

Oifig An Aire Oideachais agus Eolaíochta.
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Dr James M. Smith,
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27 January, 2010

Dear Dr Smith,

I refer to earlier correspondence regarding the former residents of the Magdalen Laundries and in particular your letter addressed to An Taoiseach of 22nd September, 2009, written on behalf of the Justice for Magdalenes Group and your letter of 22nd December, addressed to me.

At the outset, I wish to apologise for the non-attendance of an official from my Department at the meeting on 14th December last, which as you are aware arose from a diary mix-up. As you are aware the official in question contacted you on the day with a view to making alternative arrangements for a meeting. My official's clear recollection is that a 15 minute slot that evening was the only time you were available and that it was not possible for him to get to Dublin from Athlone for that time period. Subsequently it has been suggested that you offered a meeting the following morning. My official's recollection is that you were not available the following morning as you had a flight to catch. While it was not possible to arrange a meeting at that time my officials had offered to meet with you on your next visit to Ireland. Following more recent communications between both sides I understand my officials expect to meet with representatives of the Justice for Magdalen Group at an early date.

My initial response in September last to the proposal to establish a distinct redress scheme for the former residents of the laundries outlined the situation in relation to children who were taken into the laundries privately or who entered the laundries as adults to be quite different to persons who were resident in State run institutions.

A Parliamentary Question reply to Deputy John Bruton on 12th February, 2002 on the eligibility of former residents of the Laundries noted that "*The laundries differ substantially from the institutions now covered by the Bill in that the residents concerned were for the most part adults and the laundries were entirely private institutions, in respect of which public bodies had no functions. At Committee Stage I undertook to consider the arguments raised further and to report back to the House at Report stage .. [which] is scheduled for 20 February*". As you are aware, the eligibility conditions were amended at the Report stage of the Bill, to include children who were sent from approved institutions under the scheme to Magdalen Laundries and who were victims of abuse while in the laundries. When explaining this

2469

provision during the Report Stage Debate on 20 February 2002, the then Minister said *"This extension is within the original intention of the Bill. I am not proposing that victims of abuse who were adults when that abuse took place should be covered by this scheme. This Bill cannot hope to address all the wrongs which occurred. It is, in essence, a measure to right the wrongs done to children where the State was in loco parentis and failed in its duty to protect them. In saying this, I must emphasise that I in no way wish to dismiss the fact that abuse of adults could and did occur in Magdalen Laundries or that the abuse was an appalling breach of trust or, indeed, that the victims of that abuse suffered and continue to suffer greatly"*.

My letter continued to say *"The Magdalen laundries were privately owned and operated establishments which did not come within the responsibility of the State. The State did not refer individuals to Magdalen Laundries nor was it complicit in referring individuals to them"*. My comment in relation to referrals by the State was based on my Department's understanding of the position. This was also the understanding of the Department Justice Equality and Law Reform. Following a query from my Department and contact from other groups the Department of Justice Equality and Law Reform examined the matter in more detail and have since confirmed that some women were referred by the Courts to the Magdalen laundries. I accept that this was the case as opposed to the position outlined in my letter of September last. The position remains that the Laundries were privately owned and operated institutions which were not regulated or inspected.

The forthcoming meeting between my officials and your Group will offer an opportunity to discuss the range of issues raised.

Yours sincerely,



Batt O'Keeffe, T.D.,
Minister for Education and Science.