

Justice for Magdalenes

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Proposed Restorative Justice and Reparations Scheme

Submitted on behalf of Justice for Magdalenes (JFM)

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[Draft] 27-3-2011

Proposed Restorative Justice and Reparations Scheme (27-3-2011)

This proposal reflects consultation between Justice For Magdalenes (JFM) and women who were detained in Magdalene institutions (including individual women living in Ireland and the US, as well as women in the Irish Women Survivors Support Network located at the London Irish Center).

This draft supersedes the Proposed Distinct Redress Scheme circulated on 3 July 2009

Summary:

Women who spent time in Ireland's Magdalene laundries endured institutional abuse, defined as wrongful and unlawful detention, inhuman and degrading treatment, and enforced labour and servitude. They are asking for the following:

- An official apology from the State and a personal apology from the respective religious congregations and the Irish Catholic hierarchy
- Reparation commensurate with the extent of the women's experience of abuse at commercial, for-profit, businesses. Lump sum compensation payment to be paid directly to the women or their nominated representative(s)
- A pension determined in accordance with the Irish state pension and *inclusive* of years worked in the laundries
- The return of all personal, medical, and detention records
- Entitlement to compensation determined *solely* on the basis of having spent time in a Magdalene laundry
- Not to be included in any proposed extension of the Residential Institutions Redress Act (2002) due to its judicial and adversarial nature. Such a process would prove distressing and traumatic, especially in view of the women's age and experience.

Proposed Restorative Justice and Reparations Scheme:

- I: Aim
- II: Apology
- III: Reparation Scheme, Pensions & Records
- IV: Services/Memorials/Education
- V: Key Terms

I: Aim: To provide restorative justice, including an apology, reparation, and services to women who spent time in Ireland's Magdalene Laundries

II. Elements of a State Apology

The state apologizes for its failure to protect adequately the constitutional and human 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, and/or illegally detained in, the Magdalene Laundries, including girls transferred from state-licensed residential institutions directly into the Magdalene Laundries.

The state acknowledges that the Magdalene Laundries were punishing and abusive in nature, that incarceration in the laundries inflicted degrading and inhumane treatment on women and young girls, and that the state failed to insist that these institutions comply with various constitutional, legislative, international labour, and human rights measures to which the State was party.

The state acknowledges that it failed to ensure any measure of regulation and inspection of these institutions, which although owned and operated by Catholic Religious Congregations, were routinely used by the judicial system and other State bodies, e.g., the Department of Education, the Department of Health and the Health Services, and by the Police (An Garda Síochána). In doing so, the State apologizes to women committed to the Magdalene Laundries through the States judicial system and via other government bodies.

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, schools, etc., by consistently referring a labour force to the laundries via the courts, and by providing capitation grants after 1960.

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.

III: Reparations Scheme, Pensions & Records

The State recognizes its historic and unlawful failure to intervene and adequately protect the women in these institutions from abusive conditions, specifically from wrongful and unlawful detention, inhuman and degrading treatment, and forced labour and servitude. At no time did the State license, regulate or inspect the Magdalene laundries. The laundry enterprise, and related enterprises, was always operated on a for-profit basis.

Reflecting these historic failures:

- The State will establish a reparations scheme for women who spent time in the laundry institutions, providing compensation in lieu of unpaid wages and in recognition of the women's experience of the aforementioned abusive conditions. In view of the women's age and fragility, access to compensation should not entail a legal, adversarial process. Entitlement should be determined solely on the basis of having spent time in Magdalene institutions, which by definition were abusive.
- The State will provide a pension for survivors of the Magdalene institutions upon reaching the age of 65 years and payable for the remainder of their lives. This pension will be determined in accordance to the state's contributory pension scheme but take into account the lost contributory payments statutorily required under the 1953 legislation but never withheld nor submitted on the women's behalf by the religious congregations.
- 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 the women and/or by family members seeking to trace their family history. In particular, the State commits to work with Adoption Rights Alliance and similar agencies to facilitate search and reunion of family members directly impacted by the Magdalene laundries.
- The State will not extend the Residential Institutions Redress Scheme to include survivors of the Magdalene laundries. Likewise, the state will not include survivors of the Magdalene laundries in any Trust Fund. Neither are viable alternatives to the reparations scheme (defined above), given the age and fragility of this population of survivors.
- The State will not impose a "gag" order on women who receive compensation through the reparations scheme. Likewise, the women will not surrender any legal entitlement to initiate court proceedings in cases of individual physical, sexual and/or emotional abuse.
- The State will revisit the 2002 Indemnity Agreement with the religious congregations, to allow for subsequent revelations about church abuse towards women and children under their "care."

IV: Additional Services: Records/Memorials/Education

- 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. Moreover, in the case of women not presently living in Ireland but who wish to return to live in Ireland, the State will provide assistance and a legislative entitlement to obtain appropriate social housing in Ireland.

- 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 extend the existing Education fund to include women who were incarcerated in Magdalene Laundries and their families.
- 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 women 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.

V: Key Terms:

Involuntary Committal: Women (typically young girls) transferred to the Magdalene Laundry from State residential institutions, e.g., Industrial and Reformatory School. It also includes women unlawfully detained, unlawfully held against their will and without any reference to a Court, and without any reference to known family, women and girls who were abducted from their lives by organisations such as the Legion of Mary, women and young girls who may simply have been detained via internal arrangements between various Religious Congregations.

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). Other religious convent-run laundries should also be included in this scheme, e.g., Henrietta Street, Stanhope Street, etc. Bethany House in Dublin operated as a Magdalene institution for members of the Protestant community and should be included in any such scheme. 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 labour. 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. Additionally, it includes women *referred* to the Magdalene Laundries by the Courts on probation and/or on remand and awaiting trial (Criminal Justice Act, 1960). It also includes women referred by the various Health and Education services, and women brought to and/or returned to the laundries by members of the Gardai Síochána.

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: Women (of any age) deposited at the Magdalene Convent by a family member, employer, local doctor, etc.

Submitted on behalf of Justice for Magdalenes (JFM).