

CAMPAIGNING IN 2011

New Government, New Directions

In a recent letter submitted to the editor of *The Irish Times* and *Irish Examiner*, JFM advisory committee member Professor James Smith encapsulates where we now stand poised to resume our two-pronged campaign:



Michael Kennedy T.D., Maeve O'Rourke (JFM), Tom Kitt T.D., Dr. Katherine O'Donnell (JFM), Kathleen Lynch T.D., Prof. James Smith (JFM), and Eamonn McAodha (CEO IHRC) at the IHRC press conference, 9 November, 2010.

“Three months ago today the Irish Human Rights Commission (IHRC) published its assessment of abuses in the Magdalene laundries. On the same day, the Taoiseach referred the report to the Attorney General for review and evaluation. Nothing has been heard since. **(read the IHRC statement on page 4)**

The outgoing government's failure to act on behalf of vulnerable citizens is part of its legacy. That the country continues in a state of economic crisis is no excuse. Political leadership is defined at precisely such moments by its ability never to lose sight of the common people and their concerns. By every measure, Mr. Cowen and his government failed that test.

The IHRC assessment outlines significant human rights violations. These include the state's obligation to protect against 'arbitrary detention,' 'forced and compulsory labour,' and 'servitude.' The report also raises important concerns related to 'end of life issues,' the vaccine trials, and adoption. The assessment concludes with an unambiguous recommendation: 'hat a statutory mechanism be established to investigate the matters advanced by JFM and in appropriate cases to grant redress where warranted.'

JFM sought an independent assessment from the IHRC only after meeting with various government departments. But, even when confronted with unassailable evidence of state complicity and collusion in the laundries, the political response was one of delay, denial, and obfuscation.

We also sought to engage the Catholic Church: Cardinal Brady encouraged JFM to continue working towards justice and reconciliation; CORI and the religious congregations rejected every offer to discuss our campaign.

No one in government was willing to bridge this divide. Ministers refused to initiate a conversation between state, religious congregations, and survivors. The outgoing government failed in this regard too.

This general election must be about more than the economic crisis, the IMF-EU bailout, the creation of jobs, and the troubling return of emigration. These are, needless to say, key political concerns at a time of unprecedented crisis for Irish society.

But, there are other issues that should be addressed throughout this election campaign. What kind of society do Irish people want? What is the role of the Catholic Church in Irish politics and society? What values do we place on protecting the human rights of all citizens? What is our ongoing obligation (moral, political, and financial) towards survivors of past institutional abuse?

JFM encourages the electorate to ask the following questions of candidates and

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How to Contact Us

You can write to us at **Justice For Magdalenes**, Crocknahattina, Bailieborough, Co. Cavan, Ireland.

You can e-mail JFM at **info@magdalenelaundries.com**.

You may also contact us by phone, in Ireland at **(353) 86 4059491**, in the US at **(1) 215-589-9329**, or in the UK at **(44) 208-346-7479**

www.magdalenelaundries.com



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canvassers on your doorsteps. Will they, and the party they represent, support justice for survivors of Ireland's Magdalene laundries and the Bethany Home? If elected, will they demand that Church and state offer an immediate apology and thereby afford some measure of restorative justice to this community of aging and elderly survivors? And, will they demand that the incoming government take up the IHRC recommendation and immediately institute a statutory inquiry into human rights violations in the nation's Magdalene laundries?

Politicians must engage with these issues as they also seek to put right the nation's economic malaise."

General Election

We have prepared a flyer, enclosed in this newsletter, and ask that all Irish citizens present it to any candidate canvassing locally, when speaking publicly in pre-election campaigns or at other opportunities. Our expectations from the next Irish government are simple:

- ◆ An official apology from the Irish State and the Catholic Church
- ◆ The establishment of a distinct redress scheme for Magdalene survivors
- ◆ Immediately adopt the IHRC recommendation to institute a statutory inquiry

Included in the flyer are thumbnails of those candidates who failed as part of the last government to address or support the fight for justice, along with links and information on how to register to vote. All candidates should be asked how and when the above goals will be achieved, and to make those goals part of their agenda. And we still await review and evaluation of the Irish Human Rights Commission's report — will this incoming government insure that the Attorney General report on this matter as soon as possible?

While we wish to continue applying political pressure leading up to and following the general election, we also wish to acknowledge and thank those in political service who have aided our advocacy. Whether forming and serving on an Ad Hoc Oireachtas committee, speaking forcefully in the Dáil on the issue, working directly with survivors in their constituency (as is the case with Kathleen Lynch), or tabling Parliamentary questions, we owe a great debt of gratitude to the following:

Tom Kitt, T.D.
 Kathleen Lynch, T.D.
 Michael Kennedy, T.D.
 Caoimhghín Ó Caoláin, T.D.
 Joe O'Toole, T.D.
 Joan Burton, T.D.
 Senator Ivanna Bacik
 Joe Costello, T.D.

Michael Creed, T.D.
 Enda Kenny, T.D.
 Ruairi Quinn, T.D.
 Alan Shatter, T.D.
 Pat Rabbitte, T.D.
 Noel Coonan, T.D.
 Bernard Durkan, T.D.



Michael Kennedy, T.D., Claire McGettrick (JFM PRO), Mari Steed (JM Director), and Tom Kitt, T.D.

To Mr. **Tom Kitt**, who is retiring from political life, we offer special thanks and he has graciously accepted an invitation to serve on our advisory committee to continue to provide his expertise and guidance in our ongoing campaign. We look forward to the ongoing relationship with he and his colleagues. Deep gratitude goes to those colleagues – **Michael Kennedy** and **Kathleen Lynch** – whose support of our mission has been unstinting.

The Face of Justice for Magdalenes

JFM would like to introduce you to a few of the faces of our committee and advisory committee. A full list and bios may be found on our website.



Mari T. Steed
Director of Technology and New Media, World Affairs Council of Philadelphia; JFM Committee director, US



Claire McGettrick
Musician; JFM Committee, PRO and co-founder; Adoption Rights Alliance, co-founder; Cavan



Angela Murphy
Project Co-ordinator; Kells Resource Centre; JFM Committee, Cavan

Advisory Committee



Judy Campbell
Adoption and survivors' rights advocate; Researcher and archivist, UK



Mary McAuliffe
Outreach Certificate and Diploma courses, Women's Studies; Postgraduate Programmes, University College Dublin



Sandra McAvoy
College of Arts, Celtic Studies and Social Sciences; Women's Studies, University College Cork



Katherine O'Donnell
Senior Lecturer, Women's Studies, University College Dublin



Sally Mulready
Labour party Councillor and Speaker, Hackney, London; survivors' advocate, UK



Maeve O'Rourke
Harvard Law School Global Human Rights Fellow at Equality Now, London



James M. Smith, Ph.D.
Assoc. Professor, English Department and Irish Studies, Boston College; author; Ireland's Magdalen Laundries and the Nation's Architecture of Containment



Despite intense media focus on the Irish political scene and economy, Justice for Magdalenes' advocates have remained busy, working to continue the momentum of the November 2010 IHRC statement. In addition to the highlights here, you can read all the latest articles, editorials, press releases and other media on our website at www.magdalenelaundries.com/news.htm.

On 25th November, JFM PRO **Claire McGettrick** attended the launch of a two-week symposium held by the **West Clare Women's Forum** entitled **16 Days of Action: Opposing Violence Against Women**. The launch featured a number of multimedia exhibits focused on the Magdalene Laundries and held a vigil in their honor. WCWF community development director **Mary Farren** read from Professor James Smith's book, *Ireland's Magdalene Laundries and the Nation's Architecture of Containment*, followed by a Q&A with Claire. Later, during the vigil, balloons were released in memory of survivors and deceased Magdalenes.



In early January, Lmerick School of Art and Design student **Evelyn Glynn** presented her work **Memory/Non-Memory – Remembering/Forgetting**, which she describes as “explor[ing] matters in relation to, and consequences of, hidden and unacknowledged histories,” including the Magdalene Laundries. The exhibit was held at the Dunmaise Arts Centre in Portlaoise, Laois.



Mari Steed (JFM) is shown with her mother Josephine during filming of 'Would You Believe?' (October 2010)

Media coverage of the 9 November 2010 IHRC statement was worldwide and intense. It included radio, TV and newsprint and can be viewed in its entirety on our website. Letters to the editor have been published throughout November and December by **James Smith** (13. Dec. 2010) and by newest JFM advisory committee member, **Councillor Sally Mulready** (Hackney, UK; 4 Jan. 2011); JFM advisory member and co-author of JFM's IHRC submission, **Maeve O'Rourke**, has seen publication of her research and commentary on the Magdalene Laundries in legal journals and on the Irish human rights website, www.humanrights.ie; and JFM committee director **Mari Steed** was recently featured in an interview with the *Sunday Irish Independent* by Donal Lynch on 14 Nov., in the 24. Jan episode of RTÉ's *Would You Believe?* series, 25 Jan. on Cork 95FM radio, interviewed by P.J. Coogan, and in an ongoing series on the mother and baby home vaccine trials by both *The Examiner* and *Irish Independent*.

We also applaud the efforts of those who advocate for the related issues involving adoption and survivors of non-Catholic residential institutions. Fellow campaigners **Derek Leinster** and **Niall Meehan**, representing survivors of **The Bethany Home**, have also been successful in moving forward their campaign for justice for survivors of that institution with letters to *The Irish Times* and *Examiner*, and with the recent appointment of the new Church of Ireland Archbishop of Dublin,

Michael Jackson, who has vowed to make their campaign a priority. And **Adoption Rights Alliance** co-founders **Susan Lohan** and **Claire McGettrick** (also of JFM) have seen successful moves forward in the civil rights campaign for adult adopted people in Ireland, with continued media coverage on this issue. There has been no further communication from the Catholic Church since CORI refused to meet with JFM, and the religious congregations have yet to respond to the IHRC statement.

This increased awareness has brought more than 1,400 signatures to our online petition campaign and more than 1,100 supporters on our Facebook group.



*Survivors of **The Bethany Home** may find more information at **Derek Leinster's** website and through his book 'Hannah's Shame' (left)*

*Adopted adults or survivors who may have lost children to adoption in and from Ireland may contact **Adoption Rights Alliance** (right).*



“It is not easy to stand outside the mainstream and to continue to press for the truth, but we know this is the way in which human rights defenders undertake their work in every country around the world. Justice for Magdalenes stands as a courageous voice for the women and girls placed in ‘Magdalen’ and other laundries and we in the Commission stand with them in that call.”

Dr. Maurice Manning, IHRC President,
9th November 2010

Conclusion 1 – A large number of women and girls entered laundries, including Magdalen Laundries in the Twentieth Century, continuing a pre-existing practice. These laundries were run by Religious Orders, mostly Roman Catholic.

Conclusion 2 – The available public records are poor and incomplete.

Conclusion 3 – Women and girls entered the Laundries via different routes: through the Courts system having a suspended sentence, being on remand or probation, or “informally” through referrals by families, voluntary or religious bodies, other State and non-state actors or through self-referral. Those entering were often unmarried mothers whose babies were put up for adoption but also women and girls who had committed serious crimes such as infanticide.

Conclusion 4 – For those women and girls who entered following a Court process (in particular those on probation or remand) there was clear State involvement in their entry to the Laundries.

Conclusion 5 – The treatment of these women and girls by the Religious Orders appears to have been harsh. They were reputedly forced to work long hours. Their names were often changed to a religious name, they were isolated from society and the girls were allegedly denied educational opportunities. The then Minister for Education and Science told the Oireachtas in 2001 that this treatment was abuse, that it involved an appalling breach of trust and that the victims suffered and continued to suffer.

Conclusion 6 – There is no clear information on whether or how girls or women left the Laundries or if they had a choice in doing so.

Conclusion 7 – Questions arise whether the State’s obligations to guard against arbitrary detention were met in the absence of information on whether and how women and girls under Court-processes left the laundries.

Conclusion 8 – The State may have breached its obligations on forced or compulsory labour under the 1930 Forced Labour Convention from March 1931 and under the ECHR from 1953 in a) not suppressing/outlawing the practice in laundries particularly regarding women and girls in fear of penalty if they refused to work and b) in engaging in commercial trade with the convents for goods produced as a result of such forced labour.

Conclusion 9 – The State may have breached its obligations to ensure that no one is held in servitude insofar as some women or girls in the laundries may have been held in conditions of servitude after the State assumed obligations under Article 4 of the ECHR in 1953.

Conclusion 10 – The adult biological children of women and girls who subsequently entered the laundries had and still have limited facilities to trace their biological parents and establish their identity, including through the Adoption Act 2010. This situation contrasts with that in Northern Ireland.

Conclusion 11 – That the burial, exhumation and cremation of known and unknown women and girls who resided in Magdalen Laundries in 1993 at High Park, Drumcondra, raises serious questions for the State in the absence of detailed legislation governing the area and any requirement that all bodies be identified and accounted for in such communal plots. Questions arise as to whether there are death certificates for all those buried in those locations, and whether their remains were properly preserved and reinterred. Similar questions may arise in relation to other communal plots.

Conclusion 12 – That vaccine trials of children in Mother and Babies homes did occur (at least 58 cases as found by the Commission to Inquire into Child Abuse), but that inquiry was injunctioned following judicial review proceedings in 2004 and not recommended on a proper footing.

Recommendation to Government:

That in light of its foregoing assessment of the human rights arising in this Enquiry request and in the absence of the Residential Institutions Redress Scheme including within its terms of reference the treatment of persons in laundries including Magdalene Laundries, other than those children transferred there from other institutions; that a statutory mechanism be established to investigate the matters advanced by JFM and in appropriate cases to grant redress where warranted.

Such a mechanism should first examine the extent of the State’s involvement in and responsibility for:

- The girls and women entering the laundries
- The conditions in the laundries
- The manner in which girls and women left the laundries and
- End of life issues for those who remained.

In the event of State involvement/responsibility being established, that the statutory mechanism then advance to conducting a larger-scale review of what occurred, the reasons for the occurrence, the human rights implications and the redress which should be considered, in full consultation with ex-residents and supporters’ groups.

Read the full text of the statement, supporting documents and speeches given at the IHRC press conference on 9 November 2010 at the IHRC website: www.ihrc.ie