

Justice for Magdalenes cautiously welcomes Magdalene Inter-Departmental Committee Interim Report

Justice for Magdalenes (JFM), the survivor advocacy group, has welcomed the interim progress report of the Inter-Departmental Committee to establish the facts of State involvement with the Magdalene Laundries. The report was published yesterday by the Department of Justice, with Minister for Justice, Equality and Defence, Mr Alan Shatter TD, welcoming the co-operation the Committee is receiving from Government Departments, the religious orders and representative groups of women who were formerly resident in the Laundries. He is aware of the complexity of the task involved and notes the Committee's intention to conclude their work by mid 2012. JFM also acknowledges this work, although remains guarded on several key concerns.

Primary among the group's concerns is the Inter-Departmental Committee's stated mandate:

"The role given by Government to the Committee is a fact-finding one. The Committee is not authorised to consider or make determinations on individual complaints, or to recommend or provide redress in individual cases. The fact-finding role of the Committee also means that it will not issue or recommend apologies."

JFM accepts the Committee's "fact-finding" remit. However, it was JFM's hope that the Minister for Justice would, as a matter of urgency, move forward the discussions for "the putting in place of a restorative and reconciliation process and the structure that might be utilized to facilitate such process" (Government Statement, 14 June 2011). JFM was asked by the Minister's office in August to further develop our proposed "Restorative Justice and Reparations Scheme." We submitted the revised scheme on October 14 last. We are concerned by Minister Shatter's comments in Dail Éireann yesterday that, "The Government will not pre-empt the work of Senator McAleese's group ... When that work is complete, other issues will then be addressed."

Dr. James Smith (Boston College), a member of JFM's Advisory Committee, stated, "survivors should not be asked to wait for the completion of the Committee's work before the government address the issue of pensions or lost wages. These are legal entitlements as distinct from compensation for abuse. Many of the women are aging and elderly and deserve action on these fronts immediately. And, they deserve an immediate apology."

Maeve O'Rourke added, "the Minister needs to determine a threshold for 'state involvement with the Magdalene Laundries', short of the Committee's final report, which will warrant an apology and restorative measures. Both the IHRC and UNCAT accept JFM's evidence of state complicity. We need to move forward on the areas that will make a difference to the lives of these women in the short term."

Also of grave concern to JFM is the Committee's intention to exclude data disclosed to them by the religious orders as part of a centralised archive established by the Committee. Citing that the orders represent the relevant 'data controllers' under the Data Protection Act, the Committee maintains that "*all such records will be destroyed and/or returned to the relevant Religious Order upon conclusion of the Committee's work and publication of its Report*". JFM committee director and co-founder, Mari Steed, having recently fought for resolution of records control between the HSE and former Sacred Heart Adoption Society, sees a parallel between the two data protection issues: "Given already existing evidence of State complicity in Magdalene placements and remand of women, it is clear that the State was an 'actor' and 'subcontracted' care responsibility to the religious orders. As such, they have a mandate to retain and protect all records and must also be deemed data controllers." JFM calls on Senator McAleese, the Data Protection Commissioner and Minister Shatter to immediately clarify the situation regarding the potential destruction of records.

Dr. Katherine O'Donnell, Women's Studies, School of Social Justice, UCD and JFM Advisory Committee member said: "We also have difficulty with the use of the term "residents" and "former residents" to describe Magdalene survivors. The term "resident" implies that women and girls were there voluntarily, that they had a choice. JFM is acutely aware that this is not the case, having heard the experiences of a large number of survivors." This view was also expressed during the first examination of the Irish State at the United Nations Committee Against Torture (UNCAT) by acting UNCAT Chairperson Felice Gaer (video link below).

Justice for Magdalenes will continue its own commitment to cooperate with the Inter-Departmental Committee and hopes to offer further suggestions on academic and other research expertise to assist the Committee's work.

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Note to editors:

The debate following yesterday's Priority Questions in Dáil Éireann is available at the following link:

<http://www.kildarestreet.com/debates/?id=2011-10-25.41.0>

Link to Felice Gaer's comments about whether there was a voluntary element to the Magdalene Laundries:

http://www.youtube.com/watch?feature=player_embedded&v=YsUMPiFjUuk