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PRIVATE & CONFIDENTIAL

8 June 2011

Mr. Alan Shatter, T.D.,
Minister for Justice, Equality and Defence
Office of the Minister for Justice
94 St. Stephen's Green
Dublin 2
Rep. of Ireland

Dear Minister Shatter,

I am writing on behalf of the Justice for Magdalenes (JFM) survivor advocacy group with regard to the recent UN Committee Against Torture Recommendation on Ireland's Magdalene Laundries. We welcome the recommendation. We acknowledge the fact that the State has one year to provide information on measures taken to give effect to UNCAT's recommendation, and yet we ask that you prioritise this issue given the age profile of the survivors involved.

We are aware that you intend circulating a memorandum on this issue to the cabinet, which will be discussed at the next appropriate Cabinet meeting (possibly June 14 or the following week). We look forward to learning the outcome of those deliberations. JFM wants to support *this* government in bringing justice to survivors. We also want to ensure that any government "Restorative Justice and Reparations Scheme" be appropriate to survivors' needs. We continue to assert that justice for Magdalenes is a time-sensitive issue, but JFM wants the government to get this right. We know that you share that concern.

With the above in mind, I want to communicate a few items from the JFM group:

- i) The government might need additional time to develop its response to the IHRC and UNCAT recommendations over the summer months. But, could we ask you to discuss the possibility of offering a State apology to survivors *now* as part of the discussion of this issue at the upcoming Cabinet meeting? For

many survivors the apology remains paramount in their concerns. We can imagine the government offering a sincere apology for the abuse suffered, and signaling that a formal response will be forthcoming at the beginning of the autumn Dáil session.

- ii) JFM was disappointed by certain references in Taoiseach Enda Kenny's remarks during Leaders' Questions in Dáil Éireann yesterday (7 June 2011). Regardless of how you choose to proceed with item (i) above, JFM would appreciate if you could help shift the government's discourse on this issue away from that relayed by the Head of the Irish Delegation presenting before the UNCAT Committee in Geneva, and echoed by Mr. Kenny yesterday. Survivors are hurt by such comments, including the laundries being described as institutions that go "back to before the turn of the last century," of women entering the laundries "voluntarily," that these were "not State-run institutions," and only recognizing the State's role in sending women "on remand arising from court decisions." This position was rejected by the UNCAT committee. More importantly, survivors hear this language as part and parcel of a policy of "deny 'til they die." It is not helpful, especially as JFM works to build trust with survivors that the current government is trying to do the right thing here. Better to say nothing, than to resort to language identified with that of the previous government.
- iii) Just in the past few days, JFM has received information regarding a number of survivors still in the nun's charge at former laundry locations around the country. We are very concerned about the continuing pain and suffering these women to endure. The allegations include the nuns controlling the women's (non-contributory) old age pensions, money being withdrawn from said pension for future funeral expenses, limitations on freedom of movement, donations from members of the public being appropriated by the nuns, and, in one case, the fact that an elderly woman still does unpaid menial work at the convent. We have heard from other survivors too—the emotional abuse of a survivor in a Dublin facility, as well as reports of women being moved from the only residence they have known as home against their will—but the more recent instances are especially disturbing. They underscore the need for political action as soon as possible to protect those women who are too institutionalized to live in the outside world. **Please note**, there is a fear that if the nuns discover that reports have been made about them, that they may take it out on the women, so we are appealing for the utmost level of discretion and sensitivity in this regard.
- iv) To-date, JFM has only submitted our proposed "Restorative Justice and Reparations Scheme" to you and to Minister Lynch. However, given that other members of the cabinet will soon discuss this issue, we would like to ensure that they have access to what we have proposed. With that in mind, I want to inform you of our intention to circulate said document in the next few days. Please contact us if you have reasons why you would prefer us to hold off on this action.
- v) JFM again requests a meeting with you and Minister Lynch at your earliest convenience. We did meet with a delegation of Department of Justice

officials in December 2009 and again in June 2010. We have not spoken since the IHCR *Assessment* or since we submitted our proposed scheme in late March. And, now there is the UNCAT Recommendation on the table. I hope you agree that JFM has played an important role in bringing this important issue to the place we now find ourselves in. We would like the opportunity to convey our concerns and share our points of view in a face-to-face meeting.

Finally, and just so you are kept up to date, neither I nor anyone at JFM, received any follow up communication from Archbishop Martin following the recent letter, which I cc'd you on. Likewise, there has been no other communication from any of the religious congregations.

Looking forward to your response to this letter.

Sincere thanks,

James M. Smith, Ph.D. (electronic signature)

Dr. James M. Smith (on behalf of Justice for Magdalenes [JFM])
Associate Professor
Boston College

cc. Minister for State Kathleen Lynch, T.D.

p.s. For media coverage of the UNCAT Recommendation (domestic and international) please visit our website at: <http://www.magdalenelaundries.com/news.htm>