JUSTICE FOR MAGDALENES RESEARCH

NGO Submission to the

UN Committee Against Torture

in respect of

IRELAND

(for the session)

July 2017

Justice for Magdalenes Research (JFMR) was formed by co-ordinating and advisory committee members of the Justice for Magdalenes survivor advocacy group following Ireland's State apology to women who were incarcerated and forced into unpaid labour in Magdalene Laundries. We engage in archival and educational work, with the aim of recording and raising public awareness of the experiences of women held in Magdalene Laundries. The members of JFM Research also continue to assist survivors of Magdalene Laundries in our personal capacities.

Author: Maeve O'Rourke, on behalf of Justice for Magdalenes Research

…In the laundries themselves some women spent weeks, others months, more of them years, but the thread that ran through their many stories was a palpable sense of suffocation, not just physical in that they were incarcerated but psychological, spiritual and social…

…I, as Taoiseach, on behalf of the State, the Government and our citizens, deeply regret and apologise unreservedly to all those women for the hurt that was done to them and for any stigma they suffered as a result of the time they spent in a Magdalen laundry. [1]

…Nowhere in any of this did the word or concept of citizenship, personal rights and personal freedoms appear, and all the while the high, windowless walls of the laundries stood alongside busy main streets, part of the local economy.[2]

State apology to survivors of Ireland's Magdalene Laundries, 19th February 2013

> *All of the women who worked within the designated laundries worked without pay, some for very long periods of time… A very large number of the women described the traumatic, ongoing effects which incarceration within the laundries has had upon their security, their confidence and their self-esteem. Many described the lasting effects of traumatic incidents such as escape from the laundries and subsequent recapture and return…The consultation process conducted by the Commission suggested that a large number of young girls and women who were admitted to the Magdalen laundries were degraded, humiliated, stigmatised and exploited (sometimes in a calculated manner)… A number of the women were deprived of an education when they were admitted to the laundries at an early age and provided with no further education…*
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> **Report of Mr Justice John Quirke/the 'Magdalene Commission', June 2013**[3]

'In the absence of any credible evidence of systematic torture or criminal abuse being committed in the Magdalen laundries, the Irish Government does not propose to set up a specific Magdalen inquiry of investigation.'

Ireland, reply to the Human Rights Committee, June 2015[4]

> 'No factual evidence to support allegations of systematic torture or ill treatment of a criminal nature in these institutions was found.'
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> **Ireland, report to the Committee Against Torture, January 2016**[5]

'… There has been no court ruling that the State had any liability for women who entered such institutions, nor have we ever seen any legal advice or factual evidence that would give rise to the belief that the State has any legal liability. We are also not aware of any successful legal action taken against the religious orders concerned… if any woman who had been admitted to a Magdalen laundry was the victim of criminal behaviour, she could make a report to the police who would investigate the matter.'

Letter from Assistant Secretary to Minister for Justice to the Office of the Ombudsman, 3 August 2016[6]

You weren't really free in Ireland, if you were in circumstances – it was supposed to be a free country. It wasn't free. It wasn't free at all. And the government didn't give a toss. Because where was the justice? Where was the justice? I was never in prison. I never did nothing wrong.

Magdalene survivor, testimony in Justice for Magdalenes' report to CAT, 2011[7]

> But that's not where it ended, you know, you had to go through life knowing you had all of that - you couldn't tell anybody about it because nobody really wanted to know. And so therefore you were left with the whole thing yourself...you found it really hard to trust anybody, because...you were a very giving person and trusting everybody and then, you know, you found that you had been taken in, so...
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> **Magdalene survivor, interview for 'Magdalene institutions: recording an oral and archival history', K. O'Donnell, S. Pembroke and C. McGettrick, January 2013[8]**

I'd like them to acknowledge what has happened and accept what has happened instead of saying, 'oh yes I'm sorry,' but no meaning behind it, and make sure it never ever, ever happens again.

Magdalene survivor, interview for 'Magdalene institutions: recording an oral and archival history', K. O'Donnell, S. Pembroke and C. McGettrick , March 2013[9]

...I'll give him his due, great apology, but he's missing what really happened in those laundries and this is what I want investigated… this needs to be recognised...that this was part of the history too, the physical and sexual abuse that went on in there by the nuns...but you can't get at the nuns. You can't get them to come in. I'd have no problem proving it. To Enda Kenny, the whole world, the whole of Ireland… I've no problem proving that it happened. And I just wish more women would come out. I know I'm going on now but…a lot of them are keeping quiet about that side of it. But why? The nuns should be answerable for what they did. Why?

Magdalene survivor, interview for 'Magdalene institutions: recording an oral and archival history', K. O'Donnell, S. Pembroke and C. McGettrick , February 2013[10]

> …I just would like it to be known. I would like it to go into the history books and I would like...do you know, the younger generation of today including my own grandchildren to know that that's the way it was long ago. It wasn't the perpetrator that went in, that got into trouble, it was the victim. You know, you'd have had to have been a girl like, for that to happen.
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> **Magdalene survivor, interview for 'Magdalene institutions: recording an oral and archival history', K. O'Donnell, S. Pembroke and C. McGettrick, February 2013[11]**

Actually if I had my way, we'd have a whole Magdalene reunion...up in Dublin or something. We'd have everyone...Waterford, Cork, Dublin. Because I think we all had the same experience, we all went through the same thing … I think it would be lovely.

Magdalene survivor, interview for 'Magdalene institutions: recording an oral and archival history', University College Dublin, February 2013[12]

1 Executive Summary

1.1 In 2011, the Committee Against Torture ('the Committee') made three urgent recommendations[13] to Ireland regarding the abuse of thousands of girls and women in Magdalene Laundries between 1922 and 1996. The Committee recommended that Ireland:

(a) institute prompt, independent and thorough investigations into all complaints of torture and other cruel, inhuman or degrading treatment or punishment that were allegedly committed in the Magdalene Laundries;
(b) in appropriate cases, prosecute and punish the perpetrators with penalties commensurate with the gravity of the offences committed; and
(c) ensure that all victims obtain redress and have an enforceable right to compensation, including the means for as full rehabilitation as possible.

1.2 Justice for Magdalenes Research ('JFMR') submits that Ireland continues to fail to comply fully with these recommendations and, consequently, with the State's obligations under the Convention Against Torture and numerous other international human rights treaties. JFMR's submission is supported by the repeated criticisms and recommendations of other UN human rights treaty bodies since 2011: the Human Rights Committee in 2014,[14] the Committee on Economic, Social and Cultural Rights in 2015,[15] and the Committee on the Elimination of Discrimination Against Women in 2017.[16] JFMR's submission has also been echoed by the Irish Human Rights and Equality Commission.[17]

1.3 Despite issuing a State apology to Magdalene survivors in 2013, the Irish government continues to deny that the State is 'liable' for the treatment of girls and women in Magdalene Laundries.[18] The government further denies that it has any knowledge or suspicion that gross and systematic human rights violations occurred in Magdalene Laundries. In fact, the government argues that the findings of a recent governmental inquiry into State involvement with the institutions, which had no mandate or powers to investigate alleged abuse, demonstrate that 'systematic torture or ill treatment of a criminal nature' *did not occur* in Magdalene Laundries. As a result, the government denies that there is any need for a truth-telling process or large-scale independent investigation regarding the Magdalene Laundries abuse.[19] It refuses to contemplate compelling the public production of archival evidence from the relevant religious congregations or the Catholic hierarchy, and it refuses to release its own archive of State records regarding the Magdalene Laundries to the public.

1.4 The government's stated position flies in the face of extensive publicly available evidence, much of which has been gathered by the government's own Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries and by the government-appointed 'Magdalen Commission', which consulted with over 300 Magdalene survivors regarding 'ex gratia' redress in 2013. Magdalene survivors have found it impossible to challenge the government's position and access justice through the civil courts, because the government's so-called 'ex gratia' Scheme for Magdalene survivors requires them to waive all rights of action against the State in exchange for payments and other supports under the Scheme, and because the Statute of Limitations bars their claims. Although the government argues that the ordinary criminal justice system is open to

Magdalene survivors who wish to complain, no large-scale or publicly advertised criminal investigation has been initiated and it is reasonable to believe that this is, at least in part, due to the government's position that no 'systematic criminal behaviour' occurred in the Magdalene Laundries.

1.5 In 2014, in his concluding remarks as Chair of the Human Rights Committee's examination of Ireland, Sir Professor Nigel Rodley criticised what he perceived as the Irish State's total refusal to ensure accountability for so-called 'historic', Church-related institutional abuses (including the Magdalene Laundries). He commented that:

> The state's response has been one of seeking to find material responses to the needs of the victims, and I don't want to pour cold water on that. However, there remains the problem of accountability – the accountability for assault and worse. In all of these cases, the issue that remains for the state party is to consider what it is going to do about accountability. Accountability for its own responsibilities, accountability for its failures to monitor what others have been doing, and the accountability of others for committing abuses that the State might well be able to think of as crimes. The accountability that I mention is missing in everything that we've heard so far.[20]

1.6 The Magdalene Laundries have not been included in the investigation currently being carried out by the Commission of Investigation into Mother and Baby Homes and Certain Related Matters in Ireland. In any event, JFMR believes that a Commission of Investigation – as currently structured under the 2004 Commissions of Investigation Act[21] – is not the appropriate mechanism for a human rights-compliant investigation or truth-telling process regarding the Magdalene Laundries or other similar systematic, institutional abuses. The 2004 Commissions of Investigation Act is designed to avoid the need for lawyers' fees through the conducting of private investigations. The Act, however, imposes secrecy in relation to the abuses under investigation and thus violates the rights of those affected. The Commission of Investigation into Mother and Baby Homes has conducted all of its hearings in private, will not allow those who give evidence to retain a transcript of their hearing, has not afforded access to the evidence under consideration to those affected, has not issued a public invitation to give evidence to the investigation (only the confidential committee, which cannot make adverse findings), and is immune to Freedom of Information Act requests or requests for access to one's personal data under the Data Protection Act. The evidence provided to the Commission is inadmissible in criminal or other proceedings. The archives of the Commission will be closed following its work and will be unavailable to the public thereafter for inspection or further analysis. JFMR is further concerned that the Commission of Investigation has not been advertised effectively to the Irish diaspora beyond the United Kingdom.

1.7 In JFMR's opinion, the government's behaviour towards and in respect of former Magdalene women and their relatives amounts to continuing dignity violations, compounding the torture or ill-treatment which the women suffered while incarcerated in Magdalene Laundries and afterwards through the absence of accountability for their treatment.

1.8 In addition to the above-mentioned conduct, the government has failed to implement several promised aspects of the Magdalene 'ex gratia' Scheme, including the comprehensive healthcare suite provided previously to Hepatitis-C patients infected by the State (the HAA Card); aspects of the Dedicated Unit including support for the women to meet each other, to meet the religious congregations if desired, and to consult on and obtain an appropriate memorial; and access to the Scheme for women deemed to lack sufficient capacity to apply. The government is also refusing to admit to the Scheme women who worked in Magdalene Laundries as girls, while they were recorded by the religious congregations as attending children's residential schools in the same grounds as Magdalene Laundries. In addition, the government has failed to properly advertise the existence of the Magdalene Scheme outside of Ireland and the United Kingdom.

JFMR suggests that the Committee ask the following questions of the Irish Government:

1. Will the Government invite the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Professor Pablo de Greiff, to Ireland to independently evaluate the State's response to the Magdalene Laundries and other institutional abuses of women and children, as already requested by the Minister for Children and Youth Affairs, and in what timeframe?

2. Will the Department of Justice commit to funding a meeting of all interested Magdalene women in Dublin, so that they can engage with each other, visit the former Magdalene sites and consult on the question of memorialisation, and in what timeframe?

3. Will the Government release to the public the archive of State records gathered by the Inter-Departmental Committee (McAleese Committee) and in what timeframe?

4. Will the Government commit to further advertising the Magdalene scheme, at home and abroad; to providing personal advocates to still-institutionalised Magdalene survivors; to providing the full suite of HAA card health and community care recommended by Mr Justice Quirke; and to admitting to the scheme all women who worked without pay in Magdalene Laundries?

5. Will the Government ensure access to justice and accountability for the Magdalene Laundries through the establishment of an independent, thorough investigation and truth-telling process; the amendment of the Statute of Limitations to enable civil claims to be brought 'in the interests of justice'; and the education of State officials, including An Garda Síochána, regarding the treatment of girls and women in Magdalene Laundries?

6. Will the Government ratify the International Convention for the Protection of All Persons from Enforced Disappearances, and in what timeframe?

7. Will the Government ratify the Optional Protocol to the Convention Against Torture and ensure that the remit of Ireland's National Preventive Mechanism extends to *all* places of detention, including de facto detention?

1.9 The remainder of this report discusses the following key issues: **Section 2** argues that the State is continuing to fail to institute prompt, independent and thorough investigations into all allegations of abuse in Magdalene Laundries. This section summarises the extensive publicly available evidence of torture or ill-treatment of girls and women in Magdalene Laundries and the State's responsibility for the abuse. It also discusses the continuing lack of information regarding the identities and whereabouts of many women who died in Magdalene Laundries. **Section 3** discusses the State's continuing failure to prosecute and punish perpetrators. **Section 4** explains further how, while some measures of redress have been provided to Magdalene survivors, the State is still failing to ensure comprehensive redress for the Magdalene Laundries abuse.

2 Lack of an independent and thorough investigation despite extensive evidence of systematic torture or ill-treatment in Magdalene Laundries

Inter-departmental Committee to establish the facts of State involvement

2.1 The Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries ('IDC') was not an independent, thorough and effective investigation. This submission is supported by the Irish Human Rights and Equality Commission ('IHREC'), which, in its follow-up report to the Human Rights Committee in 2015, stated that 'the report of the McAleese Inter-Departmental Committee is insufficient to meet the state's human rights obligations' and noted that:

> In 2013, following the publication of the report of the McAleese Inter-Departmental Committee, the Commission undertook a follow-up assessment, and formed the view that the information published by the McAleese Inter-Departmental Committee established breaches of human rights.[22] The Commission recommended that all credible allegations of abuse be promptly, thoroughly and independently investigated.[23]

2.2 Although the IDC conducted important preliminary investigatory work, its limitations included (a) its narrow remit, which was confined to establishing the facts of State involvement with the Magdalene Laundries and did not extend to investigating allegations of abuse or to establishing the whereabouts and identities of girls and women who died in Magdalene Laundries; (b) its lack of powers to make findings and recommendations in relation to human rights violations; (c) its lack of public hearings or public access to the evidence it considered; (d) its lack of a public call for evidence; (e) its membership, which was drawn from the government departments involved in the Magdalene Laundries' operation; (f) its decision to destroy all copies of evidence it received from the religious congregations responsible for running the Magdalene Laundries; and (g) the ongoing lack of public access to the archive of State papers which informed the Committee's report or the archives of the relevant religious congregations.

Evidence of torture or ill-treatment in Magdalene Laundries

2.3 Contrary to the State's claim that it knows of 'no factual evidence to support allegations of systematic torture or ill-treatment of a criminal nature',[24] or of other human rights violations requiring an independent and thorough investigation into the Magdalene Laundries,[25] significant evidence of systematic torture or ill-treatment has been acknowledged or recounted by several State bodies since 2011. Magdalene survivors have also continued to provide evidence in other public fora.

Inter-departmental Committee

2.4 Chapter 19 of the IDC Report is entitled 'Living and Working Conditions'. Although the IDC had no remit to investigate or make determinations about allegations of abuse,[26] 118 Magdalene survivors (including 58 women still institutionalised, living in nursing homes in the care of the nuns[27]), and other witnesses to the Magdalene Laundries' operations, gave oral testimony to the IDC. Rather than investigating allegations, the IDC Report often refers indirectly to the women's experiences by conveying their reactions to certain aspects of their treatment. The Report nonetheless provides clear evidence that in many cases:

(a) Girls and women were ***involuntarily detained in Magdalene Laundries and not free to leave***. Chapter 19 states that 'a large number of the women spoke of a very real fear that they would remain in the Magdalen Laundry for the rest of their lives' and the Chapter quotes the evidence of women who believed that they would die in the Magdalene Laundries.[28] Chapter 19 also contains evidence of women being 'reclaimed by members of their families'[29] and women making plans to try to escape the institutions.[30] Chapter 19 summarises evidence from several of the religious congregations explaining why they locked doors and gates of the Magdalene Laundries[31] and cites the testimony of a former novice in a Magdalene Laundry that "both the external and internal doors of the Laundry were locked."[32]

(b) Girls and women were ***given no information regarding the reason(s) for their detention or their expected release date***. Chapter 19 states that a 'very common grievance of the women…was that there was a complete lack of information about why they were there and when they would get out'.[33] Chapter 19 notes that 'release was also a source of distress' for a number of women because it was sudden and unexpected.[34] Chapter 19 states that because of this lack of information, even having been released, 'many… were fearful that, for some unknown reason, they might be brought back there again. Some of the women told the Committee that they felt free of this fear only after they left Ireland to live abroad.'[35]

(c) Girls and women were ***stripped of their identities***. The IDC Report acknowledges 'the practice, in some Magdalen Laundries, of giving "House" or "Class" names to girls and women on entry in place of their given names'[36] and acknowledges that '[m]any of the women … found this practice deeply upsetting and at the time, felt as though their identity was being erased'.[37] Chapter 19 also reports the forced cutting of long hair, which many women found humiliating and degrading.[38] The IDC report refers to the fact that women and girls were forced to wear uniforms for many decades of the Laundries' existence.[39] Chapter 19 also contains several women's evidence of being forbidden to speak.[40]

(d) Girls and women were ***forced to work constantly***. Chapter 19 contains women's evidence of being forced constantly to carry out 'heavy and difficult' work at commercial laundering, sewing and making handcrafts, including rosary beads and clothing.[41] Chapter 19 cites women's complaints of being tired, 'soaking wet' and too small to operate laundry machinery safely.[42] The chapter also cites the religious congregations' evidence of the daily routine of work and prayer.[43]

(e) Girls and women were ***not paid wages for the work they were forced to carry out***. Chapter 20 states that '[w]ages were not paid either to the girls or women who worked in the Laundries or to the members of the Religious Congregations who also worked there.'[44] The Chapter also notes that the Conditions of Employment Act, 1936, exempted the religious congregations from the legislative requirement to pay wages to the girls and women working and living in Magdalene Laundries.[45] Chapter 15 strongly suggests, further, that social insurance contributions were not paid on behalf of girls and women working and living in Magdalene Laundries.[46]

(f) Girls and women were ***denied contact with the outside world and isolated from the rest of society***. Not only were girls and women involuntarily detained but they were also forbidden from communicating with the outside world other than under strict surveillance.[47] Chapter 19 states that women 'told the Committee that all letters which they sent or received were read by the Sisters' and that they could not complain about their treatment in their letters out.[48] Chapter 19 also states that visits, if permitted, were generally supervised.[49]

(g) Girls and women were ***subjected to degrading and humiliating punishments***. Chapter 19 cites evidence of some women being shaken, poked or 'dug' at with implements, rapped on the knuckles, slapped or punched,[50] forced to kneel for several hours, put in 'isolation', confined in a padded cell or forced to lie and kiss the floor, having soiled bedsheets pinned to one's back,[51] or having one's hair cut.[52] The Chapter also includes some of the religious congregations' evidence regarding punishments, including prolonged standing and kneeling, and transfer between institutions.[53]

(h) Girls and women were ***subjected to routine verbal denigration and humiliation***. Chapter 19 states that the 'overwhelming majority of the women who spoke to the Committee described verbal abuse and being the victim of unkind or hurtful taunting and belittling comments'.[54]

(i) Girls and women who died while confined in Magdalene Laundries were sometimes ***buried in unmarked graves*** and sometimes their ***deaths were not registered***. Chapter 16 of the IDC Report acknowledges that in 1993 (only 17 years after a burial plot at High Park ceased to be used as such), one of the religious congregations received permission from the State to exhume and cremate 155 bodies of Magdalene women, 80 of whom were unidentified. Chapter 16 further notes that no death certificates were located for 15% of women known to have died in all Magdalene Laundries, up to the 1990s.[55]

Irish Human Rights Commission

2.5 The Irish Human Rights Commission conducted a provisional human rights analysis of the IDC Report's contents '[i]n the absence of a more thorough investigation, as recommended by the IHRC and the United Nations Committee Against Torture'.[56] The IHRC's Follow Up Report on State Involvement with the Magdalen Laundries concluded, *inter alia*, that:

(a) 'Magdalen Laundries clearly operated as a ***discriminatory regime*** in respect of girls and women in the state. The State itself had knowledge of the regime and actively engaged with it, indeed financially benefitting from it in some cases. Society at large accepted the regime, and also supported it by placing sisters, daughters and mothers behind the walls of the Laundries…. ***the State appears to have taken no cognisance of the women's right to equality*** when it engaged with, and permitted the Laundries to operate';[57]

(b) '[W]omen were ***deprived of their liberty*** while in the Laundries. The ***lawfulness of such detention is questionable*** in a number of respects';[58]

(c) 'The placement of children in Magdalen Laundries, either by the State or others, may have given rise to a ***breach of the right to education*** under the Constitution and the right of access to education under the ECHR';[59]

(d) 'The ***State's culpability in regard to forced or compulsory labour and/or servitude appears to be threefold***… it failed to outlaw and police against such practices…the State or its agents placed girls and women in the Laundries knowing that such girls and women would be obliged to provide their labour in those institutions… the State further supported these practices by benefitting from commercial contracts with the laundries';[60]

(e) 'from the testimonies of survivors it appears that a certain level of ***ill-treatment occurred***';[61] and

(f) inadequate recording of the identities and burial sites of deceased Magdalene women 'could potentially have impacted on the ***Article 8 [ECHR] rights of living relatives*** of the deceased women to information about their origins'.[62]

Magdalen Commission report / Report of Mr Justice John Quirke

2.6 In the Magdalen Commission Report, Mr Justice John Quirke (President of the Irish Law Reform Commission and former High Court judge) states that he spoke personally with 173 Magdalene survivors in the course of devising his recommendations for an 'ex gratia Scheme' and that '[a]lthough their recollections often provoked emotion, they were entirely credible'.[63] Mr Justice Quirke's report acknowledges that ***forced unpaid labour***, ***involuntary detention***, ***degradation*** and ***denial of education*** were systemic features of the Magdalene Laundries. His report states, *inter alia*:

(a) 'All of the women who worked within the designated laundries worked without pay, some for very long periods of time';[64]

(b) 'A very large number of the women described the traumatic, ongoing effects which incarceration within the laundries has had upon their security, their confidence and their self-esteem. Many described the lasting effects of traumatic incidents such as escape from the laundries and subsequent recapture and return';[65]

(c) 'The consultation process conducted by the Commission suggested that a large number of young girls and women who were admitted to the Magdalen laundries were degraded, humiliated, stigmatised and exploited (sometimes in a calculated manner)';[66] and

(d) 'A number of the women were deprived of an education when they were admitted to the laundries at an early age and provided with no further education… A very large number of the women received inadequate educational assistance within the laundries at a time within their lives when education was of considerable importance.'[67]

Testimony provided by Magdalene survivors in other fora

2.7 Women have given testimony about their experiences in Magdalene Laundries in other public fora, including in reports by Justice for Magdalenes (JFM) to the Committee,[68] in curated oral history projects,[69] in the media[70] and also in witness statements submitted by JFM to the IDC (but not referenced by the IDC in its Report). JFM's Principal Submission to the IDC[71] summarised 3,707 pages of archival and legislative documentation, as well as 795 pages of witness testimony. JFM's Principal Submission also summarised evidence given to the IDC by the children of Magdalene women. These sources provide further evidence of systematic abuse of the nature outlined in the IDC and Magdalen Commission (Mr Justice Quirke) reports, as referenced above.[72] They also provide evidence of:

(a) Girls and women living behind barred and/or unreachable windows, locks on all doors, and perimeter walls which were barbed on the top;[73]
(b) Escape attempts being thwarted by the *Gardaí*;[74]
(c) Girls and women witnessing the deaths of other women confined in Magdalene Laundries[75] and disrespectful funerals and burials;[76]
(d) Physical neglect, including inadequate food,[77] poor hygiene,[78] cold conditions[79] and lack of access to pain relieving medication;[80]
(e) Physical assault,[81] and other punishments including deprivation of meals[82] and denial of recreation;[83]
(f) Prohibitions on sending and receiving mail;[84]
(g) A lack of access to newspapers, save for occasions when clothes were wrapped up in old newspaper;[85]
(h) Denial of access to close relatives living in other parts of the convent complexes;[86]
(i) Girls and women being called by numbers and "house" names, instead of by their own names;[87]
(j) The imposition of a rule of silence;[88]
(k) The lifelong psychological effects of the Magdalene Laundries abuse, including experiencing nightmares, depression and despair; feeling ashamed, stigmatised, worthless, nervous and frightened; and finding it difficult to integrate in society and to maintain relationships;[89] and
(l) Continuing difficulties faced by family members seeking to trace women who died in Magdalene Laundries and the denial of any legal entitlement for adopted children of

Magdalene women (and all persons adopted in or from Ireland) to know the identities of their natural parents.[90]

State liability for the Magdalene Laundries

2.8 The IDC Report and the IHRC's assessment of that Report wholly contradict the government's argument to the Committee that it has never 'seen any legal advice or factual evidence that would give rise to the belief that the State has any legal liability'[91] for the Magdalene Laundries. The IDC Report demonstrates clearly that the Magdalene Laundries were not 'private institutions under the sole ownership and control of the religious congregations'.[92] However, to the extent that the State failed to exercise control over the Magdalene Laundries, this in itself also amounted to acquiescence in, and a violation of its positive obligations to protect against, torture or ill-treatment.

2.9 State responsibility for the Magdalene Laundries is clear from the following findings of the IDC:

(a) ***At least 26.5% of admissions*** for which the entry route was recorded ***were made or facilitated by State actors***.[93] Although the State legislated for the use of Magdalene Laundries as places of detention or care in certain circumstances (as explained below), the IDC Report provides evidence that State actors and State institutions frequently placed girls and women in the institutions ***in contravention of or in the absence of authorising legislation***.[94]

(b) The State ***paid or enlisted members of lay organisations to place and supervise girls and women*** in Magdalene Laundries (e.g. members of the Legion of Mary, acting as Voluntary Probation Officers under the Criminal Justice Administration Act 1914, and Inspectors of the National Society for the Prevention of Cruelty to Children acting as social workers);[95]

(c) The State ***legislated for the use of Magdalene Laundries as places of detention***, including for the purposes of detention on remand;[96] detention as a condition of probation;[97] detention as a condition of temporary release from prison;[98] detention as a condition of bail or early release from prison;[99] committal to custody as an alternative to a prison custodial sentence;[100] and detention pending transfer to, or on licence from, an Industrial or Reformatory School, or as an alternative to a Reformatory School.[101]

(d) The State ***awarded laundry contracts*** to Magdalene Laundries on the basis of the nuns' tenders being the most competitive,[102] in the knowledge that the women and girls were receiving no wages for their work.[103] The IDC Report notes that the Magdalene Laundries did business with, among other State entities, the Departments of Justice, Industry and Commerce, Finance, Local Government, Fisheries, Agriculture, Health, Social Welfare and Education; the Defence Forces; the Chief State Solicitors Office; Leinster House (parliament buildings); the Land Commission; the National Library; the Office of Public Works; CIE (the national transport authority); Áras an Uachtaráin (the President's residence); and numerous State-funded hospitals and clinics.

(e) The State ***legislated to allow the non-payment of wages*** to girls and women in Magdalene Laundries. The Conditions of Employment Act, 1936, allowed for the non-payment of individuals working in institutions for "charitable or reform" purposes.

(f) The State ***legislated for, and made, direct payments to Magdalene Laundries*** for the provision of social welfare assistance;[104] for the care and custody of women under the Health Acts, 'where public authorities would otherwise have had to make alternative arrangements for the maintenance of those persons';[105] for certain remand and probation cases;[106] and for other, miscellaneous, purposes.[107] Chapter 11 of the IDC Report notes that Health Authorities often made grants to Magdalene Laundries because it was a cheaper alternative to providing care in a Health Authority institution.[108]

(g) The State ***further financially supported the Magdalene Laundries*** through the conferring of charitable status and charitable tax exemptions on the Magdalene Laundries because they did not pay the women and girls who worked in the laundries and had as their aim 'the advancement of religion';[109] the application of varying commercial rates;[110] and the failure to collect, or exemption from the requirement to pay, social insurance contributions on behalf of the girls and women living and working in the institutions (thus doubly depriving the girls and women of the proceeds of their labour).[111]

(h) The State ***regulated the Magdalene Laundries as factory premises***,[112] although the IDC Report notes that State records only show inspections of some Magdalene Laundries from 1957 onwards and only in respect of machinery and laundry premises rather than working and living conditions;[113]

(i) The State ***failed to regulate the institutions beyond treating them as ordinary factory premises***, despite the State's use of the Magdalene Laundries as places of detention and care, including the care of children, and its knowledge of their functions.[114] As the IDC Report and IHRC Follow Up Report both note, the Factories Inspectorate was not specifically authorised and did not in fact examine whether the labour was lawful, whether wages were paid or whether the girls and women were present on a voluntary basis, being primarily concerned with occupational health and safety issues.[115] Additionally, it seems that the State failed to actually enforce much of the health and safety legislation that it claims to have applied to the Magdalene Laundries.[116]

Deaths in Magdalene Laundries and burial sites

2.10 Justice for Magdalenes (now JFMR) was established in 2003 following revelations by the late journalist, Mary Raftery, that in 1993 the Sisters of Our Lady of Charity received exhumation licenses from the Department of the Environment in respect of, and cremated, the remains of 155 former Magdalene women from graves at the High Park Magdalene Laundry site without producing death certificates for 80 women or the full names of 46 women.[117]

2.11 JFM made extensive submissions to the IDC in 2011 and 2012, including of survivor testimony, on the subject of funeral and burial practices at Magdalene Laundries and the lack of publicly available information regarding the identities and/or whereabouts of many women who died in the institutions. However, Chapter 16 of the IDC Report, which discusses 'Death Registration, Burial and Exhumation' does not address survivor testimony or JFM's submissions, but relies heavily on the religious congregations' evidence and records, which are not available in the public domain. The IDC Report does not identify individual women or their burial places, nor does the IDC Report address the issue of unmarked graves.

2.12 Claire McGettrick, of JFMR, has been conducting the 'Magdalene Names Project'[118] for many years; this project aims to record the names and whereabouts of all women who died in Magdalene Laundries so that they can be honoured and remembered, including by family members who may be searching for them. The 'Magdalene Names Project' database is drawn from gravestones, digitised census records, electoral registers, exhumation orders, cemetery records and newspaper archives. Following the publication of the IDC Report, and despite the intensive efforts of the 'Magdalene Names Project' to ascertain the identities and whereabouts of all women who died from publicly available sources, many questions and gaps in information remain. They include (and are not limited to) the following:

(a) JFMR cannot identify 142 women whose deaths are counted in the IDC Report. This means that the burial places of these 142 women who died between 1922 and the closure of the laundries are unknown to the public.

(b) The IDC Report states that according to the available records, from 1922 onwards 57 women died in the Galway Magdalene Laundry and 21 in the Dun Laoghaire Magdalene Laundry.[119] JFMR has identified 58 women who died in the Galway Magdalene and just one woman who died in Dun Laoghaire, as no locations were supplied in the IDC Report. This means that one woman in Galway has been omitted from the Report, while the burial places of 20 women who died in Dun Laoghaire remain unknown.

(c) The question of the identification of all women who died in the former High Park Magdalene Laundry is still unresolved. The IDC accepted the religious congregation's explanation regarding the 1993 exhumations and cremations that '[t]he paper-work and historic records of the Congregation were, at the time, uncatalogued' but that, following cataloguing work between 2003 and 2005, 'all 155 women whose remains were exhumed from the consecrates graveyard at High Park were identified and matched to their names and dates of death.'[120] However, the gravestones and graveyard records relating to the High Park Magdalene Laundry at Glasnevin Cemetery in Dublin, do not reflect this finding. First, there is no trace in Glasnevin Cemetery's archives of 131 women who are recorded publicly as having died in High Park Magdalene Laundry. Of these 131 women, 54 died between 1922 and 1991 when High Park closed, i.e. the time period covered by the IDC Report. Second, just 33 out of 187 women whose names are inscribed on the headstone for the High Park Magdalene Laundry in Glasnevin Cemetery are buried at that location. Third, JFMR has discovered the names of 106 women who died at High Park and are buried at seven separate locations which are not marked by gravestones at Glasnevin Cemetery (but rather are only discernible from the cemetery records). These women died between 1886 and 1999, while 30 from this cohort died between 1922 and the closure of High Park in 1991.

(d) Research into the Sean McDermott Street Magdalene Laundry records at Glasnevin Cemetery reveals that 51 women whose names are inscribed on three headstones at a particular location in Glasnevin are not buried at that location, but are interred elsewhere in the cemetery. The vast majority of these women died within the time period covered by the IDC Report.

(e) The IDC Report lists the various public and private burial grounds where there are plots maintained by the religious orders, but it does not offer a breakdown of how many sites exist in each location and how many women are in each plot. The Report also omits public cemeteries that have been used by the religious congregations after the closure of the laundries, for example, Kilcully Cemetery in Cork, which has been used by both the Good Shepherd Sisters and the Sisters of Charity.

(f) The IDC Report does not count the deaths of women who died in the laundries before 1922 or those who continued to live institutionalised lives in the charge of the religious orders following the Laundries' closure. JFMR has recorded the details of 1,663 women who died in Ireland's Magdalene Laundries between 1835 and 2014 – almost twice the figure cited in the IDC Report.

3 Failure to prosecute and punish perpetrators

3.1 JFMR knows of several Magdalene survivors who have made complaints to An Garda Síochána (the Irish police force) regarding their treatment in Magdalene Laundries. Despite these complaints and the evidence summarised above, no action has been taken to hold individual or institutional perpetrators of abuse accountable.

3.2 The government has repeatedly stated that it knows of 'no factual evidence to support allegations of systematic torture or ill-treatment of a criminal nature' in Magdalene Laundries. This is an unequivocal statement that the Irish government does not consider what is known about the Magdalene Laundries system – that it routinely incarcerated girls and women and forced them to work unpaid for months, years and even decades in humiliating and degrading conditions – to have amounted to criminal behaviour and/or torture or ill-treatment. In light of this statement, it is unsurprising that no large-scale investigation has been opened and that there have been no prosecutions. This is a highly troubling position for the government to adopt, not only because it is an obstacle to Magdalene survivors' access to justice but also because it creates significant problems from an educational and preventive point of view. JFMR suggests that the common law crimes of false imprisonment, kidnapping, assault and/or battery outlawed much of the treatment experienced by girls and women in Magdalene Laundries, and that there is credible evidence of systematic torture or ill-treatment.

3.3 Records regarding the Magdalene Laundries' operations remain unavailable to the public or to Magdalene survivors, further impeding accountability. The IDC destroyed its copies of records received from the religious congregations and returned the originals at the end of its work. The State records which the IDC gathered have been deposited with the Department of An Taoiseach. However, on 26 March 2016 the Department of An Taoiseach rejected an FOI Act request by JFMR for the release of material in the IDC's archive, stating that 'these records are stored in this Department for the purpose of safe keeping in a central location and are not held nor within the control of the Department for the purposes of the FOI Act. They cannot therefore be released by this Department'. This decision was upheld on appeal by the internal reviewer.[121]

3.4 On 23 February 2017, this position was confirmed by the Minister for Justice, who stated on the parliamentary record that:

> The archive of State records of the Inter-Departmental Committee on the Magdalen Laundries (the McAleese archive) is held in the Department of An Taoiseach. The McAleese report specifically states that it was agreed that the most appropriate course of action would be that the archive of the Committee's work would be deposited with An Taoiseach. The records provided by the religious congregations concerned were returned to them and are not part of the State archive. The religious congregations involved gave full access to the Inter Departmental Committee and its report provides a wealth of information, in anonymised form, for those interested in research. Both sets of records contain very sensitive personal data. In relation to the records held by the religious congregations, I am informed that a person who had been in the Magdalen Laundry concerned will be given access to their own records. As regards general access, that is a matter for the congregations themselves subject to the Data Protection Acts. In relation to the State archive there are no plans to make it available publically at this time and, at all events, the records are subject to the Data Protection Acts.[122]

4 Failure to ensure comprehensive redress

Magdalene 'ex gratia' scheme

4.1 In May 2013, Mr Justice John Quirke made recommendations to government regarding the contents of an 'ex gratia', 'restorative justice' scheme for Magdalene survivors. The Quirke report was made public and distributed to Magdalene survivors. In June 2013 the government agreed on the Dáil record to accept all of Mr Justice Quirke's recommendations "in full".[123]

4.2 In order to obtain financial payments from the Scheme, Magdalene survivors have been required to sign legal waivers, abandoning all rights of action against the State or any State agency regarding their experiences in Magdalene Laundries (a copy of the Terms of the Scheme and the waiver are attached as an Appendix to this Report). Members of JFMR have publicly stated their concern, since 2014,[124] that the women were required to sign waivers before all aspects of the Scheme were explained and/or legislated for. To date, the Department of Justice and the government as a whole has failed to fully implement the Scheme, as follows.

Dedicated Unit

4.3 The following aspects of the 'Dedicated Unit' recommended by Mr Justice Quirke have not been implemented:

(a) Practical, and if necessary professional, assistance to enable those women who wish to do so to meet with those members of the Religious Orders who have similar wishes to meet and interact;
(b) similar practical assistance to meet and interact with other Magdalen women; and
(c) the acquisition, maintenance and administration of any garden, museum or other form of memorial which the Scheme's administrator, after consultation with an advisory body or committee, has decided to construct or establish.[125]

Magdalene Laundry buildings – no consultation with Magdalene survivors

4.4 While the government is failing to implement the aspects of the Scheme concerning a memorial and the facilitation of meetings of Magdalene survivors, a commercial property developer last year sought planning permission to demolish the last Magdalene Laundry building in Ireland with its contents largely intact. Recent video footage of the interior of the Donnybrook Magdalene Laundry building[126] suggests that a large volume of paperwork remains inside, alongside artefacts from its time as a Magdalene Laundry before the Religious Sisters of Charity sold the building in 1992. JFMR made detailed submissions to Dublin City Council, calling for consultation with Magdalene survivors regarding the fate of the building and its contents.[127] The property developer has withdrawn the planning permission application, but it is unclear whether Dublin City Council has taken further action. The Archaeological Assessment accompanying the planning permission application cautions that women's remains may be buried, unmarked, on the site. It further notes the heritage significance of the laundry site, including the building's internal features and machinery relevant to its past use.[128]

4.5 Dublin City Council has, further, put the former Sean McDermott Street Magdalene Laundry building up for sale[129] while the government is failing to consult with Magdalene survivors. In March 2017, the elected Dublin City Councillors agreed a motion requesting 'that Dublin City Council commits to convening and consulting with a committee of Magdalene survivors, with a view to establishing a memorial at the site of the council owned Sean McDermott Street convent, as recommended by the Quirke Commission and promised by the Government as part of the Magdalene restorative justice scheme.'[130]

JFMR requests for consultation with Magdalene survivors regarding memorialisation

4.6 JFMR has written to the Department of Justice and Department of An Taoiseach, requesting financial and logistical support for the convening of a weekend meeting of Magdalene survivors where they are facilitated to meet each other, to visit the three former Magdalene Laundry sites in Dublin, and to consult on the issues of memorialisation and future meetings. JFMR has not, so far, received agreement from the government to fund or contribute to the organisation of such a consultation.

Failure to provide the full range of recommended health and community care services

4.7 Mr Justice Quirke's very first recommendation was that 'Magdalen women should have access to the full range of services currently enjoyed by holders of the Health (Amendment) Act 1996 Card ("the HAA card")'. The HAA card was created in 1996 for those who contracted Hepatitis C through State-provided blood products. It gives access to numerous private (as well as public) healthcare services and wide-ranging access to medicines, drugs and appliances. Mr Justice Quirke included a guide to the full range of services available to HAA cardholders at Appendix G of his report. His first recommendation states: '*Details of the range, extent and diversity of the community services to be provided to the Magdalen women are described within Appendix G*'.[131]

4.8 JFMR voiced its concerns at the time that the *Redress for Women Resident in Certain Institutions Act 2015* ('RWRCI Act') was being debated in the Dáil and Seanad that it did not provide for healthcare equivalent to the HAA card standard, as recommended by Mr Justice Quirke. Instead, it appeared that the RWRCI card for Magdalene women was almost identical to an ordinary medical card – which the majority of the women resident in Ireland already hold.

4.9 In August 2015, several dentists confirmed publicly that, instead of receiving HAA-standard services as recommended by Judge Quirke and agreed by the government in 2013, Magdalene survivors have been given a card that entitles them only to the 'limited and incomplete treatment…for most medical card holders.' The dentists called on the Council of the Irish Dental Association 'to publicly disassociate itself from this act by the Government and to speak out publicly on behalf of its members who do not accept the injustice we are expected to support.'[132]

4.10 JFMR wrote to the National Director of Primary Care at the HSE on 25 February 2016 to ask for clarification regarding all ways in which the women's entitlements under the RWRCI card differ from those already available under the standard medical card, as many women in contact with JFMR – and indeed JFMR – are still struggling to understand this. JFMR asked for a written response so that the information can be easily disseminated to survivors and also for a meeting with the National Director. JFMR received an acknowledgement letter from the National Director's office on 15 March 2016 but has received no subsequent, substantive, response to date.

4.11 In 2015, the Minister for Justice promised to establish a fund, separate to the RWRCI card, to provide access to complementary therapies under the 'ex gratia' scheme (the HAA card, the equivalent of which Judge Quirke recommended, includes access to massage, reflexology, acupuncture, aromatherapy and hydrotherapy). To JFMR's knowledge, this fund has not been established to date.[133]

Failure to back-date pension payments to retirement age

4.12 Mr Justice Quirke recommended that, under the Scheme, Magdalene survivors should be 'put…in the position that they would have occupied had they acquired sufficient stamps to qualify for the State Contributory Pension'.[134] JFMR submits that the Department should have read this recommendation as requiring the backdating of pension payments to retirement age, rather than simply to the beginning of the Scheme's administration.

Lack of assistance for particularly vulnerable Magdalene survivors

4.13 The Department of Justice has deemed a number of Magdalene survivors to lack sufficient capacity to apply to the Scheme.[135] The Minister for Justice chose not to propose legislation to provide these women with assistance and advocacy in applying to the Scheme, preferring to delay the processing of their applications until the Assisted Decision-Making (Capacity) Act 2015 is in operation. It is still unknown when the ADM Act 2015 will become operational.

4.14 JFMR has requested that these women, and all those currently living in the custody or care of the religious congregations responsible for operating the Magdalene Laundries, be provided with personal advocates. Advocacy is essential for Magdalene survivors who do not have close family members or friends to assist them in making their wishes known and ensuring that they are respected. The Department of Justice has suggested that the women who are still waiting for admission to the Scheme due to capacity issues may soon be made Wards of Court instead of waiting for the ADM Act 2015 to come into force. JFMR argues that advocacy is especially important in this context.

Insufficient advertising of the Scheme abroad

4.15 JFMR draws attention to the experience of its member Prof James Smith, who lives in Boston, regarding the Scheme's insufficient advertising outside of Ireland and the UK. As Prof Smith explained in the *Irish Times*,[136] in mid-2016 he was invited to speak about the Magdalene Laundries to the Coalition of Irish Immigration Centers' (CIIC) social services committee, comprised of social workers with vast experience serving Irish immigrant communities in Chicago, San Francisco, Boston and New York. None of the participants in the meeting knew about the Magdalene Scheme. Prof Smith wrote that, 'They had received no instructions, no guide explaining benefits, no application procedures…The group refuted the idea that the 11 US-residents who had applied to the scheme at the time (out of a total of 802 applicants) was the sum-total of Magdalen survivors living in the US. How would survivors know about it, they asked? Why wasn't the scheme advertised here in the US?'

4.16 JFMR is disappointed by the Minister for Justice's statement on 28 February 2017 that an 'information note' which was sent to embassies in 2014 was sufficient advertising and does not need to be supplemented. The Minister stated: 'the Department of Foreign Affairs and Trade, on request from my Department, circulated an information note on the Magdalen Laundries Restorative Justice Ex Gratia Scheme through their embassies around the world to the local Irish communities. My Department is satisfied that an information note is still up to-date and does not see the need to re-circulate what is already in circulation.'[137]

Health and community care for Magdalene survivors living abroad

4.17 Mr Justice Quirke recommended that Magdalene survivors living outside of Ireland should receive the same supports under the Scheme as women living in Ireland.[138] JFMR understands that the government intends to provide some funding for healthcare to women living outside of Ireland, through an 'administrative arrangement', and on a case-by-case basis.[139] JFMR does not currently have knowledge of how this assistance is benefitting Magdalene survivors in practice, although JFMR is concerned that funding should be made available to women in advance of their purchase of services (or of health insurance), rather than on a reimbursement basis. JFMR has continuously urged the government to make further efforts to advertise the Scheme beyond Ireland and the United Kingdom, so that all Magdalene survivors who are entitled to receive support are enabled to do so.

Unreasonable exclusion of women who worked as children in Magdalene Laundries on the basis of a flawed interpretation of the 'admitted to' criterion

4.18 JFMR is deeply troubled that the Department of Justice has excluded from the Scheme women who were sent to work in Magdalene Laundries as children, from residential schools located in proximity to Magdalene Laundries. While accepting that these women worked in Magdalene Laundries, the Department rejects their applications on the basis that the Scheme is for women who 'were admitted to and worked in' Magdalene Laundries and, according to the Department, these children were not 'admitted to' the Laundries because they were on the rolls of the children's schools. These women have suffered doubly as a result of their experiences in both the children's institutions and the Magdalene Laundries. The fact that children were transferred on a daily, or otherwise repeated temporary, basis to Magdalene Laundries when they should have been receiving education and care in children's institutions was not acknowledged in the *Ryan Report* or in the matrix used by the *Residential Institutions Redress Board*.[140] Nor was this practice acknowledged in the IDC Report. The women who are continuing to seek inclusion in the Scheme on the basis of this practice are drawing attention to previously hidden systematic forced labour, denial of education and inhuman or degrading treatment of children. Their exclusion from the Scheme amounts to wilful ignorance of their experiences – in direct contravention of the intent behind the Taoiseach's and Tánaiste's apologies on 19 February 2013.

APPENDIX I: ENDNOTES

[1] Remarks of the Taoiseach, Enda Kenny, TD, during the apology on 19 February 2013. See Dáil Éireann, *Magdalen Laundries Report: Statements* (19 February 2013), https://www.kildarestreet.com/debates/?id=2013-02-19a.387; See also https://www.youtube.com/watch?v=hOQyl7ZpoH8

[2] Remarks of the Tánaiste, Eamonn Gilmore, TD, during the apology on 19 February 2013. See Dáil Éireann, *Magdalen Laundries Report: Statements* (19 February 2013), https://www.kildarestreet.com/debates/?id=2013-02-19a.387

[3] *Report of the Magdalen Commission* (May 2013), http://www.justice.ie/en/JELR/Pages/PB13000255, p8; para 5.13; para 3.03; para 5.09

[4] *Ireland, Follow-up material to the Concluding Observations of the UN Human Rights Committee on the Fourth Periodic Review of Ireland under the International Covenant on Civil and Political Rights*, 17 July 2015, p3.

[5] *Ireland, Replies to List of issues prior to submissions of the second periodic report of Ireland to the Committee Against Torture*, UN Doc CAT/C/IRL/2, 20 January 2016, Para 241.

[6] Correspondence filed with the High Court in judicial review proceedings regarding the admission of two women to the Magdalene 'ex gratia' scheme in 2017. See further, Conall Ó Fatharta, 'Verdict in Magdalene case may be far-reaching', *Irish Examiner* (1 June 2017), http://www.irishexaminer.com/viewpoints/analysis/verdict-in-magdalene-case-may-be-far-reaching-451342.html

[7] Justice for Magdalenes, Submission to the United Nations Committee against Torture (May 2011), http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_NGO_IRL_46_9041_E.pdf

[8] K. O'Donnell, S. Pembroke and C. McGettrick, *Magdalene Institutions: Recording an Oral and Archival History*, http://www.magdaleneoralhistory.com, MAGOHP/04/ANON, 5 January 2013

[9] K. O'Donnell, S. Pembroke and C. McGettrick, , *Magdalene Institutions: Recording an Oral and Archival History*, http://www.magdaleneoralhistory.com, MAGOHP/10/ANON, 2 March 2013
[10] K. O'Donnell, S. Pembroke and C. McGettrick, *Magdalene Institutions: Recording an Oral and Archival History*, http://www.magdaleneoralhistory.com, MAGOHP/48/ANON, 28 February 2013
[11] Ibid.
[12] Ibid.
[13] United Nations Committee against Torture, *Concluding Observations on the initial report of Ireland*, UN Doc CAT/C/IRL/CO/1 (17 June 2011)
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2fCO%2f1&Lang=en , para 21. The Committee included the recommendations in its one year follow-up process.
[14] United Nations Human Rights Committee, *Concluding Observations on the Fourth Periodic Report of Ireland*, UN Doc CCPR/C/IRL/CO/4 (19 August 2014), paras 10, 25,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fIRL%2fCO%2f4&Lang=en
10. The Committee expresses concern at the lack of prompt, independent, thorough and effective investigations into all allegations of abuse, mistreatment or neglect of women and children in the Magdalene laundries, children's institutions, and mother and baby homes. It regrets the failure to identify all perpetrators of the violations that occurred, the low number of prosecutions, and the failure to provide full and effective remedies to victims (arts. 2, 6 and 7).
The State party should conduct prompt, independent and thorough investigations into all allegations of abuse in Magdalene laundries, children's institutions and mother and baby homes, prosecute and punish the perpetrators with penalties commensurate with the gravity of the offence, and ensure that all victims obtain an effective remedy, including appropriate compensation, restitution, rehabilitation and measures of satisfaction.
See also, United Nations Human Rights Committee, Letter from Sarah Cleveland, Special Rapporteur for Follow-up to Concluding Observations, to Her Excellency Ms Patricia O'Brien, Permanent Representative of Ireland to the United Nations Office at Geneva (15 April 2016)
[15] United Nations Committee on Economic, Social and Cultural Rights, *Concluding Observations on the Third Periodic Report of Ireland*, UN Doc E/C.12/IRL/CO/3 (19 June 2015), para 18,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%20C.12%20IRL%20CO%203&Lang=en:
Institutionalized forced labour — the Magdalene laundries
18. The Committee regrets the massive and systemic forced labour that occurred, with the patronage of the State, between 1922 and 1996, in the Magdalene laundries. While noting the State party's apology to the survivors of those laundries and the establishment of an ex-gratia restorative justice scheme in 2013, it remains concerned that there has been no prompt, thorough and independent investigation into the allegations regarding the Magdalene laundries and that the survivors have not been given adequate remedies (art. 7).
The Committee recommends that the State party conduct a prompt, thorough and independent investigation into these allegations, bring those responsible to justice and provide all victims with effective remedies.
[16] United Nations Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined sixth and seventh periodic reports of Ireland*, UN Doc CEDAW/C/IRL/CO/6-7 (3 March 2017):
14.The Committee notes the numerous recommendations on the unresolved issue of historical abuses of women and girls by other United Nations human rights mechanisms such as the Human Rights Committee (CCPR/C/IRL/CO/6), the Committee Against Torture (CAT/C/IRL/CO/1), and the Committee on Economic, Social and Cultural Rights (E/C.12/IRL/CO/3). While noting the efforts by the State party to resolve the issue of historical abuses regarding the Magdalene Laundries, Mother and Baby Homes and the medical procedure of symphysiotomy, the Committee regrets that the State party has not implemented the aforementioned recommendations. The Committee regrets:
(a)That, notwithstanding the establishment of non-statutory Inter-Departmental Committee on a Magdalene Laundries and the adoption of the Redress for Women in Certain Institutions Act of 2015, the State party has failed to establish an independent, thorough and effective investigation, in line with international standards, into all allegations of abuse, ill-treatment or neglect of women and children in the Magdalene Laundries in order to establish the role of the State and the church in the perpetration of the alleged violations;
…
*15.**The Committee observes that the historical abuses in relation to the Madgalene Laundries, the Mother and Baby Homes and the medical practice of symphysiotomy give rise to serious violations that have a continuing effect on the rights of victims/survivors of those violations. The Committee, therefore, urges the State party:***
(a) To conduct prompt, independent and thorough investigations, in line with international human rights standards, into all allegations of abuse in Magdalene laundries, children's institutions, Mother and Baby homes, and symphysiotomy in order to prosecute and punish the perpetrators of those involved in violations of women's rights, and ensure that all victims/survivors of such abuse obtain an effective remedy, including appropriate compensation, official apologies, restitution, satisfaction, and rehabilitative services; and
(b) To provide information in its next periodic report on the extent of the measures taken to ensure the rights of victims/survivors to truth, justice and reparations. Why in italics and bold?

[17] See, for example, Irish Human Rights and Equality Commission, *Submission to UN Human Rights Committee on Ireland's One-Year Follow-Up Report to its Fourth Periodic Review under ICCPR*, September 2015, https://www.ihrec.ie/app/uploads/download/pdf/ihrec_submission_on_irelands_oneyear_followup_fourth_periodic_review_under_iccpr.pdf, paras 5 – 10.

[18] Ireland, *Replies to List of issues prior to submissions of the second periodic report of Ireland to the Committee Against Torture*, UN Doc CAT/C/IRL/2, 20 January 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2f2&Lang=en, para 237: 'No Government Department was involved in the running of a Magdalen Laundry. These were private institutions under the sole ownership and control of the religious congregations concerned and had no special statutory recognition or status. They did interact with certain Government agencies, sometimes on the same basis as a commercial enterprise and other times as the provider of social services for particular individuals for which they received State funding.'

See also, Written answer of Frances Fitzgerald, TD, Minister for Justice, to Clare Daly, TD (Question 4964/17), 2 February 2017, https://www.kildarestreet.com/wrans/?id=2017-02-02a.98&s=magdalene#g100.r: "*Although there was no finding in the McAleese Report which indicated that the State had any liability in the matter, following the report's publication the Taoiseach issued a State apology to the women.*"

[19] Ireland, *Replies to List of issues prior to submissions of the second periodic report of Ireland to the Committee Against Torture*, UN Doc CAT/C/IRL/2, 20 January 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2f2&Lang=en, para 241: No factual evidence to support allegations of systematic torture or ill treatment of a criminal nature in these institutions was found. In the absence of systematic criminal behaviour, the normal arrangements for the investigation of allegations of criminal behaviour are considered adequate.

See also List of issues in relation to the fourth periodic report of Ireland – *Addendum: Replies of Ireland to the list of issues* (CCPR/C/IRL/Q/4/Add.1), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fIRL%2fQ%2f4%2fAdd.1&Lang=en, paragraph 57

See also Dáil Éireann Debate, 'Written Answers: Magdalen Laundries' (question no. 367), 30 June 2015, http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2015063000078?opendocument#WRN01850

[20] Sir Prof Nigel Rodley, UN Human Rights Committee's examination of Ireland's fourth periodic report, 2014, referring to the Magdalene Laundries, Mother and Baby Homes, residential institutional abuse of children and the practice of symphysiotomy, https://www.youtube.com/watch?v=v0NCIB3uHns

[21] http://www.irishstatutebook.ie/eli/2004/act/23/enacted/en/html

[22] Irish Human Rights Commission, (2013) *IHRC Follow-up Report on State Involvement with Magdalen Laundries* , paragraphs 261 and 292 and sections of the report referred to in those paragraphs. http://www.ihrec.ie/publications/list/ihrc-followup-report-on-state-involvement-with-mag/

[23] *Irish Human Rights and Equality Commission, Submission to UN Human Rights Committee on Ireland's One-Year Follow-Up Report to its Fourth Periodic Review under ICCPR*, September 2015, https://www.ihrec.ie/app/uploads/download/pdf/ihrec_submission_on_irelands_oneyear_followup_fourth_periodic_review_under_iccpr.pdf, para 6.

[24] Ireland, *Replies to List of issues prior to submissions of the second periodic report of Ireland to the Committee Against Torture*, UN Doc CAT/C/IRL/2, 20 January 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2f2&Lang=en, para 40

See also Ireland, *Combined sixth and seventh periodic reports to the United Nations Committee on the Elimination of Discrimination Against Women*, UN Doc CEDAW/C/IRL/6-7, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIRL%2f6-7&Lang=en para 41

[25] Ireland, *Combined sixth and seventh periodic reports to the United Nations Committee on the Elimination of Discrimination Against Women*, UN Doc CEDAW/C/IRL/6-7, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIRL%2f6-7&Lang=en, para 41

[26] Letter from Gerard Corr, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Ireland to the United Nations Office at Geneva to Ms Felice D Gaer, Rapporteur, United Nations Committee against Torture (8 August 2013), http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/CAT_C_IRL_CO_1_Add-2_14838_E.pdf, p 6.

See also the *Report of the Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries*, February 2013, http://www.justice.ie/en/JELR/Pages/MagdalenRpt2013 (*IDC Report*). The Chair's Introduction to the *IDC Report* states that, with regard to "the question of the conditions experienced by and the treatment of women in the Laundries"… "[t]he Committee does not make findings on this issue." (Introduction, p VII).

[27] *IDC Report*, Introduction, para 23.

[28] *IDC Report*, Ch 19, paras 52, 130.
[29] *IDC Report*, Ch 19, para 57.
[30] *IDC Report*, Ch 19, paras 58, 59.
[31] *IDC Report*, Ch 19, paras 69-71.
[32] *IDC Report*, Ch 19, para 112.
[33] *IDC Report*, Ch19, para 51.
[34] *IDC Report*, Ch 19, paras 55, 130.
[35] *IDC Report*, Ch 19, para 28.
[36] *IDC Report*, Ch19, para 63.
[37] *IDC Report*, Introduction, para 15.
[38] *IDC Report*, Ch 19, para 42.
[39] *IDC Report*, Ch18, para 71; Ch 19, paras 16, 48; Ch 3, para 9.
[40] *IDC Report*, Ch 19, para 39.
[41] *IDC Report*, Ch 19, paras 35, 39, see also para 131.
[42] *IDC Report*, Ch 19, para 39.
[43] *IDC Report*, Ch 19, para 64 – 68. See also extracts from a document entitled 'Magdalen Home Rules and Horarium', *IDC Report*, Ch 19, para 143.
[44] *IDC Report*, Ch20 para 33.
[45] *IDC Report* Ch 5, para 150
[46] *IDC Report*, Ch 15, paras 90 – 107.
[47] See extracts from a document entitled 'Magdalen Home Rules and Horarium', IDC Report, Ch 19 paras 139 – 142.
[48] *IDC Report*, Ch 19, paras 44 – 47.
[49] *IDC Report*, Ch 19, para 48, 49. See also extracts from a document entitled 'Magdalen Home Rules and Horarium', Ch 19, paras 139 – 142.
[50] *IDC Report*, Ch 19, para 35.
[51] *IDC Report*, Ch 19, para 38.
[52] *IDC Report*, Ch 19, para 43.
[53] *IDC Report*, Ch 19 , paras 72- 78. See also extracts from a document entitled 'Magdalen Home Rules and Horarium', Ch 19 para 144
[54] *IDC Report*, Ch 19, para 37.
[55] *IDC Report*, Ch 16, see also Irish Human Rights Commission, *Follow Up Report on State Involvement with Magdalen Laundries*, June 2013 (*IHRC Follow-up Report*), p101, https://www.ihrec.ie/documents/ihrc-follow-up-report-on-state-involvement-with-magdalen-laundries-june-2013/
[56] *IHRC Follow-up Report*, Executive summary, p 4.
[57] *IHRC Follow-up Report*, para 76.
[58] *IHRC Follow-up Report*, para 171.
[59] *IHRC Follow-up Report*, para 185.
[60] *IHRC Follow-up Report*, para 229.
[61] *IHRC Follow-up Report*, para 237.
[62] *IHRC Follow-up Report*, para 254.
[63] Report of Mr Justice John Quirke/ Report of the Magdalen Commission Report on the establishment of an ex gratia Scheme and related matters for the benefit of those women who were admitted to and worked in the Magdalen Laundries, May 2013, ("Magdalen Commission Report"), para 4.09, http://www.justice.ie/en/JELR/Pages/PB13000255 See also 4.05 After detailed discussion the Commission concluded that, in order to discover the present needs and interests of the Magdalen, it was necessary to speak to them personally. The resultant "conversation" between the Commission and the Magdalen women was intended to be both an information gathering process and an opportunity for the Magdalen women to convey directly to the Commission who they were, where they were, what their circumstances were and what could be done to assist them and make their lives more comfortable. It was anecdotal in nature, has not been scientifically validated and was not and does not purport to be scientifically based. The information compiled was processed and collated and was used by the Commission in order to obtain an informal understanding of the needs and interests of the Magdalen women and of particular categories and sub-sets of those women.
[64] *Magdalen Commission Report*, p8.
[65] *Magdalen Commission Report*, para 5.13.
[66] *Magdalen Commission Report*, para 3.03.
[67] *Magdalen Commission Report*, para 5.09.
[68] See Justice for Magdalenes, *Submission to the United Nations Committee against Torture (May 2011)*, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_NGO_IRL_46_9041_E.pdf, 22–42.
[69] See Glynn, Breaking the Rule of Silence, http://www.magdalenelaundrylimerick.com, O'Donnell, Magdalene Institutions: Recording an Archival and Oral History (University College Dublin) http://www.magdaleneoralhistory.com.
[70] Among others: Vignoles, 'Magdalene Laundry Institute for Outcast Women', RTÉ Radio 1, Ireland - Documentary

on One (14 November 1992), http://www.rte.ie/radio1/doconone/2013/0207/647346-radio-documentary-magdalene-laundry-galway/; *Witness: Sex in a Cold Climate* (1998). Produced by Steve Humphries. Testimony Films for Channel 4, Great Britain, (16 March), https://www.youtube.com/watch?v=FtxOePGgXPs; *Les Blanchisseuses De Magdalen* 1998. Une Film du Nicolas Glimois et Christophe Weber. Produced by Arnaud Hanelin. France 3/Sunset Preste; *The Magdalen Laundries* 1999. Narr. Steve Croft, prod. L. Franklin Devine. 60 Minutes, CBS News, New York (3 January); Washing Away the Stain 1993. Directed by Sarah Barclay and Andrea Miller BBC 2 Scotland (16 August); Mary Norris in Angela Lambert, 'A very Irish sort of hell', (2003) Sunday Telegraph, 2 March; RTE Radio 1, Liveline (28, 29 September 2009); RTE Prime Time, 'The experiences of some of the Magdalene Laundry women' (25 September 2012), http://www.rte.ie/news/player/2013/0205/3401239-the-experiences-of-some-of-themagdalene-laundry-women/

[71] See Justice for Magdalenes, *Principal submissions to the Inter-departmental Committee to establish the facts of State involvement with the Magdalene Laundries (JFM, Principal Submission)*, http://www.magdalenelaundries.com/State_Involvement_in_the_Magdalene_Laundries_public.pdf

[72] Women and girls were often taken or transferred to the Magdalene Laundries against their will, and were locked in behind closed doors and high walls JFM Submission to the Committee, May 2011, section 2 and paras 5.2.1-5.2.4; JFM, Principal submissions to the IDC, 18 September 2012, para 8(a)-(f).

Similarly, ***no information was given regarding the possibility of or date of release***, and thus women and young girls had no idea of how long they would be detained inside the laundries. Many thought that they, like others, would be there until they died. JFM Submission to the Committee, May 2011, section 2; JFM, Principal submissions to the IDC, 18 September 2012, para 8(m)-(n) and 8(v).

the imposition of house names and/or numbers, involuntary uniforms and haircuts. JFM Submission to the Committee, May 2011, para 5.2.7.

Women and girls were ***forced to work*** long hours, doing arduous jobs for no pay. JFM Submission to the Committee, May 2011, paras 5.2.5-5.2.6; JFM, Principal submissions to the IDC, 18 September 2012, para 8(w)-(x), (z)-(dd) and para 234 et seq and 300 et seq.

They were also ***kept isolated from the rest of society***: not only were they involuntarily detained but were forbidden from communicating with the outside world other than under strict surveillance. JFM, Principal submissions to the IDC, 18 September 2012, para 8(g)-(l).

Living conditions were severe: women were verbally denigrated and humiliated, kept in cold conditions with minimal nourishment and hygiene facilities, had no privacy or free time and were banned from speaking with each other. JFM Submission to the Committee, May 2011, paras 5.2.5-5.2.7; JFM, Principal submissions to the IDC, 18 September 2012, para 8(ff)-(kk).

There was ***no education***, even for young girls. See Appendix III, JFM Submission to the Committee, May 2011; JFM, Principal submissions to the IDC, 18 September 2012, para 8(ee) and para 321 et seq.

Additional punishments were meted out by the sisters, often for trivial transgressions, including the deprivation of meals, solitary confinement, physical abuse, and humiliation rituals such as pinning of soiled sheets to the back or haircutting. JFM Submission to the Committee, May 2011, paras 5.2.5-5.2.6; JFM, Principal submissions to the IDC, 18 September 2012, para 8(p)-(t) and (y).

[73] *JFM Principal Submission*, p13-16

[74] *JFM 2011 submission to CAT*, Appendix IV

[75] *JFM Principal Submission* p22, *JFM 2011 submission to CAT*, Appendix IV

[76] *JFM Principal Submission* p22, McGettrick Report on IDC Chapter 16

[77] *JFM Principal Submission*, p31-32, *JFM 2011 submission to CAT*, Appendix IV

[78] *JFM Principal Submission* p32, *JFM 2011 submission to CAT*, Appendix III, Appendix IV

[79] *JFM Principal Submission* p32

[80] *JFM 2011 submission to CAT*, Appendix IV

[81] *JFM Principal Submission* p 22 – 24, JFM 2011 submission to CAT, Appendix III

[82] *JFM Principal Submission*, p19

[83] *JFM 2011 submission to CAT*, Appendix IV

[84] *JFM Principal Submission* p17-19

[85] *JFM Principal Submission* p19-20

[86] *JFM Principal Submission*, p20

[87] *JFM Principal submission*, p24 – 25, *JFM 2011 submission to CAT*, Appendix III, Appendix IV

[88] *JFM Principal Submission* p31, *JFM 2011 submission to CAT*, Appendix IV

[89] *JFM 2011 submission to CAT*, Appendix IV

[90] Irish Human Rights Commission, *Assessment of the Human Rights Issues Arising in relation to the "Magdalen Laundries",* November 2010

[91] Ireland, Report to CAT 2016

[92] Ireland, Report to CAT para 237

[93] IDC ch8, para 19

State-related pathways into Magdalene Laundries included the criminal justice system (following conviction in Court, on probation, on remand, on release from prison, or by Gardaí), Industrial and reformatory Schools, County Homes and

City Homes (formerly workhouses), health and social services, psychiatric hospitals and Mother and Baby Homes (See IDC Report, Executive Summary, para 5; Ch. 7 para 38; Ch. 8 para 19; and in more detail see Chs 9, 10, 11.).
[94] See for clear analysis of the IDC's Reports on this issue, the IHRC Follow Up Report, Chapters 3 and 9.
[95] Chapter 9, Chapter 11
[96] Youthful Offenders Act 1901, Children Act 1908, Criminal Justice Act 1960
[97] Probation of Offenders Act 1907, Criminal Justice Administration Act 1914
[98] Criminal Justice Act 1960
[99] Penal Servitude Act 1891
[100] Youthful Offenders Act 1901
[101] Children Act 1908
[102] IDC Report, Chapter 14, para 7. The IDC Report notes that "State authorities were not averse to putting pressure on Magdalen Laundries to reduce prices either in order to renew or retain contracts".
[103] See IDC Report, Chapter 14, paras 166-188.
[104] IDC Report, Chapters 5, 11, as designated "extern institutions" under the Public Assistance Acts and Health Act 1953.
[105] IDC Report Chapter 13, para 50: Section 65 Health Act 1953 "can effectively be understood as the mechanism by which the Health Authorities funded non-state organisations to provide services with the Health Authorities would otherwise be required to provide. In other words, State subvention would be provided in respect of persons maintained in outside institutions, where public authorities would otherwise have had to make alternative arrangements for the maintenance of those persons."
[106] Youthful Offenders Act 1901, Criminal Justice Act 1960
[107] IDC Report, Chapter 13
[108] IDC Report, Chapter 11, para 211
[109] IDC Report, Chapter 15
[110] IDC Report, Chapter 15
[111] IDC Report, Chapter 15
[112] Including the yearly certification of children as fit to work (pursuant to the Factories Acts and associated regulations, the Conditions of Employment Act 1936, the Safety in Industry Act 1980, and the Safety, Health and Welfare at Work Act 1989).
[113] IDC Report, Chapter 12, and see specifically p522, 571, 573.
[114] The State acknowledged this in its Replies to the Human Rights Committee's List of issues in May 2014, stating that "[t]he laundries were subject to State inspection, in the same way and to the same extent as commercial, non-religious operated laundries" (5 May 2014, CCPR/C/IRL/Q/4/Add.1, para 53).
[115] IDC Report, Chapter 12; IHRC Follow Up Report, p84.
[116] See the requirements of: the Conditions of Employment Act 1936 and subsidiary legislation including: Conditions of Employment (Records) Regulations, 1947 [SI 200/1947];
the Factories Act 1955 and related secondary legislation, including:

1. Factories (Certificates of Fitness of Young Persons) Regulations, 1956 [SI 165/1956]
2. Factories (Sanitary Accommodation) Regulations 1956 [SI 171/1956]
3. Factories (General Register) Regulations, 1956 [SI 177/1956]
4. Factories (Notification of Accidents) Regulations 1956 [SI 180/1956]
5. Factories Act 1955 (Manual Labour) (Maximum Weights and Transport) Regulations, 1972 [SI 283/1972]
6. Laundries (Welfare) Regulations, 1973 [SI 181/1973]
7. First-Aid in Factories Regulations 1975 [SI 195/1975]; and

ii. The Safety in Industry Act 1980.

[117] Mary Raftery, 'Restoring dignity to Magdalenes', The Irish Times (21 August 2003)
[118] For more information, see www.jfmresearch.com and Claire McGettrick and others, *Death, Institutionalisation and Duration of Stay: A critique of Chapter 16 of the Report of the Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries and related issues* (19 February 2013) http://jfmresearch.com/wp-content/uploads/2017/03/JFMR_Critique_190215.pdf
[119] *IDC Report*, Chapter 16, para 55.
[120] *IDC Report,* Chapter 16, paras 105 – 108.
[121] Letters on file with author.
[122] Written reply by Frances Fitzgerald, TD, Minister for Justice and Equality, to Maureen O'Sullivan, TD, 23 February 2017, https://www.kildarestreet.com/wrans/?id=2017-02-23a.218
[123] Department of Justice, Press Release, 26 June 2013 http://www.justice.ie/en/JELR/Pages/PR13000256;
Alan Shatter, TD, in response to PQ from Eamonn Maloney, TD, on 27 June 2013
https://www.kildarestreet.com/debates/?id=2013-06-27a.384&s
[124] See, e.g. Maeve O'Rourke & James M Smith, 'Magdalene survivors are still waiting for restorative justice', *Irish Times* (6 February 2014), https://www.irishtimes.com/news/politics/magdalene-survivors-are-still-waiting-for-restorative-justice-1.1680691 :

'…Over the past few weeks, Magdalene survivors have begun to receive formal offer letters from the State. In them, the Department of Justice offers a lump sum payment, but states that all other aspects of the scheme remain subject to legislation or discussions with other Government departments.

These additional elements are therefore unspecified, apart from the statutory old age pensions, to be paid from "early 2014". Disturbingly, many core aspects of Mr Justice Quirke's scheme are not mentioned in the Terms of an Ex Gratia Scheme , a 13-page document accompanying the offer letters.

To access their modest lump sum – which they desperately need – the women are required to sign a waiver, accepting "all the terms of the scheme" and waiving "any right of action against the State or any public or statutory body or agency" arising out of their time in a Magdalene laundry.

In contrast with the judge's report, there is no mention of (a) private healthcare provision, (b) healthcare for women living abroad, or (c) a dedicated unit to provide advice and support, services to meet other survivors, assistance with housing and education benefits, and the creation and maintenance of a memorial.

How can the women be asked to agree to all terms of a scheme that are not explicit and do not resemble Mr Justice Quirke's recommendations?...'

[125] Magdalen Commission Report, pp 11-12.

[126] https://www.youtube.com/watch?v=YETH7W0yCBg&t=165s

[127] Justice for Magdalenes Research, Submission to Dublin City Council regarding the proposed property development at the former Magdalene Laundry at Donnybrook, Dublin 4, 4 October 2016, http://jfmresearch.com/wp-content/uploads/2017/02/JFMR-Submission-to-DCC-Re-Donnybrook.pdf

[128] Faith Bailey & Brenda Fuller, Irish Archaeological Consultancy Ltd., *Archaeological Assessment at The Crescent, Donnybrook, Dublin 4, on behalf of Pembroke Partnership* (July 2016), Email: archaeology@iac.ie

[129] Ellen Coyne, 'Kenny 'broke promise' on Dublin arts centre', *The Times* (6 February 2017), http://www.thetimes.co.uk/article/kenny-broke-promise-on-dublin-arts-centre-h0xzscf2h?shareToken=bcebae924016980a175881f8c42f1bdd

[130] https://socialdemocrats.ie/2017/03/07/cllr-gary-gannon-calls-halt-magdalene-laundry-redevelopment-sean-mcdermott-st/

[131] Report of Mr Justice John Quirke on the establishment of an ex gratia Scheme and related matters for the benefit of those women who were admitted to and worked in the Magdalen Laundries (May 2013) ('Magdalen Commission Report'), http://www.justice.ie/en/JELR/2.%20THE%20MAGDALEN%20COMMISSION%20REPORT.pdf/Files/2.%20THE%20MAGDALEN%20COMMISSION%20REPORT.pdf p7

[132] Letter to the Editor, Journal of the Irish Dental Association, Aug/Sept 2015: Vol 61(4), p 164

[133] Written Reply from Frances Fitzgerald, TD, Minister for Justice, to Joan Collins, TD, 24 March 2015, https://www.kildarestreet.com/wrans/?id=2015-03-24a.951&s=magdalen+complementary+therapies+frances+fitzgerald#g953.r ; See also http://www.rte.ie/news/2015/0219/681413-magdalene-women/

[134] Magdalen Commission Report, p40.

[135] Ellen Coyne, 'Vulnerable Magdalene women denied €1m' *The Sunday Times* (11 March 2017)

[136] James Smith, 'Will Mother and Baby Homes Commission advertise to the hidden Irish diaspora?' *Irish Times* (9 November 2016)

[137] Written answer of Frances Fitzgerald, TD, Minister for Justice, to Brendan Howlin, TD, 28 February 2017 (Question no 102).

[138] Magdalen Commission Report, p64: '12th Recommendation: Some Magdalen women now live in other jurisdictions, including the US, Canada, Australia, Germany, Switzerland and other countries.

Although my Terms of Reference do not expressly refer to those women the observations which I have just made apply with equal force to their circumstances, their tax and other liabilities and the social and other benefits to which they are entitled.'

[139] Written answer from Frances Fitzgerald, TD, Minister for Justice, to Maureen O'Sullivan, TD, 26 April 2016, https://www.kildarestreet.com/wrans/?id=2016-04-26a.621&s=magdalene+laundries ; Written answer from Leo Varadkar, TD, to Maureen O'Sullivan, TD, 26 April 2016, https://www.kildarestreet.com/wrans/?id=2016-04-26a.902&s=magdalene+laundries

[140] Residential Institutions Redress Board, *A Guide to the Redress Scheme under the Residential Institutions Redress Act, 2002* (3rd Ed., December 2005).

APPENDIX II: TERMS OF THE MAGDALENE 'EX GRATIA' SCHEME