assertion that the 'vast majority' of women entered the Laundries 'voluntarily'

(c) UNCAT underscored that the State's own definition of torture includes the crime of omission with respect to ensuring due diligence to prevent torture.

As you are aware, UNCAT has also selected the Magdalene Laundries as one of only four recommendations for which the State must provide information within one year on the measures taken to give it effect.

In addition, please be aware, that JFM also has a submission before the UN Universal Periodic Review (UNUPR) due in October, and given the seriousness with which both the Irish Human Rights Commission and UNCAT have responded to our earlier submissions, we encourage the government to act in a timely manner so as to avoid further UN recommendations at that time.

(ii) Second, we enclose (a) a copy of the proposed "Restorative Justice and Reparations Scheme" that our group submitted to the Minister for Justice, Mr. Alan Shatter, T.D., on 28 March 2011, and (b) a two-page bullet point summary detailing the key issues in our campaign to date, including detailed instances of the State's complicity in the operation of the laundries. Please read and review both documents prior to the Cabinet discussion.

Please note what precisely survivors are asking for in this instance: (i) an apology, (ii) a lump sum compensation payment based on time served in the laundries in lieu of non-payment of wages, (iii) a statutory old age pension that include the years worked in the laundries when contributions were neither withheld nor submitted as required under the 1953 statute, (iv) access to records, (v) entitlements to health and housing assistance. There are other issues related to education, memorials, and graves that are important too.

All the women we have spoken with agree on one thing: no redress board style judicial or legal adversarial process. It is neither appropriate nor practical given the age profile of this population of survivors. In turn, it is important that you know that JFM is *not* (i) proposing an extension of the RIRB or (ii) proposing an alternative redress scheme for Magdalene survivors or (iii) proposing a Trust fund.

Our model of reparations imagines a solicitor-free and barrister-free process. JFM is conscious of the current economic climate. We have no desire to propose a scheme to benefit Ireland's legal profession. An experienced jurist working with three researchers could conduct our proposed inquiry in a non-adversarial, timely manner. It is essential that survivors obtain the justice they deserve as soon as possible.

(iii) Third, the reasons why an apology is so important to these particular survivors are detailed in Saturday's *Irish Times* opinion-editorial. JFM is aware of the legal implications that an apology brings, but we also would point out that UNCAT already holds the State liable in this matter. Therefore we are asking Ireland's political leadership to offer an apology now. Even in the last week, JFM has again been made aware of some of the horrific living conditions some of these women continue to live under in 2011 (information relayed privately to the Minister for Justice in a letter on Thursday last). Many survivors are aging and elderly (and, in many cases, these women do not speak publicly, constrained by a misplaced sense of stigma and shame). They look to this government to do what is right and to give back the sense of dignity in their

citizenship denied them for so many decades.

Please do not hesitate to contact Dr. James Smith [REDACTED] if you have questions and/or require clarification on any of the issues raised in the above correspondence. We are willing to meet with ministers singly and or in groups. JFM wants to help this government make informed and just decisions on this issue.

Sincerely,

Dr. James M. Smith, Associate Professor, English & Irish Studies, Boston College

Mari Steed, Director, JFM Coordinating Committee

Claire McGettrick, PRO & JFM Coordinating Committee

Dr. Katherine O'Donnell, Women's Studies, School of Social Justice, UCD

Maeve O'Rourke, Harvard Law School 2010 Global Human Rights Fellow

Angela Murphy, JFM Coordinating Committee

Councillor Sally Mulready, Chair, Irish Women Survivors Network, London

Judy Campbell, JFM Advisory Committee

Dr. Mary McAuliffe, Women's Studies, School of Social Justice, UCD

Dr. Sandra McAvoy, Women's Studies, UCC

Patricia Burke Brogan, Author of *Eclipsed* and *Stained Class at Samhain*

Paddy Doyle, Author of *The God Squad*

Mr. Tom Kitt, Former Co-Chair of Oireachtas *Ad Hoc* Committee/Magdalene Laundries

Mr. Michael Kennedy, Former Co-Chair of Oireachtas *Ad Hoc* Committee/Magdalene Laundries

(i) UNCAT Session 24th May 2011

Acting Chairperson Felice Gaer

<http://www.youtube.com/watch?v=YsUMPiFjUuk>