

Press Release, 24 May 2011—For Immediate Release

UN Committee reiterates call for independent investigation and redress for Magdalene Laundry abuses

The UN Committee Against Torture (UNCAT) today repeated its requests for an independent investigation into the Magdalene Laundries abuse and redress for the women who suffered.

During the same UNCAT session today, the Irish government was responding to a series of questions asked yesterday as part of the examination by the United Nations Committee Against Torture (UNCAT) in Geneva, Switzerland. Mr. Seán Aylward, Secretary General, Department of Justice and Equality, and Head of the Irish Delegation, began by responding to questions about the government's failure to investigate and provide redress for abuses in Ireland's Magdalene Laundries.

Mr. Aylward repeated his assertion to the Committee yesterday that these abuses happened a considerable time ago in private institutions. He argued that the Department had received no complaints of criminal offences from laundry survivors. He said that the majority of women entered the laundries voluntarily, and if they were minors, with the consent of parents or guardians. He added that only one institution in Dublin was used as a remand centre, and in those cases, the period of detention lasted only a matter of days in most cases. He also claimed that this institution was subject to inspection and that there is no evidence of mistreatment in these cases. Mr. Aylward concluded his comments on this issue by informing the Committee that the government is considering how to deal with the issue, and that he cannot anticipate how it will decide to respond.

In her response to Mr. Aylward's statement, Madame Myrna Kleopas, the Committee's Deputy Rapporteur, reiterated that it is the responsibility of the State to investigate abuses in the Magdalene Laundries under Articles 12 and 13 of the Convention and to find ways to ensure redress for survivors under Article 14. She said:

"Let me again repeat my position, and I think the position of this committee, about the intention of the state party to investigate allegations of ill treatment by [sic] women who were incarcerated in the laundries – that again – it's within context of Articles 12 and 13. You said yourself that even your definition of torture contains the element of omission and this is again one of those cases where the state party might have failed to exercise due diligence to protect these people.

And in view of the evidence that we have ... I think it is the responsibility of the state party to investigate and also to find ways to ensure that these women do obtain redress within the context of Article 14."

Acting chairperson of the Committee, Felice Gaer, refuted Mr. Aylward's assertion that these abuses happened a long time ago and therefore couldn't be put right. She emphasised that the Committee had addressed similar issues in Japan, Algeria, Cyprus and Canada, and that the Committee is concerned with the prevention of such abuse in the future, in accordance with Article 10 of the Convention (on education about the prohibition of torture).

Ms. Gaer highlighted the state's obligations under Article 12 to investigate allegations of torture or ill treatment and Article 13 to ensure the right of victims to complain. She underscored that Article 14 of the Convention obliges the state to ensure that a victim of torture or ill treatment obtains redress, and, responding to Mr. Aylward's argument that no women had come forward to the police, she said that Article 14 "doesn't say 'seeks' redress, it says 'obtains.'" She also stated that the Committee was concerned about the people who suffered in the Magdalene laundries, highlighting the fact that "they are alive."

Responding to Mr. Aylward's assertion that the majority of women entered the Laundries "voluntarily," Ms. Gaer asked "what is voluntary?" She then spoke at length:

"I think voluntary means that one makes a choice, that one is informed, that one is then free to leave. I think it means that there is nothing coercive..."

Do you have anything to suggest that the vast majority of women who went were aware of the conditions ... if they were aware of the procedure, if they made a choice, if they were given information ... or in the few cases of

where individuals were sent there from courts, did they receive relevant information in that instance?

Otherwise we have a situation where it seems like there was not only a ... question about consent, but also a situation where there may have been restraint on people's freedom of movement. We had testimony about locked doors and people being captured by police and returned. So there were physical barriers, and there seems to have been an intent to confine people, and it seems that people who were confined feel that they were harmed by it.

So my question is also what measures were taken to exercise due diligence, which you so clearly recognise in your laws on domestic violence, your female genital mutilation bill which says there cannot be a claim of consent, or elsewhere."

Ms. Gaer 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...?"

She added: "An act of torture may also arise from an act of omission and not just a positive act. So this appears to include failure to inspect or regulate the place where acts of torture occurred. My question is: Wouldn't this apply to the Magdalene laundries and do you see that as something that might be addressed in the coming weeks?"

Committee member, Dr. Nora Sveaass, also responded to Mr. Aylward stating that she was looking forward to the decisions to be taken by the new government in the coming weeks. She too reminded the Irish delegation that the Committee had several times in the past "asked for investigations into historical facts" in other countries and supported the "whole idea of state apologies" for such events. Finally, Ms. Sveaass underscored the importance of "opening records to see what has happened," and concluded by repeating that redress or reparation "shouldn't be dependent on 3 or 4 or 5 of these women coming forward and complaining."

Committee member, Xuexian Wang, from China also welcomed the statement that the new government will be making a decision on the issue in a matter of weeks. He added, "I hope that when you make a decision, please take into account the proposal for establishment of a statutory inquiry into this matter."

Maeve O'Rourke, who presented Justice for Magdalenes' submission to the Committee, said: "The UN Committee against Torture, along with the Irish Human Rights Commission, has taken an extremely serious view of the abuse of women and girls in the Magdalene Laundries and the state's responsibility for it. Today's comments by the Committee members unequivocally recognise the rights of the women who are still alive to an investigation, an apology, redress and treatment with dignity. I am hopeful that the Irish government will now take this opportunity to respect the human rights of these women, which for so long have been disregarded."

Professor James Smith (Boston College), member of JFM's advisory committee, said: "JFM today calls on the Irish state, to offer a formal state apology to *all* survivors of the Magdalene laundries and that the government immediately establish a statutory inquiry into these abuses. To do otherwise is to cause additional pain and suffering to the women and thereby bring further shame on our nation. The women and their children deserve justice now."

Note to Editors: JFM plans to upload YouTube segments of the above statements to its Website (<http://www.magdalenelaundries.com>) and Facebook (https://www.facebook.com/home.php?sk=group_210438695709) pages later today

Contact Details:

Claire McGettrick [PRO], 353-(0)86-3659516, clairemcgettrick@gmail.com

Maeve O'Rourke, (00) 44 74 0330 1781, maeveorourke@gmail.com

Mari Steed, (00)1-215-589-9329, mari_tee@yahoo.com

James M. Smith, (00)1-617-552-1596, smithbt@bc.edu