

**THE UNITED NATIONS COMMITTEE AGAINST TORTURE  
IN THE MATTER OF A COMPLAINT PURSUANT TO ARTICLE 22 OF  
THE UNITED NATIONS CONVENTION AGAINST TORTURE**

**BETWEEN:**

**ELIZABETH COPPIN**

**Complainant**

**- and -**

**IRELAND**

**Respondent State**

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**COMPLAINT**

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**1. INFORMATION ON THE COMPLAINANT**

- 1.1** Name: Elizabeth Coppin (née [REDACTED]).
- 1.2** Date and place of birth: [REDACTED] 1949 in Killarney, County Kerry, Ireland.
- 1.3** Nationality: Irish.
- 1.4** Submitting the communication: Mrs Coppin submits this complaint on her own behalf.
- 1.5** Legal representatives of the complainant: KOD Lyons Solicitors with Hogan Lovells International LLP.
- 1.6** Address for correspondence on this complaint: KOD Lyons Solicitors, 31-33 Usher's Quay, Dublin 8, Ireland, for the attention of Wendy Lyons, and Hogan Lovells International LLP, Atlantic House, 50 Holborn Viaduct, London EC1A 2FG, United Kingdom, for the attention of Yasmin Waljee.

**2. STATE CONCERNED / ARTICLES VIOLATED**

- 2.1** Name of the State against which the complaint is directed: Ireland
- 2.2** Articles of the United Nations Convention Against Torture (the "Convention") alleged to have been violated: Articles 12, 13, 14, 16.

### **3. REQUEST FOR EXPEDITED CONSIDERATION OF COMPLAINT**

- 3.1** Mrs Coppin respectfully requests that the Committee exercise its discretion under Rule 105 of its Rules of Procedure to expedite its consideration of this complaint, on the grounds of Mrs Coppin's advanced age (she is currently 69 years of age) and her state of physical and mental health as described at paragraphs 7.4.1 – 7.4.4 below.

### **4. SUMMARY OF COMPLAINT**

- 4.1** The complainant, Elizabeth Coppin, contends that between the ages of 14 and 18 she was subjected to torture and cruel, inhuman and degrading treatment and punishment in three separate institutions in Ireland known as "Magdalene Laundries". The three Magdalene Laundries in question were operated by two Catholic congregations of nuns: the Religious Sisters of Charity and the Sisters of the Good Shepherd. Mrs Coppin was placed in the first Magdalene Laundry at age 14 directly from a State-funded Industrial School where she had been residing in the care of a third Catholic congregation of nuns, the Sisters of Mercy, pursuant to a court order.
- 4.2** Ireland's Magdalene Laundries were established before independence and continued to operate from the foundation of the Irish Free State in 1922 until the last institution closed in Dublin in 1996. The Magdalene Laundries were convents containing commercial laundry operations. With significant State involvement and support, the institutions incarcerated girls and women including those who were considered to be a burden on their families, those in need of care, those considered by the Church and/or society to be 'unfit' to live independently, and girls and women within the criminal justice system. It is officially estimated that more than 10,000 girls and women entered these institutions between 1922 and 1996.
- 4.3** Mrs Coppin complains that in the three Magdalene Laundries she was subjected to arbitrary detention, servitude, forced labour, deliberate and ritual humiliation, denial of identity, denial of educational opportunity, denial of privacy, physical neglect and other forms of grave physical and psychological abuse. She was discharged from the Magdalene Laundries in 1968 just before her 19<sup>th</sup> birthday and she emigrated to the United Kingdom soon afterwards. Mrs Coppin's torture, exploitation and abuse in the Magdalene Laundries followed an entire childhood of sexual, physical and emotional abuse and neglect from the age of two in State care in the Industrial School.
- 4.4** In 1997, after seeing media coverage of other people's experiences in Industrial Schools, Mrs Coppin made a criminal complaint to the Irish police regarding her treatment in the Magdalene Laundries and the Industrial School. She made a further statement to the police in 1998. These complaints were not investigated. In 1999, she initiated a civil complaint against several of the congregations of nuns for violation of her human rights in the Magdalene Laundries. The proceedings were dismissed in 2001 on the ground that the passage of time had made it impossible for the nuns to have a fair trial.

- 4.5** The Convention entered into force with respect to Ireland on 11 May 2002.
- 4.6** Mrs Coppin now complains of a violation of Article 12 of the Convention, alone and in conjunction with Article 16, on the basis that Ireland has never held a prompt and impartial investigation into the complaints of torture and cruel, inhuman and degrading treatment and punishment in the Magdalene Laundries made by her and by other survivors of the Magdalene Laundries. Her complaints to the police have not been investigated and Ireland has refused to establish the statutory investigation into systematic abuse in the Magdalene Laundries that the Irish Human Rights and Equality Commission has been calling for since 2010.
- 4.7** The only official investigation into the Magdalene Laundries was conducted by an Inter-Departmental Committee to establish the facts of State involvement with the Magdalen laundries (the “Inter-Departmental Committee”), established in 2011. This Inter-Departmental Committee was not independent of the Government and had no mandate or powers to investigate allegations of human rights violations. Its mandate was confined to establishing the extent of State involvement with the Magdalene Laundries (it concluded that there was “significant State involvement”, as discussed below at paragraph 7.2.3). Ireland’s official position is that there is no factual evidence to support allegations of systematic torture or ill treatment of a criminal nature in the Magdalene Laundries, and that in the absence of such evidence it does not propose to set up a specific Magdalene inquiry or investigation. Furthermore, despite the findings of the Inter-Departmental Committee, Ireland continues to insist that the Magdalene Laundries were institutions of a private nature and that the State has no liability in the matter.
- 4.8** Mrs Coppin further complains of a violation of Article 13 of the Convention, alone and in conjunction with Article 16, on the basis that Ireland has failed to ensure that she and other survivors of the Magdalene Laundries have the right to complain to and have their cases examined by the competent authorities. Her complaints to the police have not been investigated. The civil proceedings she brought against the religious orders in 1999 were dismissed on the grounds that the passage of time meant that the nuns would not receive a fair trial. No other mechanism of complaint or examination is available to her domestically. On the contrary, the State has forced her to sign waivers of her rights of action against the State and the relevant religious congregations in exchange for receiving *ex gratia* payments from the State.
- 4.9** Mrs Coppin also complains of a violation of Article 14 of the Convention, alone and in conjunction with Article 16, on the basis that Ireland has failed to ensure that she and other survivors of the Magdalene Laundries can obtain full redress for the violations suffered, including the means for as full rehabilitation as possible.
- 4.10** In February 2013, the Taoiseach (Prime Minister of Ireland) issued an official apology to women who had spent time in Magdalene Laundries, including Mrs Coppin, “for the hurt

that was done to them, and for any stigma they suffered”. Following the apology, the State established a scheme to make financial awards and confer other benefits on survivors of the Magdalene Laundries on an *ex gratia* basis (the “Scheme”). Mrs Coppin accepted a financial award under the Scheme. However, the Scheme did not constitute full redress as described in the Committee’s General Comment No 3. The Scheme acknowledged no liability on the part of the religious congregations or the State and awards were contingent on waiver of all rights of action against the State. Moreover, Ireland has not honoured its representations to Mrs Coppin and to other survivors regarding several of the rehabilitative and restorative measures on offer under the Scheme.

- 4.11** Finally, Mrs Coppin complains of a continuing violation of Article 16 on the basis that Ireland’s failures and the resulting impunity of the State and relevant religious congregations constitute an affirmation by Ireland, by act and by clear implication, of Mrs Coppin’s treatment in the Magdalene Laundries. Mrs Coppin complains that this deliberate affirmation debases and humiliates her in a manner so severe as to amount to at least degrading treatment. In effect, Mrs Coppin complains that she is experiencing a ‘continuing situation’ of dignity violations sufficient to violate Article 16, commencing with her treatment in the Magdalene Laundries and continuing on account of the State’s treatment of her since that time.
- 4.12** The Committee has already considered Ireland’s Magdalene Laundries in the context of the State’s Periodic Reports under Article 19.
- 4.13** In its Concluding Observations on Ireland’s First Periodic Report, in 2011, the Committee declared that it was “gravely concerned” by Ireland’s failure to protect women and girls involuntarily confined in the Magdalene Laundries and recommended that Ireland institute prompt, independent and thorough investigations into all complaints of torture and other cruel, inhuman or degrading treatment or punishment that were allegedly committed in the Magdalene Laundries. The Committee also recommended that, in appropriate cases, the State should prosecute and punish the perpetrators with penalties commensurate with the gravity of the offences committed. The Committee further recommended that Ireland ensure that all victims obtain redress and have an enforceable right to compensation, including the means for as full rehabilitation as possible.<sup>1</sup> These recommendations were included in the Committee’s follow-up procedure on account of their gravity and urgency.<sup>2</sup>
- 4.14** The Committee revisited the issues of investigations, accountability and redress for the Magdalene Laundries abuse in its Concluding Observations on Ireland’s Second Periodic Report in 2017. The Committee stated its “deep regret” that Ireland had not undertaken an

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<sup>1</sup> [VOL A / TAB 4 / PAGE 54]: Committee Against Torture, Concluding Observations on the First Periodic Report of Ireland, CAT/C/IRL/CO/1, 17 June 2011, para 20.

<sup>2</sup> [VOL A / TAB 5 / PAGES 59-62]: Letter from Felice D Gaer, Rapporteur for Follow-up on the Concluding Observations of the Committee against Torture, to H.E. Mr Gerard Corr, 22 May 2013.

[VOL A / TAB 6 / PAGES 70-71]: Committee Against Torture, List of Issues prior to submission of the second periodic report of Ireland, CAT/C/IRL/QPR/2, 17 December 2013, para 21.

independent, thorough and effective investigation into allegations of ill-treatment of women and children in the Magdalene Laundries or prosecuted and punished the perpetrators, and the Committee expressed its concern at shortcomings in Ireland's provision of redress to Magdalene survivors. Again including its recommendations within the follow-up procedure, the Committee recommended that Ireland (a) undertake a thorough and impartial investigation into allegations of ill-treatment of women at the Magdalene Laundries that has the power to compel the production of all relevant facts and evidence and, if appropriate, ensure the prosecution and punishment of perpetrators; and (b) strengthen its efforts to ensure that all victims of Magdalene Laundries obtain redress through, *inter alia*, ensuring that civil claims can be brought "in the interests of justice", publicising the *ex gratia* Scheme, implementing the outstanding recommendations on redress made by Mr Justice Quirke, and promoting greater access to information concerning the Magdalene Laundries held in private and public archives.<sup>3</sup>

**4.15** The Committee's recommendations have been echoed by the Human Rights Committee,<sup>4</sup> the Committee on the Elimination of All Forms of Discrimination Against Women<sup>5</sup> and the Committee on Economic, Social and Cultural Rights.<sup>6</sup> Ireland has failed to comply with all of these recommendations. Ireland's failures have been the subject of repeated criticism by the Irish Human Rights and Equality Commission (previously the Irish Human Rights Commission),<sup>7</sup> and civil society organisations in Ireland and internationally.<sup>8</sup>

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<sup>3</sup> [VOL A / TAB 7 / PAGE 81]: Committee Against Torture, Concluding Observations on the Second Periodic Report of Ireland, CAT/C/IRL/CO/2, 31 August 2017, para 25.

<sup>4</sup> [VOL A / TAB 8 / PAGE 88]: Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Ireland, CCPR/C/IRL/CO/4, 19 August 2014, para 10.

[VOL A / TAB 9 / PAGES 93-95]: Letter from Sarah Cleveland, Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, to Ireland, 15 April 2016.

<sup>5</sup> [VOL A / TAB 10 / PAGES 98-99]: Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Ireland, CEDAW/C/IRL/CO/6-7, 9 March 2017, paras 14-15.

<sup>6</sup> [VOL A / TAB 11 / PAGE 117]: Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Ireland, E/C.12/IRL/CO/3, 8 July 2015, para 18.

<sup>7</sup> [VOL A / TAB 12 / PAGES 145-150]: Irish Human Rights Commission, Submission to the United Nations Human Rights Committee on the Examination of Ireland's Fourth Periodic Report, June 2014, paras 58-69.

[VOL A / TAB 13 / PAGE 249-254]: Irish Human Rights and Equality Commission, Submission to the Committee on Economic, Social and Cultural Rights on the Examination of Ireland's Third Periodic Report under the International Covenant on Economic, Social and Cultural Rights, May 2015, para 5.5.

[VOL A / TAB 14 / PAGES 316-317]: Irish Human Rights and Equality Commission, Submission to the United Nations Committee on the Elimination of Discrimination Against Women: List of Issues Prior to Reporting on Ireland's Combined 6<sup>th</sup> and 7<sup>th</sup> Reports under CEDAW, October 2015, paras 17-19.

[VOL A / TAB 15 / PAGES 402-407]: Irish Human Rights and Equality Commission, Submission to the United Nations Committee against Torture on Ireland's Second Periodic Report, July 2017, pp53-58.

<sup>8</sup> For example:

[VOL A / TAB 16 / PAGES 409-455]: Justice for Magdalenes, Submission to the United Nations Committee Against Torture, May 2011.

[VOL A / TAB 17 / PAGES 456-490]: 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.

[VOL A / TAB 18 / PAGES 491-564]: Justice for Magdalenes, Follow-Up Report to the UN Committee Against Torture, 46<sup>th</sup> Session (9 May 2011 – 3 June 2011), May 2012.

[VOL A / TAB 19 / PAGES 565-598]: Justice for Magdalenes Research, Follow-Up Submission to the UN Human Rights Committee in respect of Ireland, 111<sup>th</sup> Session, July 2014.

**4.16** Provided with this complaint is a witness statement and medical legal report. Further documents are exhibited in accordance with the index to these bundles. References to exhibits are in the form [VOL X / TAB X / PAGE X]. A short summary is also provided.

## **5. ADMISSIBILITY**

### **5.1 *Exhaustion of domestic remedies***

**5.1.1** In 1997 and again in 1998, Mrs Coppin complained to An Garda Síochána (the Irish national police force) about the abuse that she suffered in the Magdalene Laundries.<sup>9</sup> She has received no further information whatsoever about the progress of this complaint. She has not been made aware of any investigation into the complaint nor any consideration of prosecution of the alleged offenders. Mrs Coppin has no remedy against the Irish police for this failure. As a matter of Irish law, the police owe victims of crime no duty of care.<sup>10</sup> Furthermore, it is not possible for Mrs Coppin to make a complaint to the Garda Síochána Ombudsman Commission (the independent body charged with investigating policing failures and malpractice) by reason of the 12-month temporal time limit on its complaints process.

**5.1.2** In 1999, Mrs Coppin commenced a civil claim in the Irish High Court against representatives of the religious congregations that managed the Industrial School and Magdalene Laundries in which she had been abused.<sup>11</sup> In November 2000, Mrs Coppin

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[VOL A / TAB 20 / PAGES 599-615]: Justice for Magdalenes Research, Parallel Report to the United Nations Committee on Economic, Social and Cultural Rights for its examination of Ireland, 55<sup>th</sup> Session, June 2015.

[VOL A / TABS 21A-B / PAGES 616-658]: Justice for Magdalenes Research, NGO Submission to the UN Committee on the Elimination of Discrimination Against Women in respect of Ireland for LOIPR, 2015; NGO Submission to the UN Committee on the Elimination of Discrimination Against Women in respect of Ireland, February 2017.

[VOL A / TAB 22 / PAGES 659-684]: Justice for Magdalenes Research, NGO Submission to the UN Committee Against Torture in respect of Ireland (for the session), July 2017.

[VOL A / TABS 23A-B / PAGES 685-691]: Anna-Karin Holmlund, Letter to Committee against Torture from Amnesty International regarding List of Issues Prior to Reporting, 16 August 2013; Anna-Karin Holmlund, Letter to the United Nations Committee on the Elimination of Discrimination Against Women from Amnesty International regarding the List of Issues Prior to Reporting, 2 October 2015.

[VOL A / TAB 24 / PAGES 712-717]: Amnesty International, Ireland: Submission to the United Nations Human Rights Committee in respect of Ireland, July 2014, pp 21-26.

[VOL B / TABS 25A-B / PAGES 732-733; 743-744]: Women's Human Rights Alliance, Suggested List of Issues to County Report Task Force on Ireland for the 109<sup>th</sup> Session of the Human Rights Committee, November 2013, pp9-10; Women's Human Rights Alliance, Submission to the Pre-Sessional Working Group of the Committee on the Elimination of Discrimination Against Women, 9 October 2015, pp 8-9.

<sup>9</sup> [VOL B / TAB 26 / PAGES 754-763]: Elizabeth Coppin, Complaints to An Garda Síochána, 28 October 1997; 14 December 1997; 16 April 1998.

<sup>10</sup> [VOL B / TAB 27 / PAGES 764-769]: *Lockwood v Ireland* [2010] IEHC 430; [2011] 1 IR 374;

[VOL B / TAB 28 / PAGES 770-781]: *LM v Commissioner of An Garda Síochána* [2015] IESC 81.

<sup>11</sup> [VOL B / TAB 29 / PAGES 782-785]: Plenary Summons and General Indorsement of Claim, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan*, 14 January 1999.

[VOL B / TAB 30 / PAGES 786-799]: Statement of Claim, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan*, 14 January 1999.

[VOL B / TAB 31 / PAGES 800-802]: Dr Matt Kinch, Court Medical Report (with annotations by Elizabeth Coppin), 26 June 1998.

applied to the court to join Ireland and the Minister for Education as co-defendants to her civil action.<sup>12</sup> However, before Mrs Coppin’s application to join the State defendants was heard, on 23 November 2001 the High Court struck out Mrs Coppin’s proceedings against the religious congregation and nun responsible for her treatment in the Industrial School on the ground of “inordinate and inexcusable” delay. The Court held there was a “real and serious risk of unfair trial”, because a number of individuals involved in the running and supervision of the Industrial School and in Mrs Coppin’s transfer to the first Magdalene Laundry had died and the religious congregation’s archive contained only “sparse” personal records.<sup>13</sup> Following the High Court’s judgment, Mrs Coppin’s legal team advised her that her “best option [was] to discontinue these proceedings against all parties”, as “each defendant will follow in the footsteps of the first defendant in seeking to dismiss the claim against them also, on the grounds already stated [in the judgment]”.<sup>14</sup>

**5.1.3** On 24 February 2005, Mrs Coppin was offered an *ex gratia* payment from the Residential Institutions Redress Board for the abuse she suffered in the Industrial School, and for some of her detention in the Magdalene Laundries (which was deemed to fall under the Board’s remit although it was not the focus of the Board’s assessment).<sup>15</sup> The award entailed no admission of liability on the part of Ireland or any religious congregation and was made on condition that Mrs Coppin agree in writing to “waive any right of action which [she] may otherwise have had against a public body or a person who has made a contribution [to the Scheme]”.<sup>16</sup>

**5.1.4** In 2014, Mrs Coppin was offered a further *ex gratia* payment from the Magdalene Laundries Scheme for the time she spent in the Magdalene Laundries.<sup>17</sup> Again, the award entailed no admission of liability on the part of Ireland or any religious congregation, and again it was made on condition that Mrs Coppin agree in writing to waive any rights she has against the State.<sup>18</sup> Mrs Coppin accepted the payment and signed the waiver.

**5.1.5** The waivers have the effect of stopping Mrs Coppin from making any further complaints in Ireland against the State or any religious congregation.

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<sup>12</sup> [VOL B / TABS 32A-B / PAGES 803-820]: Statement of Claim and Plenary Summons General Indorsement of Claim, *Elizabeth Coppin v Colette Cullinane, Alice Doherty, Claire O’Sullivan, The Estate of Enda O’Sullivan, Deceased, The Minister for Education, Ireland and the Attorney General*, 24 February 1999.

[VOL B / TAB 33 / PAGES 821-823]: Affidavit of Elizabeth Coppin, *Elizabeth Coppin v Coirle McCarthy, Alice Doherty, Claire O’Sullivan and The Estate of Enda O’Sullivan, Deceased* [1999] 381 P, 4 November 1999.

<sup>13</sup> [VOL B / TAB 34 / PAGES 824-829]: Counsels’ Agreed Note of Judgment, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O’Sullivan and Enda O’Sullivan* [1999] 381 P, 23 November 2001.

<sup>14</sup> [VOL B / TAB 35 / PAGES 830-832]: Letter from Patrick Hunt SC and Elma Sheahan BL to Maura E Hennessy, 16 January 2002.

<sup>15</sup> [VOL B / TAB 36 / PAGES 833-905]: Residential Institutions Redress Board, Transcript of Proceedings, 24 February 2005.

<sup>16</sup> i.e. the relevant religious congregations. [VOL B / TAB 37 / PAGE 917]: Residential Institutions Redress Act 2002, s13(6). In the absence of any effective remedy properly so-called, Mrs Coppin accepted the payment and signed the waiver.

<sup>17</sup> [VOL B / TAB 38 / PAGES 933-949]: Joni Murphy (Restorative Justice Implementation Unit), Formal offer letter to Elizabeth Coppin regarding the Restorative Justice Scheme enclosing Terms of the Scheme, 8 January 2014.

<sup>18</sup> [VOL B / TAB 39 / PAGES 950-954]: Signed acceptance form and form of statutory declaration, Restorative Justice Scheme, 21 March 2014.

## **5.2 *Application to other international procedures***

- 5.2.1** Mrs Coppin’s case is not being and has not been examined by any other international body.
- 5.2.2** On 1 August 2014, Mrs Coppin made a submission to the UN Commission on the Status of Women; she was informed by the Commission secretariat that its communication procedure did not provide an avenue for the redress of individual grievances.<sup>19</sup>
- 5.2.3** Accordingly, no international procedure has examined the “same parties, the same facts, and the same substantive rights”.<sup>20</sup>

## **5.3 *Admissibility ratione temporis***

- 5.3.1** Ireland ratified the Convention on 11 April 2002. The instrument of ratification was accompanied by a Declaration recognising the competence of the Committee to receive and consider communications on behalf of individuals under Article 22. The Convention entered into force with respect to Ireland on 11 May 2002.
- 5.3.2** All of Mrs Coppin’s complaints relate to violations of the Convention that were occurring on 11 May 2002 and have continued since that date.
- 5.3.3** Mrs Coppin contends that she suffered torture and cruel, inhuman and degrading treatment and punishment in the Magdalene Laundries between 1964 and 1968. Although the Convention had not yet been adopted at this time, Ireland was subject to international obligations to prohibit, prevent, investigate, punish and provide redress in respect of torture and inhuman and degrading treatment and punishment (including those imposed from 25 February 1953 by Article 3 of the European Convention on Human Rights 1950 and by customary international law). Equally, while there was no crime of torture or infliction of cruel, inhuman or degrading treatment or punishment in Irish law at the time, the abuse she suffered would have amounted to assault, battery, assault occasioning bodily harm and false imprisonment at common law. These are indictable offences not subject to any limitation period. At the time of Mrs Coppin’s incarceration in the Magdalene Laundries, the 1937 Constitution of Ireland obliged the State “to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen” and “in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen”.<sup>21</sup> Furthermore, the Preamble to the 1937

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<sup>19</sup> [VOL B / TAB 40 / PAGES 955-983]: Elizabeth Coppin, Submission to the UN Commission on the Status of Women, 1 August 2014.

[VOL B / TAB 41 / PAGES 984-985]: Email correspondence between Elizabeth Coppin and the UN Commission on the Status of Women, 21 August 2014.

<sup>20</sup> [VOL B / TAB 42 / PAGES 989-990]: *ARA v Sweden*, Communication No 305/2006, UN Doc CAT/C/38/D/305/2006, 1 May 2007, para 6.2.

<sup>21</sup> [VOL B / TAB 43 / PAGE 992.84]: *Bunreacht na hEireann*, 1937, Article 40.3.



Constitution stated the assurance of “the dignity and freedom of the individual” to be the core purpose of the Constitution.<sup>22</sup>

**5.3.4** Mrs Coppin brought the abuse she suffered to the attention of the police in 1997 and 1998. She attempted unsuccessfully to sue the State and the responsible religious congregations between 1999 and 2002. She complained to the Commission to Inquire into Child Abuse in 2002<sup>23</sup> and she gave evidence before the Residential Institutions Redress Board in 2005.<sup>24</sup> She complained to the Inter-Departmental Committee in 2012.<sup>25</sup> She complained to the Minister for Justice and Equality in 2013 and 2014<sup>26</sup> and she complained to the Minister for Children and Youth Affairs in 2017.<sup>27</sup> She sent a statement to the ongoing Commission of Investigation into Mother and Baby Homes and Certain Related Matters in April 2018.<sup>28</sup> Despite Mrs Coppin taking the aforementioned actions, the Irish State has to this day failed to investigate complaints of torture and cruel, inhuman and degrading treatment and punishment in the Magdalene Laundries made by her and by hundreds of other survivors. In addition, Ireland has failed to ensure that she and other survivors of the Magdalene Laundries obtain full redress for the violations suffered, including the means for as full rehabilitation as possible.

**5.3.5** Mrs Coppin submits that since 11 May 2002 Ireland has been obliged to ensure that she, as a victim of torture and ill-treatment, is able to access her rights (a) to a prompt and impartial investigation; (b) to complain and to have her case promptly and impartially examined; and (c) to obtain redress, regardless of when the torture and ill-treatment occurred.<sup>29</sup>

**5.3.6** In addition to her complaints of continuing violations of Articles 12, 13 and 14, alone and in conjunction with Article 16 of the Convention, Mrs Coppin also complains that Ireland’s treatment of her since 11 May 2002 debases and humiliates her in a manner so severe as to amount to at least degrading treatment in violation of Article 16. In effect, Mrs Coppin

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<sup>22</sup> [VOL B / TAB 43 / PAGE 992.8]: Bunreacht na hEireann, 1937, Preamble.

<sup>23</sup> [VOL B / TAB 44 / PAGES 993-1015]: Elizabeth Coppin, Complainant’s Statement to the Commission to Inquire into Child Abuse, date unknown;

[VOL B / TAB 45 / PAGES 1016-1027]: Elizabeth Coppin, Commission to Inquire into Child Abuse, Vaccine Trials Inquiry, Questionnaire, 9 May 2002.

<sup>24</sup> [VOL B / TAB 36 / PAGES 833-905]: Residential Institutions Redress Board, Transcript of Proceedings, 24 February 2005;

[VOL B / TAB 46 / PAGES 1028-1029]: Letter from Sharon Moohan, Solicitor to the Residential Institutions Redress Board, to Elizabeth Coppin, 8 June 2010.

<sup>25</sup> [VOL A / TAB 2 / PAGES 12-13]: Statement of Elizabeth Coppin, paras 59-65.

<sup>26</sup> [VOL B / TAB 47 / PAGES 1031-1033]: Elizabeth Coppin, Letters to Minister Shatter regarding the Restorative Justice Scheme, December 2013.

<sup>27</sup> [VOL B / TAB 48 / PAGES 1034-1035]: Elizabeth Coppin, Letter to Minister Zappone, Minister for Children and Youth Affairs, 10 March 2017.

<sup>28</sup> [VOL B / TAB 49 / PAGES 1036-1068]: Witness statement of Elizabeth Coppin, dated 28 January 2017, submitted to the Commission of Investigation into Mother and Baby Homes and Certain Related Matters on 30 April 2018.

[VOL B / TAB 50 / PAGE 1069]: Letter from Hogan Lovells to the Commission of Investigation into Mother and Baby Homes and Certain Related Matters, 30 April 2018.

<sup>29</sup> [VOL B / TAB 51 / PAGE 1078]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 40.

[VOL B / TAB 52 / PAGES 1081-1098]: *Gerasimov v Kazakhstan*, Communication No 433/2010, UN Doc CAT/C/48/D/433/2010, 24 May 2012.

complains that she is experiencing a ‘continuing situation’ of substantive violations of Article 16, on the basis that Ireland’s acts and omissions since 11 May 2002, together with the impunity they perpetuate, amount to a continuation of the dignity violations that Mrs Coppin suffered in the Magdalene Laundries.

**5.3.7** For the foregoing reasons, it is respectfully submitted that Mrs Coppin’s communication is admissible *ratione temporis*.

#### **5.4** *Admissibility ratione personae*

**5.4.1** Mrs Coppin has received two *ex gratia* payments relating to her time in the Magdalene Laundries. Her award from the Residential Institutions Redress Board was calculated in part to recognise some of the time she had spent there. A further payment was made under the Scheme. Mrs Coppin was forced to sign waivers of all of her rights to a remedy before the Irish courts in exchange for those *ex gratia* payments.

**5.4.2** As noted below (at section 8.2) in relation to the alleged violation of Article 14, while Mrs Coppin has received some financial compensation and other benefits, she cannot be said to have achieved full redress. The State has not conducted a prompt, thorough and impartial investigation into human rights violations in the Magdalene Laundries. The religious congregations have never apologised to survivors of the Magdalene Laundries, and no individual or institution (whether State or non-State) has ever been held accountable for human rights violations in the Magdalene Laundries. The congregations have not yet been compelled to open their records to the public. The State refuses to allow public access to its own archive concerning the Magdalene Laundries. The State has failed to provide several aspects of the redress that it promised under the *ex gratia* Scheme for Magdalene Laundries survivors, including comprehensive and easily accessible health and social care. Ireland continues to deny responsibility for the mistreatment of women who were imprisoned in Magdalene institutions. As recently as February 2017, the then-Minister for Justice and Equality Frances Fitzgerald TD stated that “there was no finding in the McAleese Report [the IDC Report] which indicated that the State had any liability in the matter”.<sup>30</sup>

**5.4.3** The State’s denial makes it possible for supporters of the congregations to deny that abuse ever took place in the Laundries at all, something that continues to offend and humiliate survivors of the Magdalene Laundries to this day.<sup>31</sup> The State has taken no concrete measures to ensure that the women’s experience is not repeated.

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<sup>30</sup> [VOL B / TAB 53 / PAGES 1099-1100]: Minister for Justice, Frances Fitzgerald TD, Written answers to Clare Daly TD (Question 4964/17), 2 February 2017.

<sup>31</sup> [VOL B / TAB 54 / PAGES 1101-1112]: Catholic League, *Myths of the Magdalene Laundries*; [VOL B / TAB 55 / PAGES 1113-1115]: Sister Jacinta Prunty, ‘New Magdalene research presents complex picture: Is there room for more rounded and fairer assessment?’ *The Irish Times* (1 August 2017).

**5.4.4** For this reason, Mrs Coppin maintains her claim to be a victim of a violation by a State Party of the provisions of the Convention for the purposes of Article 22(1). Accordingly, it is respectfully submitted that this communication is admissible *ratione personae*.

## **6. FACTUAL BACKGROUND**

### **6.1 *Early Childhood***

**6.1.1** Mrs Coppin was born in the Saint Columbanus County Home in Killarney, County Kerry, Ireland on [REDACTED] 1949.<sup>32</sup>

**6.1.2** The County Home in which Mrs Coppin was born was established by the State and managed by the Sisters of Mercy. Mrs Coppin's mother, who was 19 and unmarried, was only released from the County Home when her father (Mrs Coppin's maternal grandfather) paid £100 to the nuns.<sup>33</sup>

**6.1.3** Following her birth, Mrs Coppin and her mother returned to Mrs Coppin's maternal grandfather's home, and soon afterwards her mother married. Mrs Coppin's stepfather was physically abusive towards Mrs Coppin and was charged in 1951 with "assault(ing) and ill-treat(ing) 2 year-old Elizabeth [REDACTED] (Coppin) in a manner likely to cause her unnecessary suffering/injury to her health".<sup>34</sup>

### **6.2 *Pembroke Alms (Nazareth House) Industrial School for Girls***

**6.2.1** In 1951, Mrs Coppin was taken away from her family and committed by order of the Listowel District Court to the Pembroke Alms (Nazareth House) Industrial School for Girls in Tralee. The ground for her committal was being "[d]estitute and illegitimate, not being an orphan: her mother unable to support her", under the Children Act 1908. The court order provided that she was to be detained until the eve of her 16<sup>th</sup> birthday, [REDACTED] 1965.<sup>35</sup>

**6.2.2** While in Nazareth House, Mrs Coppin was subjected to horrific emotional and physical abuse by the nuns in charge. Mrs Coppin lived in constant fear. For example, during her time in Nazareth House, she was regularly ordered by one particular nun, Sister Enda, to lie naked on her bed while was beaten across her back and rear-end with a leather strap. This abuse made her bleed and on occasion she lost consciousness.<sup>36</sup>

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<sup>32</sup> [VOL B / TAB 56 / PAGES 1116-1130]: Records relating to Industrial School detention of Elizabeth Coppin, 1951 – 1964;

[VOL A / TAB 2 / PAGE 2]: Statement of Elizabeth Coppin, para 4.

<sup>33</sup> [VOL A / TAB 2 / PAGE 2]: Statement of Elizabeth Coppin, paras 5-6.

<sup>34</sup> [VOL B / TAB 57 / PAGE 1131]: [REDACTED];

[VOL A / TAB 3 / PAGE 23]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 12.

<sup>35</sup> [VOL A / TAB 2 / PAGE 2]: Statement of Elizabeth Coppin, para 7;

[VOL B / TAB 56 / PAGES 1116-1130]: Records relating to Industrial School detention of Elizabeth Coppin, 1951 – 1964. See in particular pg 1118.

<sup>36</sup> [VOL A / TAB 3 / PAGE 28]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 56;

[VOL B / TAB 58 / PAGE 1133]: Dr Matt Kinch, Court Psychiatric Medical Update Report, 20 August 2001, p 1;

- 6.2.3** In addition, she was frequently subjected to starvation as a method of punishment, often having been sent upstairs to the bedrooms immediately after school on Friday afternoon and not permitted to return until Monday morning. During such periods she was deprived of food and water, an evening meal and breakfast. Furthermore, she recalls being always hungry and suffering chronic constipation and a distended, painful abdomen during her time at Nazareth House.<sup>37</sup>
- 6.2.4** Mrs Coppin experienced multiple additional instances of humiliating and degrading treatment. On occasions when a doctor attended the Industrial School to examine the resident children, Mrs Coppin describes a situation where she was stripped to her knickers and watched by nuns.<sup>38</sup>
- 6.2.5** During her time in Nazareth House, Mrs Coppin received only the most cursory education. Her school records list that she was absent for approximately 70 days in one year. The reason for that absence is listed as “at work”.<sup>39</sup>
- 6.2.6** Mrs Coppin was subjected to forced labour. Every day after attending school she was given tasks for which she has never been remunerated:

*“At the Industrial School, she was made to daily sand and sweep floors in hallways and corridors, scrub the floors by hand on her knees, chop wood for the fire with a hatchet, bring in coal, lift heavy tubs of coal for the fire, light the fire, fold bedspreads in four dormitories with approximately fourteen beds in each, wash all the toilets in the ‘washroom’, weed the gardens in the summer, scrub babies’ potties with sand, fill and carry large urns with water. When she was stopped from attending school she was also made to work every day in the kitchens during the daytime, helping prepare lunches, peeling potatoes, washing up the kitchen ware after dinner before resuming her duties for the evening.”*<sup>40</sup>

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[VOL B / TAB 36 / PAGES 845, 865]: Residential Institutions Redress Board, Transcript of Proceedings, 24 February 2005, pp10, 30;

[VOL B / TAB 59 / PAGE 1137]: Dr Mary McInerney, *Medical Report concerning Elizabeth Coppin*, 19 August 2003, p2;

[VOL A / TAB 2 / PAGES 2-3]: Statement of Elizabeth Coppin, para 8.

<sup>37</sup> [VOL A / TAB 3 / PAGE 29]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 59.

<sup>38</sup> [VOL A / TAB 3 / PAGES 28-29]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 57.

<sup>39</sup> [VOL B / TAB 36 / PAGE 840]: Residential Institutions Redress Board, Transcript of Proceedings, 24 February 2005, p 5;

[VOL A / TAB 2 / PAGE 3]: Statement of Elizabeth Coppin, para 10;

[VOL B / TAB 56 / PAGES 1116-1130]: Records relating to Industrial School detention of Elizabeth Coppin, 1951 – 1964.

<sup>40</sup> [VOL A / TAB 3 / PAGES 24, 29]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, paras 18, 58.

*[...] she'd (Sister Enda) make me (Mrs Coppin) put my hand down there (the toilet bowl) and clean with a small rag, excrement would come up in the toilet, I would feel so sick but I was so afraid of (being beaten with) the strap, I just did it".*<sup>41</sup>

**6.2.7** All of this treatment, which is set out in more detail in Mrs Coppin's statement and in the Medico-Legal Report prepared by Professor Nimisha Patel, led Mrs Coppin during her time in Nazareth House to attempt suicide by setting fire to herself. To this day Mrs Coppin has extensive scarring, but at the time she was not provided with any medication or taken to hospital to have her burns treated.<sup>42</sup>

**6.2.8** Furthermore, experimental vaccine trials were carried out on child residents of Industrial Schools and Mother and Baby homes across the island of Ireland during the period in which Mrs Coppin was resident in Nazareth House. In relation to a large number of the said trials, no documentation exists to demonstrate that consent was given to allow for children's participation.<sup>43</sup>

**6.2.9** Mrs Coppin has reason to believe that she was one of many children to be subjected to vaccine trials. Her records from Nazareth House note that she spent six days in hospital in 1953 and no reason is given for her hospitalisation.<sup>44</sup> Mrs Coppin has been unable to obtain any medical records from the State in relation to her stay in hospital in 1953.<sup>45</sup> She has four unexplained marks on the top of her left arm, and she has suffered significant joint pain as an adult.<sup>46</sup>

### **6.3 Peacock Lane Magdalene Laundry**

**6.3.1** Despite the existence of a court order requiring her detention in the Industrial School until [REDACTED] 1965, in March 1964 at the age of 14 Mrs Coppin was "discharged" to the Saint Vincent's Magdalene Laundry, Saint Mary's Road, Peacock Lane in Cork, County Cork.<sup>47</sup> The Religious Sisters of Charity operated the Laundry, and the women in the Laundry were

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<sup>41</sup> [VOL A / TAB 2 / PAGE 8]: Statement of Elizabeth Coppin, para 32.

<sup>42</sup> [VOL A / TAB 3 / PAGES 29-30]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 63; [VOL B / TAB 58 / PAGE 1134]: Dr Matt Kinch, Court Psychiatric Medical Update Report, 20 August 2001, p 2; [VOL A / TAB 2 / PAGES 2-3]: Statement of Elizabeth Coppin, para 8.

<sup>43</sup> [VOL B / TAB 60 / PAGES 1141-1186]: Dr James Kiely, Report on 3 Clinical Trials involving babies and children in institutional settings 1960/61, 1970 and 1973, Department of Health and Children, 2000.

<sup>44</sup> [VOL B / TAB 61 / PAGES 1187-1226]: Medical records from Industrial School.

<sup>45</sup> [VOL B / TAB 62 / PAGE 1307]: Letter from Donal O'Callaghan to Elizabeth Coppin, 8 November 2016.

<sup>46</sup> [VOL B / TAB 45 / PAGES 1016-1027]: Elizabeth Coppin, Commission to Inquire into Child Abuse, Vaccine Trials Inquiry, Questionnaire, 9 May 2002;

[VOL B / TAB 40 / PAGES 955-983]: Elizabeth Coppin, Submission to the UN Commission on the Status of Women, 1 August 2014;

[VOL B / TAB 63 / PAGES 1308-1309]: Martijn Akveld, Letters regarding Subject Data Access Request to GlaxoSmithKline, 24 September 2014 and 8 October 2014.

<sup>47</sup> [VOL B / TAB 64 / PAGES 1310-1331]: Records relating to detention of Elizabeth Coppin in Magdalene Laundries, 1964 – 1968.

called 'penitents'.<sup>48</sup> However, the reasons for forcing Mrs Coppin to carry out penance were never made clear to her.

- 6.3.2** Mrs Coppin was subjected to forced labour six days per week, every week, following her arrival. She was given a heavy rubber apron and wellington boots, and forced to work in the washroom loading the huge washing machines with dirty laundry from the local hospitals and hotels and from the Irish Army. She received no pay, and she was not permitted to speak in the Laundry. The main door of the Laundry was always kept locked by the Sisters, and the living conditions were medieval.<sup>49</sup>
- 6.3.3** During her time in all of the Laundries, Mrs Coppin was also aware that many women lived their whole lives working there and she believed that when they died they were buried in a mass grave.<sup>50</sup>
- 6.3.4** During her time at Peacock Lane Magdalene Laundry Mrs Coppin's living conditions reflected a prison-like environment. She was placed in a cell approximately 6 m<sup>2</sup> in size, which contained a small bed with one blanket, and a shelf with a jug and a basin for sanitation. Toilets were not provided to the women who stayed there, and Mrs Coppin was required to empty her chamber pot every morning. The door to her cell was bolted, there were bars on the window and her lights switched off every night at 9pm.<sup>51</sup>
- 6.3.5** Mrs Coppin was brutalised by the nuns. On one occasion, she was accused of stealing sweets from another resident who was given sweets by a visitor. Despite denying that she had done so, she was dragged to a punishment cell and was imprisoned in solitary confinement with no bed, no toilet, a tin cup of water and only one slice of dry bread for each meal. This punishment lasted for a period of three days and three nights.<sup>52</sup>
- 6.3.6** In August 1966, aged 17, Mrs Coppin managed to escape the Peacock Lane Magdalene Laundry with another girl. They walked straight to a nearby hospital to look for a job, but the nun in charge of the hospital immediately called the police who brought the girls back to the Magdalene Laundry. Because they had run away, Mrs Coppin and the other girl were not admitted back into the Magdalene Laundry at Peacock Lane and so they began working at the hospital, St Finbarr's in Cork City. After working in St Finbarr's for a number of months, Mrs Coppin was taken by two officials from the Irish Society for the Prevention of

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<sup>48</sup> [VOL A / TAB 2 / PAGE 4]: Statement of Elizabeth Coppin, para 17.

<sup>49</sup> [VOL A / TAB 2 / PAGE 4-5]: Statement of Elizabeth Coppin, paras 17-19.

<sup>50</sup> [VOL A / TAB 2 / PAGE 5, 6]: Statement of Elizabeth Coppin, paras 20, 26.

<sup>51</sup> [VOL A / TAB 3 / PAGE 30]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 67;

[VOL B / TAB 36 / PAGE 868]: Residential Institutions Redress Board, Transcript of Proceedings, 24 February 2005, p 33;

[VOL A / TAB 2 / PAGE 5]: Statement of Elizabeth Coppin, para 20.

<sup>52</sup> [VOL A / TAB 3 / PAGES 30-31]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 70;

[VOL A / TAB 2 / PAGE 6]: Statement of Elizabeth Coppin, paras 22-24.

Cruelty to Children to another Magdalene Laundry, in the convent of the Sisters of the Good Shepard in Sunday's Well, Cork.<sup>53</sup>

#### **6.4 *The Good Shepherd, Sunday's Well Magdalene Laundry***

**6.4.1** In the Sunday's Well Laundry, the nuns provided Mrs Coppin with a new name: Enda – an Irish male name (for example, Saint Enda of Aran). She hated this name, in particular because it had been the name of her tormentor at the Industrial School.<sup>54</sup> The nuns forcibly cut her hair with sheers and took away her clothes; she was made to wear a uniform of brown sackcloth that was associated with penitence. The treatment Mrs Coppin was subjected to was profoundly humiliating and de-humanising. Again, she was put to work in the Laundry, and at no stage was she offered or did she receive any payment for the work she was forced to carry out; she was under constant control and surveillance, and a strict rule of silence was enforced.<sup>55</sup>

#### **6.5 *Waterford Magdalene Laundry***

**6.5.1** In March 1967, Mrs Coppin was transferred without warning to the Sisters of the Good Shepherd St Mary's Magdalene Laundry on the Cork Road in Waterford. The regime in the Magdalene Laundry in Waterford was less severe than those applied in the Laundries in Cork, though she was still locked up and made to work without pay.<sup>56</sup>

**6.5.2** In April 1968, at almost 19 years of age, Mrs Coppin was discharged from the Laundry. She worked in Kerry and Dublin to save money to emigrate to the United Kingdom, and she left Ireland in February 1969.

#### **6.6 *Adult Life***

**6.6.1** The stigma from Mrs Coppin's past has followed her until the present day.<sup>57</sup> However, after leaving the Laundry she made an attempt to build a new life in England; she worked at the BBC in London and returned to school, and despite facing major educational difficulties<sup>58</sup> she eventually qualified as a teacher.

**6.6.2** Mrs Coppin married in 1973. She suffered a miscarriage in 1978 – an experience she found deeply upsetting, and which brought up very painful memories and nightmares of her own childhood. Mrs Coppin went on to have two children in 1979 and 1980, and after the birth of

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<sup>53</sup> [VOL A / TAB 2 / PAGES 6-7]: Statement of Elizabeth Coppin, paras 26-30.

<sup>54</sup> [VOL B / TAB 36 / PAGE 839]: Residential Institutions Redress Board, Transcript of Proceedings, 24 February 2005, p 4.

<sup>55</sup> [VOL A / TAB 3 / PAGE 31]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 73; [VOL A / TAB 2 / PAGE 7]: Statement of Elizabeth Coppin, paras 30-31.

<sup>56</sup> [VOL A / TAB 2 / PAGES 8-9]: Statement of Elizabeth Coppin, paras 35-41.

<sup>57</sup> [VOL A / TAB 3 / PAGE 32]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 79.

<sup>58</sup> [VOL B / TAB 65 / PAGES 1332-1333]: Exam Records for Elizabeth Coppin, 2003.

her second child she suffered from severe post-natal depression, having remembered her forced and long separation from her own mother.<sup>59</sup>

**6.6.3** As an adult, Mrs Coppin left the Catholic Church and became a Protestant. Returning to Ireland occasionally, she was fortunate to re-establish a relationship with her mother before she died. However, at all times, she suffered from profound depression and anxiety, and in the 1990s she received counselling and was prescribed anti-depressant medication (briefly). Mrs Coppin was haunted by nightmares of the nuns coming for her, and she continues to suffer from depression and anxiety as a result of how she was treated and as a result of Ireland's failure meaningfully to acknowledge its failure to protect her.<sup>60</sup>

**6.6.4** To this day the experiences Mrs Coppin was subjected to as a child and young adult still have an extremely detrimental effect on her everyday life; her husband has sought to summarise the situation at present:

*"[...] the hardest thing of all is that she has had a terrible life, terrible and she's still suffering, she still gets nightmares. She's still afraid of being alone, being outside of the home without me. She's terrified of noises, any unusual sounds, jumpy, terrified and always on edge. She doesn't like to mix, she keeps herself to herself, in the home, unless I insist on taking her to the shops to do our shopping. She needs to talk about what happened to her, I heard it so many times and I will always listen to her. But I can't do anything, nothing. That makes me feel so very angry, sad, depressed [...] helpless".<sup>61</sup>*

## **6.7 Attempts to access justice and obtain redress**

**6.7.1** In October 1997, Mrs Coppin reported what had happened to her to An Garda Síochána (the Irish national police force). She made the complaint in writing to the Chief Superintendent in Tralee in 1997, and in 1998 she gave a full statement at Tralee Garda Station.<sup>62</sup>

**6.7.2** Thereafter Mrs Coppin was never contacted by the police about the complaint, and she was not provided with any information about any investigation that may have been carried out.<sup>63</sup>

**6.7.3** In 1999, Mrs Coppin initiated civil proceedings in the Irish High Court against the representatives of the congregations in whose care she had been abused. She claimed damages against those institutions for assault, false imprisonment, and violation of

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<sup>59</sup> [VOL A / TAB 3 / PAGE 26]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, paras 38-41; [VOL A / TAB 2 / PAGE 10]: Statement of Elizabeth Coppin, para 47.

<sup>60</sup> [VOL A / TAB 2 / PAGE 10]: Statement of Elizabeth Coppin, paras 46-48.

<sup>61</sup> [VOL A / TAB 3 / PAGE 28]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 52.

<sup>62</sup> [VOL A / TAB 2 / PAGE 10]: Statement of Elizabeth Coppin, para 49; [VOL B / TAB 26 / PAGES 754-763]: Elizabeth Coppin, Complaints to An Garda Síochána, 28 October 1997; 14 December 1997; 16 April 1998.

<sup>63</sup> [VOL A / TAB 2 / PAGES 10-11]: Statement of Elizabeth Coppin, para 50.



constitutional rights, including inhuman and degrading treatment.<sup>64</sup> She also sought to add Ireland and the Minister for Education as defendants.<sup>65</sup> Before the latter action was taken, the Sisters of Mercy applied to the High Court to have the case dismissed on the grounds of inordinate and inexcusable delay. The Sisters argued that the nuns involved were dead, and that their records relating to Mrs Coppin had not survived. Consequently, it was submitted that they would not receive a fair trial.<sup>66</sup> Despite Mrs Coppin's representations,<sup>67</sup> the High Court acceded to the Sisters' application on 23 November 2001.<sup>68</sup> Mrs Coppin was advised by counsel that an appeal to the Supreme Court would not succeed and that the entire proceedings should be withdrawn.<sup>69</sup> The proceedings were discontinued in 2002.<sup>70</sup>

**6.7.4** In 2000, the Irish Government established the Commission to Inquire into Child Abuse ("CICA") with a mandate to investigate child abuse in Industrial and Reformatory Schools and other similar institutions during the 20<sup>th</sup> century.<sup>71</sup> In 2002, the Irish Government established the Residential Institutions Redress Board ("RIRB") for the purpose of making financial payments to those who had been abused as children in these institutions.<sup>72</sup> Both the CICA and RIRB were prevented by their terms of reference from explicitly considering the Magdalene Laundries. Nonetheless, recognising that numerous girls were transferred from Industrial Schools and similar Church-run residential schools to residential laundry institutions as children, the Residential Institutions Redress Act 2002 allowed for payments

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<sup>64</sup> [VOL B / TAB 29 / PAGES 783-785]: Plenary Summons and General Indorsement of Claim, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan*, 14 January 1999;

[VOL B / TAB 30 / PAGES 786-799]: Statement of Claim, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan*, 14 January 1999;

[VOL B / TAB 31 / PAGES 800-802]: Dr Matt Kinch, Court Medical Report (with annotations by Elizabeth Coppin), 26 June 1998.

<sup>65</sup> [VOL B / TAB 32 / PAGES 803-820]: Statement of Claim and Plenary Summons General Indorsement of Claim, *Elizabeth Coppin v Colette Cullinane, Alice Doherty, Claire O'Sullivan, The Estate of Enda O'Sullivan, Deceased, The Minister for Education, Ireland and the Attorney General*, 24 February 1999;

[VOL B / TAB 33 / PAGES 821-823]: Affidavit of Elizabeth Coppin, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan* [1999] 381 P, 4 November 2001;

[VOL B / TAB 66 / PAGES 1334-1335]: Notice of Motion, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan* [1999] 381 P, 14 November 2001.

<sup>66</sup> [VOL B / TAB 67 / PAGES 1336-1343]: Affidavit of Brendan V Cunningham, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan* [1999] 381 P, 14 February 2001;

[VOL B / TAB 68 / PAGES 1344-1351]: Reply Affidavit of Elizabeth Coppin, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan* [1999] 381 P, 17 September 2001;

[VOL B / TAB 69 / PAGES 1352-1355]: Supplemental Affidavit of Brendan V Cunningham, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan* [1999] 381 P, 16 November 2001.

<sup>67</sup> [VOL B / TAB 68 / PAGES 1344-1351]: Reply Affidavit of Elizabeth Coppin, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan* [1999] 381 P, 17 September 2001.

<sup>68</sup> [VOL B / TAB 34 / PAGES 824-829]: Counsels' Agreed Note of Judgment, *Elizabeth Coppin v Cora McCarthy, Alice Doherty, Claire O'Sullivan and Enda O'Sullivan* [1999] 381 P, 23 November 2001.

<sup>69</sup> [VOL B / TAB 35 / PAGES 830-832]: Letter from Patrick Hunt SC and Elma Sheahan BL to Maura E Hennessy, 16 January 2002;

[VOL B / TAB 70 / PAGES 1356-1357]: Letter from Maura Hennessy to Elizabeth Coppin, 3 December 2001.

<sup>70</sup> [VOL A / TAB 2 / PAGE 11]: Statement of Elizabeth Coppin, para 51;

[VOL B / TAB 71 / PAGE 1358]: Letter from Elma Sheahan BL to Maura Hennessy, 29 April 2002.

<sup>71</sup> [VOL B / TAB 72 / PAGES 1359-1380]: Commission to Inquire into Child Abuse Act 2000 (as amended by the Commission to Inquire into Child Abuse (Amendment) Act 2005).

<sup>72</sup> [VOL B / TAB 37 / PAGES 906-932]: Residential Institutions Redress Act 2002.

to be made to these women for time spent in a laundry institution up to the age of 18 as if it were time still spent in the school.<sup>73</sup>

- 6.7.5** Mrs Coppin made a statement to the CICA regarding the abuse she had suffered in the Industrial School and Magdalene Laundries,<sup>74</sup> and she applied to the RIRB for an award.<sup>75</sup> On 24 February 2005, Mrs Coppin appeared before the RIRB and described the abuse she had suffered in the Industrial School and in the Magdalene Laundries.<sup>76</sup> The RIRB assessed the level of abuse she had suffered as being at the very top of its scale and made an award to her of €140,000 in exchange for a waiver of any rights of action against the State and/or the nuns.<sup>77</sup> The Residential Institutions Redress Act 2002 also made it a criminal offence for Mrs Coppin to ‘publish any information concerning her application or award referring to anyone or any institution by name’ (the penal provision is so broad that Mrs Coppin may be breaching it in making this application).<sup>78</sup> Although she found acceding to this clause profoundly humiliating, Mrs Coppin had no choice but to accept the award in circumstances where her legal proceedings against the nuns had already failed.<sup>79</sup>
- 6.7.6** In July 2011, following the Committee’s examination of Ireland’s First Periodic Report under the Convention, the Government formed the Inter-Departmental Committee.<sup>80</sup> In May 2012, Mrs Coppin sent a written statement of the abuse and human rights violations she had suffered, coupled with her assessment of the State’s involvement in her abuse, to the Chairperson of the Inter-Departmental Committee, Senator Martin McAleese.<sup>81</sup>
- 6.7.7** Mrs Coppin met with Senator McAleese and his assistant Ms Nuala Ní Mhuircheartaigh twice. Initially Mrs Coppin met Senator McAleese and Ms Ní Mhuircheartaigh along with a

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<sup>73</sup> [VOL B / TAB 37 / PAGE 910]: Residential Institutions Redress Act 2002, section 1(3);

[VOL B / TAB 46 / PAGES 1028-1029]: Letter from Sharon Moohan, Solicitor to the Residential Institutions Redress Board, to Elizabeth Coppin, 8 June 2010.

<sup>74</sup> [VOL B / TAB 44 / PAGES 994-1015]: Elizabeth Coppin, Complainant’s Statement to the Commission to Inquire into Child Abuse, date unknown;

[VOL B / TAB 45 / PAGES 1016-1027]: Elizabeth Coppin, Commission to Inquire into Child Abuse, Vaccine Trials Inquiry, Questionnaire, 9 May 2002.

<sup>75</sup> [VOL B / TAB 73 / PAGES 1381-1390]: Elizabeth Coppin, Residential Institutions Redress Act 2002 Application Form, 2005;

[VOL B / TAB 74 / PAGES 1391-1394]: Residential Institutions Redress Act 2000 Statement of Elizabeth Coppin (date unknown).

<sup>76</sup> [VOL B / TAB 36 / PAGES 833-905]: Residential Institutions Redress Board, Transcript of Proceedings, 24 February 2005.

<sup>77</sup> [VOL B / TAB 36 / PAGES 833-905]: Residential Institutions Redress Board, Transcript of Proceedings, 24 February 2005;

[VOL A / TAB 2 / PAGE 11]: Statement of Elizabeth Coppin, para 55.

<sup>78</sup> [VOL B / TAB 37 / PAGE 917]: Residential Institutions Redress Act 2002, section 13(6);

[VOL B / TAB 46 / PAGES 1028-1029]: Letter from Sharon Moohan, Solicitor to the Residential Institutions Redress Board, to Elizabeth Coppin, 8 June 2010.

<sup>79</sup> [VOL A / TAB 2 / PAGE 11]: Statement of Elizabeth Coppin, paras 52-55.

<sup>80</sup> [VOL A / TAB 18 / PAGES 499-500, 509-514]: Justice for Magdalenes, Follow-up Report to the UN Committee Against Torture, May 2012, pp 9,10, 19-24.

<sup>81</sup> [VOL B / TAB 75 / PAGES 1395-1399]: Elizabeth Coppin, Letter to Senator McAleese on State involvement in the Magdalene Laundries (attached to email to Loretta Barrett, Department of Justice), 13 May 2012; [VOL B / TAB 76 / PAGE 1400]: Letter from Senator Martin McAleese to Elizabeth Coppin, 5 March 2012.

group of other women in London. Mrs Coppin did not have the opportunity to speak in detail to Senator McAleese on this occasion due to the number of women at the meeting.<sup>82</sup>

**6.7.8** In December 2012 Mrs Coppin and her husband met alone with Senator McAleese and Ms Ní Mhuirheartaigh. Mrs Coppin recalls asking Senator McAleese how his investigation could be independent in view of the fact that it was being carried out by a Committee of civil servants representing numerous Government Departments which had been involved with the Magdalene Laundries. At this meeting, Senator McAleese asked Mrs Coppin did she “see any abuse” during her incarceration in the Magdalene Laundries. This question confused Mrs Coppin. Neither Senator McAleese nor Ms Ní Mhuirheartaigh explained what was meant by the term “abuse”, nor did they refer to the detailed written statement which Mrs Coppin had previously provided to them. Mrs Coppin answered “No” to Senator McAleese’s question. In retrospect, she understands that she did this because she believed the Senator to be referring to the beatings that she endured frequently in the Industrial School. Senator McAleese did not refer to the complaints that Mrs Coppin had made in writing – including of unlawful incarceration in Magdalene Laundries, nightly detention in a cell, detention for three days in a punishment cell, daily forced labour for years, hair cutting and unsanitary conditions of detention – as abuse.<sup>83</sup>

**6.7.9** Mrs Coppin read the Report of the Inter-Departmental Committee (“IDC Report”) after it was published and could not find any discussion of her experiences in the Chapter entitled “Living and working conditions”.<sup>84</sup> Mrs Coppin was not satisfied that the Inter-Departmental Committee took her complaints of human rights violations in the Magdalene Laundries seriously.<sup>85</sup>

**6.7.10** In June 2013, following the publication of the IDC Report, An Taoiseach (the Irish Prime Minister) issued a formal State apology to all survivors of the Magdalene Laundries.<sup>86</sup> The Government subsequently appointed the President of the Irish Law Reform Commission, Mr Justice John Quirke, to devise an *ex gratia* scheme (the Scheme) to provide payments and other supports to women who had spent time in Magdalene Laundries.<sup>87</sup> Mrs Coppin sent a written statement to Mr Justice Quirke detailing her experiences in the Magdalene Laundries.<sup>88</sup>

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<sup>82</sup> [VOL A / TAB 2 / PAGE 12]: Statement of Elizabeth Coppin, para 60.

<sup>83</sup> [VOL A / TAB 2 / PAGE 12]: Statement of Elizabeth Coppin, paras 61-63.

<sup>84</sup> [VOL C / TAB 77 / PAGES 1880-1913]: IDC Report, Chapter 19.

<sup>85</sup> [VOL A / TAB 2 / PAGE 12-13]: Statement of Elizabeth Coppin, paras 64-65.

<sup>86</sup> [VOL C / TAB 78 / PAGES 2009-2061]: An Taoiseach Enda Kenny TD, *Statement to Dáil Éireann*, 19 February 2013.

<sup>87</sup> [VOL C / TAB 79 / PAGES 2062-2065]: Department of Justice, Magdalen Commission Report Press Release, 26 June 2013;

[VOL D / TAB 80 / PAGES 2066-2155]: Mr Justice John Quirke, *The Magdalen Commission Report*, May 2013.

<sup>88</sup> [VOL D / TABS 81A-B / PAGES 2156-2161]: Letters from Elizabeth Coppin to Mr Justice John Quirke: (1) *How my life in later years was impacted by the Magdalene Laundries*; (2) *For the attention of Judge Quirke: What I want from the Magdalene Fund*, 26 March 2013.

**6.7.11** Mrs Coppin applied to the Magdalene Laundries Scheme for an award in July 2013.<sup>89</sup> On 22 November 2013, the Department of Justice issued a provisional assessment to Mrs Coppin, calculating her cumulative duration of stay in Magdalene Laundries as 3 years and 11 months and informing her that this assessment (should she agree with it) would entitle her to a specific lump sum and additional supports under the Scheme, some of which would not be available immediately. It was made clear that the only relevant question for the purposes of the Scheme was the length of stay in the relevant institutions.<sup>90</sup> The provisional assessment letter emphasised that the formal offer would be “conditional on the signing of a document by you agreeing to participate in the scheme and to waive any right of action against the State and its agencies in any forum arising out of your admission to and work in the institution concerned”.<sup>91</sup>

**6.7.12** On 3 December 2013, Mrs Coppin wrote to the Minister for Justice asking, “urgently, what mechanisms are put in place for any Magdalene Women, as myself, who feels the Question of my Human Rights has not been addressed”? She asked further, “What is the Government and your department doing about redressing the Violation of my Human Rights when in the Magdalenes”?<sup>92</sup> She wrote again to the Department of Justice on 9 December 2013, requesting an extension of the two-month time period permitted for a response to the provisional assessment on the basis that “myself and others, who are in a vulnerable position, should have more time to reflect on this provisional assessment in order to fully understand the legal implications of this and make a considered decision on the matter”.<sup>93</sup>

**6.7.13** The Department of Justice and Equality refused to engage with Mrs Coppin on this issue, demanding she simply confirm that she accepted its assessment of the time she had spent in the Magdalene Laundries.<sup>94</sup> Mrs Coppin was not given any opportunity to question the

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<sup>89</sup> [VOL D / TAB 82 / PAGES 2162-2169]: Elizabeth Coppin, Restorative Justice Scheme Application Form, 28 July 2013.

<sup>90</sup> [VOL D / TAB 83 / PAGES 2170-2172]: Letter from Joni Murphy to Elizabeth Coppin regarding the Restorative Justice Scheme, 22 November 2013;

[VOL D / TAB 84 / PAGES 2173-2176]: Email correspondence between Elizabeth Coppin and the Restorative Justice Implementation Team regarding the Restorative Justice Scheme, December 2013;

[VOL D / TAB 85 / PAGES 2177-2179]: Janet Lacey, Reply to Elizabeth Coppin’s request for review of Restorative Justice Scheme Application decision, 14 March 2014.

<sup>91</sup> [VOL D / TAB 83 / PAGES 2170-2172]: Letter from Joni Murphy to Elizabeth Coppin regarding the Restorative Justice Scheme, 22 November 2013.

<sup>92</sup> [VOL B / TAB 47 / PAGES 1030-1033]: Elizabeth Coppin, Letters to Minister Shatter regarding the Restorative Justice Scheme, December 2013.

<sup>93</sup> [VOL A / TAB 2 / PAGES 12-13]: Statement of Elizabeth Coppin, paras 58-66;

[VOL B / TAB 47 / PAGES 1030-1033]: Elizabeth Coppin, Letters to Minister Shatter regarding the Restorative Justice Scheme, December 2013;

[VOL D / TAB 84 / PAGES 2173-2176]: Email correspondence between Elizabeth Coppin and the Restorative Justice Implementation Team regarding the Restorative Justice Scheme, December 2013.

<sup>94</sup> [VOL B / TAB 38 / PAGES 933-949]: Joni Murphy (Restorative Justice Implementation Unit), Formal offer letter to Elizabeth Coppin regarding the Restorative Justice Scheme enclosing Terms of the Scheme, 8 January 2014;

[VOL D / TAB 86 / PAGES 2180-2189]: Letter from Elizabeth Coppin to Joni Murphy requesting a review and clarification of the terms of her offer from the Restorative Justice Scheme, 3 March 2014;

[VOL D / TAB 87 / PAGES 2190-2191]: Letter from Joni Murphy to Gerry McDonagh regarding Elizabeth Coppin’s request for clarification, 3 March 2014;

[VOL D / TAB 85 / PAGES 2177-2179]: Janet Lacey, Reply to Elizabeth Coppin’s request for review of Restorative Justice Scheme Application decision, 14 March 2014.

compensation that was provided to her, and on 21 March 2014 she accepted the sum offered by the Department, which was €55,000.<sup>95</sup> On the basis of the facts as outlined above, clearly if a mechanism—legal or otherwise—had been open to Mrs Coppin in order to challenge the payment made to her on the basis that it did not entail any acknowledgement of the violation of her human rights, she would have availed herself of it.

**6.7.14** As noted above, Mrs Coppin also wrote to the UN Commission on the Status of Women on 1 August 2014. The Commission, however, does not take decisions on the merit of communications, and cannot provide individual redress.

**6.7.15** In February 2015, Ireland established a Commission of Investigation into Mother and Baby Homes and Certain Related Matters.<sup>96</sup> This statutory mechanism is currently investigating the treatment of unmarried mothers and their children during the 20<sup>th</sup> century, including through institutionalisation and forced separation. However the Commission is investigating only 18 of the relevant institutions, agencies and individuals involved in the abuse.<sup>97</sup> Mrs Coppin has made repeated requests of the Commission of Investigation to widen its remit to include the County Home in which she was born, on the basis that she and her mother suffered abuse there.<sup>98</sup> Mrs Coppin also made a submission to the then-Minister for Children, Charlie Flanagan TD, when he was consulting on the Terms of Reference for the Commission in 2014, explicitly requesting that all County Homes be included within the remit of the Commission of Investigation.<sup>99</sup>

**6.7.16** In March 2017 Mrs Coppin wrote to the Minister for Children and Youth Affairs (to whom the Commission reports), Katherine Zappone TD, to request that the Government extend the remit of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters to include an investigation into the treatment of girls and women in all Magdalene Laundries, as well as in all County Homes.<sup>100</sup> Mrs Coppin provided the Minister with a description of her experiences of abuse, including her suspicion that she was experimented upon for vaccine trials in the County Home or the Industrial School and explaining her

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<sup>95</sup> [VOL B / TAB 39 / PAGES 950-954]: Signed acceptance form and form of statutory declaration, Restorative Justice Scheme, 21 March 2014.

<sup>96</sup> [VOL D / TAB 88 / PAGES 2192-2201]: SI No 57/2015 – Commission of Investigation (Mother and Baby Homes and Certain Related Matters) Order 2015;

[VOL D / TAB 89 / PAGES 2202-2233]: Commissions of Investigation Act 2004.

<sup>97</sup> [VOL D / TAB 90 / PAGES 2234-2251]: Adoption Rights Alliance, NGO Submission to the UN Committee Against Torture in respect of Ireland, July 2017.

<sup>98</sup> [VOL A / TAB 2 / PAGES 13-15]: Statement of Elizabeth Coppin, paras 74-86;

[VOL D / TAB 91 / PAGES 2252-2255]: Email correspondence between Elizabeth Coppin and the Commission of Investigation, 2016-2017;

[VOL D / TAB 92 / PAGES 2256-2258]: Correspondence between Elizabeth Coppin and Department of Children and Youth Affairs, 2014;

[VOL D / TAB 93 / PAGES 2259-2260]: Dr Sean Lucey, ‘County homes took harsh toll on “unmarried mothers”’, *Irish Times* (18 June 2014).

<sup>99</sup> [VOL D / TAB 94 / PAGES 2261-2263]: Elizabeth Coppin, Emails to Minister Flanagan regarding County Home and Vaccination Trials, June 2014.

<sup>100</sup> [VOL A / TAB 2 / PAGE 15]: Statement of Elizabeth Coppin, para 83.

detention in three Magdalene Laundries.<sup>101</sup> Mrs Coppin has received no reply from the Minister to date.

**6.7.17** On 30 April 2018, notwithstanding that the Commission of Investigation has informed her that she does not fall within its remit, Mrs Coppin submitted a statement to the Commission describing her experiences and those of her mother in the County Home, her abuse in the Industrial School and three Magdalene Laundries, and the long-term impact which the continuing impunity and lack of information is having upon her.<sup>102</sup>

## **7. ALLEGED EXISTENCE OF TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT AND PUNISHMENT IN THE MAGDALENE LAUNDRIES**

**7.1** *“Reasonable grounds” to believe that torture and cruel, inhuman and degrading treatment and punishment occurred in the Magdalene Laundries*

**7.1.1** The obligations under Article 12 of the Convention are triggered where there is “reasonable ground to believe” that an act of torture (or, pursuant to Article 16, ill-treatment) has been committed in the State. Article 13 is triggered where an individual alleges that he or she has been subjected to an act of torture (or, pursuant to Article 16, ill-treatment). Article 14 places obligations on the State to provide redress for victims of such acts of torture and ill-treatment.

**7.1.2** It is respectfully submitted that the foregoing provides, at the very least, “reasonable grounds to believe” that Mrs Coppin was subjected to torture and to cruel, inhuman and degrading treatment and punishment in three Magdalene Laundries between the ages of 14 and 18. She clearly has alleged that she has been so treated. In the circumstances, since 11 May 2002 Ireland has been under an obligation, imposed by Articles 12, 13 and 14 of the Convention, to investigate and examine her complaints of torture and ill-treatment promptly and impartially and to provide her with redress.

**7.1.3** Mrs Coppin’s description of her treatment at the hands of the nuns in Nazareth House and the Magdalene Laundries is detailed and has been consistent over her repeated attempts to secure justice. It is substantiated by expert psychiatric evidence, provided in the Medico-Legal Report of Professor Nimisha Patel.<sup>103</sup> Moreover, it conforms to accounts of other Magdalene survivors, including those who have given evidence to the Inter-Departmental

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<sup>101</sup> [VOL B / TAB 48 / PAGES 1034-1035]: Elizabeth Coppin, Letter to Minister Zappone, Minister for Children and Youth Affairs, 10 March 2017.

<sup>102</sup> [VOL B / TAB 49 / PAGES 1036-1068]: Witness statement of Elizabeth Coppin, dated 28 January 2017, submitted to the Commission of Investigation into Mother and Baby Homes and Certain Related Matters on 30 April 2018;

[VOL B / TAB 50 / PAGE 1069]: Letter from Hogan Lovells to the Commission of Investigation into Mother and Baby Homes and Certain Related Matters, 30 April 2018.

<sup>103</sup> [VOL A / TAB 3 / PAGES 20-48]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin.

Committee.<sup>104</sup> Mrs Coppin’s account has not been officially acknowledged due to the fact that, notwithstanding her efforts, no official investigation into her complaints has ever been carried out.

## **7.2 Official involvement and acquiescence**

**7.2.1** The obligations in the Convention apply to State action and also to “all persons who act, de jure or de facto, in the name of, in conjunction with, or at the behest of the State party”.<sup>105</sup> States bear responsibility for acts undertaken by officials and others acting in conjunction with the state, its direction or control, or otherwise under colour of law.<sup>106</sup> In particular, State parties should prohibit, prevent and redress torture and ill-treatment in all contexts of custody or control. Institutions engaging in the care of children and detention centres, even if privately run, where they are carrying out a state function, clearly fall within the responsibility of the State.<sup>107</sup> The Convention thus “goes beyond the traditional concept of State responsibility” to include acts executed with the active or passive agreement of the State or which were possible due to the State’s failure to intervene.<sup>108</sup> This is particularly the case in relation to circumstances where State officials are responsible for transferring individuals to institutions without adequate safeguards.<sup>109</sup>

**7.2.2** The Irish authorities were closely linked to the operation of the Laundries. The State placed girls and women in Magdalene Laundries and used the institutions for various criminal justice and social care purposes.<sup>110</sup> The State did so in the absence of any effective regulation or monitoring system; although the Factories Acts and associated factories legislation ostensibly applied to the Magdalene Laundries, it is clear that the State failed to enforce this legislation effectively, and the Factories Inspectorate was not specifically

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<sup>104</sup> [VOL D / TAB 95 / PAGES 2274-2301]: Smith JM, O’Rourke M, Hill R, McGettrick C and others, *State involvement in the Magdalene Laundries: JFM’s principal submissions to the Inter-departmental Committee to establish the facts of State involvement with the Magdalene Laundries*, 16 February 2013, pp 11- 38;

[VOL A / TAB 22 / PAGES 665-670]: Justice for Magdalenes Research, NGO Submission to the UN Committee Against Torture in respect of Ireland (for the session), July 2017, pp 7-12;

[VOL A / TAB 16 / PAGES 409-455]: Justice for Magdalenes, Submission to the United Nations Committee Against Torture, May 2011.

<sup>105</sup> [VOL D / TAB 96 / PAGES 2439-2513]: Committee Against Torture, General Comment No. 2: Implementation of Article 2 by State Parties, UN Doc CAT/C/GC/2, 24 January 2008.

<sup>106</sup> [VOL D / TAB 96 / PAGE 2440]: Committee Against Torture, General Comment No. 2: Implementation of Article 2 by State Parties, UN Doc CAT/C/GC/2, 24 January 2008, para 15.

<sup>107</sup> [VOL D / TAB 96 / PAGES 2440, 2441]: Committee Against Torture, General Comment No. 2: Implementation of Article 2 by State Parties, UN Doc CAT/C/GC/2, 24 January 2008, paras 15, 17.

<sup>108</sup> [VOL D / TAB 97 / PAGE 2528]: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/13/39/Add.5, 5 February 2010, para 39.

<sup>109</sup> [VOL D / TAB 96 / PAGE 2441]: Committee Against Torture, General Comment No. 2: Implementation of Article 2 by State Parties, UN Doc CAT/C/GC/2, 24 January 2008, para 20.

<sup>110</sup> [VOL D / TAB 98 / PAGES 2594-2595]: Ireland, Replies to the Human Rights Committee’s List of issues, 5 May 2014, CCPR/C/IRL/Q/4/Add.1, para 53;

[VOL C / TAB 77 / PAGES 1496-1678]: IDC Report, Chapters 8, 9, 10, 11;

[VOL D / TAB 99 / PAGES 38-72, 111-128]: Irish Human Rights Commission, *Follow-Up Report on State Involvement with Magdalene Laundries*, June 2013, Chapters 3 and 9;

[VOL A / TAB 22 / PAGES 670-671]: Justice for Magdalenes Research, NGO Submission to the UN Committee Against Torture in respect of Ireland (for the session), July 2017, pp 12, 13.

authorised to and did not in fact examine whether the girls and women were present on a voluntary basis.<sup>111</sup> The State also intentionally profited from the Magdalene Laundries' operations, including by retaining the institutions for State laundry services at lower prices than were otherwise available, and by cutting the cost of the State's care and detention responsibilities through the outsourcing of those functions to the Laundries.<sup>112</sup> The State went so far as to legislate for the non-payment of wages to girls and women in Magdalene Laundries. Section 62 of the Conditions of Employment Act, 1936, allowed for the non-payment of individuals performing industrial work in an "institution carried on for charitable or reformatory purposes".<sup>113</sup>

**7.2.3** The Government's own report, the IDC Report, (contrary to what had been asserted prior to the report by the State, and has been asserted thereafter) accepted that there was "significant State involvement" with the Magdalene Laundries.<sup>114</sup>

**7.2.4** In operating the Magdalene Laundries, the religious congregations were acting on behalf of and in conjunction with the State in their running of those Laundries. The available evidence of the State's use of the Magdalene Laundries to perform criminal justice and social welfare functions has been extensively documented and was a finding of the Government's own investigation.<sup>115</sup> Despite this, the Government of Ireland has insisted that the Magdalene Laundries were institutions of a "non-public nature".<sup>116</sup>

**7.2.5** The Irish authorities acquiesced in the torture and ill-treatment of Mrs Coppin and other girls and women in Magdalene Laundries by allowing and supporting their operation. The authorities knew that the Magdalene Laundries deprived girls and women of their liberty. They also knew that the girls and women in Magdalene Laundries were not paid for their work. The State knew that children of school-going age were detained in Magdalene Laundries, without access to education: indeed, in Mrs Coppin's case, the Department of Education consented to her transfer. Despite this, the State failed to regulate and monitor the Magdalene Laundries. This failure to exercise due diligence amounts to responsibility for systematic torture and ill-treatment in Magdalene Laundries.<sup>117</sup>

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<sup>111</sup> [VOL C / TAB 77 / PAGES 1678, 1703, 1705]: IDC Report, Chapter 12, notably pp 522, 571, 573; [VOL D / TAB 99 / PAGE 2709]: Irish Human Rights Commission, *Follow-Up Report on State Involvement with Magdalene Laundries*, June 2013, p 84;

[VOL D / TAB 98 / PAGES 2594-2595]: Ireland, Replies to the Human Rights Committee's List of issues, 5 May 2014, CCPR/C/IRL/Q/4/Add.1, para 53.

<sup>112</sup> [VOL C / TAB 77 / PAGES 1745-1789]: IDC Report, Chapter 14.

<sup>113</sup> [VOL E / TAB 100 / PAGES 2802-2803]: Conditions of Employment Act, 1936, section 62.

<sup>114</sup> [VOL C / TAB 77 / PAGE 1406]: IDC Report, Introduction, para 29.

<sup>115</sup> [VOL C / TAB 77 / PAGE 1425-1441, 1519-1579]: IDC Report, Chapter 3 and Chapter 9;

[VOL E / TAB 101 / PAGE 2806]: Letter from Jimmy (James) Martin (Assistant Secretary, Department of Justice and Equality) to Tom Morgan (Senior Investigator, Office of the Ombudsman), 3 August 2016, p 2.

<sup>116</sup> [VOL E / TAB 102 / PAGE 2840]: Ireland, Replies to the List of issues prior to submission of the second periodic report of Ireland, UN Doc CAT/C/IRL/2, 20 January 2016, para 253.

<sup>117</sup> [VOL D / TAB 96 / PAGE 2441]: Committee Against Torture, General Comment No. 2: Implementation of Article 2 by State Parties, UN Doc CAT/C/GC/2, 24 January 2008, paras 18-19;



- 7.2.6** Remarkably, the State was not simply involved with the Magdalene Laundries, but actively profited from their activities,<sup>118</sup> and provided funding without which the Magdalene Laundries “would have found it difficult to survive financially”.<sup>119</sup>
- 7.2.7** There was broad involvement by officials of the Irish State in the abuse Mrs Coppin in particular suffered in the Magdalene Laundries.
- 7.2.8** In 1951, the State removed Mrs Coppin, at the age of two, from her family and placed her into the care of the Sisters of Mercy in the Nazareth House Industrial School. This transfer was given the imprimatur of the District Court exercising powers under the Children Act 1908.
- 7.2.9** In 1964, the Sisters of Mercy applied to the Department of Education for permission to transfer Mrs Coppin to their Magdalene Laundry on the same campus; the Department consented to her being transferred. In fact, it was not possible for a girl, such as Mrs Coppin, to be moved without the permission of the Department of Education.<sup>120</sup>

### **7.3** *Threshold of severity*

- 7.3.1** Between 1964 and 1968, for a period of almost four years at a most formative stage of her life, Mrs Coppin was incarcerated in three different Magdalene Laundries, and she was involuntarily detained and subjected to forced labour. In addition, she was physically and emotionally abused and neglected, and was brutally punished for minor transgressions. In one of the Laundries, her hair was shorn and she was dressed in sackcloth, and she was provided with a humiliating new name, one which is usually attributed to individuals of a different sex and with which she associated her tormentor in the Industrial School.<sup>121</sup>
- 7.3.2** Furthermore, she was forbidden to speak, and generally deprived of human warmth and kindness. Mrs Coppin lived in conditions of deliberate privation, with inadequate food and heat. Contact with her family was severely limited, she was deprived of contact with the rest of society and she was denied an education and any opportunity to enjoy her childhood. Mrs Coppin was also denigrated on religious grounds, and was given no information as to whether she would ever be allowed to leave the Laundries. Mrs Coppin also had a real and justified belief that she would die in the Laundry and be buried in a mass grave, as had occurred to many women before her.

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also see generally [VOL D / TAB 99 / PAGES 2623-2758]: Irish Human Rights Commission, *Follow-Up Report on State Involvement with Magdalene Laundries*, June 2013.

<sup>118</sup> [VOL C / TAB 77 / PAGE 1745-1789]: IDC Report, Chapter 14, detailing the pressure on the Magdalene Laundries to provide competitive prices to secure contracts.

<sup>119</sup> [VOL C / TAB 77 / PAGE 1914]: IDC Report, Chapter 20, para 5.

<sup>120</sup> [VOL B / TAB 36 / PAGES 849-850]: Residential Institutions Redress Board, Transcript of Proceedings, 24 February 2005, pp 13-14.

<sup>121</sup> [VOL A / TAB 3 / PAGE 31]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 73.

- 7.3.3** Ill-treatment must attain a minimum level of severity if it is to fall within the scope of the Convention. The assessment of what category of treatment meets the aforementioned threshold is relative; it depends on all the circumstances of the case; for example, the duration of the treatment, its physical and mental effects as well as the sex, age and state of health of the victim are all factors which should be taken into account.<sup>122</sup>
- 7.3.4** Mrs Coppin contends that, taking the circumstances described throughout the within complaint into account, the treatment to which she was subjected in the Magdalene Laundries during her four years of incarceration would cumulatively attain the minimum level of severity required to fall within the scope of both Article 1 and Article 16 of the Convention.
- 7.3.5** At the time that the abuse described throughout this application occurred, Mrs Coppin was particularly vulnerable, aggravating the abuse suffered.<sup>123</sup> She was a child, and had been removed from her family by a court in infancy and sent to an Industrial School where she was subjected to vicious physical and emotional abuse, before she was transferred to the Magdalene Laundry where she was detained between the ages of 14 and 18. She then suffered the abuse detailed above. Mrs Coppin was completely institutionalised and deprived of access to family support; her family had no legal right to see her and no resources with which to protect her. To all intents and purposes she was alone in the world.
- 7.3.6** Prolonged child abuse and neglect comparable to that which Mrs Coppin suffered has been held to reach the threshold outlined above.<sup>124</sup>
- 7.3.7** The abuse Mrs Coppin suffered was perpetrated over a prolonged period of time by people of high societal status who claimed spiritual justification for their actions. On foot of the circumstances of her birth, Mrs Coppin believed, the nuns despised her as the product of sin. This factor, and the fact that the nuns concerned were responsible for her care and education, exacerbated her feelings of fear and vulnerability. Mrs Coppin's condition was aggravated by the constant exhaustion caused by hard physical labour in the Laundry.
- 7.3.8** Mrs Coppin's *de facto* detention, and the *de facto* detention of countless other girls and women in Magdalene Laundries, was discriminatory applying only to girls and women, further aggravating its effect.<sup>125</sup> It was also arbitrary - there was no justification for her detention (she had committed no wrongs for which she could have been required to serve

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<sup>122</sup> [VOL E / TAB 103 / PAGES 2851-2897]: *Labita v Italy*, no 26772/95, ECHR 2000-IV.

<sup>123</sup> [VOL E / TAB 104 / PAGES 2905-2906]: *Hajrizi Dzemajl et al v Yugoslavia*, Complaint No 161/2000, 2 December 2002, para 9.2.

<sup>124</sup> [VOL E / TAB 105 / PAGES 2916.22-2916.23]: *VK v Russia*, no 68059/13, ECtHR, 7 March 2017, para 172; [VOL E / TAB 106 / PAGES 2939, 2955]: *Z and Others v United Kingdom*, no. 29392/95, §§ 72, 121, ECHR 2001-V; [VOL E / TAB 107 / PAGES 2975.43-2975.44]: *M and M v Croatia*, no. 10161/13, ECtHR, 3 September 2015, paras 131-135.

<sup>125</sup> [VOL D / TAB 96 / PAGE 2441]: Committee Against Torture, General Comment No. 2: Implementation of Article 2 by State Parties, UN Doc CAT/C/GC/2, 24 January 2008, paras 20, 22.

penance) and it offered no education, no care and no training. It was indeterminate, as Mrs Coppin was never informed of the duration of her detention nor the reason for it. It therefore did not satisfy the general requirements of reasonableness, necessity and proportionality.<sup>126</sup> Although Mrs Coppin had been sent to an Industrial School by a court and transferred to a Magdalene Laundry with the consent of the Department of Education which had “discharged” her “on licence”, none of the ordinary rules governing conditions in places of detention were applied or respected in the Laundries in which she was incarcerated.<sup>127</sup>

**7.3.9** The absence of any hope of release and the belief that she would die there and be buried in a mass grave further exacerbated her feelings of abandonment and rejection.<sup>128</sup>

**7.3.10** The treatment to which Mrs Coppin was subjected was intended to humiliate and debase her in her own eyes and in the eyes of others.<sup>129</sup> Mrs Coppin was also subjected to labour exploitation, so that her physical or psychological resistance would be overcome and she would be driven to act against her will.<sup>130</sup>

**7.3.11** Accordingly, the treatment as complained of throughout this application constitutes at the very least degrading treatment within the meaning of that term provided by Article 16 of the Convention. It is submitted that it also reached the threshold of torture within the meaning of Article 1 of the Convention.

#### **7.4 *Physical and Psychological Health***

**7.4.1** It is not necessary to set out in detail the findings made in the Medico-Legal Report which accompanies this complaint as that document speaks for itself. However, it should be highlighted that the mistreatment and abuse that Mrs Coppin was subjected to both in the Industrial School and in each Magdalene Laundry in which she was detained have had serious and detrimental effects on her physical and psychological health.

**7.4.2** In addition to the burns from her suicide attempt; chronic hunger and side effects she experienced, which are already detailed above; similarly to many other Magdalene Laundry survivors, Mrs Coppin suffers from chronic respiratory problems, and is currently

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<sup>126</sup> [VOL E / TAB 108 / PAGES 2978-2981]: Human Rights Committee, General Comment No 35, Article 9 (Liberty and security of person), UN Doc CCPR/C/GC/35, 16 December 2014, paras 12-19.

<sup>127</sup> [VOL E / TAB 109 / PAGES 3010-3023]: United Nations Standard Minimum Rules for the Treatment of Prisoners (adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977);

[VOL A / TAB 2 / PAGE 4]: Statement of Elizabeth Coppin, paras 13-14.

<sup>128</sup> [VOL E / TAB 110 / PAGES 3024-3065]: *Vinter v. United Kingdom*, no.s 66069/09, 130/10 and 3896/10, ECHR 2013-III.

<sup>129</sup> [VOL E / TAB 111 / PAGE 3072.6 ]: *Raninen v Finland*, no. 20972/92, (1998) 26 EHRR 563, para 32;

[VOL E / TAB 112 / PAGES 3073-3094]: *Gutsanovi v. Bulgaria*, no. 34529/10, ECHR 2013-V.

<sup>130</sup> [VOL E / TAB 113 / PAGES 3095-3151]: *Jalloh v. Germany* [GC], no. 54810/00, § 68, ECHR 2006-IX.

undergoing investigations for suspected chronic obstructive pulmonary disease arising out of her periods in the Magdalene Laundries.<sup>131</sup>

**7.4.3** The diagnosis of Mrs Coppin’s psychological health difficulties, as provided by Professor Nimisha Patel, Consultant Clinical Psychologist, is clear:-

*“It is my opinion that Mrs Coppin is suffering from a range of chronic, and some severe and debilitating, psychological health difficulties, related to the traumatic experiences during her childhood in the Industrial School and the three Magdalene Laundries. It is also my opinion that these psychological health problems have been aggravated, by the various proceedings involved in her pursuit to justice over many years.*

*Her psychological difficulties include anxiety, depressed mood, sleep disturbance, cognitive difficulties (in particular poor short-term memory and poor attention, avoidance behaviours, other behavioural difficulties, hypervigilance, intrusive phenomena including nightmares and hyperarousal, poor social functioning and difficulties in trusting others and thereby, isolation and poor social support (with the exception of support from her husband”.*<sup>132</sup>

**7.4.4** For the purposes of this complaint, the observations of Professor Patel in relation to the health problems that have been caused by Mrs Coppin’s ongoing pursuit of justice are critical. The severe psychological and physical problems that she has suffered directly on foot of her experiences in the Industrial School and Magdalene Laundries should not be overlooked. However, it should also be emphasised that not only have those issues been exacerbated by the State’s failure to address the significant wrongdoing that was occasioned to Mrs Coppin, but new health concerns have also arisen on account of the long pursuit of justice that she has undergone.

## **7.5 Impermissible purpose**

**7.5.1** Although ill-treatment does not require proof of impermissible purposes, the definition of torture under Article 1 requires that treatment has been inflicted for the purpose of punishing a person, intimidating or coercing her, or for any reason based on discrimination of any kind.<sup>133</sup>

**7.5.2** The question of intent and purpose in Article 1 is not subjective, but objective.<sup>134</sup> Mrs Coppin’s records indicate that she was sent to the laundries as “she was very bold”. The treatment she received there was on any objective characterisation a way of punishing or

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<sup>131</sup> [VOL A / TAB 3 / PAGE 33]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 94.

<sup>132</sup> [VOL A / TAB 3 / PAGE 40]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, paras 148-149.

<sup>133</sup> [VOL D / TAB 96 / PAGE 2440]: Committee Against Torture, General Comment No. 2: Implementation of Article 2 by State Parties, UN Doc CAT/C/GC/2, 24 January 2008, para 10.

<sup>134</sup> [VOL D / TAB 96 / PAGE 2440]: Committee Against Torture, General Comment No. 2: Implementation of Article 2 by State Parties, UN Doc CAT/C/GC/2, 24 January 2008, para 9.

intimidating her (and testimony from other survivors indicates that whatever the reasons girls and women were originally sent to the Laundries, the “nuns treated them as being there for punishment”).<sup>135</sup>

**7.5.3** Furthermore, there was a discriminatory aspect to the treatment Mrs Coppin suffered, with gender as the key factor.<sup>136</sup> The Magdalene Laundries created and maintained a system of gender-based violence – incarcerating, humiliating and exploiting girls and women exclusively.<sup>137</sup> If Mrs Coppin had been male, it can be said with certainty that she would not have been sent to the Magdalene Laundries, which acted as a mechanism to control female sexuality.

**7.5.4** In this regard, it is important to note the culture of discrimination against women in 20<sup>th</sup> Century Ireland. This culture made women more vulnerable to torture and ill-treatment.<sup>138</sup> Women disproportionately bore the consequences of, and were expected to uphold, a strict Catholic approach to sexual morality. They were barred from public service jobs once married, and they were unable to access contraception (illegal in Ireland until 1980) or divorce (illegal until 1996). Girls and women who became pregnant outside of marriage faced social opprobrium and were routinely institutionalised and forced to relinquish their children. Magdalene Laundries were allowed to operate freely, and indeed were supported by the State and society, because the climate of much of the 20<sup>th</sup> Century was one where women were seen as deviant and in need of containment if they were not carrying out their assigned roles.<sup>139</sup>

**7.5.5** The Irish Human Rights Commission’s (IHRC) Follow-up Report on State Involvement with the Magdalen Laundries, published in June 2013, confirms the above analysis. The IHRC stated that “collective responsibility for the operation of the Laundries may be explained at a societal level by the fact that men were ascribed different social roles and their behaviour was seldom viewed in the same light as that of women” and that “historical discrimination against women informs and underpins what happened to the girls and women who entered the Laundries”.<sup>140</sup> The IHRC concluded that, in violation of the equality guarantees in the Irish Constitution and European Convention on Human Rights,

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<sup>135</sup> [VOL D / TAB 95 / PAGE 2311]: Smith JM, O’Rourke M, Hill R, McGettrick C and others, *State involvement in the Magdalene Laundries: JFM’s principal submissions to the Inter-departmental Committee to establish the facts of State involvement with the Magdalene Laundries*, 16 February 2013, para 63.

<sup>136</sup> [VOL D / TAB 96 / PAGE 2441]: Committee Against Torture, General Comment No. 2: Implementation of Article 2 by State Parties, UN Doc CAT/C/GC/2, 24 January 2008, para 22.

<sup>137</sup> [VOL A / TAB 2 / PAGE 15]: Statement of Elizabeth Coppin, para 84.

<sup>138</sup> [VOL D / TAB 96 / PAGE 2441]: Committee Against Torture, General Comment No. 2: Implementation of Article 2 by State Parties, UN Doc CAT/C/GC/2, 24 January 2008, para 21.

<sup>139</sup> [VOL E / TAB 114 / PAGES 3152-3214]: James M Smith, *Ireland’s Magdalen Laundries and the Nation’s Architecture of Containment* (Notre Dame University Press, 2007), Introduction, Chapter 2;

[VOL E / TAB 115 / PAGES 3215-3232]: Una Crowley & Rob Kitchin, ‘Producing “Decent Girls”: Governmentality and the Moral Geographies of Sexual Conduct in Ireland (1922–1937)’ (2008) 15 *Gender, Place and Culture* 355;

[VOL E / TAB 116 / PAGES 3233-3283]: Lindsey Earner-Byrne, ‘Illegitimate motherhood, 1922–60’ in *Mother and Child: Maternity and child welfare in Dublin, 1922–60* (Manchester University Press, 2007).

<sup>140</sup> [VOL D / TAB 99 / PAGES 2655-2656]: Irish Human Rights Commission, *Follow-Up Report on State Involvement with Magdalene Laundries*, June 2013, pp 30, 31.

“Magdalene Laundries clearly operated as a discriminatory regime in respect of girls and women in the State” and that “the State appears to have taken no cognisance of women’s right to equality when it engaged with, and permitted the Laundries to operate until their natural demise in the latter part of the Twentieth century”.<sup>141</sup>

## **8. ALLEGED VIOLATIONS OF ARTICLES 12, 13 and 14**

### **8.1 *Violation of Articles 12 and 13: no investigation or examination of complaints***

**8.1.1** Articles 12 and 13 of the Convention guarantee that State parties will investigate alleged torture or ill-treatment in a prompt, thorough and impartial manner; facilitate and provide for mechanisms by which complaints can be brought to light; and take action against those allegedly responsible. This ensures the effective implementation of the Convention and prevents impunity. The Committee has observed that “[a] State’s failure to investigate allegations of torture in a prompt manner, may constitute a de facto denial of redress and thus constitute a violation of the State’s obligations under article 14”.<sup>142</sup>

**8.1.2** Neither Article 12 nor Article 13 of the Convention requires the formal lodging of a complaint of torture or ill-treatment under the procedure laid down in national law or an express statement of intent to institute and sustain a criminal action arising from the offence. It is sufficient for the victim simply to bring the facts to the attention of an authority of the State for the latter to be obliged to consider it as a tacit but unequivocal expression of the victim’s wish that the facts should be promptly and impartially investigated.<sup>143</sup>

**8.1.3** Mrs Coppin contends that, despite her persistent complaints to the authorities, Ireland has failed to institute a prompt, impartial and thorough investigation into her complaints, the complaints of other women who spent time in Magdalene Laundries, and the generally available evidence, of torture and cruel, inhuman and degrading treatment and punishment in Magdalene Laundries. She complains that Ireland has actively impeded access by her and other Magdalene survivors to judicial complaints mechanisms. She further complains that Ireland has failed to educate (and in fact has misinformed) its law enforcement personnel and officials about the criminal abuses perpetrated upon her and thousands of women and girls who spent time in Magdalene Laundries, contributing to the ongoing impunity.

**8.1.4** A key aspect of Mrs Coppin’s complaint under Articles 12 and 13 (and Article 14, addressed below) is that, by segregating survivors of institutional abuse into separate categories and

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<sup>141</sup> [VOL D / TAB 99 / PAGES 2661-2662]: Irish Human Rights Commission, *Follow-Up Report on State Involvement with Magdalene Laundries*, June 2013, pp 36, 37.

<sup>142</sup> [VOL B / TAB 51 / PAGE 1073]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 17.

<sup>143</sup> [VOL E / TAB 117 / PAGE 3293]: *Abad v Spain*, Communication No. 59/1996, UN Doc CAT/C/20/D/59/1996, 14 May 1998, para 8.6;  
[VOL E / TAB 118 / PAGE 3300]: *Parot v Spain*, Communication No. 6/1990, 2 May 1995, para 10.4.

choosing to investigate some institutions but not others, Ireland has failed to respond to her lived experience of a continuum of abuse from her birth in a County Home where her mother was imprisoned, through her incarceration and abuse in an Industrial School (as a response to familial abuse), through her suspected involvement in vaccine trials in the Industrial School, through her abuse in three Magdalene Laundries.

**8.1.5** Mrs Coppin brought the abuse she suffered in the Industrial School and the Magdalene Laundries to the attention of the police in 1997 and 1998. To date, there has been no progress in the examination or investigation of these complaints.

**8.1.6** Between 1999 and 2002, Mrs Coppin attempted unsuccessfully to sue the religious congregations responsible for her abuse. Her attempt to obtain justice in court was thwarted by the domestic rules relating to limitation of actions on the grounds of delay. The courts therefore had no opportunity to consider Mrs Coppin’s allegations of abuse in the Laundries.

**8.1.7** In 2002, Mrs Coppin submitted a complaint to the CICA. She subsequently gave evidence to the related RIRB, in 2005. These bodies were precluded from addressing the Magdalene Laundries abuse directly; their terms of reference were confined to the treatment of children in residential educational institutions. Upon receiving her payment from the RIRB, Mrs Coppin was forced to sign a legal waiver, giving up all rights of action against the State and the relevant religious congregations. She was also forced to sign an agreement never to speak about her experiences in a way that might identify the people who abused her or the institution that she was in.

**8.1.8** The CICA was led, first, by Ms Justice Mary Laffoy (then a judge of the High Court, and now a retired member of the Supreme Court of Ireland), and second, by Mr Justice Sean Ryan (then a judge of the High Court and later the President of the Court of Appeal of Ireland). Ms Justice Laffoy resigned as the Chair of the CICA on 2 September 2003, three years after its inception. The reasons she cited for doing so were numerous but they can be summarised in one simple statement – “A range of factors over which the Commission has had no control have together produced a real and pervasive sense of powerlessness. In retrospect, it appears to me that since its establishment, the Commission has never been properly enabled by the Government to fulfil satisfactorily the functions conferred on it by the Oireachtas”.<sup>144</sup>

**8.1.9** Only a small number of abusers were named in the Final Report of the CICA, none of whom were involved in Mrs Coppin’s abuse. In any event, no statement or admission made by a person before the Commission could be admissible evidence against a person in any criminal or civil proceedings in another court or tribunal.<sup>145</sup> In August 2017, the Committee observed in respect of abuse falling within the remit of the CICA that it remains “seriously

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<sup>144</sup> [VOL E / TAB 119 / PAGES 3348-3349]: Letter from Ms Justice Mary Laffoy to Mr Dermot McCarthy (Secretary General to the Government), 2 September 2003.

<sup>145</sup> [VOL B / TAB 72 / PAGE 1374]: Commission to Inquire into Child Abuse Act 2000 (as amended by the Commission to Inquire into Child Abuse (Amendment) Act 2005), section 21(2).

concerned that the State party did not provide further information in support of the statement that its authorities have carried out ‘a sizeable number of investigations’ into allegations of abuse at institutions that have resulted in prosecutions and convictions of perpetrators or information requested by the Committee on the steps the State party has taken to encourage victims of criminal acts to come forward”.<sup>146</sup>

**8.1.10** Originally, the CICA included a Vaccine Trials Inquiry.<sup>147</sup> However, following judicial review proceedings which sought, *inter alia*, a declaration that the Order which established the Vaccine Trials Inquiry was *ultra vires*, on 25 November 2003 the CICA gave an undertaking to the High Court of Ireland that it would not conduct any hearings in relation to the matters within the ambit of the Order. The practical effect of that undertaking was that the work of the Division was suspended at that point and never re-commenced, given the subsequent decision of the Court that the Order was indeed *ultra vires* to the Act which established the Commission.<sup>148</sup> Consequently, matters relating to vaccine trials in Industrial Schools which appear to have been administered without the consent of minors’ parents and/or guardians have, at the time of submitting this complaint, yet to be investigated.

**8.1.11** In November 2010, the IHRC published a 27-page ‘Assessment of the Human Rights Issues Arising in relation to the “Magdalen Laundries”’, in response to an application from the voluntary group Justice for Magdalenes.<sup>149</sup> The IHRC’s Assessment concluded with a recommendation to the Government “that a statutory mechanism be established to investigate the matters advanced by JFM and in appropriate cases to grant redress where warranted”. Specifically, the IHRC recommended that:

*Such a mechanism should first examine the extent of the State’s involvement in and responsibility for:*

- *The girls and women entering the laundries*
- *The conditions in the laundries*
- *The manner in which girls and women left the laundries and*
- *End-of life issues for those who remained.*

*In the event of State involvement/responsibility being established, that the statutory mechanism then advance to conducting a larger-scale review of what occurred, the reasons for the occurrence, the human rights implications and the redress which should be considered, in full consultation with ex-residents and supporters’ groups.*<sup>150</sup>

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<sup>146</sup> [VOL A / TAB 7 / PAGE 80]: Committee Against Torture, Concluding Observations on the Second Periodic Report of Ireland, CAT/C/IRL/CO/2, 31 August 2017, para 23.

<sup>147</sup> [VOL E / TAB 120 / PAGES 3350-3351]: Commission to Inquire into Child Abuse Act 2000 (Additional Functions) Order 2001, Statutory Instrument No 280/2001.

<sup>148</sup> [VOL E / TAB 121 / PAGES 3352-3400]: *Hillary v The Minister for Education and Science, Ireland, the Attorney General and the Commission to Inquire into Child Abuse* [2004] IEHC 250

<sup>149</sup> [VOL E / TAB 122 / PAGES 3401-3435]: Irish Human Rights Commission, *Assessment of the Human Rights Issues Arising in relation to the “Magdalen Laundries”*, November 2010.

<sup>150</sup> [VOL E / TAB 122 / PAGE 3429]: Irish Human Rights Commission, *Assessment of the Human Rights Issues Arising in relation to the “Magdalen Laundries”*, November 2010, p29.



**8.1.12** Before the Government had issued a formal response to the IHRC’s recommendation, Ireland came before the Committee for its First Periodic Review, in June 2011. Within weeks of the Committee issuing its Concluding Observations on Ireland’s First Periodic Report, as explained above, the Government established the Inter-Departmental Committee.<sup>151</sup> However, the Inter-Departmental Committee’s inquiry, which concluded with the publication of the IDC Report in February 2013,<sup>152</sup> did not comply with the State’s obligations under Articles 12 and 13 of the Convention.

**8.1.13** In the first place, the Inter-Departmental Committee’s mandate was confined to establishing the facts of State involvement with the Magdalene Laundries. It did not have any mandate to investigate allegations of abuse in Magdalene Laundries, and had no remit to investigate or make determinations about allegations of torture, ill-treatment or any criminal offence.<sup>153</sup>

**8.1.14** It is clear that the Inter-Departmental Committee’s powers were insufficient to conduct an examination or investigation of allegations of torture and cruel, inhuman and degrading treatment and punishment that would satisfy the requirements of Articles 12 or 13 of the Convention. The Committee had no power to receive individual complaints, no power to examine or investigate them, no power to compel witnesses or to subpoena documents and no power to make recommendations, even in respect of its own mandate.<sup>154</sup> With respect to accessing documents, the Inter-Departmental Committee was entirely dependent on the *bona fides* of the religious congregations that operated the Laundries.<sup>155</sup> There is no way to verify that all relevant documents in the congregational and diocesan archives were actually made available.<sup>156</sup> During the Committee’s examination of Ireland in July 2017, the Committee questioned the Government delegation about the fact that a member of the Committee had:

*“received information from an individual who had access to the archives of the diocese of Galway, stating that he discovered significant material demonstrating the extensive involvement of the Bishop of Galway in the operations and financial dealings of the Sisters of Mercy Galway Magdalene—one of two laundries for which no records survive. This individual also brought Senator McAleese’s office’s attention to the existence of these files. He provided the Senator with a summary of the materials, but says they were not accurately reflected in the McAleese report. The files reportedly document physical abuse, and the*

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<sup>151</sup> [VOL A / TAB 18 / PAGES 499, 500, 509-514]: Justice for Magdalenes, Follow-Up Report to the UN Committee Against Torture, 46<sup>th</sup> Session (9 May 2011 – 3 June 2011), May 2012, pp 9, 10, 19-24.

<sup>152</sup> [VOL C / TAB 77 / PAGES 1401-2008]: IDC Report.

<sup>153</sup> [VOL E / TAB 123 / PAGES 3436-3443]: Gerard Corr, Follow up letter to the Committee against Torture from the Permanent Mission of Ireland to the United Nations, 8 August 2013;

[VOL A / TAB 15 / PAGE 402]: Irish Human Rights and Equality Commission, Submission to the United Nations Committee against Torture on Ireland’s Second Periodic Report, July 2017, p 53.

<sup>154</sup> [VOL C / TAB 77 / PAGES 1419-1424]: IDC Report, Chapter 2, ‘Establishment, membership and mandate of the Committee’;

[VOL A / TAB 15 / PAGE 402]: Irish Human Rights and Equality Commission, Submission to the United Nations Committee against Torture on Ireland’s Second Periodic Report, July 2017, p 53.

<sup>155</sup> [VOL E / TAB 124 / PAGES 3446-3447]: Inter-Departmental Committee, *Interim Progress Report*, paras 12-14.

<sup>156</sup> It appears that there is information about Mrs Coppin’s case in the archives of the Diocese of Kerry: [VOL E / TAB 125 / PAGE 3454]: Letter from Sr Colette Cullinan, Provincial of Sisters of Mercy Southern Province, to Most Rev. William Murphy, Bishop of Kerry, 13 February 1998.

*Galway Magdalene's practice of calling the Irish police to prevent family members from removing women from the institutions.*

*In 2014, when this individual notified a member of the restorative justice implementation team at the Irish Ministry of Justice that the Galway diocesan archive also contained a list of 107 women in the Galway Magdalene Laundry in December 1952—organised by name, town, land of origin, country—he subsequently received a threatening letter from the archivist of the Diocese warning him not to write about the archive without permission, and insisting he destroy copies of the material, and asserting that the archive of Bishop Michael Browne—who was Bishop of Galway from 1937 to 1976—is now 'embargoed'.”<sup>157</sup>*

**8.1.15** The Inter-Departmental Committee was neither impartial nor transparent.<sup>158</sup> At the time of his appointment, though he was referred to as an 'independent chair', Dr McAleese was a Government-nominated Senator and the husband of the President of Ireland, Mary McAleese; having been a dentist by profession. The other members of the Committee were senior civil servants from Government Departments which had dealings with the Laundries.<sup>159</sup> The Committee had no independent members, and no victim representation.

**8.1.16** The Inter-Departmental Committee did not allow public scrutiny, or scrutiny by survivors of the Magdalene Laundries, of its proceedings. No public hearings were held, no public invitation to submit evidence was made, and no public access to the archive of evidence on which the IDC Report is based has ever been permitted. Indeed, the Inter-Departmental Committee returned all of the evidence obtained from the religious congregations and destroyed any copies in its possession<sup>160</sup> on the basis that “[a]ll materials disclosed to the Committee by the Religious Congregations were disclosed on the basis of a mutual understanding of confidence”.<sup>161</sup> The Inter-Departmental Committee's archive of State papers is held beyond the reach of applications under the Freedom of Information Act 2014.<sup>162</sup> Ireland's conduct in this regard is contrary to the Committee's requirement that State parties “make readily available to the victims all evidence concerning acts of torture or ill-treatment upon the request of victims”.<sup>163</sup>

**8.1.17** It is hardly surprising then that the IDC Report contains no findings, whether legal or factual, regarding the treatment of girls or women in the Laundries. It is profoundly regrettable that allegations of torture and cruel, inhuman and degrading treatment and

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<sup>157</sup> [VOL E / TAB 126 / PAGES 3455-3469]: Justice for Magdalenes Research, Unofficial Transcript of Felice Gaer's questions to Irish government regarding the Magdalene Laundries, 27 July 2017.

<sup>158</sup> [VOL E / TAB 127 / PAGES 3470-3471]: Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Recommended by General Assembly resolution 55/89 of 4 December 2000.

<sup>159</sup> [VOL C / TAB 77 / PAGES 1419-1424]: IDC Report, Chapter 2, 'Establishment, membership and mandate of the Committee'.

<sup>160</sup> [VOL E / TAB 124 / PAGE 3450]: Inter-Departmental Committee, *Interim Progress Report*, para 35.

<sup>161</sup> [VOL C / TAB 77 / PAGE 1449]: IDC Report, Chapter 4, para 54.

<sup>162</sup> [VOL A / TAB 22 / PAGES 673-674]: Justice for Magdalenes Research, NGO Submission to the UN Committee Against Torture in respect of Ireland (for the session), July 2017, paras 3.3, 3.4.

<sup>163</sup> [VOL B / TAB 51 / PAGE ]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 30; [VOL A / TAB 2 / PAGE 14]: Statement of Elizabeth Coppin, para 78.

punishment, and forced labour, which were brought to the Committee's attention by Justice for Magdalenes<sup>164</sup> are not even referred to in the IDC Report. There is no indication that the IDC Committee even contemplated indefinite detention and forced labour as being forms of abuse.<sup>165</sup>

**8.1.18** The absence of any reference to the most serious allegations made by survivors of the Laundries, including Mrs Coppin, in the IDC Report has allowed Ireland to misrepresent the findings of the Inter-Departmental Committee as being to the effect that the Inter-Departmental Committee investigated the issue and found no credible evidence of systematic torture or ill-treatment in the Magdalene Laundries.<sup>166</sup>

**8.1.19** Recently, a draft memorandum from the Minister for Justice and Law Reform to the Government in March 2011 became publicly available.<sup>167</sup> This draft memorandum merits reading in full because it demonstrates the mind-set of a key institution of the State prior to the Government's establishment of the Inter-Departmental Committee in July 2011. It is worth noting that the Department of Justice is the Department that has been responsible for implementing the *ex gratia* Scheme since the Taoiseach's State apology to the women in 2013.

**8.1.20** The draft memorandum states that women "*sought refuge*" in the Laundries, and that they were there to "*receive care*" and to follow "*the same regime as the sisters*". The draft memorandum continues:

*Notwithstanding various "documentaries" and the report of the [IHRC], the Department is not aware of any finding by a court or other similar body that any offences or torts have been committed by those operating Magdalen laundries. The Garda Siochana [police] carried out a detailed investigated (sic) of the exhumation in Hugh Park and found no wrong doing. The Department is not aware of any facts*

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<sup>164</sup> [VOL D / TAB 95 / PAGE 2274-2313]: Smith JM, O'Rourke M, Hill R, McGettrick C and others, *State involvement in the Magdalene Laundries: JFM's principal submissions to the Inter-departmental Committee to establish the facts of State involvement with the Magdalene Laundries*, 16 February 2013, pp 11 - 38;

[VOL A / TAB 15 / PAGE 403]: Irish Human Rights and Equality Commission, Submission to the United Nations Committee against Torture on Ireland's Second Periodic Report, July 2017, p 54.

<sup>165</sup> [VOL C / TAB 77 / PAGES 1880-1913]: IDC Report, Chapter 19.

<sup>166</sup> [VOL F / TAB 128 / PAGE 3473]: Ireland, *Information on follow-up to the concluding observations of the Human Rights Committee on the fourth periodic report of Ireland*, UN Doc CCPR/C/IRL/CO/4/Add.1, 15 August 2017, para 5;

[VOL E / TAB 102 / PAGE 2838]: Ireland, Replies to the List of issues prior to submission of the second periodic report of Ireland, UN Doc CAT/C/IRL/2, 20 January 2016 para 241;

[VOL F / TAB 129 / PAGES 3483-3484]: Ireland, *Follow-Up Material to the Concluding Observations of the UN Human Rights Committee on the Fourth Periodic Review of Ireland under the International Covenant on Civil and Political Rights*, 17 July 2015, pp2, 3;

[VOL F / TAB 130 / PAGES 3495-3511]: Ireland, *Submission of further information to the UN Human Rights Committee following Ireland's Fourth Periodic Review under the International Covenant on Civil and Political Rights*, 10 June 2016;

[VOL F / TAB 131 / PAGE 3513]: Ireland, *Information on follow-up to the concluding observations of the Human Rights Committee on the fourth periodic report of Ireland*, 25 July 2017, para 5.

<sup>167</sup> [VOL F / TAB 132 / PAGES 3520-3525]: Office of the Minister for Justice and Law Reform, *Draft Memorandum for the Government: Magdalen Laundries*, March 2011.

*that would give rise to State liability or responsibility for abuses in Magdalen Laundries. To the best of our knowledge none of the complaints made alleging abuse in Magdalen Laundries have been made by an individual who was placed there with any State involvement.*

*If there were any abuses in Magdalen laundries, the individual abusers concerned and the religious orders who ran them were responsible. The Department circulated a draft Memorandum on 2 September, 2010 seeking the approval of Government to engage with the relevant religious orders regarding Magdalen Laundries. However the general view of observations from Departments was concern that engaging with the religious orders might give the impression that the State was accepting responsibility in this area... (emphasis added)*

**8.1.21** The draft memorandum then considers the IHRC's Assessment:

*The Department of Justice and Law Reform has carried out a preliminary examination of the report and in the light of this examination, the Minister has serious reservations about the methodology, accuracy and conclusions of the IHRC Report.*

*Of most concern is the lack of balance and any evidence to support the conclusions ...*

*The IHRC conclusions ignore that the State already provides the mechanism of the courts where allegations of civil and criminal wrongs can be addressed. While there are statutory time limitations that would affect civil actions, these do not apply to criminal allegations. Unlike the case with abuse in the industrial schools, the groups/individuals concerned have apparently chosen not to make any complaints to the Garda or to pursue a civil action. The IHRC conclusions also seem to be based on the premise that there should be an inquiry outside the courts system and that redress or other relief should be linked to that inquiry. ...*

**8.1.22** The draft memorandum concludes with a proposal from the Minister for Justice that an Inter-Departmental Committee should be established to make recommendations as appropriate to the Government in relation to the IHRC's Assessment, "*taking into account the observations of Government Departments, the religious orders and any other interested parties*". The draft memorandum acknowledges the "*danger*" that any action will "*generate pressure for opening up redress*". It concludes that "*the work of the Interdepartmental Committee will strengthen the position of the Government in dealing with the ongoing campaign*".

**8.1.23** In June 2013, the IHRC issued a Follow-up Report on State involvement with the Magdalen Laundries in which it 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>168</sup> The IHRC’s Follow-up Report concluded that such evidence as was contained in the IDC Report – although the Inter-Departmental Committee did not draw any conclusions from it – demonstrated systematic violations of numerous constitutional and other human rights of the girls and women incarcerated in the institutions, namely the rights to equality and non-discrimination, liberty, education, freedom from forced or compulsory labour and/or servitude, freedom from torture and ill-treatment and respect for private and family life.<sup>169</sup> Since 2013, the IHRC has criticised the IDC Report as being “insufficient to meet the state’s human rights obligations” and insufficient to meet the IHRC’s previous recommendation for a statutory investigation into systematic abuse in the Magdalene Laundries.<sup>170</sup>

**8.1.24** In 2013 and 2014, Mrs Coppin complained to the Minister for Justice and Equality of the abuse she suffered in the Magdalene Laundries and repeatedly asked the then Minister what he proposed to do about the human rights violations which had been perpetrated against her in the Laundries. Rather than take action to investigate Mrs Coppin’s complaints, the Department of Justice forced Mrs Coppin to sign a legal waiver, giving up all rights of action against the State in respect of her experiences in the Magdalene Laundries.

**8.1.25** Mrs Coppin has continued to this day to complain to the State about her treatment by way of correspondence with the ongoing Commission of Investigation into Mother and Baby Homes and Certain Related Matters and, in 2017, to the Minister for Children and Youth Affairs. Neither the Commission of Investigation into Mother and Baby Homes and Certain Related Matters nor the Minister for Children and Youth Affairs has taken any steps to broaden the Commission’s remit to include an investigation of abuse in Magdalene Laundries, or abuse in the County Home in which Elizabeth was born, or the question of vaccine trials on children in Industrial Schools (or the general issue of the forced separation of unmarried mothers from their children, including through forced and otherwise illegal adoption).<sup>171</sup>

**8.1.26** Besides its exclusion of the Magdalene Laundries and other systematic abuses, the ongoing Commission of Investigation into Mother and Baby Homes and Certain Related Matters has serious flaws which demonstrate that Ireland’s Commissions of Investigation Act 2004<sup>172</sup> is not an adequate mechanism for truth-telling or accountability with respect to institutional abuses of women and children in 20<sup>th</sup> century Ireland. As the Irish Human Rights and

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<sup>168</sup> [VOL D / TAB 99 / PAGE 2629]: Irish Human Rights Commission, *Follow-Up Report on State Involvement with Magdalene Laundries*, June 2013, p4.

<sup>169</sup> [VOL D / TAB 99 / PAGES 2661-2662, 2694-2695, 2701, 2715-2716, 2719-2720, 2725]: Irish Human Rights Commission, *Follow-Up Report on State Involvement with Magdalene Laundries*, June 2013, paras 76, 171, 185, 229, 237, 254.

<sup>170</sup> [VOL F / TAB 133 / PAGE 3528]: Irish Human Rights and Equality Commission, Submission to UN Human Rights Committee on Ireland’s One-Year Follow-up Report to its Fourth Periodic Review under ICCPR, September 2015, p2.

<sup>171</sup> [VOL D / TAB 90 / PAGES 2234-2251]: Adoption Rights Alliance, NGO Submission to the UN Committee Against Torture in respect of Ireland, July 2017.

<sup>172</sup> [VOL D / TAB 89 / PAGES 2202-2233]: Commissions of Investigation Act 2004.

Equality Commission stated to the Committee in 2017, it is not a requirement of the 2004 Act that Commissions of Investigation take a human rights-based approach to their work.<sup>173</sup>

**8.1.27** The Commissions of Investigation Act 2004 is designed to avoid the need for lawyers' fees through the conducting of private investigations. However, the Act imposes secrecy in relation to the abuses under investigation, save to the extent that matters are ultimately commented upon in the Commission's Report. Section 11 of the Act establishes a presumption that proceedings will be in private, and since 2015 the Commission of Investigation into Mother and Baby Homes and Certain Related Matters has conducted all of its hearings in private and has refused numerous requests by individuals and groups for a public hearing.<sup>174</sup> The Commission has refused to provide those who give evidence with a transcript of their hearing, has not afforded access to the evidence under consideration to those affected by it and has not issued a public invitation to give evidence to its Investigation Committee (only the Confidential Committee, which cannot make adverse findings). The Commission is immune from both Freedom of Information Act requests<sup>175</sup> and has been immune from requests for access to one's personal data.<sup>176</sup> The evidence provided to the Commission is inadmissible in criminal or other proceedings.<sup>177</sup> Section 11(3) of the Act prohibits disclosure or publication of the evidence or contents of any documents produced by a witness while giving evidence in private, and the Irish High Court has held that this section of the Act creates statutory privilege over the archives of Commissions of Investigation.<sup>178</sup>

**8.1.28** The inadequacies of the Commissions of Investigation Act 2004 are important to highlight because they support the point made by the Irish Human Rights and Equality Commission in its report to the Committee prior to Ireland's Second Periodic Review under the Convention in 2017: that "there are a number of systemic failings in the State's responses to historical human rights abuses".<sup>179</sup> In his Country Visit Report on Ireland in 2017, the Council of Europe's Commissioner for Human Rights, Nils Muiznieks, found that in respect of past institutional abuses affecting women and children, "a common feature of these inquiries is that they have not taken a human rights based approach and that the redress proposed to the victims by the government appears to be insufficient".<sup>180</sup>

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<sup>173</sup> [VOL A / TAB 15 / PAGE 402]: Irish Human Rights and Equality Commission, Submission to the United Nations Committee against Torture on Ireland's Second Periodic Report, July 2017, p 53.

<sup>174</sup> [VOL F / TAB 134 / PAGE 3538-3539]: Conall O'Fatharta, 'Baby home survivors denied public hearings' *Irish Examiner* (7 April 2018).

<sup>175</sup> [VOL D / TAB 89 / PAGE 2228-2229]: Commissions of Investigation Act 2004, section 40.

<sup>176</sup> [VOL D / TAB 89 / PAGE 2228]: Commissions of Investigation Act 2004, section 39.

<sup>177</sup> [VOL D / TAB 89 / PAGE 2218]: Commissions of Investigation Act 2004, section 19.

<sup>178</sup> [VOL F / TAB 135 / PAGES 3540-3547]: *O'Neill and Others v An Taoiseach and Others* [2009] IEHC 119, Murphy J, 18 March 2009;

[VOL F / TAB 136 / PAGES 3548-3566]: *Byrne and Others v An Taoiseach and Others* [2010] IEHC 353, Laffoy J, 9 September 2010.

<sup>179</sup> [VOL A / TAB 15 / PAGE 402]: Irish Human Rights and Equality Commission, Submission to the United Nations Committee against Torture on Ireland's Second Periodic Report, July 2017, p53.

<sup>180</sup> [VOL F / TAB 137 / PAGES 3601-3606]: Nils Muiznieks, Commissioner for Human Rights of the Council of Europe, *Report following his visit to Ireland from 22 to 25 November 2016*, CommDH(2017)8, 29 March 2017, pp 32-37.

**8.1.29** In the absence of any prompt and impartial investigation into the Magdalene Laundries, no lessons have been learned. There has been no accountability and there exist no safeguards against repetition.

**8.1.30** Ireland's public stance on the Magdalene Laundries is that there is "[n]o factual evidence to support allegations of systematic torture or ill treatment of a criminal nature in these institutions".<sup>181</sup> There have been repeated public pronouncements by State officials that there is no evidence that children and/or women were systematically detained unlawfully in Industrial Schools and Magdalene Laundries across Ireland.<sup>182</sup> The State's position is that women were not confined in Magdalene Laundries in any legal sense.<sup>183</sup> The State has also repeatedly insisted that there is no evidence that girls or women were kept for long periods against their will in Magdalene Laundries.<sup>184</sup>

**8.1.31** In fact, in a letter dated 3 August, 2016, addressed to the Senior Investigator at the Office of the Ombudsman in the context of an investigation into maladministration of the Magdalene Laundry Scheme, a senior official in the Irish Department of Justice and Equality, Assistant Secretary James ("Jimmy") Martin, stated:-

*"With some very limited exceptions that are referred to below, there has never been any statutory basis for "committing" a person to a Magdalen institution or any lawful basis for keeping a person there against their will. There has been no court ruling that the State has any liability for women who entered such institutions, nor have we ever seen any legal advice or factual evidence that would give rise to the belief that the State has any legal liability. We are also not aware of any successful legal action taken against the religious order concerned.*

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<sup>181</sup> [VOL E / TAB 102 / PAGE 2838]: Ireland, Replies to the List of issues prior to submission of the second periodic report of Ireland, UN Doc CAT/C/IRL/2, 20 January 2016, para 241;

[VOL F / TAB 138 / PAGE 3614]: Ireland, *Combined sixth and seventh periodic reports to the United Nations Committee on the Elimination of All Forms of Discrimination Against Women*, 30 September 2016, p 8;

[VOL F / TAB 128 / PAGE 3473]: Ireland, *Information on follow-up to the concluding observations of the Human Rights Committee on the fourth periodic report of Ireland*, UN Doc CCPR/C/IRL/CO/4/Add.1, 15 August 2017, para 5;

[VOL F / TAB 129 / PAGE 3485]: Ireland, *Follow-Up Material to the Concluding Observations of the UN Human Rights Committee on the Fourth Periodic Review of Ireland under the International Covenant on Civil and Political Rights*, 17 July 2015, p3.

<sup>182</sup> [VOL E / TAB 123 / PAGES 3436-3443]: Gerard Corr, Follow up letter to the Committee against Torture from the Permanent Mission of Ireland to the United Nations, 8 August 2013;

[VOL D / TAB 98 / PAGE 2595]: Ireland, Replies to the Human Rights Committee's List of issues, 5 May 2014, CCPR/C/IRL/Q/4/Add.1, para 54;

[VOL E / TAB 101 / PAGE 2806]: Letter from Jimmy (James) Martin (Assistant Secretary, Department of Justice and Equality) to Tom Morgan (Senior Investigator, Office of the Ombudsman), 3 August 2016, p2.

<sup>183</sup> [VOL E / TAB 102 / PAGES 2839-2840]: Ireland, Replies to the List of issues prior to submission of the second periodic report of Ireland, UN Doc CAT/C/IRL/2, 20 January 2016, para 248.

<sup>184</sup> [VOL E / TAB 123 / PAGES 3436-3443]: Gerard Corr, Follow up letter to the Committee against Torture from the Permanent Mission of Ireland to the United Nations, 8 August 2013;

[VOL D / TAB 98 / PAGE 2595]: Ireland, Replies to the Human Rights Committee's List of issues, 5 May 2014, CCPR/C/IRL/Q/4/Add.1, para 54.

*The McAleese Committee was given the task of establishing, as far as possible, the facts regarding Magdalen institutions. The facts they found did not support the popular media accounts of Magdalen laundries. The Magdalen institutions were not funded by the State nor were they regulated by the State except in regard to the Factories Acts. The most common route of entry was self referrals (a woman turning up looking for shelter) and the evidence suggests such women were free to leave if they wished but as long as they stayed they were expected to abide by the rules of the institution. This included making a contribution to the upkeep of the community normally by working in a Laundry.”<sup>185</sup>*

**8.1.32** This position is wholly untenable. No successful civil action has been brought because the state has failed to facilitate access to justice (and has, as explained below, impeded it). The IDC Report, which was only tasked with determining State involvement in the laundries, found that there had indeed been “significant involvement” – directly in contradiction to the statements described above. The State cannot continue to impede and frustrate access to justice, turning a blind eye to the evidence before its eyes, and then maintain that there is no such evidence.

**8.1.33** Not only has the State wholly failed to facilitate Mrs Coppin’s access to justice – it has directly impeded it. The only redress received by Mrs Coppin thus far are the *ex gratia* payments outlined above. But those payments came with an express requirement to waive her rights to take action against the State. This amounts to Ireland giving with one hand and taking back with the other: an *ex gratia* payment which is a necessary step towards securing Mrs Coppin’s rights is used as a mechanism to prevent necessary and comprehensive investigation and redress. It is directly contrary to the Committee’s statement to the effect that “judicial remedies must always be available to victims, irrespective of what other remedies may be available”.<sup>186</sup>

**8.1.34** As recently as August 2017, the Committee observed ‘that its recommendations to investigate allegations of ill-treatment of women at the “Magdalen Laundries” operated by the Catholic Church orders, prosecute perpetrators and ensure that victims obtain redress and have an enforceable right to compensation, have not been implemented’.<sup>187</sup>

**8.1.35** Mrs Coppin complains that, notwithstanding the efforts she has made since 1997, the Irish competent authorities have never meaningfully examined her case. Neither the police, the courts, the RIRB, the CICA, the Inter-Departmental Committee, the Commission of Investigation into Mother and Baby Homes, the Minister for Justice, the Minister for Children and Youth Affairs, nor any other domestic authority have conducted a prompt or impartial investigation into the allegations of systemic torture and cruel, inhuman and

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<sup>185</sup> [VOL E / TAB 101 / PAGES 2805-2806]: Letter from Jimmy (James) Martin (Assistant Secretary, Department of Justice and Equality) to Tom Morgan (Senior Investigator, Office of the Ombudsman), 3 August 2016.

<sup>186</sup> [VOL B / TAB 51 / PAGE 1076]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 30.

<sup>187</sup> [VOL A / TAB 7 / PAGES 74-75]: Committee Against Torture, Concluding Observations on the Second Periodic Report of Ireland, CAT/C/IRL/CO/2, 31 August 2017, para 6.



degrading treatment and punishment made by Mrs Coppin or other women who spent time in Magdalene Laundries.

## **8.2 Violation of Article 14 – failure to provide redress**

**8.2.1** The Committee’s General Comment No 3 clarifies that “redress” as guaranteed by Article 14 of the Convention “includes the following five forms of reparation: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition”.<sup>188</sup>

**8.2.2** The “comprehensive reparative concept” espoused in the Committee’s General Comment No 3, which has linkages with the Inter-American Court of Human Rights’ understanding of reparation in *Gonzalez et al (‘Cotton Field’) v Mexico*,<sup>189</sup> is particularly pertinent to Mrs Coppin’s case. This is due to the systematic nature of the Magdalene Laundries abuse; the fact that it stemmed from a deep-seated culture of discrimination against women and girls in Irish society; the fact that the State, church and society were together involved in the abuse; and the fact that the impunity for the gross and systematic human rights violations perpetrated in the Magdalene Laundries has been so prolonged.

**8.2.3** The Committee’s explanation in its General Comment No 3 of what “satisfaction” means is of particular significance given Ireland’s failure to comply with its obligations under Articles 12 and 13 of the Convention, as outlined in the above section. Mrs Coppin’s complaint demonstrates what the Committee’s General Comment acknowledges: that satisfaction is not only a discrete aspect of the right to redress but is also required for rehabilitation and in order to guarantee non-repetition.<sup>190</sup> The Committee has stated that:

*Satisfaction should include, by way of and in addition to the obligations of investigation and criminal prosecution under articles 12 and 13 of the Convention, any or all of the following remedies: effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim’s relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations; the search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification, and reburial of victims’ bodies in accordance with the expressed or presumed wish of the victims or affected families; an official declaration or judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim; judicial and administrative sanctions against persons liable for the violations;*

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<sup>188</sup> [VOL B / TAB 51 / PAGE 1071]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 6.

<sup>189</sup> [VOL F / TAB 139 / PAGES 3650-3810]: Inter-American Court of Human Rights, *Case of Gonzalez et al (‘Cotton Field’) v Mexico*, Judgment of 16 November 2009 (Preliminary Objection, Merits, Reparations, and Costs) Series C No 205.

<sup>190</sup> [VOL A / TAB 3 / PAGES 23-24]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 12.

*public apologies, including acknowledgement of the facts and acceptance of responsibility; commemorations and tributes to the victims.*<sup>191</sup>

- 8.2.4** Mrs Coppin acknowledges that the Taoiseach’s apology in 2013 was an important step towards the State accepting the hurt and harm it caused to the women and girls incarcerated in the Magdalene Laundries. However, Ireland has still not accepted that it was responsible for their suffering or that it failed in its obligations to prevent it.<sup>192</sup> This rejection of responsibility is in violation of a “crucial component” of the right to redress.<sup>193</sup>
- 8.2.5** Mrs Coppin has accepted two *ex gratia* payments from the State in respect of her time in the Magdalene Laundries: one in 2012 from the Residential Institutions Redress Board and one in 2014 from the Magdalene Laundries Scheme. The payments were made without any admission of wrongdoing on the part of the State or the religious congregations that operated the Laundries. The Committee has made clear that a “crucial component of the right to redress is the clear acknowledgement by the responsible State party that the reparative measures provided or awarded to a victim are for violation of the Convention, by action or omission”.<sup>194</sup> The Special Rapporteur on Violence against Women has observed that reparations “are remedial measures that express State responsibility for the violation of rights”.<sup>195</sup> In this regard, the *ex gratia* schemes operated by Ireland for the benefit of women like Mrs Coppin are patently deficient.
- 8.2.6** Moreover, the granting of compensation of itself does not absolve the State of its obligations to provide for redress: States will meet their Article 14 obligations only with full compensation, addressing all the damages suffered by the victim, as well as other measures such as restitution, compensation, rehabilitation and measures to guarantee non-repetition.<sup>196</sup> It is a “comprehensive reparative concept”.<sup>197</sup>
- 8.2.7** The Department of Justice and Equality refused to engage with Mrs Coppin on the issue of accountability for torture and/or ill-treatment in the Magdalene Laundries, demanding she simply confirm that she accepted its assessment of the time she had spent in the Magdalene Laundries. Such action is in direct contravention of the recommendations of the UN Human Rights Committee in relation to Ireland’s various *ex gratia* schemes, including that relating to the Magdalene Laundries. Those recommendations advocate for a right to access judicial

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<sup>191</sup> [VOL B / TAB 51 / PAGE 1073]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 16.

<sup>192</sup> [VOL A / TAB 2 / PAGE 13]: Statement of Elizabeth Coppin, para 73.

<sup>193</sup> [VOL B / TAB 51 / PAGE 1074]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 19.

<sup>194</sup> [VOL B / TAB 51 / PAGE 1078]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 39.

<sup>195</sup> [VOL F / TAB 140 / PAGE 3818]: Rashida Manjoo, *Report of the of the Special Rapporteur on violence against women, its causes and consequences*, UN Doc A/HRC/14/22, 19 April 2010, para 20.

<sup>196</sup> [VOL F / TAB 141 / PAGES 3840-3841]: *Barakat v. Tunisia*, Communication No. 60/1996, UN Doc CAT/C/23/D/60/1996, 10 November 1999, para 7.3.

<sup>197</sup> [VOL B / TAB 51 / PAGE 1070]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 2.

remedies, which should include a mechanism by which the sum being offered could be challenged (in line with the State's obligations under *inter alia* Article 13).<sup>198</sup>

**8.2.8** A particularly problematic aspect of the *ex gratia* schemes (including the Scheme) are the waivers of rights of action which Mrs Coppin was obliged to sign in order to access the payments offered, referred to above. The Committee has stated “while collective reparation and administrative reparation programmes may be acceptable as a form of redress, such programmes may not render ineffective the right to a remedy and to obtain redress”.<sup>199</sup>

**8.2.9** In addition to the Committee stating its deep “regret” that the State has not undertaken an independent, thorough and effective investigation, the Committee recommended as recently as in August 2017 that “all [Magdalene Laundry] victims have the right to bring civil actions even if they participated in the redress scheme and ensure that such claims concerning historical abuses can continue to be brought ‘in the interests of justice’”.<sup>200</sup>

**8.2.10** Thus, while Mrs Coppin has received some financial compensation and other benefits, she cannot be said to have achieved full redress. No individual or institution – whether State or religious – has ever been held accountable for the abuse. Ireland has failed and refused to acknowledge its responsibility for what happened, and continues to deny responsibility. The State's denial makes it possible for supporters of the congregations to deny that any abuse ever took place in the Laundries at all, something that continues to offend and humiliate the Magdalene women to this day.

**8.2.11** There has been no public truth-telling process. As noted above, the State has imposed a criminal prohibition on the publication of identifying information by individuals who received payments from the RIRB and there has been no public inquiry into the Magdalene Laundries abuse. There is no public access to the archival information that would allow for academic or other analysis of the systematic abuse in Magdalene Laundries and other institutional abuses of women and children in Ireland; an issue raised during the Committee's examination of Ireland's second periodic report in July 2017.<sup>201</sup> The congregations have not been compelled to open their records to the public, and the Government has stated that “there are no plans to compel them to do so in the future”.<sup>202</sup> The Government is also refusing public access to the archive of State records relating to the Magdalene Laundries which the Inter-Departmental Committee gathered between 2011 and 2013. This archive was deposited with the Department of An Taoiseach (Prime Minister). However, on 26 March 2016 the Department of An Taoiseach rejected a Freedom of

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<sup>198</sup> [VOL F / TAB 142 / PAGES 3861-3865]: UNCHR, *Report on follow-up to the concluding observations of the Human Rights Committee*, UN Doc CCPR/C/119/2, 18 May 2017, pp 11 - 15, in particular p 15, para 1.

<sup>199</sup> [VOL B / TAB 51 / PAGE 1074]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 20.

<sup>200</sup> [VOL A / TAB 7 / PAGE 81]: Committee Against Torture, Concluding Observations on the Second Periodic Report of Ireland, CAT/C/IRL/CO/2, 31 August 2017, paras 25-26.

<sup>201</sup> [VOL F / TAB 153 / PAGE 4233]: Committee against Torture, Summary record of the 1548<sup>th</sup> meeting held at the Palais Wilson, Geneva, on Thursday, 27 July 2017, at 10am, UN Doc CAT/C/SR.1548, 7 August 2017, paras 20-21.

<sup>202</sup> [VOL E / TAB 102 / PAGE 2839]: Ireland, Replies to the List of issues prior to submission of the second periodic report of Ireland, UN Doc CAT/C/IRL/2, 20 January 2016, para 245.

Information Act request by the Justice for Magdalenes Research group for the release of material in the archive, stating that “these records are stored in this Department for the purpose of safe keeping in a central location and are not held nor within the control of the Department for the purposes of the FOI Act. They cannot therefore be released by this Department”. This decision was upheld on appeal by the internal reviewer.<sup>203</sup> On 23 February 2017, this position was confirmed by the Minister for Justice on the parliamentary record.<sup>204</sup>

**8.2.12** Mrs Coppin has tried to obtain information from the nuns. In February 2018 Mrs Coppin wrote to Sister Christina O’Gorman of the Religious Sisters of Charity asking her to “do your best for me in seeking the truth” by finding any records or information from people with knowledge of the punishment cell in the first Magdalene Laundry where Mrs Coppin was detained. The response Mrs Coppin received stated that the religious congregation has no further information to share with her.<sup>205</sup> Regarding Mrs Coppin’s previous requests to the Sisters of Mercy for information in 1997, the nuns’ representatives were of the view that Mrs Coppin was “very disturbed and angry” and “quite persistent”.<sup>206</sup>

**8.2.13** Many women who died while incarcerated in Magdalene Laundries continue to lie unidentified in graves around the country. The 2013 IDC Report did not identify individual women or their burial places, nor did it address the issue of unmarked graves.<sup>207</sup> Several archaeological assessments that have been carried out with a view to redevelopment of the sites of Magdalene Laundry buildings caution that women’s remains may be buried, unmarked, on the sites.<sup>208</sup>

**8.2.14** Ireland has offered no guarantees of non-repetition. The IHRC’s Follow-up Report on State Involvement with the Magdalen Laundries in 2013 recommended policy and legislative reforms “in order to deal with the legacy of the Magdalen Laundries” and “to prevent the wrongs experienced by the women who entered the Laundries from being repeated again in the future”.<sup>209</sup> The recommended reforms concern societal attitudes to women and girls,

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<sup>203</sup> [VOL A / TAB 22 / PAGES 673-674]: Justice for Magdalenes Research, NGO Submission to the UN Committee Against Torture in respect of Ireland (for the session), July 2017, pp 15-16.

<sup>204</sup> [VOL F / TAB 143 / PAGE 3872]: Minister for Justice and Equality, Frances Fitzgerald, TD, Written reply to Maureen O’Sullivan, TD, 23 February 2017.

<sup>205</sup> [VOL F / TAB 144 / PAGE 3873-3876]: Letters between Elizabeth Coppin and Sister Christina O’Gorman, February 2018.

<sup>206</sup> [VOL F / TAB 145 / PAGES 3877-3880]: Correspondence between Sisters of Mercy representatives regarding Elizabeth Coppin’s request for information, September – October 1997 (with annotations by Elizabeth Coppin).

<sup>207</sup> [VOL A / TAB 22 / PAGES 671-673]: Justice for Magdalenes Research, NGO Submission to the UN Committee Against Torture in respect of Ireland (for the session), July 2017, pp13-15;

[VOL F / TAB 146 / PAGES 3881-3946]: McGettrick C and JFM 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.

<sup>208</sup> [VOL F / TAB 147 / PAGES 3948, 3963, 3964]: Faith Bailey and Brenda Fuller, *Archaeological Assessment at The Crescent, Donnybrook, Dublin 4 on behalf of Pembroke Partnership*, July 2016, pp i, 12, 13;

[VOL F / TAB 148 / PAGES 4014-4016]: David Bayley and Faith Bailey, *Archaeological Assessment at Sean MacDermott St and Railway St, Dublin 1, for Dublin City Council*, July 2017, pp 8-10.

<sup>209</sup> [VOL D / TAB 99 / PAGES 2750-2751]: Irish Human Rights Commission, *Follow-Up Report on State Involvement with Magdalene Laundries*, June 2013, pp125, 126.

equality legislation, protection from forced labour and servitude, the rights of persons with disabilities, protective frameworks where the State outsources its functions, community based delivery of mental health services, tracing rights for adopted persons, and State oversight of exhumations and cremations.<sup>210</sup>

**8.2.15** The government has not responded to the IHRC’s recommendations regarding policy and legislative reform. Ireland has not ratified the Optional Protocol to the Convention Against Torture. There is no regulation of deprivation of liberty in care settings in Ireland other than in psychiatric hospitals and in the criminal justice system.<sup>211</sup> In addition, in its report to the Committee prior to its examination of Ireland’s Second Periodic Report under the Convention in 2017, the Irish Human Rights and Equality Commission (formerly the IHRC) highlighted that there is no regulation of foster care in Ireland<sup>212</sup> and that the system of institutionalising asylum seekers in “direct provision” centres has no statutory basis.<sup>213</sup>

**8.3** Even commitments made under the State’s own *ex gratia* Scheme, which had many deficiencies as already noted, have not been fulfilled to date. The State has not, for example, established the Dedicated Unit recommended by Mr Justice John Quirke in May 2013, which he said should facilitate meetings between groups of Magdalene survivors as well as meetings between survivors and nuns. In addition, it was Mr Justice Quirke’s intention that the Unit would offer assistance in obtaining access to health, housing, and educational assistance to which they are now entitled.<sup>214</sup> A promised memorial to the Magdalene Women remains unbuilt, and the healthcare package and backdating of pensions are not the equivalent of what was recommended by Mr Justice Quirke and promised by the Government in 2013.<sup>215</sup> Mrs Coppin has complained to the Department of Health that she has not received the healthcare that the Government promised when it publicly accepted all of Judge Quirke’s recommendations in full.<sup>216</sup>

**8.4** In November 2017, the Ombudsman of Ireland published a report entitled “Opportunity Lost”, finding that the Department of Justice maladministered the Scheme, including by refusing to admit to the Scheme many women whom the Department accepted were forced to work as school-aged children in Magdalene Laundries, and many women whom the

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<sup>210</sup> [VOL D / TAB 99 / PAGES 2750-2752]: Irish Human Rights Commission, *Follow-Up Report on State Involvement with Magdalene Laundries*, June 2013, pp 125-127.

<sup>211</sup> [VOL F / TAB 149 / PAGES 4056-4074]: Irish Council for Civil Liberties, *Submission to the Department of Health for its Consultation on the Deprivation of Liberty Safeguard Proposals*, 16 March 2018.

<sup>212</sup> [VOL A / TAB 15 / PAGE 406]: Irish Human Rights and Equality Commission, Submission to the United Nations Committee against Torture on Ireland’s Second Periodic Report, July 2017, p57.

<sup>213</sup> [VOL A / TAB 15 / PAGES 366, 367]: Irish Human Rights and Equality Commission, Submission to the United Nations Committee against Torture on Ireland’s Second Periodic Report, July 2017, pp17, 18.

<sup>214</sup> [VOL D / TAB 80 / PAGE 2112]: Mr Justice John Quirke, *The Magdalen Commission Report*, May 2013, p 45; [VOL A / TAB 21A / PAGE 621]: Justice for Magdalenes Research, NGO Submission to the UN Committee on the Elimination of Discrimination Against Women in respect of Ireland for LOIPR, 2015, para 3.11.

<sup>215</sup> [VOL A / TAB 22 / PAGES 674-678]: Justice for Magdalenes Research, NGO Submission to the UN Committee Against Torture in respect of Ireland (for the session), July 2017, pp 16-20.

<sup>216</sup> [VOL F / TAB 150 / PAGE 4075]: Letter from Tom Monks to Elizabeth Coppin, 9 May 2018;

[VOL D / TAB 86 / PAGE 2181-2188]: Letter from Elizabeth Coppin to Joni Murphy requesting a review and clarification of the terms of her offer from the Restorative Justice Scheme, 3 March 2014.

Department deemed to lack sufficient capacity to manage their financial affairs. In addition, the Ombudsman found that the Department of Justice assessed the duration of many women's time spent in Magdalene Laundries (for the purpose of calculating the payment due under the Scheme) by reference only or primarily to the nuns' evidence (often not even requiring the nuns to produce records) while failing to give the testimony of the women and their family members evidentiary weight.<sup>217</sup> The Department of Justice is currently in the process of implementing the Ombudsman's recommendations for remedying these instances of maladministration.

## **9. CONTINUING VIOLATION OF ARTICLE 16**

- 9.1** Mrs Coppin complains of a continuing violation of Article 16 on the basis that Ireland's egregious failures as set out above, together with the impunity enjoyed by State institutions and officials and the religious congregations and their members who tortured, abused and exploited her constitute an affirmation by Ireland, by act and by clear implication, of her suffering. It is Mrs Coppin's respectful submission that this deliberate affirmation debases and humiliates her in a manner so severe as to amount to at least degrading treatment.
- 9.2** As set out in significant detail in the preceding sections of this complaint, the abuse suffered by Mrs Coppin and the continued inaction on the part of the State have resulted in her suffering long-lasting physical and psychological illnesses to this day.<sup>218</sup>
- 9.3** The Committee has recognised previously that, in some cases, the harm suffered by a victim of torture or ill-treatment may increase as a result of post-traumatic stress that requires medical, psychological, and social support, which is often inaccessible to those who have not received any or any adequate redress.<sup>219</sup> Mrs Coppin has not had access to justice, nor appropriate health and social care for many years; these experiences are linked to her continuing physical and psychological health difficulties.<sup>220</sup>
- 9.4** As a result it is clear that she suffers from post-traumatic stress, as was held in a medico-legal report compiled as recently as August 2017, in which it was stated by Professor Nimisha Patel:-

*“It is my professional opinion that Mrs Elizabeth Coppin continues to suffer from severe psychological difficulties, including anxiety, features of chronic post-trauma stress and depression as well as poor social functioning and interpersonal difficulties. These psychological difficulties are related to Mrs Coppin's experience in the Industrial School and the Magdalene Laundries in Ireland [...]*

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<sup>217</sup> [VOL F / TAB 151 / PAGES 4076-4194]: Ombudsman, “Opportunity Lost”: An Investigation by the Ombudsman into the administration of the Magdalen Restorative Justice Scheme, November 2017.

<sup>218</sup> [VOL A / TAB 3 / PAGES 20-48]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin.

<sup>219</sup> [VOL B / TAB 51 / PAGE 1078]: Committee Against Torture, General Comment No 3, Implementation of article 14 by States parties, UN Doc CAT/C/GC/3, 13 December 2012, para 40.

<sup>220</sup> [VOL A / TAB 3 / PAGE 42]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 167.

*The ongoing nature of the trauma experiences are important to note [...]*

*Her experiences of seeking justice are significant to note as part of the trauma. Her first attempt at making a complaint to the police was what she felt to be a first step in confronting what had happened to her. But the lack of response was experienced as trauma, causing her to believe that perhaps no one would believe her, or take any action for what she had suffered. This sense of being ignored or dismissed then became a repeated traumatic experience, each time feeling that the injustices against her were not recognised as abuse and injustice; each time feeling that her wounds had been re-opened, afresh. The recurrent intrusive phenomena hypervigilance and hyperarousal are evidence of the repeated triggering and continuation of the traumatic response [...]*

*Further, various responses by the Irish government, such as the official apology and redress scheme were experienced as steps towards acknowledgment of the suffering she and others had endured, but not as accountability for the injustices she felt she had to endure as a child and young adult, in the Magdalene Laundries. For her, this has been repeatedly a deeply traumatic experience, feeling that each time the gravity and duration of what she endured was somehow implicitly deemed acceptable, not as wrong”.*<sup>221</sup>

**9.5** Although the abuse suffered by Mrs Coppin was of a particularly brutal and serious nature, her case bears the same characteristics of many individuals who suffered in Industrial Schools and Magdalene Laundries throughout Ireland. As has been highlighted throughout this complaint and as detailed in the aforementioned Medico-Legal Report prepared by Professor Patel, the abuse Mrs Coppin suffered, coupled with the lack of an investigation and/or acknowledgment by the Irish State of its involvement has had significant and detrimental consequences for her poor self-esteem and feeling of self-worth in her adult life: “At the very least, justice for her is important to enable her to live in peace, not be tormented by this burden of shame and pain she feels forced to carry”.<sup>222</sup> The State’s continuous and deliberate indifference, and its dismissal of what Mrs Coppin endured in the Magdalene Laundries, has resulted in an unnecessary maintenance of the trauma response, and has resulted in a protracted and intensified feeling of grief at the loss of her childhood, educational opportunities and hopes for her future.<sup>223</sup>

**9.6** Ireland’s continuing treatment of Mrs Coppin amounts to a continuing situation of interference with her dignity to a degree sufficient to cause a continuing situation of at least degrading treatment, which began with Mrs Coppin’s abuse as a child and persists due to the State’s refusal to acknowledge the human rights violations that she has suffered. The State’s

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<sup>221</sup> [VOL A / TAB 3 / PAGES 22, 41]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, Summary of Opinion and paras 158-160;

[VOL A / TAB 2 / PAGES 14-15]: Statement of Elizabeth Coppin, paras 79-82.

<sup>222</sup> [VOL A / TAB 3 / PAGE 42]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, para 165.

<sup>223</sup> [VOL A / TAB 3 / PAGE 42]: Nimisha Patel, Medico-Legal Report concerning Elizabeth Coppin, Summary of Opinion and paras 163-166.

continuing treatment of Mrs Coppin communicates to her, and about her, that she does not have the status of a person who possesses an equal right to freedom from torture and other cruel, inhuman or degrading treatment or punishment. Margaret Urban Walker contends that “what is at stake in whether (adequate) reparations are offered [in cases of gross and systematic human rights violations] is the recognition of a certain kind of relationship and its implications” .<sup>224</sup> This relationship is a “dignitary” one; Walker argues that enjoying the standing to hold others to account, while being held to account oneself, demonstrates a person’s position as a “participant with others under shared moral standards”.<sup>225</sup> Mrs Coppin’s feeling of inequality, subordination and powerlessness due to the State’s ongoing treatment of her are encapsulated in these few sentences:

*I’ll have to take this other form of abuse I’m receiving right now from the Government, about the violation of my human rights not being addressed, to the grave. I’ll have to leave that legacy to my children and grandchildren: it was never addressed, it doesn’t matter, because I was only a Magdalene woman.*<sup>226</sup>

*Dated this 25th day of July 2018.*

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<sup>224</sup> [VOL F / TAB 152 / PAGES 4195-4229]: Margaret Urban Walker, ‘Moral Vulnerability and the Task of Reparations’ in Catriona MacKenzie, Wendy Rogers and Susan Dodds (eds), *Vulnerability: New Essays in Ethics and Feminist Philosophy* (Oxford University Press 2013) 116.

<sup>225</sup> [VOL F / TAB 152 / PAGES 4195-4229]: Margaret Urban Walker, ‘Moral Vulnerability and the Task of Reparations’ in Catriona MacKenzie, Wendy Rogers and Susan Dodds (eds), *Vulnerability: New Essays in Ethics and Feminist Philosophy* (Oxford University Press 2013) 123.

<sup>226</sup> [VOL A / TAB 2 / PAGE 17]: Statement of Elizabeth Coppin, para 96.