

IHRC Conclusions and Recommendation to Government

Conclusion 1

A large number of women and girls entered laundries, including Magdalen Laundries in the Twentieth Century, continuing a pre-existing practice. These laundries were run by Religious Orders, mostly Roman Catholic.

Conclusion 2

The available public records are poor and incomplete

Conclusion 3

Women and girls entered the Laundries via different routes: through the Courts system having a suspended sentence, being on remand or probation, or “informally” through referrals by families, voluntary or religious bodies, other State and non-state actors or through self-referral. Those entering were often unmarried mothers whose babies were put up for adoption but also women and girls who had committed serious crimes such as infanticide.

Conclusion 4

For those women and girls who entered following a Court process (in particular those on probation or remand) there was clear State involvement in their entry to the Laundries.

Conclusion 5

The treatment of these women and girls by the Religious Orders appears to have been harsh. They were reputedly forced to work long hours. Their names were often changed to a religious name, they were isolated from society and the girls were allegedly denied educational opportunities. The then Minister for Education and Science told the Oireachtas in 2001 that this treatment was abuse, that it involved an appalling breach of trust and that the victims suffered and continued to suffer.

Conclusion 6

There is no clear information on whether or how girls or women left the Laundries or if they had a choice in doing so.

Conclusion 7

Questions arise whether the State’s obligations to guard against arbitrary detention were met in the absence of information on whether and how women and girls under Court-processes left the laundries.

Conclusion 8

The State may have breached its obligations on forced or compulsory labour under the 1930 Forced Labour Convention from March 1931 and under the ECHR from 1953 in a) not suppressing/outlawing the practice in laundries particularly regarding women and girls in fear of penalty if they refused to work and b) in engaging in commercial trade with the convents for goods produced as a result of such forced labour.

Conclusion 9

The State may have breached its obligations to ensure that no one is held in servitude insofar as some women or girls in the laundries may have been held in conditions of servitude after the State assumed obligations under Article 4 of the ECHR in 1953.

Conclusion 10

The adult biological children of women and girls who subsequently entered the laundries had and still have limited facilities to trace their biological parents and establish their identity, including through the Adoption Act 2010. This situation contrasts with that in Northern Ireland.

Conclusion 11

That the burial, exhumation and cremation of known and unknown women and girls who resided in Magdalen Laundries in 1993 at High Park, Drumcondra, raises serious questions for the State in the absence of detailed legislation governing the area and any requirement that all bodies be identified and accounted for in such communal plots. Questions arise as to whether there are death certificates for all those buried in those locations, and whether their remains were properly preserved and reinterred. Similar questions may arise in relation to other communal plots.

Conclusion 12

That vaccine trials of children in Mother and Babies homes did occur (at least 58 cases as found by the Commission to Inquire into Child Abuse), but that inquiry was enjoined following judicial review proceedings in 2004 and not recommended on a proper footing.

Recommendation to Government:

That in light of its foregoing assessment of the human rights arising in this Enquiry request and in the absence of the Residential Institutions Redress Scheme including within its terms of reference the treatment of persons in laundries including Magdalene Laundries, other than those children transferred there from other institutions; that a statutory mechanism be established to investigate the matters advanced by JFM and in appropriate cases to grant redress where warranted.

Such a mechanism should first examine the extent of the State's involvement in and responsibility for:

- The girls and women entering the laundries
- The conditions in the laundries
- The manner in which girls and women left the laundries and
- End of life issues for those who remained.

In the event of State involvement/responsibility being established, that the statutory mechanism then advance to conducting a larger-scale review of what occurred, the reasons for the occurrence, the human rights implications and the redress which should be considered, in full consultation with ex-residents and supporters' groups.

Notes to Editor on JFM Campaign:

JFM is a survivor advocacy group working to bring about (i) an apology from Church and state, and (ii) the establishment of a distinct redress scheme for all survivors of Ireland's Magdalene laundries.

No one has apologized for the abuse suffered in these particular institutions, not Church, not State, not families, not the wider society. Consequently, these women—the majority of whom are elderly and aging—are denied restorative justice.

The Magdalene laundries were excluded from the state's Residential Institutions Redress Act, 2002. Consequently, Magdalene survivors are denied redress when they apply to the Residential Institutions Redress Board.

Historical Context

- Magdalene Laundries were institutions operated by nuns in which women, called "penitents," worked at laundry and other for-profit enterprises

- these women were denied freedom of movement, they were never paid for their labour, and they were denied their given names and identities
- the daily routine emphasized prayer, silence, and work
- Women had to be signed out of the Magdalene or have a “position” to go to
- many remained to live, work, and ultimately die, behind convent walls
- after 1922, Magdalene Laundries were operated by The Sisters of Mercy (Galway and Dun Laoghaire), The Sisters of Our Lady of Charity (Drumcondra and Sean MacDermott Street, Dublin), the Sisters of Charity (Donnybrook and Cork), and the Good Shepherd Sisters (Limerick, Cork, Waterford and New Ross)
- these four orders also managed State residential institutions, in some cases on the same convent campus. All four are members of CORI
- the last Magdalene ceased operating as a commercial laundry on 25 October 1996
- the Nuns will not release records for women entering the laundries after 1 January 1900. Therefore there is no detailed accurate information regarding numbers involved
- JFM recognizes at least five distinct groups within the survivor community: those now speaking out and de-manding justice, those living in silence due to the ongoing shame/stigma, those dependent on and living in the “care” of the religious congregations, victims who have died—many of whom are buried in incorrectly marked mass graves, and the adopted children/families of former Magdalene women

JFM’s Campaign to Establish State Complicity

Mr. Batt O’Keeffe, T.D., then Minister for Education and Science, rejected JFM’s proposal for an apology and dis-tinct redress scheme on 4 September 2009. He claimed:

- the state is only liable for children transferred from residential institutions
- the laundries were privately owned and operated
- the state did not refer individuals nor was it complicit in referring individuals to the laundries

JFM does not refute the assertion that the laundries were privately owned and operated. We contend, however, that the State was always complicit in their operation. Moreover, this complicity, along with the State’s conscious failure to regulate or inspect the laundries, breached the Magdalene women’s constitutional rights and their rights under the European Convention on Human Rights, and further violated the State’s obligations under several other international treaties to prevent and suppress slavery and forced labour. JFM has met with the Departments of Jus-tice (twice), Education, and Health, and we have corresponded with the Departments of Social Protection, Finance, and Defense.

JFM asserts that the Irish State:

- was aware of the nature and function of the Magdalene laundries
- was aware that there was no statutory basis for the use of the laundries by the courts as an alternative to a prison sentence
- was aware that there was no statutory basis for the use of the laundries by the courts for placing women and young girls “On Probation”
- enacted legislation to enable the use of the Sean McDermott Street Magdalene laundry as a remand home
- was aware that children and adolescent girls were confined in the laundries as late as 1970, and that these “vol-untary” placements were in addition to children transferred to the laundries from State residential institutions
- maintained a “special provision” whereby women giving birth to a second child outside marriage at a Mother-and-Baby or County Home could be transferred directly to a Magdalene laundry
- paid capitation grants to Magdalene Laundries and other religious convents for the confinement of

“problem girls,” girls “on probation,” and girls “on remand” and yet it maintains that these were “private and charitable” institutions

- never inspected, licensed or certified these homes as “Approved” institutions, rather referred women and young girls into these institutions based on the assumption that the religious congregation would care and provide for them
- has yet to produce a single record for any woman or young girl, or the children born to these women and young girls, referred to the laundries by State agencies
- refuses to admit its complicity in referring women to the Magdalene laundries
- refuses to acknowledge its failure to protect women’s constitutional rights
- refuses to apologize for its role in referring women to the laundries and therefore impedes “restorative justice” for this population of institutional survivors
- refuses to enter into discussions with the Catholic hierarchy and/or the relevant religious congregations in an effort to produce records
- refuses to establish a distinct redress scheme as outlined by JFM
- JFM’s Campaign to Engage the Catholic Religious Congregations

JFM met with Cardinal Sean Brady in June 2010. Cardinal Brady characterised JFM’s presentation as “fair” and “balanced.” And, as reported by the Irish Times, he encouraged JFM to “continue its efforts to establish dialogue and a process of justice and healing for all concerned.”

On the Cardinal’s recommendation, JFM wrote to Sr. Marianne O’Connor, CORI’s Director General, on 9 July 2010 and requested the opportunity to present its campaign before CORI’s executive board.

On 1st October 2010, Sr. O’Connor informed JFM that CORI will not meet with the group. Rather, she directed the group to contact the respective religious congregations directly, explaining that “while CORI is an umbrella organisation for religious Congregations each retains its autonomy and management of its own affairs.”

JFM has written to the four religious congregations on three separate occasions in the past year (13 November 2009, 2 April 2010, and 11 June 2010). On each occasion JFM shared information related to its ongoing campaign and requested a meeting. To date, none of the congregations are willing to meet with JFM.

Further information about our campaign can be found at www.magdalenelaundries.com