

Justice for Magdalenes

Crocknahattina, Bailieborough
Co. Cavan, Ireland

Telephone/Fax: (353) 86 4059491
Web: www.magdalenelaundries.com
Email: info@magdalenelaundries.com



2nd April 2010

Mr. Brian Lenihan, T.D.,
Minister for Finance,
Department of Finance,
Government Buildings,
Upper Merrion Street,
Dublin 2,
Ireland.

Dear Minister Lenihan,

We are writing to you on behalf of Justice for Magdalenes (JFM), a survivor advocacy group that has been campaigning to bring about (i) an official apology from the State for complicity in referring women and children to the laundry institutions, and (ii) a distinct redress scheme for all laundry survivors. We attach a brief summary of the progress of our campaign to date.

Given the current economic climate we are acutely aware of the limited funds available to the government at this moment in time. We are therefore writing to propose a means of securing the necessary funds to facilitate, in part, a redress scheme for laundry survivors.

If you refer to the summary of our campaign (below) you will note that JFM has established and received confirmation from the Irish State that it was indeed complicit in the abuse of women and children in Ireland's Magdalene Laundries. The question now is whether the government is prepared to take action to provide redress, reparation, and apology for its participation in this abuse?

Therefore, we write at this time to ask you as Minister for Finance to play your part in bringing about redress for Magdalene survivors. We refer to your response to a parliamentary question on 4th February 2010, in relation to the payment of taxes on behalf of women and girls who were put to work in the laundries. You stated the following:

"I am advised by the Revenue Commissioners that information submitted by businesses in regard to employee details is confidential to the businesses and employees concerned. It is not clear that the Deputy is making representations on behalf of the employer or

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employees concerned and accordingly Revenue is not in a position to provide the information requested."

On the same day, Minister Mary Hanafin also responded to a parliamentary question concerning equivalent PRSI payments, and stated that "[a]ccording to a search of the Department's records in the time available, there do not appear to be returns available in relation to any organisation or organisations, which may be collectively described as Magdalene Laundries."

Based on both responses, JFM believes that it goes to follow that no taxes were ever paid for women and girl "workers" in the Magdalene Laundries. It is JFM's assertion, therefore, that the sum total of these monies owed by the religious orders to the Revenue Commissioners would go some considerable distance towards funding a redress scheme for Magdalene Laundry survivors.

Given that we are dealing with a situation that involved a prolonged abuse of human and constitutional rights, JFM would urge you and the Revenue Commissioners to make an exception in this particular case and proceed with an investigation to ascertain if taxes were paid on behalf of women and girls confined in Magdalene Laundries. If it is established that no taxes were paid, we ask that you seek to recover these funds from the religious orders and dedicate such funds exclusively to pay, in part, for a redress scheme for Magdalene survivors.

No one has apologised to Ireland's Magdalene women; no one has owned up to the fact that what happened to them was wrong. Simply put, many survivors will chose anonymity until this situation changes. Such change requires political leadership and courage and we hope that as Minister for Finance you might take up this challenge and help move our campaign for justice forward.

Please feel free to contact us with any questions and/or concerns. Also, we would be very happy to arrange a delegation to meet with you at a time of your convenience. We look forward to hearing from you,

Yours sincerely,

James Smith
Mari Steed
Claire McGettrick
On Behalf of Justice for Magdalenes

cc: *Civil Investigations Branch, Revenue Commissioners, Block D, Ashtowngate, Dublin 15;*
Tom Kitt T.D.; Michael Kennedy T.D.

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Appendix 1 – Summary of JFM Campaign

JFM circulated draft language towards a distinct redress scheme on 2 July 2009 (copy attached below). Mr. Batt O'Keeffe, T.D., then Minister for Education and Science, rejected our proposal and asserted that that "state did not refer individuals, nor was it complicit in referring individuals to the laundries" (4 September 2009). He also referred to the Magdalene women as the "former employees of the laundries"—he later apologised for this characterisation and substituted the word "workers" for "employees" (23 September 2009).

Since late last year, JFM has met with representatives from the Department of Justice, the Department of Education, and, most recently, with the Minister for Health, Ms. Mary Harney, T.D. (on 25th March 2010). We would be happy to forward you precise details for each of these meeting if you so desire, but very briefly they have led to the following:

- The Department of Justice now acknowledges that as a result of the Criminal Justice Act, 1960, the state did refer women "On Remand" to the Sean MacDermott Street Magdalene Laundry
- The Department of Justice acknowledges that the Irish court system routinely sent women to the laundries as an alternative to a prison sentence
- Women were also placed "On Probation" by the courts at Magdalene Laundries and other religious convents
- The Department of Justice now asserts that the State was aware, as early as the Cussen Report in 1934, that there was no statutory basis for confining women in Magdalene Laundries or other religious convents
- The Department of Education acknowledges its awareness that children were confined in the Magdalene Laundries as late as 1970, as detailed in the so-called Kennedy Report
- JFM contends that the Department of Education failed in its constitutional obligation to protect *all* children in these institutions—regardless of whether they were transferred to the laundry from a State residential institution or placed there "privately"
- JFM has asked the Minister for Health to acknowledge the policy, dating back to 1933-34, whereby women giving birth to a second "illegitimate" child in a State licensed mother-and-baby home were transferred to the laundries
- JFM seeks explanation of capitation grants paid by the former Boards of Health for "problem girls" sent to these institutions—payments of £8.25 per capita per week in July 1972
- The former Minister for Family and Social Affairs, Ms. Mary Hanafin, T.D., responding to a recent parliamentary question, betrayed the fact that the laundries did not comply with the statutory requirements governing social welfare payments (4 February 2010)
- In responding to a similar question, you declined to confirm whether the women and girls who were put to work in the laundries ever paid taxes (4 February 2010)

Because of these revelations, Mr. O'Keeffe in a letter to JFM (dated 27 January 2010), finally acknowledged that because the Department of Justice "confirmed that some women were referred by the Courts to the Magdalene Laundries" he now *"accept[s] that this was the case as opposed to the position outlined in my letter of September last."*

Appendix 2 – Proposed Redress Scheme

[Circulated 2 July 2009]

Proposed Redress Scheme for Survivors of Ireland's Magdalen Laundries [Draft]

Submitted by James M. Smith and Mari Steed, on behalf of *Justice_for_Magdalenas*

- I: Aim
- II: Key Terms
- III: State Apology
- IV: State Redress Scheme

I: Aim: To establish a distinct Redress scheme for survivors of Ireland's Magdalene Laundries

II: Key Terms:

Involuntary Committal: Women (typically young girls) transferred to the Magdalene Laundry from State residential institutions, e.g., Industrial and Reformatory School.

Location: After the foundation of the State (1922), Laundries operated in Galway and Dun Laoghaire (Mercy), Waterford, New Ross, Limerick, and Cork (Good Shepherds), Donnybrook and Cork (Sisters of Charity), Drumcondra and Gloucester/Sean McDermott Streets (Sisters of Our Lady of Charity of Refuge). Bethany House in Dublin operated as a Magdalene institution for members of the Protestant community. The last Magdalene ceased operating as a commercial laundry on October 25, 1996.

Magdalene Laundry: Institutions attached to Convents operated by female religious in which incarcerated women, called "penitents," worked at laundry and other for-profit enterprises. These women were denied freedom of movement. They were unpaid for their labor. They were denied their given names. The daily routine emphasized prayer, silence, and work. Women had to be signed out of the Magdalene, and many remained to live, work, and ultimately die, behind convent walls.

Referred committal: This category includes women *referred* to the Magdalene Laundries by the Courts, typically having accepted a suspended sentence upon "voluntarily" agreeing to enter a convent for a specified amount of time. Also, includes women *referred* to the Magdalene Laundries by the Courts while on remand and awaiting trial (Criminal Justice Act, 1960).

Religious Congregations: The Sisters of Mercy, The Sisters of Our Lady of Charity of Refuge, The Sisters of Charity, The Good Shepherd Sisters

State: Government of the Saorstát and later the Republic of Ireland.

"Voluntary" Committal: Woman (of any age) deposited at the Magdalene Convent by a family member, employer, social worker, Gardai, local doctor, etc.

III. Elements of a State Apology

The state apologizes for its failure to protect adequately the constitutional rights of citizens committed to the nation's Magdalene Laundries. The State acknowledges that it failed to protect the Magdalene women's basic human rights (regardless of whether they were committed voluntarily, involuntarily, or referred), rights guaranteed to other citizens.

In particular, the State apologizes to those young women involuntarily committed to the Magdalene Laundries, especially to girls transferred from state-licensed residential institutions directly into the Magdalene Laundries. The State will statutorily guarantee access for these victims of institutional abuse (up to the age of 21 years of age upon committal) in accordance with the Residential Institutions Redress Act (2002) and any subsequent amending legislation.

The state acknowledges that the Magdalene Laundries were punishing and abusive in nature, and that the state failed to insist that these institutions comply with various legislative measures ensuring workers' rights (e.g., a working wage, safe work conditions, hours of work per day and per week, vacation time, etc.).

The state acknowledges that it failed to ensure some measure of regulation and inspection of these institutions, which although owned and operated by Catholic Religious Congregations, were routinely used by the Courts for women found guilty of certain crimes and or for women on remand and awaiting trial. In doing so, the State apologizes to women committed to the Magdalene institutions having been referred through the state's judicial system.

The state acknowledges and apologizes for its complicity in the abuse of all women in the Magdalene Laundries by virtue of its ongoing support of the religious congregations operating these institutions, e.g., by providing lucrative contracts of laundry from prisons, hospitals, the military, etc., and by consistently referring a labor force to the laundries via the courts.

Finally, the state urges the four religious congregations directly involved in operating the laundry institutions, the Catholic hierarchy who oversaw the congregations, and the families of those women committed to the Magdalene Laundries, to issue their respective apologies for the abuse, mistreatment, and abandonment of these women.

IV: Elements of a State Redress Scheme for Victims and Survivors of the Magdalene Laundries

The nature of the State's relationship to the Magdalene Laundries was different to that of the so-called residential institutions. At no time did the State license, regulate or inspect the Magdalene Laundries. Oversight and management always remained in the hands of the religious congregations and the local members of the Catholic hierarchy. The Laundry enterprise, and related enterprises, was always operated on a for-profit basis. But because of the charitable status of the enterprise these laundry institutions were exempt from certain provisions of the Companies and Factory Acts.

Despite these differences in the nature of its relationship to the Magdalene Laundries, the State recognizes its historic failure to intervene and adequately protect the women in these institutions by supporting the following measures:

- The State will establish a Trust fund for reparation in lieu of wages not afforded to workers during their respective incarceration. The State urges the Religious orders to contribute equal monies to this Trust.
- The State will provide a pension for survivors of the Magdalene Laundries upon reaching the age of 65 years.
- The State will provide aid in the form of housing assistance to survivors in need. In particular, the State will assist women still in the care of the religious congregations who, if given the opportunity, would seek alternative independent living arrangements.
- The State will provide medical assistance to survivors in need. It will also help fund counseling for survivors and their families in dealing with their experiences of institutional abuse.
- The State will make available through appropriate means all available records for women committed to the Magdalene Laundries (voluntarily, involuntarily, referred) and ensure access to such records by family members seeking to trace their family history. The State encourages the Religious Congregations to make available their records as part of the same scheme. In particular, the State commits to work with Adoption Ireland and similar agencies to facilitate search and reunion of family members directly impacted by the Magdalene Laundries.
- The State will sponsor an oral history project to record and archive the experiences of women committed to the Magdalene Laundries as well as members of the religious congregations and other parties interested in participating.
- The State recognizes that due to recent property development and financial concerns on the part of the religious congregations, the buildings of the former Magdalene Laundries are quickly disappearing. The State will fund an appropriate national memorial to commemorate the Magdalene Laundries and the women confined therein. In doing so the State is committed to protect against the erasure of this chapter in the nation's history.
- The State will fund the upkeep and maintenance of Magdalene burial plots, and will work with the religious orders to erect suitable memorial stones, as well as to ensure the complete accuracy of such memorials. The State will amend language on burial memorial stones which refer to the Magdalens as "penitents," "residents," "sinners," etc.
- The State will conduct a criminal investigation of the exhumation of human remains from the burial plot at High Park Magdalene Laundry in Drumcondra to determine precise details related to the additional sets of human remains discovered and the irregularities related to missing death certificates for those involved. It will likewise demand information from the religious congregations related to similar exhumations in Galway, and at other convents housing former Magdalene Laundries.
- The State commits to re-examine legislation (e.g., The Factory Acts, Companies Act, Charities Act, Adoption Acts, Redress Acts, Criminal Justice Acts, etc.) to ensure that they comply with the proposed Magdalene Survivors Redress Scheme.