

JFM RESEARCH
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JUSTICE FOR MAGDALENES RESEARCH

Follow-up Submission to the UN Human Rights Committee in respect of

IRELAND

(111th Session, July 2014)

Justice for Magdalenes Research (JFM Research) 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.

Suggested Questions for the Irish government:

1. Considering the available evidence of systematic torture or ill-treatment, arbitrary detention and servitude or forced labour of girls and women in the Magdalene Laundries and the gaps in publicly available information regarding the identities and/or burial places of those who died in Magdalene Laundries, will the Irish government confirm what steps it proposes to take and in what timeframe to ensure a prompt, independent and thorough investigation into the Magdalene Laundries abuse?
2. Can the Irish government confirm that the Magdalene restorative justice scheme will provide Magdalene survivors with the same range of drugs, medicines, appliances; dental, ophthalmic and aural services; counselling and psychotherapy for family members; and complementary therapies that are available to HAA cardholders?
3. Can the Irish government confirm what steps it will take and in what timeframe to provide equivalent health and community care services under the Magdalene restorative justice scheme to women residing abroad?
4. Can the Irish government confirm what steps it will take and in what timeframe to ensure that women with capacity issues are enabled to benefit from the Magdalene restorative justice scheme?
5. Can the Irish government confirm the timeframe within which the “Dedicated Unit”, which is an integral element of the Magdalene restorative justice scheme, will be established?
6. Can the Irish government confirm what steps it intends to take and in what timeframe to ensure that personal advocacy services are provided to all Magdalene survivors who require them?

1 Background to the Magdalene Laundries abuse

- 1.1 Ireland's Magdalene Laundries were residential, commercial laundries housed in Catholic convents where between 1922ⁱ and 1996,ⁱⁱ well over 10,000ⁱⁱⁱ women and girls, as young as nine, were incarcerated and forced into unpaid labour.
- 1.2 Testimony provided by Magdalene survivors to the UN Committee against Torture and UN Human Rights Council in 2011,^{iv} to the Irish government's *Inter-departmental Committee to establish the facts of State interaction with the Magdalen Laundries* (IDC) in 2012 and 2013,^v and in the media^{vi} portrays a system in which women and girls were:
- (a) involuntarily detained behind locked doors and high walls, with no information as to whether or when they would be released and subject to the threat of potential arrest by the Irish police force if they escaped;
 - (b) stripped of their identities, including through the imposition of house names and numbers, uniforms, haircuts and a prohibition on speaking;
 - (c) banned from communicating with the outside world except under strict surveillance;
 - (d) verbally denigrated and humiliated;
 - (e) kept in cold conditions with minimal nourishment and hygiene facilities;
 - (f) denied any education;
 - (g) denied adequate opportunity for rest and leisure; and
 - (h) forced to work, constantly and unpaid, at laundry, needlework and general chores through the coercive force of the above factors and additional punishments including deprivation of meals, solitary confinement, physical abuse and/or humiliation rituals.
- 1.3 In 2011, the Irish government established an *Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries*.^{vii} The *Inter-departmental Committee's* report, published in February 2013, found that the Irish State directly placed over one quarter of women and girls in Magdalene Laundries^{viii} and that the State was aware of and involved in the Laundries' operations through:
- (a) awarding laundry contracts to Magdalene Laundries on the basis of the nuns' tenders being the most competitive, in the knowledge that the women and girls were receiving no wages for their work;^{ix}
 - (b) financially supporting the Magdalene Laundries through payments for some of the girls and women placed there by State actors and by conferring charitable status upon the Laundries;^x and
 - (c) subjecting the Laundries to the requirements of the Factories Acts, although State records only show inspections of some Magdalene Laundries from 1957 onwards and only in respect of machinery and laundry premises rather than regarding wages, working hours or living conditions.^{xi}

1.4 On 19 February 2013, the Irish government issued a State apology to Magdalene survivors “for the hurt that was done to them, and for any stigma they suffered, as a result of the time they spent in a Magdalene Laundry”.^{xii} Four months later, the government announced an *ex gratia* restorative justice scheme, which it promised would offer the surviving women lump sum payments, State contributory pension payments, health and community care and other supports in exchange for their agreement not to sue any State body or agency with respect to their time in a Magdalene institution.^{xiii}

2 Ireland’s Failure to Comply with Human Rights Committee’s 2014 Recommendation

2.1 Notwithstanding the State apology and announcement of an *ex gratia* redress scheme, Ireland is still failing to comply with the Human Rights Committee’s 2014 Recommendation^{xiv} and the Recommendations of the Committee Against Torture^{xv} and Committee on Economic, Social and Cultural Rights.^{xvi} All three Treaty Monitoring Bodies have called for a prompt, independent and thorough investigation into all allegations of abuse in Ireland’s Magdalene Laundries, prosecution and punishment of perpetrators, and the provision of effective redress.

3 Failure to provide effective redress; promised *ex gratia* scheme not fully implemented

3.1 The government has not implemented significant elements of its promised *ex gratia* redress scheme. Over 500 women have signed up to the redress scheme^{xvii} and in doing so, they have been required to waive their legal rights against the State.^{xviii} However, they have not received the full range of health and community care services promised by the government in 2013. They are still waiting for the establishment of a promised Dedicated Unit to assist them in accessing benefits, meeting each other, meeting with the nuns if desired, and agreeing on a suitable memorial. The government has deemed a number of women to lack sufficient capacity to apply to the scheme, and it appears that no provision will be made for these women until after the *Assisted Decision-Making (Capacity) Bill 2013* is debated and passed.

Failure to provide promised health and community care

3.2 In May 2013, Mr Justice John Quirke, President of the Irish Law Reform Commission, delivered a report to government recommending the contents of an *ex gratia* redress scheme for Magdalene survivors.^{xix} His report was made public and in June 2013 the government agreed on the Parliamentary record to accept all of Mr Justice Quirke’s recommendations “in full”.^{xx}

3.3 Mr Justice Quirke recommended 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”)’.^{xxi} The HAA card was created in 1996 for those who contracted Hepatitis C through State-provided blood products. It provides numerous

private and 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 continues: “Details of the range, extent and diversity of the community services to be provided to the Magdalen women are described within Appendix G”.^{xxii}

3.4 Contrary to the government’s promise, the medical cards which Magdalene survivors received in August 2015 under the *ex gratia* redress scheme are barely an improvement upon the ordinary means-tested State medical card, which many of the women already hold. The differences between the HAA card and the Magdalene card include the following:

(a) **Drugs, medicines and appliances:** HAA cardholders may “freely obtain any and all drugs, medicines and appliances prescribed to them, the only limitation being that they cannot obtain “cosmetic type toiletries (e.g. perfume etc)”.^{xxiii} Magdalene survivors are entitled only to the drugs, medicines and appliances covered by the Community Drugs Scheme (ordinary medical card standard).^{xxiv}

(b) **Dental, ophthalmic and aural care:** HAA cardholders may visit any private practitioner and are freely entitled to any medically necessary treatment or appliance. When referred for hospital ophthalmic or aural treatment they are entitled to an appointment within 2 weeks.^{xxv} Magdalene survivors are entitled only to “public dental, ophthalmic (eye sight) and aural (hearing) services”.^{xxvi}

(c) **Counselling and psychotherapy:** HAA cardholders, their partners and children (and under certain circumstances, other close family members) are entitled to counselling and psychotherapy, regardless of whether or not they have contracted Hepatitis C, without a referral from a GP or consultant.^{xxvii} Magdalene survivors are only entitled to counselling for themselves, and only upon referral by a registered medical practitioner.^{xxviii}

(d) **Complementary therapies:** HAA cardholders are entitled to massage, reflexology, acupuncture, aromatherapy and hydrotherapy. Magdalene survivors are not entitled to any of these services under their card.

3.5 The government has defended its decision to refuse the above services to Magdalene survivors on the basis of Mr Justice Quirke’s statement at the beginning of Appendix G that:

Not all the community services described in that Guide [the HAA card guide reproduced at Appendix G] may be directly relevant to the Magdalen women and any comparable Guide for the Magdalen women would require suitable adaptation.^{xxix}

3.6 The government has not given a reasonable explanation as to why it views all of the above services as irrelevant to, or unsuitable for, Magdalene survivors.

3.7 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.”^{xxx}

3.8 As of September 2015, Magdalene survivors living abroad who signed up to the *ex gratia* redress scheme have received no health or community care services, apart from an invitation to return to Ireland to use their medical card there.

Delay in access to ex gratia redress scheme for survivors deemed by government to lack sufficient capacity

3.9 In his report, Mr Justice Quirke noted that “[a] significant number of the Magdalen women are frail and some are very vulnerable” and recommended that:

Safeguards must, therefore, be put in place to ensure that the payments made to them are secured and protected and used exclusively for their benefit. Their rights to participate and benefit from the proposed Scheme must remain identical to the rights which will attach to all of the other women who participate in it.^{xxxi}

3.10 JFM Research is concerned that approximately 40 women, whom the Department of Justice has determined as having capacity issues, seemingly will not have access to the *ex gratia* restorative justice scheme until the Assisted Decision Making (Capacity) Bill 2013 is passed and enacted.^{xxxii} There is no clear indication from government as to when this will be.

Delay in establishing “Dedicated Unit”

3.11 The government has not yet established the “Dedicated Unit” under the *ex gratia* restorative justice scheme, recommended by Mr Justice Quirke to provide the following services:

- (a) a helpline accessible daily by the women to assist them to obtain the health, monetary and other benefits to which they will now be entitled;
- (b) investigative and other help and assistance in obtaining such sheltered or other housing as they may be entitled to;
- (c) investigative and other help and assistance in obtaining such educational assistance as they may be entitled to;
- (d) 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;

- (e) similar practical assistance to meet and interact with other Magdalene women; and
- (f) 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.^{xxxiii}

3.12 On the night of the State apology to Magdalene survivors, 19 February 2013, the government announced a €250,000 donation to the Irish Women Survivors Support Network in London, for the purpose of providing support to Irish women survivors of institutional abuse, including Magdalene survivors.^{xxxiv}

Lack of advocacy services for Magdalene survivors

3.13 As of June 2013, at least 115 women were still living in the care of the religious orders responsible for the Laundries.^{xxxv} JFM Research is concerned that these women, many of whom do not have family members, have no right to advocacy services under legislation or as part of the *ex gratia* redress scheme. JFM Research calls on the government to fund the provision of advocacy services to these women and to all women living in residential settings.

4 Failure to provide effective redress; exclusion of those who were not formally ‘admitted to’ Magdalene Laundries

4.1 Numerous women who spent time incarcerated and working in Magdalene Laundries while they were recorded by the religious orders as being resident in other, linked or physically attached, institutions are failing to benefit from the scheme. These women include those who were recorded by the nuns as being resident in An Grianan, a training school for girls attached to the Magdalene Laundry at High Park, Drumcondra, but who were forced to work, unpaid and incarcerated, in the attached Magdalene Laundry for some or all of their days. The Department of Justice and the Ombudsman (on appeal) have refused to allow these women to benefit from the *ex gratia* scheme. The Department and Ombudsman have not disputed that the women were forced to work in the Magdalene Laundry. However, they have denied the women’s applications to the scheme because they were not formally “admitted to” the Magdalene Laundry.

5 Refusal to investigate; Denial that systematic human rights abuse occurred

5.1 The Irish State refuses to institute a “prompt, independent and thorough investigation into all allegations of abuse” of women and girls in the Magdalene laundries. No official findings regarding the experience of abuse or lines of responsibility for abuse have been made. As a result, the women and their families are denied several elements of the rights to an effective remedy and reparation, including truth, accountability and guarantees of non-repetition.

- 5.2 Related to the State’s failure to investigate is the refusal of all four religious orders responsible for operating the Magdalene Laundries to apologise or provide any measures of reparation to the women or their families.
- 5.3 The Irish government contends that the *Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries*, which it established in 2011, carried out a “comprehensive and objective” investigation into “the factual position” regarding the Magdalene Laundries.^{xxxvi} The government further asserts that the *Inter-departmental Committee* found “no factual evidence to support allegations of systematic torture or ill treatment of a criminal nature in these institutions”^{xxxvii} and that “[t]he facts uncovered by the [Inter-departmental] Committee did not support the allegations that women were systematically detained unlawfully in these institutions or kept for long periods against their will”.^{xxxviii}
- 5.4 The government’s position is untenable for the following reasons:
- (a) The *Inter-departmental Committee* did not have the mandate to investigate and make findings in relation to allegations of abuse in the Magdalene Laundries. Its terms of reference were limited to investigating state involvement with the Laundries.^{xxxix} The government acknowledged in its Follow-up letter to the UN Committee against Torture in August 2013 that “the Committee had no remit to investigate or make determinations about allegations of torture or any other criminal offence”.^{xl}
 - (b) The *Inter-departmental Committee* had no statutory powers, it was not independent (its members, with the exception of the Independent Chair, were senior civil servants from government Departments closely involved with the Magdalene Laundries) and it did not issue public calls for evidence. Extraordinarily, the *Inter-departmental Committee* agreed to destroy all copies and return all of the evidence obtained from the religious orders at the conclusion of its work.^{xli}
 - (c) 118 Magdalene survivors provided testimony to the *Inter-departmental Committee* in person. The *Inter-departmental Committee* included extracts of this testimony in a Chapter entitled “Living and Working Conditions”,^{xlii} but it did not evaluate the evidence according to a human rights framework or any comprehensive legal framework. The Chair’s Introduction to the 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.”^{xliii}
 - (d) Chapter 19 of the *Inter-departmental Committee*’s report, entitled “Living and Working Conditions”, states that “[a] large majority of the women who shared their stories with the Committee said that they had neither experienced nor seen other girls or women suffer physical abuse in the Magdalen Laundries”.^{xliv} However, the category of ‘physical abuse’ includes numerous women’s complaints of being forced constantly to work, in addition to evidence of girls or

women being shaken, poked or ‘dug’ at with implements, rapped on the knuckles, slapped or punched.^{xlv} The punishments of enforced kneeling for several hours, being forced into a padded cell and having soiled bedsheets pinned to one’s back are categorised by the *Inter-departmental Committee* as ‘psychological and verbal abuse and non-physical punishment’.^{xlvi} In yet another category, Chapter 19 includes three women’s evidence of hair cutting as punishment.^{xlvii}

- (e) Although Chapter 19 does not include a category concerning imprisonment or involuntary detention, the *Inter-departmental Committee* states that a “very common grievance of the women who shared their stories with the Committee...was that there was a complete lack of information about why they were there and when they would get out”.^{xlviii} The Committee acknowledges 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”.^{xlix} Chapter 19 also includes explanations from the Religious Orders as to why they locked doors and gates of the Magdalene Laundries.¹
- (f) Among the evidence provided to the *Inter-departmental Committee*, members of the religious orders discussed the imposition of “house names”, separation from the outside world, enforced silence, incarceration and punishments;^{li} a former novice in the Galway Magdalene Laundry discussed incarceration, unpaid labour and emotional abuse,^{lii} and a manual from the Galway Magdalene Laundry discussed a prohibition on communicating with friends and acquaintances on the outside, punishments, incarceration and lack of wages.^{liii}
- (g) Mr Justice Quirke’s^{liv} report, recommending an *ex gratia* redress scheme, states that he spoke personally with 173 Magdalene survivors in the course of devising his restorative justice recommendations and that “[a]lthough their recollections often provoked emotion, they were entirely credible”^{lv} (emphasis added). Mr Justice Quirke’s report states that “[a]ll of the women who worked within the designated laundries worked without pay, some for very long periods of time”.^{lvi} Regarding involuntary detention, Mr Justice Quirke notes that “[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.”^{lvii}
- (h) Numerous women who died in Magdalene Laundries and their burial locations remain unidentified.^{lviii}
- (i) The *Inter-departmental Committee* concluded that the women’s and girls’ average duration of stay was 3.22 years and median 27.6 weeks.^{lix} However, in the records which three of the four relevant religious orders produced to the IDC,^{lx} duration of stay (which would include date of exit) was not recorded for 58% of entries.^{lxi} Furthermore, the *Inter-departmental Committee* treated each transfer between Laundries and each repeat entry as beginning a brand new period of detention and

did not collate these to reach its conclusions regarding the average and median durations of stay.^{lxii} The *Inter-departmental Committee* also disregarded entirely for the purpose of these calculations the detentions of women who had entered Magdalene Laundries before 1922 and remained thereafter.^{lxiii}

- (j) By comparing a number of available electoral registers, Claire McGettrick of JFM Research has found that 63.1% of adult women registered in the Donnybrook Magdalene Laundry in 1954-55 were still registered nine years later, in 1963-64. Similarly, 63.4% of the adult women registered in the High Park Magdalene Laundry in 1954-55 were still registered in 1963-64. Comparison of electoral registers against grave records at the Donnybrook Magdalene Laundry site show that over half of the women on electoral registers between 1954 and 1964 died at that institution.^{lxiv}
- (k) None of 793 pages of witness testimony which Justice for Magdalenes transcribed and submitted to the *Inter-departmental Committee* (and offered to have sworn), appears in the report. This testimony contains evidence from Magdalene survivors and others with experience of the Magdalene Laundries of involuntary detention, forced labour, physical abuse, psychological abuse, neglect and denial of educational opportunity.^{lxv}

5.5 The government's current stance denies facts clearly acknowledged by the Taoiseach^{lxvi} and Tánaiste^{lxvii} on 19 February 2013:

...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.^{lxviii}

...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.

What happened to the thousands of women who walked through those doors, down the decades, happened in plain sight, but there is nothing so blind as the blindness imposed by a dominant ideology and a subservient State, a blindness that can subvert what our human intuition knows to be right and wrong, that saw tens of thousands of small children locked up in industrial schools, that often punished the abused rather than the perpetrator, that would banish a young woman from her community for the so-called crime of getting pregnant, that did not question a long absence by a sister, niece or aunt and that did not trouble itself about an industry built on unpaid, involuntary labour.

The most reliable litmus test of freedom, and of the separation of church

and state, is how that state treats its female citizens. By this standard, Ireland was, until recent decades, a virtual theocracy. It was a country where women were cast out for having sex outside of marriage, where they were denied contraception, denied work if they were married and, as we have seen, committed to an institution, sometimes for little more than being an inconvenience.

This was an Ireland where justice and morality were conflated so that there was much in the way of morality but little in the way of justice, and justice was not done for these women.^{lxix}

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ⁱ The year the Irish Free State was founded.

ⁱⁱ When the last Magdalene Laundry, at Sean McDermott Street in Dublin, closed.

ⁱⁱⁱ Report of the Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries (hereafter '*Inter-departmental Committee report*'), <http://www.justice.ie/en/JELR/Pages/MagdalenRpt2013>, Executive Summary, p XIII. The statistic of 10,012 women excludes women who spent time in the Sisters of Mercy Magdalene Laundries in Galway and Dun Laoghaire, due to the absence of records. It also excludes 762 'legacy cases' of women who entered prior to 6 December 1922 and remained thereafter (see Report of Inter-departmental Committee, chapter 7 paras 27, 30).

^{iv} Justice for Magdalenes, Submission to the United Nations Committee against Torture, 46th Session, May 2011,

http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_NGO_IRL_46_9041_E.pdf ; Justice for Magdalenes, Submission to the United Nations Universal Periodic Review, Twelfth Session of the Working Group on the UPR, Human Rights Council, 6 October 2011,

<http://lib.ohchr.org/HRBodies/UPR/Documents/session12/IE/JFM-JusticeforMagdalenes-eng.pdf>

^v See Justice for Magdalenes, Principal submissions to the Inter-departmental Committee to establish the facts of State involvement with the Magdalene Laundries,

http://www.magdalenelaundries.com/State_Involvement_in_the_Magdalen_Laundries_public.pdf;

Inter-departmental Committee Report, above note iii, Introduction (paras 9, 10, 14, 18), Chapter 19.

^{vi} Among others: Julian 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); *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. B.B.C. 2 Scotland (16 August); Mary Norris in Angela Lambert, 'A very Irish sort of hell', Sunday Telegraph (2 March 2003); 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-the-magdalene-laundry-women/>

^{vii} See *Inter-departmental Committee report*, above note iii.

^{viii} *Inter-departmental Committee Report*, above note iii. See Chapter 8, para 19, which states that 26.5% of entries for which manner of entry was known were made or facilitated by the State. However, note that in the non-State category the report puts transfers from other laundries (14.8% of known entries) and NSPCC and Legion of Mary (7.1% of known entries). Chapter 8, para 19 acknowledges the connection between these organisations and the State: "the categories of the "Legion of Mary" and "NSPCC" are presented separately (as neither State nor non-State) due to the fact that these categories include both State and non-State referrals in unknown proportions."

^{ix} *Inter-departmental Committee Report*, above note iii. See Chapter 14, paras 166-188.

^x *Inter-departmental Committee Report*, above note iii, Chapter 13

^{xi} *Inter-departmental Committee Report*, above note iii, Chapter 12, p522, 571, 573.

^{xii} 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=hOQy17ZpoH8> (The Taoiseach's full apology was approximately 18 minutes in length.)

^{xiii} See Department of Justice, Press Release, 26 June 2013, <http://www.justice.ie/en/JELR/Pages/PR13000256> and the Report of the Magdalen Commission (May 2013), <http://www.justice.ie/en/JELR/Pages/PB13000255>

^{xiv} 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

^{xv} See United Nations Committee against Torture, Concluding Observations regarding Ireland, UN Doc CAT/C/IRL/CO/1 (17 June 2011), para 21; Letter from Felice D Gaer, Rapporteur for Follow-up on Concluding Observations of the Committee against Torture, to Ireland (22 May 2013), http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_FUL_IRL_12936_E.pdf; United Nations Committee against Torture, List of issues prior to submission of the second periodic report of Ireland, UN Doc CAT/C/IRL/QPR/2 (17 December 2013), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2fQPR%2f2&Lang=en, para 21

^{xvi} 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

^{xvii} Dail Eireann, Topical Issue Debate: Residential Institutions Redress Scheme, 14 July 2015, <https://www.kildarestreet.com/debates/?id=2015-07-14a.344&s=magdalen+payment#g346>

^{xviii} See Appendix A, pp11-13

^{xix} 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) (hereinafter 'Magdalen Commission Report'), <http://www.justice.ie/en/JELR/2.%20THE%20MAGDALEN%20COMMISSION%20REPORT.pdf/Files/2.%20THE%20MAGDALEN%20COMMISSION%20REPORT.pdf>

^{xx} See 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>

^{xxi} Magdalen Commission Report, above note xviii, p7.

^{xxii} Ibid.

^{xxiii} Magdalen Commission Report, above note xviii, p92:

“Your prescribing physician, that is your GP, Consultant or Dentist should write your prescription on a private prescription and not on the prescriptions used for medical cardholders. You will be required to sign a receipt for the items dispensed to allow the pharmacist to be paid. Pharmacists are paid through the PCRS (Primary Care Reimbursement Service) of the HSE. **There are certain items which your GP/Consultant/Dentist may prescribe for you and which the pharmacist cannot get re-imbursed for from the PCRS. In this case the pharmacist needs to get refunded by the HSE directly via your Hepatitis C Liaison Officer and they should not under any circumstances ask you to pay for these items yourself once they have been prescribed.** It is a matter for the Pharmacist to address with the Liaison Officer and not with you. (emphasis added)

All pharmacists have been advised that if there are any questions regarding the recoupment of individual items, these should be brought to the attention of either the PCRS, or to the relevant Hepatitis C Liaison Officer, and not to the HAA cardholder. Every effort will be made by the HSE and the PCRS to sort out any problems that might arise without recourse to the individual cardholder if at all possible.

What Pharmacy products are not covered?

Cosmetic type toiletries (e.g. perfume etc) are not covered under the HAA card, this does not include creams and lotions used for certain skin conditions, which may be prescribed by your GP or Consultant in certain circumstances. Your Hepatitis C Liaison Officer can advise you on whether or not certain items are available to you on your HAA card and you should discuss any queries with them in the first instance.”

^{xxiv} Appendix B: Guide to the Health Services under the Redress for Women Resident in Certain Institutions Act 2015, para 2(ii).

^{xxv} Magdalen Commission Report, above note xviii, Appendix G:

Dental

If you require a prescription - your dentist should write your prescriptions on a private prescription form (**not on the form used for medical card prescriptions**). You are then entitled to have these prescriptions dispensed without charge on production of your HAA card by a pharmacist.

Ophthalmic

Any cardholder requiring a specialist medical eye examination must be referred by his/her GP or hepatologist to

an appropriate consultant (this does not apply to straightforward sight tests), the optician may provide assistance with this in certain cases. **The cardholder will receive priority treatment from the HSE's Community Ophthalmic Physician, or will receive their first appointment with a hospital consultant within two weeks.**

Aural

Hearing tests and aids (sometimes referred to as aural services) are available to all HAA cardholders. If you have difficulty with your hearing, you are advised to contact your GP or hepatologist in the first instance, so that any medical problems can be ruled out. If necessary, your hepatologist or GP might decide to refer you to an Ear, Nose and Throat (ENT) specialist. This referral as with all referrals to another speciality should be facilitated within 2 weeks and you should liaise with the Hepatitis C Liaison Nurse in your Liver Unit.

^{xxvi} Appendix B: Guide to the Health Services under the Redress for Women Resident in Certain Institutions Act 2015, para 2(iii).

^{xxvii} Magdalen Commission Report, above note xviii, Appendix G:

“You do not need to be referred by your GP or consultant for counselling and you do not need prior approval from the Liaison Officer, as long as you attend one of the counsellors on the HSE list, which is available from your Liaison Officer. **This also applies to counselling services for your spouse or partner and children (including adult children).** In the case of children who contracted Hepatitis C, counselling services will also be available to their parents, brothers and sisters, without prior approval or referral.

Under certain circumstances, counselling for adults with Hepatitis C can also be extended to other close family members, particularly relatives or carers who are living with you or who are in close contact with you, with the prior approval of your Hepatitis C Liaison Officer.”

^{xxviii} Appendix B: Guide to the Health Services under the Redress for Women Resident in Certain Institutions Act 2015, para 2(viii).

^{xxix} Magdalen Commission Report, above note xviii, p 83.

^{xxx} Letter to the Editor, Journal of the Irish Dental Association, Aug/Sept 2015: Vol 61(4), p 164

^{xxxi} Magdalen Commission Report, above note xviii, p 14.

^{xxxii} Written answer from Minister for Justice, Frances Fitzgerald TD, to Joan Collins, 24 March 2015, <https://www.kildarestreet.com/wrans/?id=2015-03-24a.951>

^{xxxiii} See Magdalen Commission Report, above note xviii, pp 11-12.

^{xxxiv} See Department of Justice, Press Release, ‘Minister Shatter announces payment of €250,000 to the Irish Women Survivors Support Network’, 19 November 2013, <http://www.justice.ie/en/JELR/Pages/PR13000393>; See also Dail Eireann, ‘Magdalen Laundries Report: Statements’, 19 February 2013, <https://www.kildarestreet.com/debates/?id=2013-02-19a.387>; Department of Justice, Press Release, ‘Minister for Justice and Equality Frances Fitzgerald TD meets with the Trustees of the Irish Women Survivors Support Network in London and some of the women who spent time in the Magdalen Laundries’, 10 December 2011, <http://www.justice.ie/en/JELR/Pages/PR14000364>

^{xxxv} Magdalene Commission Report, above note xviii, para 4.10

^{xxxvi} United Nations Human Rights Committee, Replies of Ireland to the list of issues, UN Doc CCPR/C/IRL/Q/4/Add.1 (5 May 2014), para 52; Permanent Mission of Ireland to the United Nations, 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, 20 July 2015, p2

^{xxxvii} United Nations Human Rights Committee, Replies of Ireland to the list of issues, UN Doc CCPR/C/IRL/Q/4/Add.1 (5 May 2014), para 53; Permanent Mission of Ireland to the United Nations, 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, 20 July 2015, p2

^{xxxviii} United Nations Human Rights Committee, Replies of Ireland to the list of issues, UN Doc CCPR/C/IRL/Q/4/Add.1 (5 May 2014), para 54

^{xxxix} See *Inter-departmental Committee* Report, above note iii, Chapter 2, para 8.

^{xl} 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.

^{xli} Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries, Interim Progress Report, 20 October 2011, <http://www.justice.ie/en/JELR/Appendix%201.pdf/Files/Appendix%201.pdf>, para 35

^{xlii} *Inter-departmental Committee* Report, above note iii, Chapter 19.

^{xliii} *Inter-departmental Committee* Report, above note iii, Introduction, p VII.

^{xliv} *Inter-departmental Committee* Report, above note iii, Chapter 19, para 33.

^{xliv} *Inter-departmental Committee* Report, above note iii, Chapter 19, para 35.

^{xlvi} *Inter-departmental Committee* Report, above note iii, Chapter 19, para 38.

^{xlvi} *Inter-departmental Committee* Report, above note iii, Chapter 19, para 43.

^{xlvi} *Inter-departmental Committee* Report, above note iii, Chapter 19, para 51.

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- ^{xlix} *Inter-departmental Committee* Report, above note iii, Chapter 19, para 52.
- ^l *Inter-departmental Committee* Report, above note iii, Chapter 19, paras 69-71.
- ^{li} *Inter-departmental Committee* Report, above note iii, above note 8. See, for example, Chapter 19, para 63 regarding the imposition of “house names”, paras 64 and 65 regarding separation from the outside world, paras 67 and 68 regarding enforced silence, paras 69-71 regarding incarceration and paras 73-75 regarding punishments.
- ^{lii} *Inter-departmental Committee* Report, above note iii, above note 8. See summary of evidence from Patricia Burke-Brogan at Chapter 19, para 112 regarding incarceration and unpaid labour, and para 114 regarding emotional abuse.
- ^{liii} *Inter-departmental Committee* Report, above note iii, above note 8. See Chapter 19 para 142 regarding the prohibition on communicating with friends and acquaintances on the outside, para 144 regarding punishments and para 147 regarding incarceration and lack of wages.
- ^{liv} President of the Irish Law Reform Commission
- ^{lv} Magdalen Commission Report, above note xviii, para 4.09
- ^{lvi} Magdalen Commission Report, above note xviii, p 8.
- ^{lvii} Magdalen Commission Report, above note xviii, para 5.13.
- ^{lviii} Claire McGettrick and Justice for Magdalenes Research, ‘Death, Institutionalisation & 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 2015), http://www.magdalenelaundries.com/JFMR_Critique_190215.pdf
- ^{lix} *Inter-departmental Committee* Report, above note iii, Executive Summary, p XIII.
- ^{lx} *Inter-departmental Committee* Report, above note iii. See Chapter 7, paras 20-23, which explain that the Sisters of Mercy could produce no records for the Magdalene Laundry in Dun Laoghaire and very few records for the Magdalene Laundry in Galway.
- ^{lxi} *Inter-departmental Committee* Report, above note iii, Chapter 8, para 29 states that duration of stay was known for 6,151 women and unknown for 5,047 women. However, these numbers must in fact refer to ‘admissions’ rather than ‘women’, because they total 11,198. Chapter 7, para 34 states that “10,012 or fewer women are known to have entered the Magdalen Laundries between 1922 and 1996” because out of a total of “14,607 known admissions” at least 3,409 of these were repeat entries and at least 1,186 of these were transfers of the same woman from another Magdalene Laundry.
- ^{lxii} *Inter-departmental Committee* Report, above note iii. According to Chapter 8 paras 9 and 10, the available field of information for analysis of duration of stay consisted of 11,198 cases. This is greater than the number of women the report considers (see note 29).
- ^{lxiii} *Inter-departmental Committee* Report, above note iii, Chapter 8, para 7.
- ^{lxiv} Claire McGettrick, Death, Institutionalisation & 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, pp 58, 59, http://www.magdalenelaundries.com/JFMR_Critique_190215.pdf. It is relevant to note that the IDC found the women’s and girls’ average age at the time of entry to have been 23.8, and the median age at the time of entry to have been 20. See IDC Report, above note 8, Executive Summary, XIII.
- ^{lxv} See Justice for Magdalenes, Principal submissions to the Inter-departmental Committee to establish the facts of State involvement with the Magdalene Laundries, http://www.magdalenelaundries.com/State_Involvement_in_the_Magdalen_Laundries_public.pdf
- ^{lxvi} Prime Minister
- ^{lxvii} Deputy Prime Minister
- ^{lxviii} Remarks of the Taoiseach, Enda Kenny, TD, during the apology on 19 February 2013, see above note 2.
- ^{lxix} Remarks of the Tánaiste, Eamonn Gilmore TD, during the apology, *ibid*.

Appendix A

Terms of Ex Gratia Scheme

**TERMS OF AN EX GRATIA SCHEME
FOR WOMEN WHO WERE ADMITTED TO AND
WORKED IN MAGDALEN LAUNDRIES,
ST MARY'S TRAINING CENTRE STANHOPE
STREET
AND
HOUSE OF MERCY TRAINING SCHOOL
SUMMERHILL, WEXFORD**

December 2013

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INTRODUCTION

1. The Government has decided to provide, on an *ex gratia* basis, a scheme of payments and benefits for those women who are determined, under the application process set out below, to have been admitted to and worked in one of the 12 institutions listed at Appendix 1. Payments and benefits under the scheme will only be made to those women who comply with all of the terms of this Scheme (including the signing of the Form and Declaration at Appendix 2) and who waive any right of action against the State or against any public or statutory body or agency arising out of their admission to and work within one of the 12 institutions concerned.
2. The scheme is informed by the 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 which is referred to in this scheme as the Quirke Report.
3. A Restorative Justice Implementation Unit has been set up in the Department of Justice and Equality, for a limited period, to process applications and payments under the Scheme.

APPLICATION PROCESS

Application forms

4. Where a person is applying on their own behalf, an application form must be completed. Applications forms can be requested from the Restorative Justice Implementation Unit in the Department of Justice and Equality at telephone number + 353 1 4768660.
5. Completed application forms must be accompanied by:
 - Proof of residence (e.g. a household bill)
 - Proof of Identity (e.g. Birth Certificate (long version), Passport, Driving Licence, Marriage Certificate or Pension card)
 - Proof of your Personal Public Service Number (PPSN number) (e.g. your Social Welfare Card or Medical Card). For those resident outside the State, your Tax File Number or your National Social Insurance Number.
 - Photocopy of your records from the Institution that you resided in and worked in stating the period of time you were there.
6. Incomplete forms will be returned and if all the necessary support documents have not been provided a further written request will issue requesting those documents. This letter may be supplemented by a telephone call if telephone contact details have been provided. The applicant will be advised that the processing of their application is suspended pending receipt of the outstanding information/documents.
7. The application forms also request applicants to consent to the provision of personal information to the Department of Justice and Equality by any

Government Department, agency, health or educational institution and the religious congregations for the purpose of verification in relation to their application.

8. At any stage of the application process, the Restorative Justice Implementation Unit may request an applicant to meet with a staff member of the Unit for any purpose connected with her application including the verification of any matter relevant to the application or required under the scheme or the confirmation of the applicant's identity or capacity.
9. It is the responsibility of the applicant to notify the Restorative Justice Implementation Unit of any changes of address or contact details.

Acknowledgement of application

10. A written acknowledgment of receipt of the application will be sent to the applicant normally within 5 days of receipt of application. Original documents once copied will be returned to the applicant by registered post.

Term of the Scheme

11. The Scheme will run to at least the end of December 2014. When a decision is made to close the Scheme to new applications after that date, advance public notice will be given.

Applications on behalf of eligible women unable to make an application

12. Where a woman who was in one of the 12 institutions listed at Appendix 1 lacks the capacity to make an application, the application can be made on her behalf by a person properly authorised to do so. The Restorative Justice Implementation Unit will accept that a person is so authorised only where he or she provides the appropriate evidence –
 - a) as to the identity of the applicant;
 - b) that the woman who was in one of the relevant institutions is incapable of making an application, and
 - c) that the applicant is authorised to act on behalf of the woman who was in one of the relevant institutions for the purpose of the application.

Processing of Applications on behalf of eligible women who have died

13. Relatives of deceased women who were admitted to and worked in one of the 12 institutions are not covered by the Scheme with one exception. As recommended by Judge Quirke, where a woman who comes within the scheme was alive on 19 February 2013 and an expression of interest was or is received by the Department of Justice and Equality before her death, an application may be made on behalf of her estate. Such an application will be processed to finality even if the woman is now deceased or passes away before a payment can be made.

14. The lump sum to which the deceased person would have been granted under this Scheme will be paid to the estate of the deceased person. No weekly instalments, payments or other benefits will be made in respect of a deceased woman.

Commencement Date for Scheme

15. On 5th November 2013, the Government decided that the 1st August 2013 was to be the commencement date for the Scheme. Where a woman is determined to be eligible for the scheme, any weekly instalments on the lump sum and weekly payment due from the Department of Social Protection will be backdated to the 1st August 2013.

DECIDING WHETHER A PERSON FALLS WITHIN THE SCOPE OF THE SCHEME

Notification of Provisional Assessment

16. The first phase of processing a properly completed application will be the making of a provisional assessment as to whether the applicant comes within the scope of the scheme. This assessment will be made on the basis of the records of the institutions concerned and any other records or statements available. On this basis, a decision will be made as to whether, on the balance of probabilities the applicant was admitted to and worked in one of the 12 institutions covered by the scheme and, if so, an assessment will be made of the length of time which she spent in the relevant institution. This provisional assessment will be set out in a letter to the applicant. An estimate of the lump sum payment which will be paid to the applicant subject to the requirements set out below will also be provided for information purposes. (The lump sum payment is just one of the benefits under the scheme but some of the other benefits which may be offered will depend on personal circumstances and a further process is required to determine exactly what other benefits will be due to persons under the scheme.)
17. The applicant will be asked whether she agrees with the provisional assessment. If she agrees with the provisional assessment, an applicant is required to notify the Restorative Justice Implementation Unit of her agreement within 2 months of the date of the letter. A formal offer in the same terms and subject to the signing of an Acceptance Form and statutory declaration will then be made, see below. If an applicant disagrees with the provisional assessment, she can seek a review of the assessment and should state the reasons why she disagrees with it and what evidence she has to support her view. If an applicant disagrees with the provisional assessment and seeks a review, she must notify the Restorative Justice Implementation Unit within 2 months of the letter. If an applicant fails to indicate her agreement or disagreement with the provisional assessment within 2 months of the date of the letter, her application will be deemed to have been withdrawn.
18. Where the Applicant has been determined to be eligible under the Scheme, as a condition precedent to the making of any payment or provision of any other benefit under this Scheme, she will be required to sign an Acceptance Form and complete a Statutory Declaration (see paragraphs 24 - 31 below) . (An applicant

can indicate in writing that she only wishes to receive specified parts of the payments and benefits under the scheme.)

REVIEW/APEAL PROCESS

19. If an applicant does not agree with a provisional assessment made by the Restorative Justice Implementation Unit, on whether she comes within the scope of the scheme or the duration of her stay in one of the relevant institutions, she can seek a review of that assessment within 2 months of the date of the letter of provisional assessment setting out her reasons. The application will be reviewed by an officer of a higher grade in the Department of Justice & Equality who will, having considered the matter, make a decision on the case and give written reasons for that decision. The applicant will be informed in writing of the decision, and the reasons for the decision and will also be advised that if she is not satisfied with the review decision, she may appeal that decision to the Office of the Ombudsman.

CALCULATION OF LUMP SUM PAYMENT

20. The lump sum payment includes a general payment and a payment to reflect the work done in the laundries. These payments will be made after a formal offer has been made and accepted and the Acceptance Form and statutory declaration have been signed. The amount to be paid and how it is to be paid will be calculated in accordance with recommendations 3 and 4 and Appendix A of the Quirke report and is based on the time spent in the laundries. The Quirke Report provides a number of tables (Pages 65 – 67) showing precise calculations, for example, a woman who spent 5 months in the laundry will receive a general payment of €11,000 plus a work payment of €2,500 which will give her a total payment of €13,500. If a woman was in the laundry for 10 years or more she will receive a general payment of €40,000 and a work payment of €60,000 which would give her a total of €100,000.

21. However, Judge Quirke has also recommended (Recommendation 4) that if an applicant is to be given a cash payment above €50,000 it should be paid in the form of a lump sum of €50,000 plus an annual instalment related to the notional remaining lump sum to be paid weekly on the following basis:

- If the applicant is 66 years of age or older annual instalments will be calculated on the basis of Appendix D.1, page 75 of the Quirke Report.
- If the applicant is under 66 years of age the instalments will be calculated on a two part basis:
 - (a) an instalment to be made until the applicant reaches the age of 66 calculated on the basis of Appendix D.2 page 76 (but not to exceed €130 per week) and

(b) any part of that portion of the lump sum exceeding €50,000 remaining after the payments in paragraph (a) above to be paid in instalments calculated on the basis of Appendix D.1, page 75 .

22. Depending on the amounts involved, smaller weekly instalments will be accumulated and be paid on a monthly basis. If calculations give rise to potentially very small weekly instalments (e.g. less than €5 per week) the lump sum amount will not be converted to weekly instalments but will be paid as part of the lump sum.

23. Payments under this element of the scheme are not liable to Irish income tax or capital gains tax.

FORMAL OFFER

24. If the applicant confirms in writing that she will accept the provisional determination, then a formal offer in the same terms as the provisional assessment will be made in writing and payment will be conditional on the signing of an Acceptance Form and a statutory declaration:

- a) agreeing to participate in the scheme,
- b) accepting its terms,
- c) attesting to the truth and accuracy of the information and documentation submitted in her application and on foot of which the offer is made;
- d) confirming that she is of sound mind (subject to paragraph 27 below)
- e) accepting the offer made;
- f) waiving any right of action against the State or any public or statutory body or agency arising out of her admission to and work in the institution or institutions concerned.
- g) agreeing to discontinue any proceedings instituted by her against the State or any public or statutory body or agency arising out of the circumstances of her application
- h) acknowledging the implications of making a false or misleading application including the acknowledgement that the making of a false statement in a statutory declaration is an offence.

25. This Acceptance Form must be witnessed by a practising solicitor and the Statutory Declaration must be witnessed by one of the persons specified under section 1 of the Statutory Declarations Act 1938 and set out in the template declaration form attached at Appendix 2.

26. If a solicitor witnesses the declaration, his or her fee for this service may be included in the fee for legal advice referred to below and, if so included, will be discharged by the Restorative Justice Implementation Unit and subject to the overall cap on the contribution which will be made towards legal fees outlined below.

27. Fees incurred by an applicant if the statutory declaration is witnessed by any other category of witness will not be discharged by the Restorative Justice Implementation Unit.
28. Before signing the Acceptance Form and statutory declaration the applicant is strongly advised to obtain legal advice. A contribution of up to a maximum of €500 + VAT will be made available to applicants residing either in Ireland or abroad towards the cost of obtaining their own legal advice. Any legal costs incurred by an applicant in excess of €500 + VAT will not be paid for by the State.
29. The applicant will be given 6 months from the date of the letter of formal offer to make a decision on the offer and to sign and return the properly completed and witnessed Acceptance Form and statutory declaration. However if it is established within that period that the applicant lacks the capacity to make the decision and there is no person with lawful authority to act on her behalf, that 6 month period will be extended until after the necessary legislation referred to below is enacted and commenced. The Restorative Justice Implementation Unit may ask for proof as to the capacity of an applicant and a medical certificate or other evidence may be required to be produced to the Unit before any payment can be made.
30. If the applicant accepts the offer and signs the Acceptance Form and statutory declaration, the applicant will be deemed to fall within the scheme.
31. If, on receipt of the letter of formal offer and prior to its acceptance, the applicant identifies any factual or methodological or other substantive error which has been made in the provisional assessment (and repeated in the letter of formal offer) and notifies the Restorative Justice Implementation Unit of that error and provides information to the Unit setting out what the applicant understands to be or maintains is the correct position then, notwithstanding her earlier indication of acceptance of the provisional assessment, that assessment will be reviewed in accordance with paragraph 20 above.

WOMEN LACKING CAPACITY

32. Special arrangements have to be made for a woman who does not have the capacity to apply, to make a decision regarding acceptance of the offer or to sign an Acceptance Form or statutory declaration. In such a case, only a person who has a legal power to act on behalf of the applicant may make the decision to accept an offer and sign an Acceptance Form or statutory declaration on her behalf. The fact that a person has made an application on behalf of a woman who may be eligible under the scheme does not mean that person has a legal right to act on behalf of the applicant. Where the applicant is a ward of court or has signed an enduring power of attorney, the relevant person or body appointed by the Court or empowered under that instrument will be entitled to act on behalf of the applicant. For other cases, as recommended by Judge Quirke, legislation is being introduced to cater for these cases where an applicant lacks capacity. It will provide for the appointment of a person by a court to act on behalf of the applicant

for the purposes of this Scheme, including accepting an offer and signing an Acceptance Form and statutory declaration on her behalf.

PAYMENT

33. When a person has accepted the offer and signed the Acceptance Form and statutory declaration, arrangements will be made to process the lump sum payment. Such payment will only be paid into an account in a financial institution held in the sole name of the applicant. As referred to above, the Restorative Justice Implementation Unit may ask for proof as to the capacity of an applicant and a medical certificate or other evidence may be required to be produced to the Unit before any payment will be made.

OTHER SUPPORTS UNDER THE SCHEME

34. The Department of Justice and Equality will notify the other relevant Departments and agencies that a decision has been made that the applicant is eligible for benefits under the scheme once the offer has been accepted and the Acceptance Form and statutory declaration have been signed. In the case of weekly payments to be made by the Department of Social Protection, that Department may require further details to enable the payments to be calculated and paid. Similarly additional information may be required before a card providing access to medical services can be provided. The relevant Department or agency will contact the applicant to obtain the necessary information.

ACCESS TO MEDICAL SERVICES

35. Applicants who are determined to be eligible under the scheme and who have accepted the offer made to them and signed the Acceptance Form and statutory declaration will be granted access to a range of public health services within the State once the necessary legislation is in place.
36. The range of public health services offered will (subject to Oireachtas approval) depend on the needs of the Applicant and may include general practitioner services, prescribed drugs and medicines (subject to the prescription charge), all in-patient public hospital services in public wards including consultants services, all out-patient public hospital services including consultants services, dental, ophthalmic and aural services and appliances.
37. Legislation is required to provide this benefit. As a result this benefit will not become available until after the legislation is enacted and commenced.

WEEKLY PAYMENT

38. Applicants who are determined to be eligible under the scheme for a payment in excess of €50,000 and who have accepted the offer made to them and signed the Acceptance Form and the statutory declaration will in addition and without regard to the lump sum payments receive **weekly top up payments** of up to €100 if under 66 and up to the equivalent of the State Contributory pension - €230.30 - if

over 66. These payments are to be calculated net of other Irish State benefits, see examples below.

- A person over 66 years of age receiving only a State non contributory pension of €219 would receive an additional €11.30 a week to bring her up to the figure recommended by Judge Quirke (if over 80 years of age the difference would be an additional €1.30 per week).
- A person receiving primary State benefits in excess of the threshold recommended by Judge Quirke would receive no additional weekly payment.
- A person who has for example a private pension or income and is not receiving any State benefits would receive the full amount of €230.30 if over 66 and €100 if under 66 years of age.

39. Only primary benefits will be taken in to account when calculating what amount an applicant is receiving from the State above the minimum threshold (€100/€230.30) specified by Judge Quirke. Therefore, for example, an applicant on a non contributory pension who has living alone and rent supplement might be receiving in excess of €230.30 in State benefits but for the purpose of this scheme only her primary benefit - i.e. her non contributory pension of €219 - will be taken into account so she will receive a weekly top up of €11.30 to bring her up to €230.30. This will not affect her other benefits.

40. Weekly payments to women, under the Scheme, from the Department of Social Protection will date from 1st August 2013. These payments will not be liable for assessment for income tax purposes.

41. It should be noted that the Department of Social Protection may not be in a position to commence these payments until early 2014. Applicants will be paid the arrears dating back to 1st August 2013.

UK RESIDENTS

42. Provision will be made for the additional payment of a maximum of STG£1,000 in the case of an applicant who is determined to be eligible under the scheme and who has accepted the offer made to her and signed the Acceptance Form and statutory declaration and who resides in the UK towards the cost of establishing a personal injury trust fund, if they wish to establish such a fund. Contact should be made with the Restorative Justice Implementation Unit before incurring any expenditure on the establishment of such a trust fund.

APPENDIX 1

The twelve institutions covered under the Magdalen Scheme

• THE TEN MAGDALEN LAUNDRIES

Good Shepherd Sisters

The Magdalen Laundries at

- St Mary's Cork Road, Waterford
- St Mary's New Ross, Wexford
- St Mary's Pennywell Road, Limerick
- St Mary's Sunday's Well, Cork.

Sisters of Our Lady of Charity

The Magdalen Laundries at

- St Mary's Refuge, High Park, Grace Park Road, Drumcondra, Dublin 9
- Monastery of Our Lady of Charity Sean McDermott Street (formerly Gloucester Street), D1;

Sisters of Mercy

The Magdalen Laundries at

- Magdalen Home (formerly Magdalen Asylum), 47 Forster Street, Galway
- St Patrick's Refuge, Crofton Road, Dun Laoghaire, Co. Dublin

Sisters of Charity

The Magdalen Laundries at

- St Mary Magdalen's, Floraville Road, Donnybrook, Dublin
- St Vincent's, St Mary's Road, Peacock Lane, Cork

• TWO OTHER INSTITUTIONS

Sisters of Mercy

House of Mercy Training School Summerhill, Wexford (Laundry operated in the Training School)

Sisters of Charity

St Mary's Training Centre Stanhope Street (Laundry operated in the Training Centre)

Note

Institutions listed in the Schedule to the Residential Institutions Redress Act 2002 are not covered by this Scheme.

APPENDIX 2

Template – Acceptance Form and Statutory Declaration

ACCEPTANCE FORM

**EX GRATIA SCHEME FOR WOMEN WHO WERE ADMITTED TO AND
WORKED IN MAGDALEN LAUNDRIES, ST MARY'S TRAINING
CENTRE STANHOPE STREET AND HOUSE OF MERCY TRAINING
SCHOOL SUMMERHILL, WEXFORD**

I, A.B., of [insert address] having made an application under the above Scheme hereby:-

43. agree to participate in the above Scheme and I accept all of the terms of the Scheme as set out in the document entitled "*Terms of Ex Gratia Scheme for Women who were admitted to and worked in Magdalen Laundries, St. Mary's Training Centre Stanhope Street and House of Mercy Training School Summerhill, Wexford.*"
44. accept the offer made to me by the Restorative Justice Implementation Unit by letter dated [insert date of letter].
45. waive any right of action against the State or any public or statutory body or agency arising out of my admission to and work in [insert name of institution or institutions concerned].*
46. agree to discontinue any proceedings instituted by me against the State or any public or statutory body or agency arising out of the circumstances of my application.
47. confirm that I understand and acknowledge that any false or misleading documentation or information submitted by me in relation to this application will result in a withdrawal of the offer or, if the offer has been accepted, will result in a requirement to repay all monies received by me under this Scheme and all benefits granted to me under this Scheme will be withdrawn. Further, I understand that the making a false statement in a statutory declaration is an offence.
48. acknowledge that, prior to signing this document, I have been advised by the Restorative Justice Implementation Unit in the Department of Justice and Equality of my entitlement to obtain my own legal advice as to its meaning and effect in law and I understand that it would be in my best interest to obtain such advice. [I further acknowledge that I have received such advice before signing this document] (*delete as appropriate*)

Signed: [A.B.]

Witnessed: [name and address of solicitor]

Date: [insert]

FORM OF STATUTORY DECLARATION

**EX GRATIA SCHEME FOR WOMEN WHO WERE ADMITTED TO
AND WORKED IN MAGDALEN LAUNDRIES, ST MARY'S TRAINING
CENTRE STANHOPE STREET AND HOUSE OF MERCY TRAINING
SCHOOL SUMMERHILL, WEXFORD**

I, A.B., of *[insert address]* and being of sound mind do solemnly and sincerely declare that:-

- i. I have made an honest and truthful application under this Scheme;
- ii. The documents which I have submitted, and on foot of which an offer has been made to me under the Scheme, are true and genuine documents and, where copies of documents have been furnished by me, they are true copies of the relevant document;
- iii. The details set forth in those documents and any other material submitted by me in relation to this application (including the details on the application form submitted) are true and accurate;
- iv. I have waived any right of action against the State or any public or statutory body or agency arising out of my admission to and work in *[insert name of institution or institutions concerned]*.*

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

[Signed] A.B.

[Address]

Declared before me.....*[name in capitals]* a [solicitor]
[notary public] [commissioner for oaths] [peace commissioner] [person
authorised by *[insert authorising statutory provision]*.....
to take and receive statutory declarations] by A.B.

[who is personally known to me],

or

[who is identified to me by C.D. who is personally known to me]

or

[whose identity has been established to me before the taking of this Declaration
by the production to me of

passport no. *[passport number]* issued on *[date of issue]* by the authorities of
[issuing state], which is an authority recognised by the Irish Government]

or

national identity card no. [identity card number] issued on [date of issue] by the authorities of [issuing state] [which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement]

at.....[place of signature] this.....day
of.....[date]

.....
[signature of witness]”.

Appendix B

RWRCI Card Guide



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Guide to Health Services under the Redress for Women Resident in Certain Institutions Act 2015

Contents:

1. Eligibility
2. Health Services
3. Details of Community Health Organisation Contact Persons
4. Additional Benefits
5. Frequently Asked Questions

1. Eligibility

Qualification for health services under the Redress for Women Resident in Certain Institutions (RWRCI) Act 2015 is based on the following:

- (i) the Minister for Justice and Equality has determined that a woman is eligible under the Restorative Justice Scheme, which provides for the making of ex-gratia payments to women who were admitted to and worked in a relevant institution; and,
- (ii) a woman has accepted a formal offer made to her by the Minister for Justice and Equality under the Restorative Justice Scheme.

These women will receive a 2015A Scheme card from the HSE, which identifies the holder as qualifying for the health services specified in the RWRCI Act 2015.

2. Health Services

The following primary and community health services are available to cardholders in Ireland and will be provided on the basis of assessed needs:

- (i) **General Practitioner Service**
This includes standard attendances for routine general practitioner services at a GP chosen by the cardholder from the list of GPs participating in the General Medical Services (GMS) scheme or a non-GMS registered medical practitioner providing general practitioner services.
- (ii) **Drugs, Medicines and Medical and Surgical Appliances**
The card holder is eligible to receive free of charge all medicines, medical and surgical appliances that are currently reimbursed by the community drugs scheme. This eligibility refers to items prescribed by a clinical professional. **Cardholders are not required to pay any prescription fees.**
- (iii) **Dental, Ophthalmic and Aural Services**
The card holder has access to public dental, ophthalmic (eye sight) and aural (hearing) services.
Dental Services
Service under the Dental Treatment Service Scheme include:
 - A free oral examination every calendar year
 - Two fillings every calendar year
 - All extractions
 - Free emergency dental treatment for relief of pain and sepsis
 - Dentures (every 5 years, if clinically necessary)
 - Additional fillings, prophylaxis, other more complex dental treatments if clinically indicated

Ophthalmic Services

This service includes:

- Free eye examination by an optometrist or an ophthalmologist
- Any necessary standard spectacles, (frames and lenses, once every two years more often if required in certain medical circumstances). Lost or broken spectacles may be replaced within two years.

Aural Services

The HSE provides aural services, including hearing tests, hearing aids and repairs of hearing aids.

(iv) Home Nursing Service

The card holder can access the home nursing service, which is provided by the HSE under section 60 of the Health Act 1970, (as amended). The nursing service, which is defined as care provided at home, can provide advice on matters relating to the cardholder's health and assist her if she is sick.

(v) Home Support Service

The card holder can access the home support service, which is provided by the HSE under section 61 of the Health Act 1970, (as amended). This service assists her to remain in her own home and provides assistance with personal care. The extent of support will be determined following an assessment by a registered medical practitioner or a registered nurse that the service is so required.

(vi) Chiropody Service

The card holder can access chiropody services, which are provided by the HSE, following a referral made by a registered medical practitioner, registered nurse or Primary Care team.

(vii) Physiotherapy Service

The card holder can access physiotherapy services, which are provided by the HSE, following a referral made by a registered medical practitioner or Primary Care team.

(viii) Counselling Service

The card holder can access a counselling service, relative to her admission to and/or work in any of the institutions specified in the Schedule in the RWRCI Act 2015. The counselling service is provided by the HSE, following a referral made by a registered medical practitioner, e.g. the woman's GP.

Important information:

In order to access the services of the RWRCI Act, card holders are required to produce their cards as evidence of eligibility to gain access to services.

3. HSE Community Health Organisation Area Contact Persons

A contact person has been appointed in each Community Healthcare Organisation (CHO) area to provide information on the health services available under the RWRCI Act. The details are as follows:

Area	Name	Email address	Phone number
Area 1 – Donegal, Sligo / Leitrim / West Cavan, Cavan / Monaghan	Trish Garland	patricia.garland@hse.ie	071 914 0409
Area 2 – Galway / Roscommon, Mayo	Laurence Gaughan	laurence.gaughan@hse.ie	094 904 2019 094 904 2509
Area 3 – Clare	Esther Connellan	esther.connellan@hse.ie	065 6868030 065 6868038
Area 3 – Limerick, North Tipperary / East Limerick	Marion Kennedy	marion.kennedy@hse.ie	061 461 137 061 461 140
Area 4 – Kerry, North Cork, North Lee, South Lee, West Cork	Elmar Cronin	elmarm.cronin@hse.ie	021 492 3816
Area 5 – South Tipperary, Carlow / Kilkenny, Waterford, Wexford	Mairead Fennessy	mairead.fennessy@hse.ie	051 842875 053 912 3522
Area 6 – Wicklow, Dun Laoghaire, Dublin South East	Deirdre Ryan	deirdre.ryan@hse.ie	01 268 0340
Area 7 – Kildare / West Wicklow, Dublin West, Dublin South City, Dublin South West	Concepta De Brun	concepta.debrun@hse.ie	076 695 5798
Area 8 – Laois / Offaly, Longford / Westmeath, Louth / Meath	Elaine Barry-Flynn	elainem.barry@hse.ie	044 938 4429
Area 9 – Dublin North, Dublin North Central, Dublin North West	Margaret Gannon	margaret.gannon1@hse.ie	01 846 7284

4. Additional Benefits

In addition to a range of primary and community health services, a number of benefits are provided by the HSE to the cardholder as follows:

- I. the ex-gratia payment received from the Minister for Justice and Equality will not be included in the assessment of means for a medical card or a GP visit card;
- II. the ex-gratia payment received from the Minister for Justice and Equality will not be included in the assessment of means under the Nursing Homes Support Scheme Act 2009, also known as the "Fair Deal" scheme.

5. Frequently Asked Questions

I AM CURRENTLY A MEDICAL CARD HOLDER. WILL I RETAIN MY MEDICAL CARD OR DOES THE 2015A SCHEME CARD REPLACE IT?

Current medical card holders will retain their existing card. The 2015A Scheme card is a separate arrangement to the medical card/GP visit card scheme. Holding a 2015A Scheme card does not affect whether a person qualifies or does not qualify for a medical/GP visit card.

HOW DO I ACCESS THE SERVICES OF THE 2105A SCHEME CARD?

Card holders are required to present their 2015A card when availing of services.

CAN THE PRIMARY AND COMMUNITY HEALTH SERVICES BE PROVIDED TO MY FAMILY?

The services under the Redress for Women Resident in Certain Institutions Act 2015, as outlined in this leaflet, are available only to the person named on the 2015A Scheme card and do not extend to any dependants or other family members, e.g. spouse or partner.

WHAT WILL THE CHO CONTACT PERSON DO?

The Contact Person will act as a point of contact for cardholders for information on the services available in the relevant area.

CAN I CHANGE MY GP?

Yes. Cardholders who wish to change their GP should contact the CHO Contact Person relevant to their area or Lo Call 1890 252 919 to get information on how to change GP.

I WOULD LIKE TO NOMINATE AN ADVOCATE TO ACT ON MY BEHALF. WHAT IS THE PROCESS?

In order to nominate a named advocate, cardholders should contact the CHO Contact Person for their area (listed above) or Lo Call 1890 252 919.



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive