

Presentation

Dáil Éireann Ad Hoc Committee

December 15, 2009

JFM: Background



- Founded in 2004
- Governed by a Coordinating Committee
- Grew out of the original Magdalene Memorial Committee (MMC), founded in 1993



JFM: Mission

- to promote and represent the interests of Ireland's Magdalene women
- to respectfully promote equality and seek justice for the women formerly incarcerated in Magdalene Laundries
- to seek the establishment of a distinct redress scheme and improvements of support as well as advisory and re-integration services for survivors

Magdalene Laundries

Historical Context

What was a Magdalene Laundry?



Magdalen Laundries were institutions—originally philanthropic but increasingly recarceral—attached to Convents operated by female religious in which women, called "penitents," worked at laundry and other for-profit enterprises

What were conditions like?



- These women were:
 - denied freedom of movement
 - never paid for their labour
 - denied their given names
- The daily routine emphasized prayer, silence, and work
- Women had to be signed out of the Magdalen
- Many remained to live, work, and ultimately die, behind convent walls

Religious Congregations



- After 1922, Magdalen Laundries were operated by
 - The Sisters of Mercy
 - The Sisters of Our Lady of Charity (of Refuge)
 - The Sisters of Charity
 - The Good Shepherd Sisters
- These orders also managed State residential institutions
- All four are members of CORI

Where were they located?



- Galway and Dun Laoghaire (Sisters of Mercy)
- Waterford, New Ross, Limerick, and Cork (Good Shepherd Sisters)
- Donnybrook and Cork (Sisters of Charity)
- Drumcondra and Gloucester/Sean McDermott Streets (Sisters of Our Lady of Charity of Refuge)
- The last Magdalen ceased operating as a commercial laundry on October 25, 1996

Magdalene Laundry Survivors: Five Groups

- Survivors speaking out and demanding justice
- Survivors living in silence (stigma)
- Survivors living in the care of the religious congregations
- Victims who have died (inside and outside the convent)
- Children and families (adoption)



How many women are involved?



The Nuns have not released records for women entering the laundries after 1900, therefore :

- No one knows how many women entered the laundries
- No one knows how many survivors are still alive
- The figure of “30,000 women” is suspect
- The figure of 200 living survivors has no basis in fact

The JFM Campaign in Context

Summer 2009

The Commission to
Inquire into Child Abuse



The Ryan Report

- Volume 3, Chapter 18 is entitled “*Residential Laundries, Novitiates, Hostels and other Out-of-home Settings*”
- The term “**Magdalene**” is never used
- The report elides the identity of the women within these institutions
- It marginalizes the abuses suffered by Magdalene survivors

Ryan Report evidence of children in the Magdalene Laundries [1 of 2]

- “I was being abused by my step-father. When I approached my mother, she went to the priest and the nuns and it was decided that I was the one to be sent off...I was put into the laundry. I was only 10.” [pg.374]
- “Seven female witness reports related to continuous hard physical work in residential laundries, which was generally unpaid. Two witnesses said that the regime was ‘*like a prison*’, that doors were locked all the time and exercise was taken in an enclosed yard. Working conditions were harsh and included standing for long hours, constantly washing laundry in cold water, and using heavy irons for many hours.” [pg. 377]

Ryan Report evidence of children in the Magdalene Laundries [2 of 2]

- “I did starching, I did priests’ cloaks, you know that long white things they wear? I did collars, you had to keep ironing them until they became real stiff. There was a little wooden thing you could stand on.” [pg. 381]
- “I was put in the middle of older and middle aged women, I cried for weeks and weeks on end, I was nobody ... I was 16.... I was locked away, working 6 days a week in the laundry and in the kitchen on Sunday.” [pg. 383]

Cherishing all children?

- The Ryan Report and the Redress Board *only* acknowledge the abuse of children transferred into the laundries from State residential institutions
- But, many other children experienced the same abusive conditions in the laundries
- Does Dáil · Éireann “cherish all the children of the nation equally”?

The JFM Campaign

Justice for all Magdalene
Survivors

Chronology



4 July 2009: JFM circulated the draft Redress Scheme to all members of Dáil Éireann

4 Sept. 2009: The Minister for Education, Mr. Batt O'Keeffe, rejected this proposal

22 Sept. 2009: JFM wrote to An Taoiseach, Mr. Brian Cowen, seeking clarification

15 Dec. 2009: To date, JFM still awaits a response to this letter.

What JFM is proposing



- An Apology
- A Distinct Redress Scheme

An Apology



- JFM contends that an apology is the crucial first step in effecting restorative justice for victims and survivors of the Magdalene laundries.
- To date, no one in Ireland has issued an apology for this specific institutional abuse.

JFM asserts that the state should:

- apologize for its failure to protect the basic human and constitutional rights of all the women and children confined in the nation's Magdalene Laundries.
- apologize to *all* young girls who lost their childhoods in these abusive institutions, whether they were abandoned to the laundry by a family member or transferred there from a residential institution.

JFM asserts that the state should:

- acknowledge that it was complicit in referring women to the Magdalene Laundries, apologize to all women so-referred, and demonstrate conclusively what became of each of these women.
- acknowledge its awareness that the laundry institutions were punishing and abusive in nature, and apologize for its failure to act on this awareness.

Parties to the apology



- JFM encourages the state to exert pressure on the four religious congregations directly involved in operating the laundries, and the Catholic hierarchy who oversaw the congregations, and the families of the women confined therein, to join with them in this apology

A Distinct Redress Scheme

- JFM acknowledges that the nature of the State's relationship to the Magdalene institutions was different to that of the so-called residential institutions
- However, both types of institutions often sat side by side, operated by the same religious congregations.
- Survivors of both shared similar experiences of physical, psychological, and sexual abuse

Elements of the Scheme (1 of 3)

- A trust fund to provide compensation in lieu of wages. The religious congregations and the Catholic Church should contribute equal monies to this Trust.
- A pension for all survivors of the Magdalene Laundries upon reaching the age of 65 years.
- Aid in the form of housing assistance for survivors in need. In particular, survivors still in the care of the religious congregations should be offered assistance in seeking alternative independent living arrangements if they so wish.

Elements of the Scheme (2 of 3)

- Medical assistance for survivors in need. Independent counseling services should be provided for survivors of institutional abuse.
- All surviving records should be made available in an appropriate manner, and immediate access should be provided to survivors and family members. Such access is crucial to the Adoption search process.
- An oral history project should be established to record and archive the experiences of survivors, family members, female religious, and other interested parties.

Elements of the Scheme (3 of 3)

- An appropriate national memorial should be erected and thereby protect against the erasure of this chapter in the nation's history. Likewise, this chapter in the nation's history should be taught as part of the State's educational curriculum.
- Magdalene burial plots must be properly maintained. The religious orders should erect suitable and accurate memorial stones, and all language referring to Magdalenes as "penitents," "residents," "sinners," etc., should be amended.
- A criminal investigation of the exhumation of human remains from the burial plot at High Park Magdalen Laundry in Drumcondra. Information from the religious congregations related to similar exhumations at other convents must be made available for investigation.

The State's Response

Limiting Liability



The state's response

- In his letter to Mr. Tom Kitt (4 September 2009), the Minister for Education, Mr. Batt O'Keeffe, T.D., rejected the JFM proposal



Mr. O'Keeffe's Rejection

- 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 Responds

- JFM wrote a letter to An Taoiseach, Mr. Brian Cowen, TD, dated 22 September, 2009
- To date, JFM has received no response to this letter

Cherishing *all* Children in Magdalene Laundries

- JFM asserts that the State had an obligation to provide for and protect all children in Magdalene laundries from institutional child abuse.
- The means by which a child ended up in a laundry—whether she was abandoned by a family member or transferred from an industrial school—is immaterial as this did not obviate the State's constitutional obligation to protect her.
- That surely is what is meant by: "cherishing all of the children of the nation equally."

JFM therefore asserts that:

- The State was constitutionally obliged to ensure that children receive a "certain minimum education" (Art. 42, sec. 3, sub. 2).
- The State was constitutionally obliged to "supply the place of the parents" in cases where parents "fail in their duty towards their children" (Art. 42, sec. 5).
- The European Convention on Human Rights (ECHR), article 13, asserts that people who were abused in institutions have a right to "an effective remedy" in the present day for abuse suffered in the past.

"Employees," "Workers," ... "Slaves"?

- The Minister initially characterised survivors as "former employees." He apologised and substituted the word "workers"
- Survivors characterize themselves as "slaves"
- If the women were "workers," then the State had a responsibility to ensure that the laundries themselves complied with the Factories Acts and Companies Acts, in terms of safe work practices, fair pay, regular work days, the right of free association, etc.
- If these women were "workers," can the Revenue Commissioners produce records of their PAYE and PRSI withholdings?

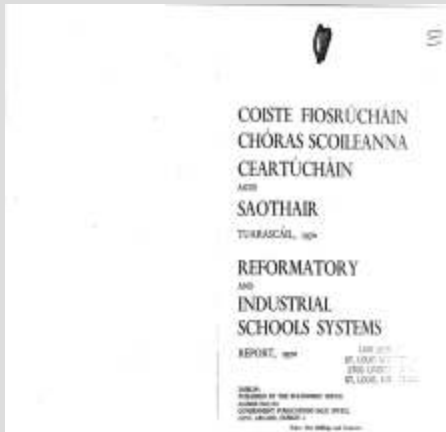
JFM therefore asserts that:

- The State was constitutionally obliged to "ensure that the strength and health of workers and the tender age of children shall not be abused and that citizens shall not be forced by economic necessity to enter a vocation unsuited to their sex, age or strength" (Article 45, sec. 4, sub. 2)
- The State is obliged to take action against any 'employer' if they broke the law



State Complicity and Collusion

- The Minister for Education asserts that the State "did not refer individuals, nor was it complicit in referring individuals to the Magdalene Laundries"
- Evidence in the national archives contradicts this contention



Children in Magdalene Laundries

- The *Reformatory and Industrial School Systems Report, 1970* (i. e., Kennedy Report) documents the State's awareness of two distinct populations of children confined in the laundries

The Kennedy Report and Reformatory Schools

- 6.18: In some cases, these girls are placed on probation with a requirement that they reside for a time in one of several convents which accept them; in other cases they are placed on remand from the courts. A number of others considered by parents, relatives, social workers, Welfare Officers, Clergy, or Gardaí to be in moral danger or uncontrollable are also accepted in these convents for a period on a voluntary basis. From enquiries made, the Committee is satisfied that there are at least 70 girls between the ages of 13 and 19 years confined in this way who should properly be dealt with under the Reformatory Schools' system (page 39).

The Kennedy Report & Industrial Schools



- The Kennedy Report asserts that there were:
"617 children ... resident in 'Voluntary Homes which have not applied for approval'" (page 12)
- Not all of these children were female, and thus not all of them refer to Magdalene laundries

The State's Awareness of Children in Magdalene Laundries

DEPARTMENT OF EDUCATION AND SCIENCE
An Roinn Oideachais Agus Eolaíochta

- The Kennedy Report underscores the State's awareness of children being confined in Magdalene Laundries
- The Report's two figures—70 and 617—offer a snapshot for the scale of the problem in 1969-1970.
- Can the Minister for Education account for each of these children?

Women transferred from State-funded Mother-and -Baby Homes



The Department of Local Government and Public Health Annual Report, 1932-33 details the State's policy of relying on Magdalene laundries to confine women with multiple births outside marriage

From Mother-and-Baby Home to Magdalene Laundry



“With regard to the more intractable problem presented by unmarried mothers of more than one child, the Sister-in-Charge of the Magdalen Asylums in Dublin and elsewhere throughout the country are willing to co-operate with the local authorities by admitting them to their institutions...The Magdalen Asylum offers the only special provision at present for this class” (129)

The State’s Awareness of Unmarried Mothers in the Magdalene Laundries



- The State was always aware that women were being transferred from State funded mother-and-baby homes into the Magdalene laundries.
- Can the Minister for Health account for every woman who entered the Magdalene in this manner?

Women referred to the Magdalene Laundries via the Judicial System



Department of Justice, Equality and Law Reform
An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

- The State's judicial system routinely referred women to Magdalene laundries, and other "Religious Homes," from the 1920s to the mid-1960s
- These women are considered "voluntary committals"
- The State knew, as early as the Cussen Report in 1936, that there was no "Statutory Basis" for this arrangement.

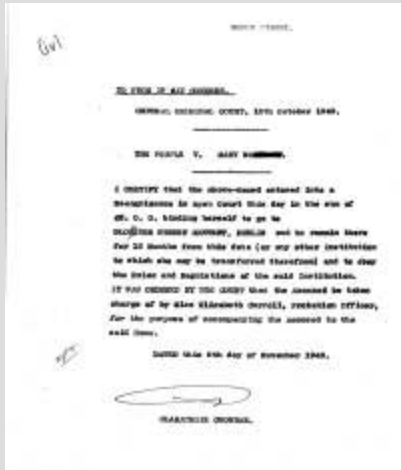
The Criminal Justice (Female Offenders) Bill, 1942

Table 2.7. Sentences in Ireland of Conviction of a Birth Control Case, Central Criminal Court Trial Record Books, 1926-1964

Sentence:	Total Cases
Magdalen Asylum (Catholic)	54
Magdalen Asylum (Protestant, Bethany Home)	4
Our Lady's Home, Harrietta Street [Sisters of Charity of St Vincent de Paul]	26
Regina Codi Hostel, Legion of Mary	1
Sea Ros Abbey, Roscrea Mother and Baby Home	1
Death penalty/Committed to penal servitude for life with hard labor	12
Prison Sentence, ranging from 6 months to 7 years, typically with hard labor	36
Guilty, but released into win recognition and keep the peace for periods up to 3 years	26
Guilty, but released into custody of father's family	2
Inmate and/or committed to mental hospital	5
Discharged	31
Discharged for marriage	1
Deported or bound over	4
Referred to High Court	1
Jury disagreed	1
Not arraigned	1
Charged/dropped	5
Total Cases	211

- A Department of Justice memorandum refers to the Judges' use of these institutions as "a makeshift practice and there are no positive means of compelling the offender to remain in the convent, if at any time she chooses to leave."

- The Department never informed the women in the laundries of this fact.



Evidence: Committal Orders

- The Central Criminal Court case files in the National Archives includes numerous committal orders issued by the courts detailing these referrals to the laundries



Evidence: Correspondence

- Some files include correspondence between Judges and convent Mother Superiors outlining the terms of incarceration
- Letters also indicate that the convents would keep the women *after* her sentence had elapsed



Evidence: Probation Officers

- The State’s probation officers escorted the women from the courts to the laundries.
- There is no record of the Probation Officers checking to ensure the women were ever released

Table 2.10: Commitals to Catholic Magdalen Asylums for Infanticide/Concealment of Births, Central Criminal Court Trial Record Books, 1928/1964

Month/Year	County	Name	Charge	Guilty	Sentence
12/26	Dublin	AD	Murder/Concealment of a Birth	Concealment of a Birth	Good Shepherd Convent, 18 months, 12 Months
1/27	Offaly	MB	Murder	Concealment of a Birth	High Park Convent, Droimscatha, 1 year
6/28	Kerry	BOK	Concealment of a Birth	Concealment of a Birth	High Park Convent, Droimscatha, 1 Year
11/28	LD	Musk	Murder	Concealment of a Birth	Magdalen Asylum, Galway, 2 years
6/29	Killbuck	MR	Concealment of a Birth	Concealment of a Birth	High Park Convent, Droimscatha, 18 months
11/29	Galway	CK	Murder	Manlaughter by Negligence	High Park Convent, Droimscatha, 2 years
11/29	Carlow	LB	Murder	Concealment of a Birth	St. Mary Magdalen Convent, Donnybrook, 2 years
2/30	Lisic	MT	Murder	Concealment of a Birth	St. Mary Magdalen Convent, Donnybrook, 18 months
6/31	Waterford	NH	Murder	Concealment of a Birth	St. Mary Magdalen Convent, Donnybrook, 2 years
5/32	Dublin	EP	Murder/Concealment of a Birth	Manlaughter	Good Shepherd Magdalen, Lamesek, 18 months
11/32	Cork	KB	Murder	Pin agreement	Good Shepherd Magdalen, Cork, 1 year
3/33	Galway	BC	Murder	Concealment of a Birth	Magdalen Asylum, Galway, 2 years
3/33	Limerick	BMG	Murder	Concealment of a Birth	Good Shepherd Magdalen, Lamesek, 1 year
10/37	Cavan	KR	Murder	Manlaughter	St. Mary Magdalen Convent, Donnybrook, 1 year
4/38	Dublin	MD	Murder/Concealment of a Birth	Manlaughter	St. Mary Magdalen Convent, Donnybrook, 2 years
11/38	Cork	BD	Murder	Manlaughter	St. Vincent Magdalen Home, Cork, 1 year
4/39	Lansford	BC	Murder	Manlaughter	St. Mary Magdalen Asylum, Donnybrook, 2 years
10/39	Wicklow	Minc	Murder	Concealment of a Birth	High Park Convent, Droimscatha, 2 years
10/40	Cavan	MR	Murder	Manlaughter	St. Mary Magdalen Asylum, Donnybrook, 2 years
11/40	Donegal	MincB	Murder	Manlaughter	High Park Convent, Droimscatha, 18 months
1/41	Dublin	BR	Murder	Manlaughter	High Park Convent

The State’s Complicity in referring women to the Magdalene Laundries

- Can the Minister for Justice account for each of these “voluntary committals” referred to the Magdalene Laundries via the judicial system?
- Did some of these women live and die behind convent walls?

Women Committed to the Magdalene laundries “On Remand”



- *The Criminal Justice Act, 1960* provided for the use of the Sean McDermot Magdalene laundry as a Remand Home
- Archbishop McQuaid facilitated this arrangement
- The Department of Finance agreed to pay capitation grants for every women so-referred to that institution.

Legislation without Regulation



- The Sean McDermot Street laundry was never licensed, inspected, or came under State regulation as an “approved” institution
- And yet, the State placed *innocent* women beyond direct State protection
- Former Magdalene women still live at this convent in the care of the nuns.

The State's Complicity in remanding women to the Magdalene Laundries



- Can the Minister for Justice account for each woman sent to Sean McDermott Street while "On Remand" from the Courts?
- Did some of these women live and die behind convent walls?

What Now?



- Next Steps

Next Steps

- The State needs to admit its complicity
- The State should apologize to all survivors
- The State should establish a redress scheme
- The State should use its position to bring the Catholic Church to the negotiating table and demand they release their records
- The State must account for every woman it was complicit in referring to the laundries

For Further Information

The Justice for Magdalenes website

www.magdalenelaundries.com

