

# Justice for Magdalenes

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Mr. Alan Shatter, T.D.  
Minister of Justice and Equality  
Department of Justice and Equality  
94 St. Stephen's Green  
Dublin 2

17 June 2011

Dear Minister Shatter,

Justice for Magdalenes (JFM) welcomes the government's announcement on Tuesday last that it will establish an inter-departmental committee to investigate the state's role in relation to the Magdalene Laundries. We also welcome your plans to meet with the religious congregations and survivors' groups in order to agree how best to afford reparations and restorative justice to the women who spent time in laundries. JFM is eager to participate in both parts of this "two-track" approach to the Magdalene Laundries issue.

We are, nonetheless, concerned that this inter-departmental committee inquiry falls far short of the independent investigation which the Irish Human Rights Commission (IHRC) and the United Nations Committee Against Torture (UNCAT) have recommended. We note that the demands of the IHRC and UNCAT still stand and that UNCAT will review the state's follow-up to its recommendation within one year.

In light of this, we wish to express that our welcome of this committee is based on our trust that the committee will work transparently, quickly and fairly. We further trust that the committee's terms of reference will be comprehensive and will take full account of the state's legal obligations under domestic law and international human rights law.

Given the government's apparent position that this inquiry is a precursor to a state apology and/or state contribution to reparations and restorative justice, it is of the utmost importance that the inquiry does not narrow its focus to considering only direct state involvement in the laundries' operation. The committee must also address the issue of state responsibility for human rights violations by private actors, in accordance with the state's legal obligations as emphasised by UNCAT and the IHRC.

In particular, we request that the Minister ensure the following:

- that the committee's terms of reference are published;
- that the committee's terms of reference confirm that the committee is proceeding on the understanding that, as reinforced by the findings and recommendations of UNCAT and IHRC, a state is responsible for human rights violations committed by private actors where the private actor is exercising a public function, and/or where the state has failed to exercise due diligence in the prevention or investigation of likely or actual human rights violations of which the state had knowledge or ought to have had knowledge, and/or in any other circumstances as prescribed by domestic law or international Conventions to which Ireland is a party;

- that the committee considers evidence from a representative group of women who spent time in Magdalene Laundries;
- that the progress report to be submitted to Cabinet within three months of the committee's establishment, according to the Government's 'Statement on the Magdalene Laundries', is issued no later than four months from the date of that statement, 14 June 2011;
- that the progress report will be made public;
- that the progress report indicates that the committee is taking an approach which deals comprehensively and fairly with the issues and is in compliance with the state's human rights obligations;
- that the entire committee process concludes as soon as possible and no later than six months from its commencement; and
- that the independent Chair of the committee has extensive experience in the area of human rights law.

Ideally, we would also welcome external representation on the committee, which may include JFM. We look forward to engaging further with you on this issue in the near future; indeed we take this opportunity to request a meeting with you at the earliest possible date.

With best wishes,

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

Mari Steed, Director, Justice For Magdalene co-ordinating committee;

Claire McGettrick, Angela Murphy and Judy Campbell, Justice For Magdalene committees;

Paddy Doyle, author of *The God Squad* ;

Michael Kennedy, former co-chairman of Oireachtas ad-hoc committee/Magdalene laundries.

Tom Kitt, former co-chairman of Oireachtas ad-hoc committee/Magdalene laundries;

Mary McAuliffe, women's studies, School of Social Justice, UCD;

Sandra McAvoy, women's studies, UCC;

Cllr Sally Mulready, chairwoman, Irish Women Survivors Network, London;

Katherine O'Donnell, women's studies, School of Social Justice, UCD;

James Smith, associate professor, English & Irish studies, Boston College.