



## **JFM RESEARCH AND THE CLANN PROJECT**

**SUBMISSION TO THE  
UN COMMITTEE ON THE ELIMINATION  
OF DISCRIMINATION AGAINST WOMEN**

**IN RESPECT OF**

**IRELAND  
(for the 91<sup>st</sup> Session)**

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## 1. INTRODUCTION AND QUESTIONS FOR THE IRISH GOVERNMENT

This group report by Justice for Magdalenes Research (JFMR) and the Clann Project contains some similarities to our 2017 submission to the Committee<sup>1</sup> because numerous issues previously highlighted remain unresolved—including the lack of an independent, thorough and effective investigation which the Committee raised in its 2017 Concluding Observations (para 14(a)).<sup>2</sup> Indeed, since 2017, new concerns have arisen regarding women who died in the Magdalene Laundries and the relevant authorities' continuing failure to investigate effectively, and account for, many of their identities and whereabouts.<sup>3</sup> The State has also reinforced its insistence that girls and women **did not experience degrading treatment nor gender-based discrimination** in the Magdalene Laundries. We acknowledge progress in the forms of government commitment to a National Centre for Research and Remembrance following the Dublin Honours Magdalenes gathering in 2018, and records preservation legislation prohibiting the destruction of privately held institutional records. However, the 2023 Concluding Observations of the Human Rights Committee in response to Ireland's fifth periodic report (UN Doc CCPR/C/IRL/CO/5) ring true in their recognition of Ireland's 'climate of impunity' vis-à-vis 'the past human rights violations and institutional abuse of women and children in the Magdalene Laundries, children's institutions, and mother and baby homes'.<sup>4</sup>

On 12 May 2022 the United Nations Committee against Torture (CAT) issued a substantive decision in the case of *Elizabeth Coppin v Ireland*.<sup>5</sup> Elizabeth Coppin was detained in three Magdalene Laundries between 1964 and 1968; she was first transferred into a Magdalene Laundry aged 14 while in state care (under an order for education in an Industrial School).<sup>6</sup> Highly regrettably, a majority of the CAT concluded that Ireland had committed no violations

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<sup>1</sup> See: <http://jfmresearch.com/wp-content/uploads/2017/03/JFMR-report-to-CEDAW-for-the-66th-session-Ireland.pdf>.

<sup>2</sup> 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, 9<sup>th</sup> March 2017, <https://www.ohchr.org/en/documents/concluding-observations/cedawcirlco6-7-concluding-observations-combined-sixth-and-seventh>.

<sup>3</sup> See **Section 3.1.2**.

<sup>4</sup> The HRC recommended that the State 'e]nsure the full recognition of the violation of human rights of all victims in these institutions and establish a transitional justice mechanism to fight impunity and guarantee the right to truth for all victims'; it further recommended that Ireland '[i]ntensify its efforts to increase complaint mechanisms for victims...prosecute suspected perpetrators where appropriate [and] [g]uarantee full and effective remedy to all victims, removing all barriers to access including...the ex gratia nature of the scheme and the requirement, in order to receive compensation, to sign a waiver against further legal recourse against State and non-State actors through judicial process.'

<sup>5</sup> Decision adopted by the Committee under article 22 of the UNCAT, concerning communication No. 879/2018, [https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/newsandevents/CAT\\_C\\_73\\_D\\_879\\_2018\\_34563\\_E-3.pdf](https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/newsandevents/CAT_C_73_D_879_2018_34563_E-3.pdf).

<sup>6</sup> See Elizabeth Coppin witness statement, available at: <https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/press/1.-Elizabeth-Coppin-Witness-Statement-Redacted-13.2.23.pdf>.

of its obligations under Articles 12, 13, 14 and Article 16 of the UNCAT alone, or Article 16 in conjunction with those Articles. We maintain, as the three dissenting CAT members<sup>7</sup> and numerous academic commentators<sup>8</sup> have also argued, that the CAT's Decision is wrong on the facts and in law. The CAT's majority Decision stands in opposition to the consistent views of UN Treaty Bodies, including this Committee *and the CAT itself*, and sets a concerning and dangerous precedent for the international response to allegations of torture and ill-treatment.

The Irish government's written submissions to CAT in defence against Elizabeth Coppin's Individual Complaint repeated the State's obstinate denial of the truth of the Magdalene Laundries abuse, going so far as to deny even the institutions' sex- and gender- discriminatory nature. Ireland maintained that Mrs Coppin's alleged treatment in three Magdalene Laundries did not meet the minimum level of severity required for a finding of degrading treatment.<sup>9</sup> Ireland asserted to CAT that Mrs Coppin's account of her experiences was 'not supported by available objective evidence, and in particular the evidence given by women to the inter-departmental committee in relation to living and working conditions in Laundries'.<sup>10</sup> Ireland insisted that the Magdalene Laundries were private and broadly benign 'refuges', where women were voluntarily 'resident',<sup>11</sup> and where there was an absence of legislation regulating the institutions as either 'residential institutions' or places of 'committal'.<sup>12</sup> Ireland further, inexplicably argued that Mrs Coppin's confinement in Magdalene Laundries was not discriminatory, as follows:

On the question of discrimination, the Complainant does not present any evidence which would show that she was subject to the acts complained of by reason of her gender, which is the threshold that must be established in the context of an individual complaint. Instead of presenting any evidence relating to her individual position, she relies upon a modern day analysis of societal structures in place at the time Magdalen Laundries were in existence to make a general contention that they operated a discriminatory regime. An analysis of this nature does not support the allegation that the Complainant was subject to the acts complained of by reason of her gender.<sup>13</sup>

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7 See:  
[https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/newsandevents/CAT\\_C\\_73\\_D\\_879\\_2018-Elizabeth-Coppin-v-Ireland-Dissenting-Opinions.pdf](https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/newsandevents/CAT_C_73_D_879_2018-Elizabeth-Coppin-v-Ireland-Dissenting-Opinions.pdf)

8 Máiréad Enright, <http://opiniojuris.org/2023/02/12/coppin-v-ireland-depressing-conservatism-from-the-un-committee-against-torture/>; Natasa Mavronicola, <http://opiniojuris.org/2023/02/12/cruel-legacies-the-cats-decision-in-coppin-v-ireland/>

9 See Elizabeth Coppin Reply on Merits, para 2.9.  
[https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/7.-Elizabeth-Coppin-Reply-on-Merits\\_Redacted-for-upload.pdf](https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/7.-Elizabeth-Coppin-Reply-on-Merits_Redacted-for-upload.pdf)

10 See State Defence on Merits, para 104.  
[https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/6.-State-Substantive-Defence\\_Redacted-for-upload.pdf](https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/6.-State-Substantive-Defence_Redacted-for-upload.pdf)

11 *Ibid.*, paras 14, 16.

12 *Ibid.*, paras 16, 17.

13 *Ibid.*, para 115.

Over the past decade the Irish government has stated repeatedly to this Committee and CAT and the Human Rights Committee (HRC), that it knows of ‘No factual evidence to support allegations of systematic torture or ill treatment of a criminal nature in these institutions’.<sup>14</sup> The State has further insisted to CAT and HRC that there is no evidence that girls or women were kept for long periods against their will in Magdalene Laundries.<sup>15</sup> The State’s official position remains steadfast despite the Taoiseach’s (Prime Minister’s) apology to Magdalene Laundries survivors on 19 February 2013 ‘...for the hurt that was done to them, and for any stigma they suffered...’, and despite the President of Ireland’s intervention in June 2018, when the President hosted hundreds of Magdalene Laundry survivors and issued his own apology.<sup>16</sup>

In February 2023 Mrs Coppin published her personal response to the CAT majority Decision which illustrates the consequences for survivors’ dignity of the State’s persistent denialism.<sup>17</sup> Mrs Coppin explained that the CAT’s findings, following the Irish Government’s vigorous rejection of her claim, caused her to feel ‘deflated, so low, and very sad, not just for me but for all of the Magdalene Women who died in vain.’ Mrs Coppin continued: ‘No one has considered the abuse of my human rights...I lived through this abuse. I was part of an experiment of keeping girls, women, children and babies suppressed. It was and remains a violation of girls’ and women’s human rights.’

### **Suggested Questions for the Irish government:**

1. Considering the available evidence of systematic torture and/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 Magdalene Laundries abuses, including the exhumation and cremation of 155 women at High Park in 1993?
2. Can the Irish government explain why, despite numerous political apologies, government-commissioned reports and published witness accounts evidencing the

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<sup>14</sup> See Elizabeth Coppin Complaint, paras 8.1.30-8.1.32. <https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/newsandevents/3.-Elizabeth-Coppin-Complaint-Redacted.pdf>; Elizabeth Coppin Reply on Merits, para 2.2. [https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/7.-Elizabeth-Coppin-Reply-on-Merits\\_Redacted-for-upload.pdf](https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/7.-Elizabeth-Coppin-Reply-on-Merits_Redacted-for-upload.pdf).

<sup>15</sup> Elizabeth Coppin Complaint, paras 8.1.30-8.1.31.

<sup>16</sup> See: [http://jfmresearch.com/wp-content/uploads/2020/04/DHM-Listening-Exercise-Report\\_Vol-1.pdf](http://jfmresearch.com/wp-content/uploads/2020/04/DHM-Listening-Exercise-Report_Vol-1.pdf), pp. 14-16.

<sup>17</sup> Elizabeth Coppin Personal Response: <https://www.universityofgalway.ie/media/irishcentreforhumanrights/files/press/Elizabeth-Coppin-personal-response-14.2.23.pdf> .

treatment of girls and women in Magdalene Laundries, the Irish State persists in asserting that the Magdalene Laundries system was not degrading nor discriminatory?

3. Can the Irish government confirm that the Magdalene restorative justice scheme will provide Magdalene survivors with the same range of medicines, services and therapies that are available to HAA cardholders?
4. Can the Irish government confirm what steps it will take and in what timeframe to provide up-front payment for equivalent health and community care services under the Magdalene restorative justice scheme to women residing abroad?
5. Can the Irish government confirm the timeframe within which all elements of the recommended 'Dedicated Unit', which is an integral element of the Magdalene restorative justice scheme, will be implemented?
6. Can the Irish government confirm what steps it will take and in what timeframe to provide access to Magdalene Laundry-related records including the archive of the Inter-departmental Committee to establish the facts of State interaction with the Magdalen Laundries and all other records whether held privately or publicly?

## 2. EVIDENCE OF GROSS AND SYSTEMATIC HUMAN RIGHTS VIOLATIONS REQUIRING INDEPENDENT AND EFFECTIVE INVESTIGATION

Contrary to the State's claim that it knows of 'no factual evidence' requiring an independent, statutory investigation into the Magdalene Laundries,<sup>18</sup> two government-appointed bodies have provided clear evidence of gross and systematic human rights violations in the Magdalene Laundries: the *Inter-departmental Committee to establish the facts of State involvement with the Magdalen Laundries* (the *IDC Report*) and the *Magdalen Commission* (the *Magdalen Commission Report*).

### 2.1 Testimony Recounted by the IDC

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,<sup>19</sup> 118

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<sup>18</sup> 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, para 41.

<sup>19</sup> 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](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 (hereafter the *IDC Report*). Available at: <https://www.gov.ie/en/department-of-justice/collections/report-of-the-inter-departmental-committee-to-establish-the-facts-of-state-involvement-with-the-magdalen-laundries/>. The Chair's Introduction to the *IDC Report* states that, with regard to 'the question of the conditions experienced by and the

Magdalene survivors (including 58 women still institutionalised, living in the care of the nuns<sup>20</sup>), and other witnesses to the Magdalene Laundries' operations, gave oral testimony to the IDC. Rather than making findings regarding treatment, the *IDC Report* often refers indirectly to the women's experiences by conveying their reactions to certain aspects of their treatment. The Irish Human Rights Commission (IHRC) 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*'.<sup>21</sup> The IHRC concluded, *inter alia*, that the *IDC Report* demonstrated the following:

- (i) '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';<sup>22</sup>
- (ii) '[W]omen were **deprived of their liberty** while in the Laundries. The **lawfulness of such detention is questionable** in a number of respects';<sup>23</sup>
- (iii) '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';<sup>24</sup>
- (iv) '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';<sup>25</sup>
- (v) 'from the testimonies of survivors it appears that a certain level of **ill-treatment occurred**';<sup>26</sup> and
- (vi) inadequate recording of the identities and burial sites of deceased Magdalene women 'could potentially have impacted on the **Article 8 rights of living relatives** of the deceased women to information about their origins'.<sup>27</sup>

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treatment of women in the Laundries'... '[t]he Committee does not make findings on this issue.' (Introduction, p VII).

<sup>20</sup> *IDC Report*, Introduction, para 23.

<sup>21</sup> *IHRC Follow-up Report*, Executive summary, p 4.

<sup>22</sup> *Ibid.*, para 76.

<sup>23</sup> *Ibid.*, para 171.

<sup>24</sup> *Ibid.*, para 185.

<sup>25</sup> *Ibid.*, para 229.

<sup>26</sup> *Ibid.*, para 237.

<sup>27</sup> *Ibid.*, para 254.

Among the evidence that the IHRC findings above refer to are the following aspects of the *IDC Report*:

*2.1.1 Girls and women were involuntarily detained in Magdalene Laundries and not free to leave.*

Chapter 19 of the *IDC Report* 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.<sup>28</sup> Chapter 19 also contains evidence of women being ‘reclaimed by members of their families’<sup>29</sup> and women making plans to try to escape the institutions.<sup>30</sup> Chapter 19 summarises evidence from several of the religious congregations explaining why they locked doors and gates of the Magdalene Laundries<sup>31</sup> and cites the testimony of a former novice in a Magdalene Laundry that ‘both the external and internal doors of the Laundry were locked’.<sup>32</sup>

*2.1.2 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’.<sup>33</sup> It notes that ‘release was also a source of distress’ for a number of women because it was sudden and unexpected.<sup>34</sup> 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’.<sup>35</sup>

*2.1.3 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’<sup>36</sup> 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’.<sup>37</sup> Chapter 19 also reports the forced

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28 *IDC Report*, Ch 19, paras 52, 130.

29 *Ibid.*, para 57.

30 *Ibid.*, paras 58, 59.

31 *Ibid.*, paras 69-71.

32 *Ibid.*, para 112.

33 *Ibid.*, para 51.

34 *Ibid.*, paras 55, 130.

35 *Ibid.*, para 28.

36 *Ibid.*, para 63.

37 *Ibid.*, Introduction, para 15.

cutting of long hair, which many women found humiliating and degrading.<sup>38</sup> The *IDC Report* refers to the fact that women and girls were forced to wear uniforms for many decades of the Laundries' existence.<sup>39</sup> Chapter 19 also contains several women's evidence of being forbidden to speak.<sup>40</sup>

#### 2.1.4 *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.<sup>41</sup> Chapter 19 cites women's complaints of being tired, 'soaking wet' and too small to operate laundry machinery safely.<sup>42</sup> The chapter also cites the religious congregations' evidence of the daily routine of work and prayer.<sup>43</sup>

#### 2.1.5 *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.'<sup>44</sup> 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.<sup>45</sup> Chapter 15 strongly suggests, further, that social insurance contributions were not paid on behalf of girls and women working and living in Magdalene Laundries.<sup>46</sup>

#### 2.1.6 *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.<sup>47</sup> Chapter 19 states that women 'told the Committee that all letters which they sent or received were read by the

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<sup>38</sup> Ibid., Ch 19, para 42.

<sup>39</sup> Ibid., Ch 18, para 71; Ch 19, paras 16, 48; Ch 3, para 9.

<sup>40</sup> Ibid., Ch 19, para 39.

<sup>41</sup> Ibid., paras 35, 39, see also para 131.

<sup>42</sup> Ibid., para 39.

<sup>43</sup> Ibid., para 64 – 68. See also extracts from a document entitled 'Magdalen Home Rules and Horarium', Ibid., para 143.

<sup>44</sup> Ibid., Ch 20 para 33.

<sup>45</sup> Ibid., Ch 5, para 150.

<sup>46</sup> Ibid., Ch 15, paras 90 – 107.

<sup>47</sup> See extracts from a document entitled 'Magdalen Home Rules and Horarium', *IDC Report*, Ch 19 paras 139 – 142.

Sisters' and that they could not complain about their treatment in their letters out.<sup>48</sup> Chapter 19 also states that visits, if permitted, were generally supervised.<sup>49</sup>

### 2.1.7 *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,<sup>50</sup> 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,<sup>51</sup> or having one's hair cut.<sup>52</sup> The Chapter also includes some of the religious congregations' evidence regarding punishments, including prolonged standing and kneeling, and transfer between institutions.<sup>53</sup>

### 2.1.8 *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'.<sup>54</sup>

### 2.1.9 *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* notes that no death certificates were located for 15% of women known to have died in all Magdalene Laundries, up to the 1990s.<sup>55</sup> In many cases where graves are marked, there are significant inaccuracies, and many names missing from headstones.<sup>56</sup> Relatives of women who died in Magdalene Laundries frequently approach JFMR, seeking the truth of what happened to their kin.<sup>57</sup> However, the *IDC Report* is of minimal assistance to family members searching for burial locations. The *IDC Report* merely lists the

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48 Ibid., Ch 19, paras 44 – 47.

49 Ibid., para 48, 49. See also extracts from a document entitled 'Magdalen Home Rules and Horarium', Ch 19, paras 139 – 142.

50 Ibid., para 35.

51 Ibid., para 38.

52 Ibid., para 43.

53 Ibid., paras 72- 78. See also extracts from a document entitled 'Magdalen Home Rules and Horarium', Ch 19 para 144.

54 Ibid., para 37.

55 Ibid., Ch 16, see also Irish Human Rights Commission, *Follow Up Report on State Involvement with Magdalen Laundries*, June 2013 ('*IHRC Follow-up Report*'), p. 101. Available at: <https://www.ihrec.ie/documents/ihrc-follow-up-report-on-state-involvement-with-magdalen-laundries-june-2013/>.

56 Claire McGettrick and Justice for Magdalenes Research. (2015) *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*. Available at: [http://jfmresearch.com/wp-content/uploads/2017/03/JFMR\\_Critique\\_190215.pdf](http://jfmresearch.com/wp-content/uploads/2017/03/JFMR_Critique_190215.pdf).

57 See: <https://jfmresearch.com/home/magdalone-names-project/>.

cemeteries with Magdalene plots without any further information and omits the graveyards used by the orders after the closure of the laundries.<sup>58</sup>

## 2.2 *Magdalen Commission Report*

In the *Magdalen Commission Report*, Mr Justice John Quirke (then-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'.<sup>59</sup> The *Magdalen Commission Report* acknowledges that **forced unpaid labour, involuntary detention, degradation and denial of education** were systemic features of the Magdalene Laundries. Mr Justice Quirke's report states, *inter alia*:

- (i) 'All of the women who worked within the designated laundries worked without pay, some for very long periods of time',<sup>60</sup>
- (ii) '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',<sup>61</sup>
- (iii) '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)',<sup>62</sup> and
- (iv) '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'.<sup>63</sup>

## 3. LACK OF EFFECTIVE INVESTIGATIONS OR ACCOUNTABILITY

### 3.1 The IDC was not an Independent, Thorough and Effective Investigation

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<sup>58</sup> *IDC Report*, Ch 16, para 32.

<sup>59</sup> 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*'), para 4.09. <https://assets.gov.ie/static/documents/the-magdalen-commission-report-the-quirke-report.pdf>.

<sup>60</sup> *Magdalen Commission Report*, p8.

<sup>61</sup> *Ibid.*, para 5.13.

<sup>62</sup> *Ibid.*, para 3.03.

<sup>63</sup> *Ibid.*, para 5.09.

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; (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. For these reasons, UN treaty bodies including this Committee in its 2017 Concluding Observations (and including the CAT, twice, before its Decision in *Elizabeth Coppin v Ireland* in 2022) have repeatedly recommended that Ireland undertake 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 Magdalen Laundries.<sup>64</sup>

### 3.1.1 Updated information about the continuing lack of access to the IDC's archive

The IDC refused to publish its archive of State administrative records concerning the Magdalene Laundries. All records of Government Departments older than 30 years which relate to the Magdalene Laundries should be available in the National Archives of Ireland (NAI) under the National Archives of Ireland Act 1986, but they are not—and the IDC archive has not to our knowledge been transferred to the NAI. To this day, the Irish Government is declining to publish the IDC archive which is currently held in the Department of Children, Equality, Disability, Integration and Youth. In response to Mrs Coppin's Individual Communication to CAT, Ireland argued that Mrs Coppin could try to piece together the IDC's archive herself, from scratch, by making a series of Freedom of Information requests to all original holders of the State records in the IDC archive.<sup>65</sup> A recent academic publication describes the efforts of an experienced researcher, Sheila Ahern, in collaboration with JFMR, to do what the Government suggested to Mrs Coppin:

All (except one) of the FOI requests were refused. Among the grounds given for refusal were that the scale of the request was too big, that there was insufficient data from the Index to identify the records or that the information requested was otherwise available and didn't come under FOI legislation. In one case, Revenue, they said they couldn't

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<sup>64</sup> Human Rights Committee, Concluding Observations on Ireland's fourth periodic report, UN Doc CCPR/C/IRL/CO/4 (2014); Committee on Economic, Social and Cultural Rights, Concluding Observations on Ireland's third periodic report, UN Doc E/C.12/IRL/CO/3 (2015).

<sup>65</sup> Elizabeth Coppin Reply on Merits, para 4.3.c.

find any correspondence between Revenue and the IDC despite the fact that the IDC listed correspondence with Revenue in their Index.<sup>66</sup>

Notably, the transfer of girls and women through the cross-border operation of the religious orders that operated Magdalene Laundries (among other institutions) in Ireland North and South is now under investigation in Northern Ireland.<sup>67</sup> Access to the historical State and religious records of the Magdalene Laundries in Ireland will be important for this investigation.

### 3.1.2 Updated analysis of the State's narrative that all 155 women exhumed from High Park Magdalene Laundry have been accounted for

As noted in our 2017 submission, Chapter 16 of the *IDC Report* acknowledges that in 1993 (only 17 years after the burial plot ceased to be used as such), the Sisters of Our Lady of Charity of Refuge (OLC) received permission from the State to exhume and cremate the remains of 155 women from a graveyard at High Park Magdalene Laundry, 80 of whom were unidentified. Since our previous submission, JFMR has used the State's own documents<sup>68</sup> and other records to further investigate the exhumations at High Park. **JFMR's findings directly contradict the IDC Report's contentions.**<sup>69</sup> According to Chapter 16 of the *IDC Report*, there is no longer any reason for concern about unidentified remains at High Park, because, following a 'research and cataloguing exercise' on OLC's records, 'all 155 women whose remains were exhumed...were identified and matched to their names and dates of death'.<sup>70</sup> In contrast, JFMR's findings demonstrate (amongst other factors) that:

- (i) **The overwhelming majority of names provided by OLC (to the extent that names were provided) did not match the identities of the bodies being exhumed;**<sup>71</sup>
- (ii) The Gardaí (Irish police) **repeatedly failed to conduct an adequate investigation** into the exhumations;<sup>72</sup>
- (iii) **The IDC relied on deeply flawed research commissioned by OLC;**<sup>73</sup>

<sup>66</sup> Coen, M., O'Donnell, K. and O'Rourke, M. (eds.) *A Dublin Magdalene Laundry: Donnybrook and Church-State Power in Ireland*. London: Bloomsbury Publishing, pp. 10-11. Summary available at: [http://jfmresearch.com/wp-content/uploads/Sheila-Ahern\\_Summary-of-Archive-Search.pdf](http://jfmresearch.com/wp-content/uploads/Sheila-Ahern_Summary-of-Archive-Search.pdf).

<sup>67</sup> Northern Ireland Executive, *Truth Recovery Programme*, <https://truthrecoverystrategy.com>. Retrieved via Freedom of Information requests.

<sup>68</sup> See Chapter Eight of McGettrick, C., O'Donnell, K., O'Rourke, M., Smith, J.M. and Steed, M. (2021) *Ireland and the Magdalene Laundries: A Campaign for Justice*. London: IB Tauris/Bloomsbury. <http://jfmresearch.com/books/ireland-and-the-magdalene-laundries-a-campaign-for-justice/>.

<sup>69</sup> *IDC Report*, Chapter 16, para 110. See also *Ireland and the Magdalene Laundries*, pp. 165-166.

<sup>70</sup> See *Ireland and the Magdalene Laundries*, pp. 169-171. See also: Mary Lee, letter to Olivero Devitt, Principal Environmental Health Officer, Dublin City Council, 14 September 1993. Available at: <https://jfmresearch.com/wp-content/uploads/2021/08/169n53-237.pdf>.

<sup>71</sup> See *Ireland and the Magdalene Laundries*, pp. 174-176. Correspondence between the Gardaí and the Department of Justice is available at: <https://jfmresearch.com/bookarchive/chapter8/>.

<sup>72</sup> Dr Jacinta Prunty, letter to Dave Corcoran, Assistant Principal, DoEnv, 27 August 2010. [http://jfmresearch.com/wp-content/uploads/2021/08/165n14-235\\_Prunty-Report.pdf](http://jfmresearch.com/wp-content/uploads/2021/08/165n14-235_Prunty-Report.pdf).

- (iv) The *IDC Report's* assertion **that all 155 exhumed women have been accounted for is simply untrue.**<sup>74</sup>

**Although it is now four years since the publication of JFMR's findings, the State has failed to establish an investigation into the exhumations at High Park.**

### 3.1.3 *Maternity Protection, Employment Equality and Preservation of Certain Records Act 2024*

In October 2024, the Government passed legislation which places certain statutory obligations on the private holders of records concerning Ireland's twentieth-century institutional and family separation system.<sup>75</sup> The legislation makes it an offence for any person or private organisation (other than affected people) to destroy or alter relevant records, or to remove them from the jurisdiction of Ireland. If requested by the National Archives of Ireland, any person or organisation must produce an inventory of the records they hold. While we welcome this legislation, it does little proactively to ensure that affected people have access to these records (particularly where the records are not deemed susceptible to personal data access requests under data protection law).

#### **3.2.1 Further failures of accountability**

JFMR knows of several Magdalene survivors who have made complaints to An Garda Síochána (the Irish police force) regarding their treatment in Magdalene Laundries, but no criminal prosecutions have ensued. The State's redress scheme for Magdalene survivors is strictly 'ex gratia', meaning that it is offered as a gift, and not as of right arising from acknowledged wrongdoing.<sup>76</sup> (In addition, as explained below, the scheme has not been fully implemented as promised.) The Terms of the ex gratia Scheme require applicants to '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' a relevant institution.<sup>77</sup> Further barriers to accessing justice in the Irish courts include the strict application of the Statute of Limitations, which has no exceptions in the interests of justice or the Rule of Law; and the State's established practice

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<sup>74</sup> Ibid., pp. 176-179.

<sup>75</sup> *Maternity Protection, Employment Equality and Preservation of Certain Records Act 2024*.

<sup>76</sup> *Magdalen Commission Report*, para 1.01. Mr Justice Quirke's Terms of Reference requested him to advise, within three months of 19 February 2013, on the establishment and contents of an 'ex gratia Scheme (to operate on a non-adversarial basis)', which would include an 'ex gratia Fund' from which 'ex gratia payments' would be made, and 'supports (including health services such as medical cards, mental health services and counselling services and other welfare needs)...for women who require such supports as a result of their experiences in the Laundries.'

<sup>77</sup> See: <https://jfmresearch.com/wp-content/uploads/2017/03/Terms-of-Ex-Gratia-Scheme-December-2013.pdf>.

of pursuing litigants for the costs of failed actions, even where they raise important or novel human rights issues.

#### 4. MAGDALENE 'EX GRATIA' SCHEME

The State has not fully implemented the recommendations of Mr Justice John Quirke for a redress scheme, despite the government agreeing in June 2013 on the Parliamentary record to accept all of Mr Justice Quirke's recommendations 'in full'.<sup>78</sup>

##### 4.1 Health and Community Care

The medical card (RWRCI card) provided to Magdalene survivors in Ireland under the *Redress for Women Resident in Certain Institutions Act 2015* does not provide the full range of health and community care services which Mr Justice Quirke recommended. Survivors who participated in a Listening Exercise at the 2018 'Dublin Honours Magdalenes' event<sup>79</sup> repeatedly insisted that the Health Card, as recommended in the *Magdalen Commission Report*<sup>80</sup> and agreed to 'in full' by the government,<sup>81</sup> is not what has been provided to them by the Irish Government under the Magdalen Restorative Justice Ex Gratia scheme.<sup>82</sup>

In 2016, JFMR wrote to the National Director of Primary Care at the Health Service Executive 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. JFMR asked for a written response from Mr Hennessy so that the information can be easily disseminated to survivors and also for a meeting with Mr Hennessy. JFMR received an acknowledgement letter from Mr Hennessy's office on 15 March 2016 but never received a subsequent, substantive, response.

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

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<sup>78</sup> See: <https://web.archive.org/web/20150630051201/http://www.justice.ie/en/JELR/Pages/PR13000256>; and <https://www.kildarestreet.com/debates/?id=2013-06-27a.384&s>.

<sup>79</sup> See **Section 4.5**. See also: <https://jfmresearch.com/home/restorative-justice/dublin-honours-magdalenes/>.

<sup>80</sup> See Appendix G of the Magdalene Commission Report. Mr Justice Quirke advised that the Irish State should provide health services equivalent to those provided under the HAA card, which was given in the 1990s to people who contracted Hepatitis C from contaminated blood products.

<sup>81</sup> Department of Justice, Press Release, 26 June 2013.

<sup>82</sup> See Section 3.2 of: O'Donnell, K., and McGettrick, C. et al. (2020) *Dublin Honours Magdalenes Listening Exercise Report Vol 1: Report on Key Findings*. [https://jfmresearch.com/wp-content/uploads/2020/04/DHM-Listening-Exercise-Report\\_Vol-1.pdf](https://jfmresearch.com/wp-content/uploads/2020/04/DHM-Listening-Exercise-Report_Vol-1.pdf). See also: <https://jfmresearch.com/wp-content/uploads/2017/03/JFMR-PR-140715.pdf>.

equivalent of which Judge Quirke recommended, includes access to massage, reflexology, acupuncture, aromatherapy and hydrotherapy). To our knowledge, this fund has not been established to date.<sup>83</sup>

In June 2019, the Government introduced an RWRCI (Amendment) Bill to include within the Scheme survivors who were forced to work in Magdalene Laundries while registered on the rolls of adjacent children's institutions. JFMR briefed TDs and Senators that this was an opportunity to fix the health and social care problems created in 2015.<sup>84</sup> Bearing in mind the Government's practice of rejecting all opposition amendments deemed to incur a cost, Senator Lynn Ruane proposed an amendment to the 2019 Bill to require the Minister for Justice to produce a report within three months on any differences between the services available under the Magdalene Scheme and those available to HAA cardholders.<sup>85</sup> Then Minister for Justice, Charlie Flanagan rejected the amendment, rehearsing the State's familiar argument that: 'The arrangements in respect of the HAA are clearly based on a person having been infected with hepatitis C' and that differences between the two Schemes are 'individually focused to meet the health needs of what I might describe as somewhat or indeed very different cohorts of persons requiring access to packages of targeted health supports.' Senator Ruane then proposed a more limited version of her amendment. The Minister rejected it, stating: 'I will give a commitment to examine the issues...I would be happy to convey any concerns to other Ministers who may have responsibility in that area.'<sup>86</sup>

The Government continues to defend the limited healthcare provided under the RWRCI card. Indeed, the purportedly 'enhanced' medical card provided to certain individuals under the *Mother and Baby Institutions Payment Scheme Act 2023* mirrors the RWRCI card provided to Magdalene survivors.<sup>87</sup>

## 4.2 Women Living Abroad

Magdalene survivors who live abroad have not been provided with up-front payment of health and community care costs, despite their advanced age and despite having signed away all of

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<sup>83</sup> See: <https://www.kildarestreet.com/wrans/?id=2023-02-28a.1383&s=magdalen+complementary+therapies#g1385.r>; and <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/>.

<sup>84</sup> JFMR, email to Senators, 24 June 2019; JFMR Amendments to the Redress for Women Resident in Certain Institutions (Amendment) Bill 2019; JFMR, email to TDs, 9 July 2019.

<sup>85</sup> Redress for Women Resident in Certain Institutions (Amendment) Bill 2019: Committee Stage, 27 June 2019.

<sup>86</sup> Ibid., Report and Final Stages, 3 July 2019.

<sup>87</sup> See Section 4.2 of Clann Project submission to the Committee: [https://clannproject.org/wp-content/uploads/Clann-Project-Submission-to-CEDAW\\_19-05-25.pdf](https://clannproject.org/wp-content/uploads/Clann-Project-Submission-to-CEDAW_19-05-25.pdf).

their legal rights against the State regarding the Magdalene Laundries under the required waiver. Elizabeth Coppin raised this issue in her Individual Complaint to the CAT: both Mrs Coppin personally and Mrs Coppin's General Practitioner in England have written to the Irish Government seeking up-front payment of medical costs, however, the Irish Government has insisted that it will reimburse only,<sup>88</sup> which is not sustainable for Mrs Coppin—nor for survivors in general.

### **4.3 Adaptation Services**

We do not have quantitative information regarding how the 'ex gratia' scheme has responded to Magdalene survivors' needs for home care and home adaptation services. We are concerned that, in general, these services are wholly insufficient to meet the need of older women and men in Ireland.<sup>89</sup> We are concerned that Magdalene survivors, who in many cases are particularly vulnerable due to the effects of trauma and/or a lack of family support, are at risk of premature or unnecessary institutionalisation in nursing homes as they grow older if they are not provided with sufficient home care and home adaptation services. Crucially, the experiences of survivors make clear that the services provided under the RWRCI card do not meet the required standard in terms of such services. For example, when one survivor who desperately wanted to avoid re-institutionalisation in a nursing home asked about 'home help' assistance, she was informed by the Health Service Executive (HSE) Contact Person in her area that she was not entitled to extra hours and that the RWRCI card was merely there to provide free medicine.<sup>90</sup> In another instance, a JFMR member attempted to obtain mobility aids for a survivor of both a Magdalene Laundry and a Mother and Baby Home with severe mobility issues. The HSE Contact Person informed JFMR that 'Unfortunately the Health Service Executive do not provide stair lifts', and 'Unfortunately, there is no priority given to holders of the RWRCI Cards'.<sup>91</sup>

### **4.5 Dedicated Unit**

As set out in the subsections below, some progress has been made in fulfilling Mr Justice Quirke's recommendations. However, the following aspects of the recommended Dedicated Unit have not been implemented:

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<sup>88</sup> Elizabeth Coppin Reply on Merits, para 4.3.f.v.

<sup>89</sup> See Maeve O'Rourke, *Human Rights and the Care of Older People: Dignity, Vulnerability, and the Anti-Torture Norm* (OUP 2024). Available at: <https://academic.oup.com/book/56386?login=false>. See also: Donnelly, S., O'Brien, M., Begley, E. and Brennan, J. (2016). 'I'd prefer to stay at home but I don't have a choice' *Meeting Older People's Preference for Care: Policy, but what about practice?* Dublin: University College Dublin.

<sup>90</sup> *Ireland and the Magdalene Laundries*, p. 160.

<sup>91</sup> *Ibid.*

- (i) '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';
- (ii) 'Similar practical assistance to meet and interact with other Magdalen women'. While the Dublin Honours Magdalenes event was hugely positive for the survivors who attended, it was a standalone two-day event, and many women have expressed a desire to be facilitated in meeting other survivors on an ongoing basis;
- (iii) 'Investigative and other help and assistance in obtaining such sheltered or other housing as they may be entitled to'; and
- (iv) 'Investigative and other help and assistance in obtaining such educational assistance as they may be entitled to'.

#### 4.5.1 *Dublin Honours Magdalenes*

In 2018, Dublin Honours Magdalenes (DHM), a historic two-day event took place in Dublin from June 5<sup>th</sup>-6<sup>th</sup>. The event fulfilled two key aspects of the Irish State's Magdalen Restorative Justice Ex-Gratia Scheme: to bring together those women seeking to meet others who also spent time in the Magdalene Laundries, and to provide an opportunity for a listening exercise to gather views from survivors on how the Magdalene Laundries should be remembered by future generations. DHM was voluntarily organised by Norah Casey and the members of JFMR. It was funded by the Department of Justice and Equality, with seed funding from the Central Area Committee of Dublin City Council.

#### 4.5.2 *National Centre for Research and Remembrance*

Furthermore, on 29<sup>th</sup> March 2022, the Irish Government approved proposals for a National Centre for Research and Remembrance (NCRR) at the site of the former Magdalene Laundry in Sean McDermott Street in Dublin.<sup>92</sup> According to the Government, the NCRR 'will stand as a National Memorial to honour all those who were resident in Mother and Baby Homes, Industrial Schools, Reformatories, Magdalen Laundries and related institutions'. We welcome the Government's proposals; nevertheless, as set out in the Clann Project's submission to the Committee, several important issues remain unresolved, including the lack of direct involvement of affected people in the design and planning of the NCRR.<sup>93</sup>

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<sup>92</sup> See: <https://www.gov.ie/en/press-release/bab42-government-approves-proposals-for-a-national-centre-for-research-and-remembrance/>

<sup>93</sup> See Section 5 of the Clann submission to the Committee.