

Ireland: ‘Nothing is going to change the past, but we can protect the children of the future’

Summary

Louise O’Keefe was eight years-old when she was sexually abused by her school principal. It would take her 40 years and a lengthy legal battle with the Irish state for her to get justice. This is her story.

Background

Louise O’Keefe waited more than four decades for justice and is not done fighting yet.

The European Court of Human Rights ruled in January 2014 that the Irish State was liable for sexual abuse suffered by O’Keefe, now 50, while she was a student at a Roman Catholic Church-owned primary school in the 1970s.

The landmark decision came after a 16-year-long legal battle through the Irish legal system for O’Keefe and her lawyers.

In the months since the decision she has campaigned tirelessly for the Irish government to follow the recommendations of the Court in Strasbourg and introduce new safeguards to protect children from suffering the abuse she endured.

She has met with senior members of the Irish government as well as other abuse survivors.

In the summer of 2014, O’Keefe told the Irish Times she feared the government was “dragging it out”.

“The same as they have done for the past 16 years in my case - there’s been no real advance,” she said.

Speaking to CRIN more recently, she reaffirmed her commitment to protecting young children.

“The whole point of the case was to stop the abuse happening both for today and for the future. Young children going into school should be able to go in with absolute joy and happiness. They should be nurtured. They shouldn’t be abused. Nothing is going to change the past, but we could protect the children of the future.”

Getting the case to court

Louise O'Keeffe was sexually abused by her school principal, Leo Hickey, in a Cork primary school during the 1970s.

In the years after the abuse, O'Keeffe buried the memory of what had happened to her. She moved on to secondary school, finished her education and began working as secretary. The only person she told was her mother, and this came in stilted conversations where the only answers she gave were "yes" and "no".

That all changed in 1995 when the police contacted O'Keeffe in relation to allegations made against Hickey by several of his former students.

In 1998, Hickey was charged with historical sex offences, including more than 380 counts of sexual abuse against 21 girls. O'Keeffe attended the criminal trial and as each testimony was read out, her memories came flooding back.

"I hadn't realised the effect that had on my life until the criminal case. When I heard other victims give their impact statements, I realised the effect what happened when I was a child had on me. They were telling my story," she says.

"The abuse I suffered had consequences on my life and you cannot take it away. I will still react because that is part of my life and nothing can change that. It is part of who I am and it will always be part of me."

Hickey was sentenced to three years in prison after he admitted to 21 charges of indecent assault from a sample of 386 counts against 21 girls. The offences were committed over nearly 10 years stretching from the mid-1960s to the 1970s, while Hickey worked at Dunderrow Primary School.

Seeing the women give their testimonies, each one having worked through their experiences in years of counselling, O'Keeffe knew she wasn't alone. Determined that no child should experience what she went through, O'Keeffe went to the offices of Ernest Cantillon solicitors.

Her aim was to receive compensation, but also to hold the Irish State accountable for failing to have the safeguards in place that would have protected O'Keeffe.

Mary Scriven is a solicitor at Ernest Cantillon. She remembers meeting O'Keeffe for the first time nearly 17 years ago.

"Her objective since the first day has been to stick up for 8-year-old girls like herself," she recalls.

Challenges

The first challenge for O'Keeffe and her legal team was that the statute of limitations on sex abuse cases had expired by the time she came to bring her case.

The team's response was to successfully argue that O'Keeffe had buried the memory of her abuse. "At the time it could be showed she had put everything that had happened to the back of her mind," says Scriven.

On top of an application to the Criminal Injuries Compensation Tribunal for compensation, O'Keeffe also brought a civil action against Hickey, as well as the then Minister for Education and Science, the Republic of Ireland and the Attorney General, and claimed damages for injuries suffered as a result of sexual abuse.

She argued that the Irish State was vicariously liable for the abuse by the teacher and that safeguards to prevent her suffering abuse were not in place. Even though Hickey was never appointed by the State (he was appointed by the local bishop in Cork), his salary was paid by the State and the conditions of his work were ultimately set by the government.

The High Court in Ireland ordered Hickey to pay O'Keeffe in excess of 300,000 euros in compensation, but dismissed the claim of direct negligence brought against the State.

Then in 2009, the Irish Supreme Court threw out the case on appeal, saying that the State was not liable because he was employed by the local school which was managed by the Catholic Church.

Soon after the judgment the Irish government wrote to more than 30 other victims of child abuse who had hoped to hold the State to account for abuse they had suffered as children, warning the plaintiffs not to pursue legal action, and stating the government would pursue them for costs if they carried on.

"I was extremely disappointed when we lost the High Court case and with the appeal in the Supreme Court, because I felt very strongly that the education department had huge involvement with the running of the national schools. They had huge involvement with the teacher, they gave the teacher the recognition of how to teach in the schools," remembers O'Keeffe.

"Without giving their so called recognition any teacher cannot teach in a national school in Ireland. They paid the teacher's salary, they paid the teacher's pension. To me that followed that the department had a responsibility for the pupils in the school."

After more than a decade of putting your life on hold to relive the most traumatic moment of your childhood, most people would be at their wits' end, but not Louise O'Keeffe.

"Dogged," "incredible," "a giant," are just some of the superlatives used to describe her by those who know her well.

After the disappointment of losing the appeal in the Supreme Court, the lawyers at Ernest Cantillon were contacted by Conor O'Mahony and his team at the Child Law Clinic at University College Cork (UCC).

O'Mahony told Scriven and the team that the Supreme Court's reasoning in the case had been flawed and that the European Court of Human Rights in Strasbourg could treat the case more favourably.

The Child Law Clinic, which has the aim of contributing "to improved litigation and representation for children in a broad sense," then set to work bulletproofing the case in preparation for Strasbourg.

"The thing about going to Strasbourg is that it is a long and uphill struggle," explains O'Mahony. "The court is so overburdened with cases that it tries to find every reason it can not to take on a new case."

O'Keeffe argued that her treatment by the Irish State breached her rights under Article 3, which prohibits inhuman or degrading treatment or punishment, and Article 13, which provides for the right to an effective domestic remedy, of the European Convention on Human Rights.

Judgment

In its judgment in January 2014, the European Court rejected the Irish State's argument that it could not be held accountable for the abuse suffered by O'Keeffe. The Court held that, leaving aside arguments about the government's level of control over the education system, safeguards should have been in place to protect her from sexual abuse and to report such incidents to the authorities.

The Court found that the Irish State failed to protect O'Keeffe from sexual abuse in the 1970s, in violation of her rights under Article 3, and that the remedies against the State for failure to protect her from sexual abuse were not effective, in violation of Article 13.

Scriven travelled to France for the judgment. On hearing the verdict she sent O'Keeffe a one word text to tell her the news: "win".

"We were not confident. We had no idea what the Court would decide," she remembers. "But it was superb."

Follow-up

In the months since the case, Ernest Cantillon lawyers have been contacted by more than 30 people looking to bring cases regarding historical sexual abuse. The Child Law Clinic has also been contacted by a number of individuals.

O'Keeffe has worked tirelessly to ensure that the government follows the recommendations made in the European Court's ruling, holding regular meetings with ministers and officials.

She is yet to be convinced that the State is committed to following up the European Court's decision in a positive way, and has even said that the response has led to the creation of two categories of sexual abuse victim.

O'Keeffe told the Irish Times: "Essentially, what the State is saying in its response to the [European Court's] judgment is they will make a settlement offer to the pupil who was abused after a complaint was made but not acted upon."

“But they won’t make any settlement offer to the pupil who was abused before any complaint was made. It’s discriminatory but they are not saying that to Europe, they’re effectively hiding that from Europe.”

Jan O’Sullivan, the Minister for Education, has insisted that the government's response to the European Court’s ruling has been fair, despite the strong criticism.

In December 2014, Prime Minister Enda Kenny, O’Sullivan and Minister for Children James Reilly met O’Keeffe and said that the State was only going to offer compensation to victims who were abused after O’Keeffe made her claim.

For O’Keeffe the entire process has enabled her to come to terms with her past and grow from it.

Soft-spoken, but firm in her opinions, she has a habit of talking about herself in the third person, as if her childhood and adult life are entirely separate events.

“I just feel that the only person who can learn to live with what happened to Louise O’Keeffe as a child is Louise O’Keeffe. Nobody else can take that away from Louise O’Keeffe, because Louise O’Keeffe has to live with it. The case was taken so that some other child will not be abused. The fact that other children are safe going to school. The fact that other children will have the childhood that Louise O’Keeffe should have had,” she says.

“I’m now a 50-year-old woman, but what happened to me happened when I was an 8-year-old child. So an 8-year-old child’s abuse is what is being fought against. It was an 8-year-old fighting to be heard for 15 years.”

Further information

Read CRIN’s case summary of the European Court of Human Rights’ judgment in [O’Keeffe v. Ireland](#)

You can find out more about the work of the [Child Law Clinic at University College Cork](#) [here](#).