

Written answers

Tuesday, 19 January 2010

Department of Justice, Equality and Law Reform

Magdalene Laundries



Ruairi Quinn (Dublin South East, Labour)

Question 548: To ask the Minister for Justice, Equality and Law Reform the position regarding a meeting (details supplied); if his attention has been drawn to the practice whereby the Irish judicial system routinely arranged for women to be sent to a Magdalene laundry upon receiving a suspended sentence or upon being given probation; if his further attention has been drawn to the fact that such a practice had no statutory basis; if he will confirm that despite the awareness of this fact, his Department never informed the women that they could have left the Magdalene laundries at any time; if he will produce court records for every woman so referred; if he will contact the religious congregations who ran these Magdalene laundries and ensure that they provide full access to the relevant records; and if he will make a statement on the matter.

[48572/09]



Dermot Ahern (Minister, Department of Justice, Equality and Law Reform; Louth, Fianna Fail)

I can advise the Deputy that following a request for a meeting, officials from my Department met with representatives of Justice for Magdalenes on the 14th of December, 2009.

In response to points raised, my officials have undertaken some research into the matter. The Deputy will appreciate that the issue predates the foundation of the State and the historical records available are not exhaustive. For that reason my answer has to be limited to the information currently to hand.

There is no statutory power for a court to sentence a person to be detained in a Magdalen laundry or any other such institution as an alternative to imprisonment.

The Probation of Offenders Act 1907 allows a person found to have committed a criminal offence to be subject to a probation order under which the offender is released on entering a recognizance to be of good behaviour and subject to conditions. The duration of the order cannot exceed 3 years but if it is breached the recognizance can be forfeit and the offender can be brought before the court for sentencing for the original offence. It has been established that in 1922 and subsequent years courts did on occasion include a condition in a probation order that the female person who had been found to have committed a criminal offence reside in a particular institution for a specified period (not exceeding 3 years). From the material available, it would appear that the institution used most frequently for this purpose was a home in Henrietta Street. This was established at the end of the 19th century by the Discharged Female Prisoners Aid Society. The Sisters of Charity of St Vincent de Paul subsequently carried on the work of this society. This home did have a laundry attached but it was not a Magdalen laundry. In the 1940's there was a request for funding for this institution. The home was inspected by an inspector from the Department of Industry and Commerce and the finances reviewed and in 1945/46 monies for capitation grants for "probationers" in this establishment were provided for in the District Court Vote. From the files it is clear that payments were limited to the duration of the relevant probation orders. The review at the time indicated that there were 18 "probationers" in Henrietta Street and another 20 to 30 probationers in other institutions mainly in the four Dublin Magdalen laundries. As far as can be made out at this stage, payments were not made to other institutions (except those designated as remand centres after 1960).

The Commission of Inquiry into the Reformatory and Industrial Schools System 1934-1936 states that judges were reluctant to send girls to female prisons and would overcome the difficulty by sending the

offender to a Home conducted by a Religious Order provided the girl consented to go there and the Home agreed to accept her. It is not clear if this refers to imposing a condition in a probation order or to a more informal arrangement.

It appears that these orders/arrangements were made by the courts without reference to any Department of State. The requirements of a probation order, including its duration, would be made known by the court to the offender. The records of such orders are court records.

The Minister for Justice, Equality and Law Reform does not have any legal authority to instruct a religious organisation to provide full access to their records.