

Inter-Departmental Committee

to establish the facts of State involvement with the Magdalen Laundries

Chaired by Senator Martin McAleese

Interim Progress Report

I. Background

- A. Establishment
- B. Membership

II. Terminology and overall approach of the Committee

III. Mandate of the Committee

- A. Institutions
- B. Dates
- C. Nature of the mandate: fact-finding role

IV. Procedures of the Committee

- A. General procedures
- B. Data protection and confidentiality
- C. Archive of the Committee's work

V. Activities and progress to date

- A. Meetings of the Committee and cooperation by Departments and State agencies
- B. Cooperation with the relevant Religious Orders
- C. Cooperation with relevant expert agencies and academic experts
- D. Cooperation with relevant advocacy and/or representative groups (including submissions from former residents)

VI. Intended timeline for Final Report

I. Background

A. Establishment

1. The Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries (“the Committee”) was established pursuant to a Government decision in June 2011. At that time, Government decided the Committee should be chaired by an independent person. It tasked the Committee with a function of establishing the facts of State involvement with the Magdalen Laundries and producing a narrative report thereon. An initial report on progress was requested within 3 months of commencement of the Committee’s work.

2. It was decided that, in addition to the independent Chair, the Committee should be composed of representatives of six Government Departments, as follows:

- Department of Justice and Equality;
- Department of Health;
- Department of Environment, Community and Local Government;
- Department of Education and Skills;
- Department of Jobs, Enterprise and Innovation; and
- Department of Children & Youth Affairs.

B. Membership

3. Senator Martin McAleese was formally appointed as Independent Chair of the Committee, by letter dated 14 July 2011 signed by the Minister for Justice and Equality, Alan Shatter T.D.

4. At the request of Senator McAleese, each Department forming part of the Committee has nominated a senior official to sit on the Committee, as follows:

- a. Department of Justice & Equality: Mr Jimmy Martin
- b. Department of Health: Ms Bairbre Nic Aongusa
- c. Department of Environment, Community & Local Government: Ms Mary Moylan
- d. Department of Education & Skills: Ms Mary McGarry
- e. Department of Jobs, Enterprise & Innovation: Mr Philip Kelly & Mr Francis Rochford
- f. Department of Children & Youth Affairs: Mr Denis O’Sullivan

5. In addition, Ms Nuala Ní Mhuircheartaigh (Department of Foreign Affairs & Trade) serves as adviser to Senator McAleese in his role as Independent Chair.

II. Terminology and overall approach of the Committee

A. Terminology

6. The question of whether there was State involvement in the Magdalen Laundries is an issue of significant public interest. However the Committee is also conscious that the subject of the Magdalen Laundries is a very sensitive one.

7. Senator McAleese, as Chair, has stressed that an overriding principle throughout the Committee's work will be the desire to work positively with all those who have information of interest and assistance to the Committee. Accordingly the Committee is approaching its functions in a spirit of cooperation with all interested parties in order to establish the full facts and their broader context.

8. At the most fundamental level this is a consideration which is relevant to the terminology to be used by the Committee as it carries out its work. The Committee will seek to avoid language which might in any way label, stigmatise or demonise those concerned. It is also considered important that the Committee should avoid terms which might prejudice the conclusions of our work.

9. A variety of terms have been used in relation to the Magdalen Laundries over the past 90 years. Much of the language itself altered over time as the societal context developed and early terminology came in some cases to be considered inappropriate.

10. The institutions themselves are now commonly called Magdalen Laundries, although while in operation they were known by a variety of terms, including 'Asylum', 'Refuge' and 'Homes'. In light of the Government mandate conferred on it, the Committee will use the term 'Magdalen Laundry'.

11. The language used in relation to the women who resided and worked in the institutions has varied considerably, including early terms such as 'penitent' and 'inmate', or more latterly 'girls' and 'women', or in some cases 'victims' and 'survivors'. To avoid distress to any party and in the modern context, the Committee will use the terms 'resident' and 'former resident' throughout its work.

B. Overall approach

12. The Committee is a non-statutory body and while Governmental agencies are required to cooperate with its inquiries, cooperation with the Committee by other persons and groups is voluntary. Challenges facing the Committee in its work arise due to factors including the wide span of time to be covered; the difficulty of identifying and tracing relevant official records; the potential volume of other (non-State) records; and the likelihood of a wide variety of patterns and experiences across the institutions and time-periods covered.

13. Senator McAleese has emphasised that the Committee will operate under principles of genuine openness and fairness. There are no pre-determined conclusions and the Committee will approach its work in a practical and positive way, giving fair hearing to any bodies or groups which wish to input to its work.

14. This is particularly important as the assistance and voluntary cooperation of all parties, in particular regarding access to files and relevant documentation, will be crucial to the success of the Committee. The Committee is conscious that this represents the first opportunity for a holistic examination of all records in relation to the Magdalen Laundries – including both State and non-State records – and hopes that in doing so it can assist in bringing clarity to the involvement of the State in this matter.

III. Mandate of the Committee

A. Institutions

15. Ten Magdalen Laundries, operated in the State by four Religious Orders, were identified by Government and included in the mandate conferred on the Committee. The institutions within the remit of the Committee’s work are as follows:

Sisters of Our Lady of Charity:

- High Park, Drumcondra, Dublin;
- Sean McDermott St/Gloucesterc Street, Dublin;

Congregation of the Sisters of Mercy:

- No. 47 Forster Street, Galway;
- St Patrick’s Refuge, Crofton Road, Dun Laoghaire, Dublin;

Religious Sisters of Charity:

- Donnybrook, Dublin;
- Peacock Lane, Cork;

Sisters of the Good Shepherd:

- Cork Road, Waterford;
- New Ross, Wexford;
- Pennywell Road, Limerick;
- Sunday’s Well, Cork.

16. These 10 institutions form the exclusive set which the Committee may examine. Neither the Chair nor the Committee has discretion to extend the mandate of the Committee to other institutions beyond the ten listed above; or to examine other institutions including schools, homes, asylums, orphanages or other institutions which may have had laundry facilities attached to them. Any possible extension of the mandate of the Committee would be a matter for the Government.

B. Applicable date-range

17. The Government left to the Committee’s own discretion the determination of the appropriate time period which its investigations should cover.

18. The 10 Magdalen Laundries were in operation even prior to the foundation of the State. However, as the Committee’s function is to clarify State interaction with the

Laundries, the period of operation of the laundries in the territory of the State prior to 1922 will not generally be included in the Committee's enquiries.

19. In light of the fact that the last Magdalen Laundry in the State closed in 1996, that is considered the most appropriate general end date for the Committee's examination.

20. The Committee will as a result focus its primary enquiries into the State's interaction with the Magdalen Laundries on the period 1922 to 1996. Within that time-span and where necessary, the Committee will identify particular focus periods which might better clarify its findings or where the availability of records so dictates. Further, in some cases issues arising outside that time-period may also be of some relevance.

C. Nature of the mandate: fact-finding role

21. The role given by Government to the Committee is a fact-finding one. The Committee is not authorised to consider or make determinations on individual complaints, or to recommend or provide redress in individual cases. The fact-finding role of the Committee also means that it will not issue or recommend apologies.

IV. Procedures of the Committee

A. General procedures

22. The Committee was authorised by Government to decide on its own behalf how best to carry out its work. The Committee accordingly considered the appropriate methods of work and procedures at its first meeting.

23. It was agreed that in light of the factual nature of the mandate, aimed at State interaction with the Magdalen Laundries, the primary method of work would be by file and record searches and inspections. However, it was decided that submissions from relevant groups - including the Religious Orders, expert bodies, academics, advocacy groups and individuals or representative groups - would also be facilitated. This would permit an input to the Committee's work by broader society, reflective of the public interest in the matter. It could also lead to potentially valuable information or identify areas where records may not otherwise have been easily identifiable.

24. Further information on the means for groups to input to the work of the Committee is contained in Section V below.

B. Confidentiality and data protection

25. The relevant Religious Orders were from the outset of the process willing to cooperate with the Committee to the fullest possible extent. However in light of the fact that many records which the Committee hoped to examine contain personal or sensitive personal data, it was necessary to consider and make the appropriate legal arrangements to permit access to those records by the Committee, while respecting the privacy of former residents and the legal obligations of the Orders.

26. A Data Protection and Confidentiality Policy has been agreed, in consultation with the relevant Religious Orders, to facilitate this process. It is important to note that it is agreed that the names or personal data of former residents of the Magdalen Laundries will not be published or otherwise released to the general public.

27. In relation to disclosure of personal data to the Committee, it is considered that the Committee is performing a function of a public nature in the public interest (section 2A(1)(c)(iv) of the Data Protection Acts 1988 and 2003) and further that such disclosure and processing is necessary for the purposes of the legitimate interests pursued and that it is not unwarranted by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subjects (section 2A(1)(d) of the Acts).

28. An Order has been made by the Minister for Justice and Equality under section 2B(1)(xi) of the Acts to authorise the disclosure of sensitive personal data to and processing of such data by the Committee.¹ The Order was made for reasons of substantial public interest, namely to ensure that the facts of State involvement in the Magdalen Laundries are established.

29. As a result of these arrangements, relevant records containing personal data or sensitive personal data may now be shared with the Committee in accordance with the Data Protection Acts 1988 and 2003 and the Data Protection Act 1988 (Section 2B) Regulations 2011. In performance of its functions, the Committee and its members will operate in accordance with requirements of the Acts and the Regulations.

30. In particular, data will be processed only for the purposes of and insofar as necessary for the performance of the Committee's functions. Any such data will be stored securely. Access to any source materials containing sensitive personal data disclosed to the Committee will be limited to Government Ministers, members of the Committee and named associated staff. In no case will sensitive personal data be published or made available to the public without the consent of the data subject.

31. The Committee will respect the sensitivity of the materials disclosed to it and will operate on a confidential basis – all materials disclosed to the Committee by the Religious Orders are disclosed on the basis of a mutual understanding of confidence.

32. These principles will be followed by the Committee regardless of whether the persons concerned (the data subjects) are living or deceased.

¹ Data Protection Act 1988 (Section 2B) Regulations 2011, S.I. No. 486 of 2011

C. Archive of the Committee's work

33. One of the challenges faced by the Committee is that any official records which may exist in relation to the Magdalen Laundries appear to be scattered across a variety of Government Departments, State agencies and bodies; and are not readily identifiable using modern file tracking systems.

34. As one intended practical outcome, the Committee has agreed that, upon conclusion of its work and publication of its Report, the archives of the Committee's work would be stored centrally, including copies of all relevant official papers identified by the Committee from across all Departments, State agencies and bodies.

35. This archive will not include data disclosed to the Committee by the Religious Orders, which includes personal and sensitive personal data. All such records will be destroyed and/or returned to the relevant Religious Order upon conclusion of the Committee's work and publication of its Report. This is necessary in light of sensitive personal data contained in those records; and the legal obligations of the Orders in their role as data controllers.

V. Activities and progress to date

A. Meetings of the Committee and cooperation by Departments and State agencies

36. Three full meetings of Committee have been held to date.

37. The first meeting of the Committee took place on 20 July, within one week of the formal appointment of the Chair. Full Committee meetings were also held on 30 August and 26 September 2011. These are in addition to the meetings of the Chair with the Religious Orders as well as five separate meetings held by the Committee with relevant academics and groups (on which see below).

38. Working methods and procedures have been established, as set out in the present Interim Progress Report. Extensive searches (including general trawls of all State records) have commenced and results are being reported to the Committee on an ongoing basis.

39. A broad approach is being taken in this regard. Contact has also been made, via participating Departments, with all relevant State agencies and bodies under the aegis of Departments, including An Garda Síochána, the Courts Service, Probation Service, local authorities, the Health Service Executive, the Health and Safety Authority, the National Employment Rights Authority, the Labour Relations Commission, the Labour Court, the Companies Registration Office, in addition to the National Library and National Archives. In each case, record searches will also be conducted across these bodies and agencies where it appears they may have relevant materials.

40. Relevant Departments and State Offices not represented on the Committee have also been contacted with a view to checks being conducted on their records. These

include the Department of Finance, Department of Social Protection, Department of An Taoiseach, Office of the Attorney General and Office of the Chief State Solicitor.

41. Although it is a difficult task to identify and trace records across 90 years, the cooperation and level of assistance provided by Departments and State agencies has to date been of the highest quality, with significant time and effort devoted to the task by all concerned.

B. Cooperation with the relevant Religious Orders

42. The four relevant Religious Orders – the Sisters of Our Lady of Charity; the Congregation of the Sisters of Mercy; the Religious Sisters of Charity; and the Sisters of the Good Shepherd – have offered their full assistance to the Committee. Their cooperation has been commendable. This is particularly notable given that, as stated elsewhere in this Report, cooperation with the Committee is voluntary.

43. From the outset, it was clearly stated by the Religious Orders in their meetings with the Chair that they were willing to cooperate with the Committee and to attempt to assist in shedding a true and full light on the past. However it is equally clear that the Orders take very seriously their legal responsibilities as data controllers and the privacy of the former residents of the Magdalen Laundries and their families.

44. In light of the confidentiality and data protection arrangements set out in this Report, the Religious Orders have been in a position to agree to give the Committee full access to their relevant records. Appropriate safeguards have been built into the process (set out at Section IV above) to enable them do so within the law and while fully respecting the sensitivity and confidentiality of the records.

45. Senator McAleese and the Committee wish to acknowledge and thank the Sisters of Our Lady of Charity, the Congregation of the Sisters of Mercy, the Religious Sisters of Charity and the Sisters of the Good Shepherd for their willingness to assist in this process.

C. Cooperation with relevant representative and advocacy groups, including submissions from former residents

46. An important element in the work of the Committee is engagement with the relevant advocacy and/or representative groups which exist in relation to the Magdalen Laundries.

47. The Committee has to date had separate meetings with representatives of 3 groups, as follows:

- Justice for the Magdalenes;
- Irish Women Survivors Support Network (UK); and
- Magdalene Survivors Together.

48. In each case, the Committee has been struck by the constructive nature of the contribution provided. It is clear that significant amounts of work have been conducted by these groups, including academic research as well as consultation with a number of former residents of the Magdalen Laundries. Each group has contributed both in relation to the mandate of the Committee and its substantive work; and the Committee is reflecting carefully on all contributions made. The materials provided are also being closely reviewed, with a view to identifying new areas in which official records may be identified.

49. The Committee is committed to continuing to cooperate with these groups as well as any other representative groups which may come forward. As part of that process, the Committee is willing to receive submissions from former residents, which may assist the Committee in coming to a fuller view on the facts of State involvement in the Magdalen Laundries. Any information provided will be held in strictest confidence. As the Committee does not have a mandate to consider or decide on individual complaints, recommend an apology or to recommend or provide redress in individual cases, any information provided will be used for the purpose of the Committee's investigations into the facts of State involvement only.

D. Cooperation with relevant academics and groups

50. The Committee has also begun a process of engagement with relevant academics and groups. The Committee has to date had separate presentations and very useful discussions with:

- the Irish Human Rights Commission, represented by its President Maurice Manning, CEO Eamonn Mac Aodha, and Des Hogan, Director of Enquiries and Deputy Chief Executive;
- Dr Jacinta Prunty, National University of Ireland, Maynooth, author of the forthcoming publication "From Magdalen Laundries to Family Group Homes: the Sisters of Our Lady of Charity in Ireland, 1853 to 1970"; and
- Dr Francis Finnegan, author of "Do Penance or Perish" and historical consultant to the Channel 4 Documentary "Sex in a Cold Climate".

51. The Committee is very grateful to each for their willingness to share their time, expertise and insights. The Committee will continue to seek and facilitate input from relevant groups and academics throughout the course of its work.

VI. Intended timeline for the Final Report

52. As is clear from this Progress Report, the task before the Committee is a complex one. It will require tracing and examination of a large volume of records across a wide range of sources and covering a period of some 90 years. In addition, the context of the operation of the Magdalen Laundries also requires appropriate attention.

53. Senator McAleese is determined to ensure that the work of the Committee is not unnecessarily prolonged. Steady progress has already been made in the short time since the first meeting of the Committee on 20 July and the work of the Committee (including cooperation with all parties) continues apace. It is accordingly the hope and intention of the Committee to conclude its work by mid 2012.

54. If the volume of records uncovered or available resources, including personnel, vary substantially from those currently anticipated, it may be necessary to adjust this intended time-line. In such a case, the Committee would immediately inform Government, by way of a further Progress Report, and set out a revised time-line for completion of its work.

Senator Martin McAleese

Independent Chair of the Inter-Departmental Committee to establish the facts of State involvement in the Magdalen Laundries

20 October 2011