

For Immediate Release, 6th June 2011

JFM welcomes UN Committee recommendation for statutory inquiry and redress for Magdalenes, prosecution and punishment of perpetrators

The UN Committee Against Torture (UNCAT) today issued its “[Concluding Observations](#)” following the first examination of the Irish State under the UN Convention Against Torture. The Committee reiterated its calls for an independent investigation into the Magdalene Laundries abuse and redress for the women who suffered. It also recommended that the State “**prosecute and punish the perpetrators with penalties commensurate with the gravity of the offences committed.**”

Justice for Magdalenes (JFM), the survivor advocacy group, is now calling on the Irish State to act immediately on foot of UNCAT’s recommendations and issue a formal apology to all survivors of the Magdalene Laundries and immediately establish a statutory inquiry into these abuses.

JFM’s submission to UNCAT, written by Maeve O’Rourke (Harvard Law School 2010 Global Human Rights Fellow), and which includes testimonies from four women who spent time in the Laundries, highlights the continuing degrading treatment that survivors are suffering today because of the government’s ongoing failure to apologise, investigate and compensate for the abuse.

At the examination in Geneva on 24th May 2011, acting UNCAT Chairperson Felice Gaer, questioned the government’s statement that “the vast majority of women who went to these institutions went there voluntarily, or if they were minors, with the consent of their parents or guardians”. (Links to videos below)

She said, “We had testimony about locked doors and people being captured by the police and returned to the institutions - so there’s State involvement as well.” She added, “There were physical barriers and there seems to have been an intent to confine people” and she stated “I think ‘voluntary’ means that one makes a choice; I think that ‘voluntary’ means that one is informed; I think that ‘voluntary’ means that one is then free to leave. I think it means that there is nothing coercive in this context.” She asked, “Can you identify any examples of efforts by State authorities to inspect or regulate these facilities? Were they exempt from standards? And can you tell us what means were taken to ensure that there were no acts or omissions that amount to torture?”

James Smith, Associate Professor at Boston College and a member of JFM’s Advisory Committee, said, “Today’s UN recommendation undermines the government’s argument that this abuse happened ‘a considerable time ago in private institutions’. It rebuts the State’s assertion that the ‘vast majority’ of women entered the Laundries ‘voluntarily’. And, it underscores that the State’s own definition of torture includes the crime of omission with respect to ensuring due diligence to prevent torture. The State failed the women and young girls in the Laundries, and now the UN is saying not only that Ireland can, but that it must, make *right* its own history in this regard.”

Maeve O’Rourke, who presented JFM’s submission to the Committee, said: “The UN torture committee has added its voice to the Irish Human Rights Commission’s to remind the Irish government that the women who spent time in Magdalene Laundries have human rights which demand respect today. Having suffered torture or ill-treatment, in which the state directly participated and which it knowingly failed to prevent, the women have the ongoing right to an investigation, an apology, redress and treatment with dignity. I am hopeful that, before it is too late, the government will honour its obligations to these women who suffered such injustice in the past.”

JFM Co-ordinating Committee Director Mari Steed said “Magdalene laundry survivors currently receive no pension reflecting the years they worked for no wages. Many of the women suffer long term physical effects from years of hard labour in the Laundries. All of the women speak of the psychological trauma of their experiences in the Laundries, in many cases the trauma of arriving in a laundry as young girls has stayed with them throughout their lives. We call on the Minister for Justice to implement a scheme in line with the ‘Restorative Justice and Reparations Scheme’ submitted to Mr. Shatter in March by JFM. UNCAT committee member Nora Sveaass commended JFM for this scheme, saying that the State should look at it more closely.”

[ENDS]

Note to Editors: (i) For a copy of the UNCAT recommendation, see below

(ii) For summary of JFM’s campaign, see below or visit: www.magdalenelaundries.com

(iii) Links to UNCAT videos, see below

(iv) National Counselling Service Contact Numbers, see below

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(i) United Nations Committee Against Torture, “Concluding Observations”

Committee against Torture
Forty-sixth session
9 May-3 June 2011

Consideration of reports submitted by States parties under article 19 of the Convention

ADVANCED UNEDITED VERSION

Concluding observations of the Committee against Torture

Ireland

Magdalene Laundries

22. The Committee is gravely concerned at the failure by the State party to protect girls and women who were involuntarily confined between 1922 and 1996 in the Magdalene Laundries, by failing to regulate their operations and inspect them, where it is alleged that physical, emotional abuses and other ill-treatment were committed amounting to breaches of the Convention. The Committee is also expresses grave concern at the failure by the State party to institute prompt, independent and thorough investigation into the allegations of ill-treatment perpetrated on girls and women in the Magdalene Laundries. (articles 2, 12, 13, 14 and 16)

The Committee recommends that the State party should institute prompt, independent, and thorough investigations into all allegations of torture, and other cruel, inhuman or degrading treatment or punishment that were allegedly committed in the Magdalene Laundries, and, in appropriate cases, prosecute and punish the perpetrators with penalties commensurate with the gravity of the offences committed, and ensure that all victims obtain redress and have an enforceable right to compensation including the means for as full rehabilitation as possible.

(ii) Justice For Magdalenes (JFM) Campaign Summary

JFM is a survivor advocacy group working to bring about a “Restorative Justice and Reparations Scheme,” including an apology and redress, for all survivors of Ireland’s Magdalene Laundries.

No one has apologized for the abuse suffered in these particular institutions.

The Magdalene laundries were omitted from the Residential Institutions Redress Act, 2002, and consequently the Residential Institutions Redress Board excludes Magdalene survivors.

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
- 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)
- all four Congregations are members of CORI and also managed State residential institutions
- the nuns do not release records for women entering the Laundries after 1 January 1900
- the last Magdalene ceased operating as a commercial laundry on 25 October 1996.

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 distinct 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 contends that the State was always complicit in the Laundries' operation. Moreover, this complicity, along with the State's omission of due diligence to regulate or inspect the Laundries, breached the Magdalene women's constitutional and human rights.

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 courts' use of the Laundries
- enacted legislation to enable the use of one laundry as a remand home
- was aware that children and adolescent girls were confined in the Laundries as late as 1970
- maintained a "special provision" whereby women giving birth to a second child outside marriage at a Mother-and-Baby could be transferred directly to a Magdalene laundry
- paid capitation grants to Magdalene Laundries for the confinement of "problem girls"
- never inspected, licensed or certified these homes as "Approved" institutions
- has yet to produce records for the women it referred to the Laundries
- 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.

JFM's Campaign to Engage the Catholic Religious Congregations

JFM met with Cardinal Sean Brady in June 2010. He characterised our 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. On 1st October 2010, Sr. O'Connor informed JFM that CORI would not meet with the group.

JFM has written to the four religious congregations on four separate occasions. To-date, none of the congregations are willing to meet with JFM.

JFM's Submission to the Irish Human Rights Commission (IHRC)

JFM submitted an inquiry application to the IHRC in June 2010. The submission focused on the State's obligation to protect the women's constitutional and human rights despite the fact that the abuse took place in "private institutions."

The IHRC *Assessment*, published on 9 Nov. 2010, concluded that there was significant evidence that the State failed to protect women and young girls from "arbitrary detention," "forced and compulsory labour," and "servitude." The *Assessment* recommends "that a statutory mechanism be established to investigate the matters advanced by JFM and in appropriate cases to grant redress where warranted."

Taoiseach Brian Cowen referred the IHRC *Assessment* for review to the Office of the Attorney General last. JFM is still waiting for the government's official response.

JFM's Submission to the UN Committee Against Torture (UNCAT)

JFM made a formal submission to UNCAT as part of the first ever examination of Ireland on 23 and 24 May 2011. The submission, including four survivor testimonies, highlights the continuing degrading treatment that the Magdalene women are suffering today because of the government's ongoing failure to apologise, investigate and compensate for the abuse.

During the UNCAT examination, Committee members insisted that the State has an obligation to conduct an independent investigation into abuses in the Laundries as stipulated by Articles 12 and 13 of the Convention, and to ensure that survivors obtain redress in accordance with Article 14.

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

(iii) Videos:

UNCAT Session 23rd May 2011

Rapporteur Myrna Kleopas:

<http://www.youtube.com/watch?v=P8wh4UsTMfE>

Rapporteur Kleopas (including Ryan Report):
<http://www.youtube.com/watch?v=OSLsE-oENW4>

Committee Member Nora Sveaass
<http://www.youtube.com/watch?v=LcZjOj-pKf8>

UNCAT Session 24th May 2011

Acting Chairperson Felice Gaer
<http://www.youtube.com/watch?v=YsUMPiFjUuk>

Rapporteur Myrna Kleopas:
<http://www.youtube.com/watch?v=3W63GPJPCOU>

Committee Member Nora Sveaass
<http://www.youtube.com/watch?v=PVRWbBW7NQA>

Committee Member Xuexian Wang
<http://www.youtube.com/watch?v=3u6P8Xz6PGQ>

Sean Aylward initial response:
<http://www.youtube.com/watch?v=tSrDbeO5wYs>
Sean Aylward additional comments:
<http://www.youtube.com/watch?v=M9YfCVI3mUs>

(iv) National Counselling Service

The National Counselling Service was set up by the HSE to provide counselling services (free of charge) to adults who have experienced child abuse, with priority given to adult survivors of institutional abuse in Ireland.

North East	1800 234 117
North Dublin	1800 234 110
North West	1800 234 119
West	1800 234 114
Mid-west	1800 234 115
Midlands	1800 234 113
Dublin South West/Kildare/West Wicklow	1800 234 112
South Dublin & East Wicklow	1800 234 111
Kerry & Cork	1800 234 116
South East	1800 234 118