

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

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

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 Magdalen Laundries

II: Key Terms:

Involuntary Committal: Women (typically young girls) transferred to the Magdalen 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 Magdalen institution for members of the Protestant community. The last Magdalen ceased operating as a commercial laundry on October 25, 1996.

Magdalen 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 Magdalen, and many remained to live, work, and ultimately die, behind convent walls.

Referred committal: This category includes women referred to the Magdalen 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 Magdalen 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 Magdalen 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 Magdalen Laundries. The State acknowledges that it failed to protect the Magdalen 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 Magdalen Laundries, especially to girls transferred from state-licensed residential institutions directly into the Magdalen 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 Magdalen 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 Magdalen 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 Magdalen 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 Magdalen 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 Magdalen Laundries

The nature of the State's relationship to the Magdalen Laundries was different to that of the so-called residential institutions. At no time did the State license, regulate or inspect

the Magdalen 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 Magdalen 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 Magdalen 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 Magdalen 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 Support Network of Ireland (ASNI) and similar agencies to facilitate search and reunion of family members directly impacted by the Magdalen Laundries.
- The State will sponsor an oral history project to record and archive the experiences of women committed to the Magdalen 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 Magdalen Laundries are quickly disappearing. The State will fund an appropriate national memorial to commemorate the Magdalen 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 Magdalen 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 Magdalen 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 Magdalen 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 Magdalen Survivors Redress Scheme.