



Justice for Magdalenes

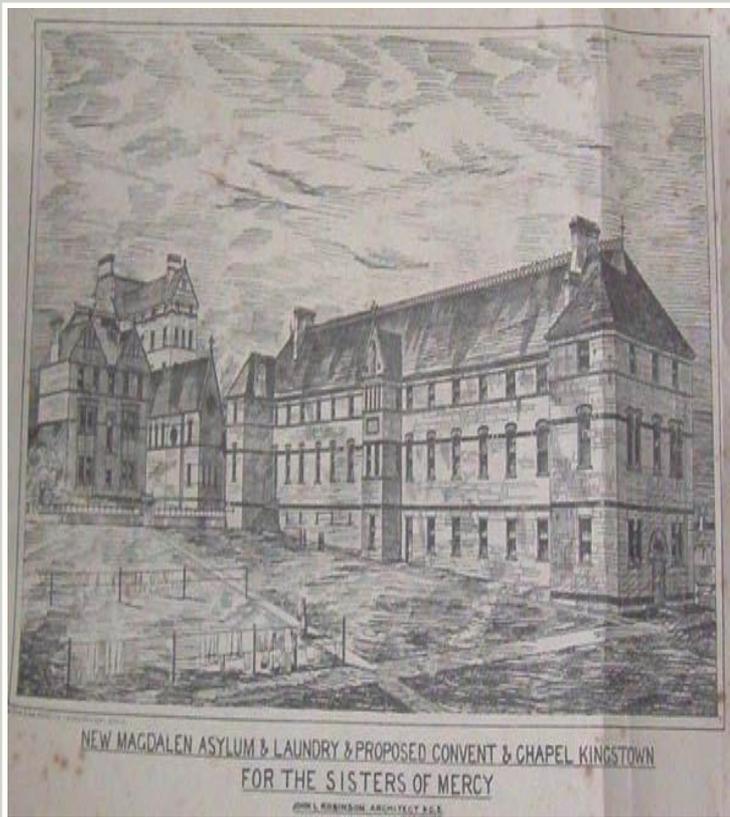
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UCD Women's Studies Centre**

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Justice for Magdalenes

What was a Magdalene Laundry?



- *Magdalene 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
- The Magdalene Asylums are neither uniquely Irish nor Catholic

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Religious Congregations



CORI

- After 1922, Magdalene 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 and party to the indemnity deal

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What were conditions like?



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

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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)
- The last Magdalene ceased operating as a commercial laundry on 25 October, 1996



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Magdalene Laundry Survivors: Five Groups

- Survivors speaking out and demanding justice
- Survivors living in silence (shame/stigma)
- Survivors dependent on the religious congregations
- Victims who have died (inside and outside the convent)



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How many women are involved?



The Nuns will not release 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

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JFM: Background

Fanny Buckley † Catherine Mulhall † Sophia Barnes † Elizabeth McKinley † Mary Kavanagh † Mary Maher † Kate Murphy † Mary F Smith † Charlotte Foster † Johanna Dunphy † Ellen Ryan † Mary Jane Grey † Kate Quigley † Elizabeth Culliton † Alicia Ennis † Mary Dunne † Elizabeth Duffy † Eliza McNally † Jane Leadon † Julia O'Brian † Elizabeth Cogan † Kate Kiernan † Mary Kelly † Emily Collins † Isabelle Clarke † Margaret Hayden † Julia Byrne † Margaret McCormack † Mary Ball † Joan Maguire † Jane Kenna † Margaret Martin † Mary Kinsella † Margaret Mary Nally † Margie Plunkett † Mary Kinsella † Julia Holmes † Bridget Masterson † Lizzie Quinn † Ellen Murphy † Martha Murray † Julie Somers † Mary Clare Farrell † Mary Ann Morgan † Alice Bolger † Katie O'Loughnane † Ann Teresa Hickey † Yvonne Mary Hertzburg † Bella Kemp † Annie Brooks † Catherine McConnell † Molly Moore † Anne Hallinan † Bridget Howe † Mary Mahan † Susan Hateman † Mary Mooney † Helena Tropey † Esther Byrne † Bella Smith † Margaret McCوران † Agnes Dunne † Elizabeth Mooney † Bridget Suple † Rose Ann Maguire † Ellen M. McKelvey † Ellie Guest † Christine Bull † Louise Grayson † Catherine Tigh † Josephine Kavanagh † Lizzie Kiernan † Mary Brehany † Edith Haven † Anne O'Connell † Elizabeth O'Connell † Elizabeth O'Harrison † Jane Murphy † Peggy Cummins † Julia Treacy † Elizabeth O'Connell † Elizabeth O'Connell † Julia McDonald † Teresa Murray † Sally Briggs † Mary White † Anne Penick † Kelly Moran † Nora Cregan † Nancy Gilbert † Tessie Fallon † Nellie Harrison † Bridget Kelly † Mary Anne Scott † Elizabeth O'Connell † Mary Wilkinson † Mary Quinn † Bridget Doody † Julia Kelly † Christian O'Brien † Phylomena Doyle † Elizabeth O'Connell † Margaret Diamond † Sarah Bennett † Ann Carroll † Sarah Hamilton † Elizabeth Byrne † Mary Scott † Anna Lawlor † Catherine Grehan † Margaret Myers † Teresa O'Neill † Mary Aylard † Bridget Bates † Elizabeth O'Connell † Elizabeth O'Connell † Esther Reilly † Mary Hayden † Mary Quinn † Anne Brady † Mary Brady † Sarah O'Connell † Emma Pendergast † Elizabeth Kelly † Frances Hickey † Adie Reilly † Alison Brady † Maria Walsh † Margaret O'Hanlon † Margaret O'Hanlon † Emma Buckley † Mary Leonard † Margaret Keogh † Mary Kelly † Catherine O'Connell † Elizabeth O'Connell † Elizabeth O'Connell † Margaret Lewis † Teresa Finn † Henrietta Hussey † Mary Ann Kavanagh † Elizabeth O'Connell † Elizabeth O'Connell † Mary Conner † Elizabeth Dunne † Marie Byrne † Elizabeth O'Connell † Sarah O'Connell † Elizabeth O'Connell † Bridget Donovan † Martha May † Lizzie Mockler † Mary Ann Quinn † Alice McAulley † Elizabeth O'Connell † Keenan † Bridget McNally † Margaret Dunne † Ellen O'Hanlon † Eliza McNally † Anne Giblin † Catherine O'Dea † Mary Doyle † Cecilia Ann Brady † Elizabeth Caulfield † Margaret Savage † Anne Dunne † Bridgid Ward † Kate Tierney † Anne Barlow † Anne Burton † Sarah Davidson † Belinda Leonard † Anne Morrissey † Mary Connell † REQUIESCAT EN PACE

Remember
the
Magdalenes

- Founded in 2004
- Grew out of the original Magdalene Memorial Committee (MMC), founded in 1993
- A survivor advocacy group
- Not-for-profit, totally volunteer-run, organisation

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JFM: Mission

- to promote and represent the interests of Ireland's Magdalene women & their children
- to respectfully promote equality and seek justice for the women formerly incarcerated in Magdalene laundries
- to obtain a formal apology from Church and State for abuses in Magdalene laundries
- seek the establishment of a Restorative Justice and Reparations scheme for all Magdalene survivors

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State Interaction



- Evidence from State archives proves that numerous departments interacted with the laundries
- The State supported the laundries' business
- The State failed to inspect and regulate

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The Human Rights Campaign

IHRC

IRISH HUMAN RIGHTS COMMISSION
AN COIMISIÚN UM CHEARTA DUINE





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Rights Claims: *Constitutional Rights Violations*

In referring women to the laundries, the State violated women's:

- right to bodily integrity
- right to personal liberty
- right to one's good name
- right to freedom from torture and inhuman/degrading treatment
- right to earn a living
- right to individual privacy
- right to be treated with dignity
- right to travel
- right (in the case of children) to an education



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Rights Claims: *Abuse Suffered*

- The Ryan Report includes evidence of abuse suffered in Magdalene laundries.
- The chapter, entitled “Residential Laundries, Novitiates, Hostels and other Out-of-Home Settings,” provides accounts of abuse from witnesses who suffered as children.
- These accounts, gathered by the State, serve as an indication of the grave harm suffered by *all* women and girls in these institutions.



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Rights Claims: *ECHR* Violations (1 of 2)

JFM contends that the State violated the following ECHR rights of women and girls it was complicit in referring to the laundries:

- the right to be free from torture and inhuman or degrading treatment or punishment
- the right to be free from slavery, servitude and forced or compulsory labour
- the right not to be deprived of one's liberty in accordance with a procedure prescribed by law



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Rights Claims: *ECHR* Violations (2 of 2)

In addition, the State failed to protect all of the women and girls who entered the Magdalene laundries, whether privately or by state referral:

- from torture and inhuman or degrading treatment at the hands of non-state actors
- from subjection to slavery and forced labour by non-state actors



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Rights Claims: *Denial of a Remedy* (1 of 3)

- The absence of a scheme of redress for Magdalene laundry survivors and their exclusion from the 2002 Redress Act unjustifiably discriminates against this class of survivors of institutional abuse
- The State has offered no compelling reason for such unequal treatment. The fact that the laundries were private institutions did not absolve the State of responsibility to protect the women and girls within the laundries from the abuse they endured at the hands of religious orders



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Rights Claims: *Denial of a Remedy* (2 of 3)

The State knew of the nature and function of the Magdalene laundries. Just as the State held a duty to protect the children in state funded and regulated Industrial and Reformatory Schools, it held a duty to protect the women and girls in the Magdalene laundries, for the following reasons:

- The State was complicit in referring certain women and girls to the Magdalene laundries
- The State had a Constitutional duty to educate the children in the Magdalene laundries and to care for them in cases of parental failure



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Rights Claims: *Denial of a Remedy* (3 of 3)

- The abuse suffered by women and girls in the Magdalene laundries, whether they entered privately or at the hands of the State, amounts to slavery and/or forced labour. The State was obligated at the time of the abuse to abolish slavery and forced labour under international law, international labour law, European human rights law and possibly Irish constitutional law

The ongoing failure of the State to provide a remedy to victims of abuse in the Magdalene laundries is a violation of Article 13 of the European Convention on Human Rights



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IHRC Recommendation

- In light of its foregoing assessment ... 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



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Rights Claims: UNCAT

- the State's ongoing failure to deal with the Magdalene Laundries abuse amounts to continuing degrading treatment in violation of Article 16 (given the continued absence of pensions, access to specialised health services, education or compensation for the women; the lack of access to records; and the ongoing stigma and sense of shame associated with the women's incarceration);
- since Ireland ratified the Convention on 11 April 2002, it has failed in its duty under Articles 12 and 13 to promptly and impartially investigate what there are reasonable grounds to believe constituted a more than 70-year system of torture or cruel, inhuman or degrading treatment of women and girls in Ireland's Magdalene Laundries;



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Rights Claims: UNCAT

- the State has failed in its obligation under Article 14 to ensure the women's right to redress and compensation;
- the State was directly involved in the torture or cruel, inhuman or degrading treatment of women and girls in the Magdalene Laundries; and
- the State acquiesced in the torture or cruel, inhuman or degrading treatment of women and girls because of the State's wilful failure to regulate or inspect the laundries despite its involvement in and knowledge of the laundries' incarcerative and commercial functions.



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Rights Claims: Other HR Violations

- JFM submits that the State's complicity in the incarceration of women and girls in the laundries, its involvement in the laundries' commercial operations, and its knowing failure to regulate and inspect the laundries, violated the State's obligations under the following international Conventions:
- the 1926 Slavery Convention;
- the 1957 United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
- the 1930 International Labour Organisation Forced Labour Convention; and
- the 1957 Abolition of Forced Labour Convention

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State's position at UNCAT



- abuse happened a long time ago in private institutions
- the State has no complaints of criminal offences from laundry survivors
- the majority of women entered voluntarily, and if they were minors, with the consent of parents or guardians
- only one institution in Dublin was used as a remand centre



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UNCAT's Response

“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 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.” UNCAT “Concluding Observations,” 3 June 2011

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UNCAT Recommendation



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.



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Government Statement

The Government believes it is essential to fully establish the true facts and circumstances relating to the Magdalene Laundries as a first step. The following has been agreed:

1. An Inter-departmental Committee will be established, chaired by an independent person, to clarify any State interaction with the Magdalene Laundries and to produce a narrative detailing such interaction.

2. The Minister for Justice, Equality and Defence, Alan Shatter TD and the Minister of State with responsibility for Disability, Equality, Mental Health and Older People, Kathleen Lynch TD are to meet with the religious congregations and the groups representing former residents of the Magdalene Laundries.



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Inter-departmental Inquiry

- JFM asks the government's Inter-departmental Committee to consider Magdalene survivors entitlement to “obtain” redress in the context of the four Religious Congregation's assets and contributions to date for survivors of Residential Institutions abuse
- JFM contends that there is a need for a forensic financial audit of State records to determine the full extent of State funding provided to Ireland's ten Magdalene Laundries
- JFM contends that the charitable and commercial functions of Ireland's Magdalene Laundries are complex to say the least and certainly need “clarification”



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Next Steps

- The State should conduct its investigation in a fair, thorough and speedy manner
- The State should apologise to all survivors
- The State should establish a Restorative Justice and Reparations Scheme

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For Further Information

www.magdalenenelaundries.com

**JFM's Coordinating and Advisory Committee members are:
James Smith, Mari Steed, Claire McGettrick, Angela
Murphy, Katherine O'Donnell, Maeve O'Rourke, Sandra
McAvoy, Mary McAuliffe, Sally Mulready, Judy Campbell,
Paddy Doyle, Tom Kitt & Patricia Burke Brogan**

