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**Subject:** 241231-May-the-New-Year-of-2025-finally-resolve-100-years-of-sexual-violence-in-schools-in-Ireland

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**Nothing about us, without us.**

**RE: One Hundred Years – 1924 – 2024**

Tuesday, 31 December 2024

Dear Minister Foley, Taoiseach, Tánaiste, Minister McEntee, and those respectfully addressed,

Successive decades have failed to address the known levels of child sexual abuse in Ireland, particularly in education. I am one of many who have had to live, without State support, for over 55 years of the last 100 years of our State's failure to victims of child sexual abuse in schools in Ireland. I have advocated for nearly two decades for justice to victims of child sexual abuse in our schools, where the State has acted more like schoolyard bullies because there is no conscience or school head that is prepared to stop it.

Sexual violence against children was a national concern but the shocking and scandalous findings in the Cardigan Report 1931 was suppressed by successive governments. No effective action in child protection was implemented in the schooling system for 60 years. The Irish State has claimed it took effective action and responsibility for child protection in schools at a national level in 1991 for primary schools and 1992 for post-primary schools.

However, the Irish State has been at 'battle' with victims/survivors of child sexual abuse in schools prior to 1991 and 1992, where it still refutes any liability to victims where Irish law and the Irish courts are concerned.

The Irish State obstinately forces survivors to engage in extraordinary measures in very painful prevarications launched against victims/survivors in order to limit the Irish State reparations to victims/survivors, a fraction of whom find it exceedingly difficult to raise the means and measures to challenge the obstacles created by legal defences mounted by the Minister for Education's Office to deter as many as possible, rather than vindicate as many as possible.

The Supreme Court decision in 2008, *O'Keeffe v. Hickey* [2008] IESC 72 [2009] 2 IR 302, <https://bit.ly/3UuG7mG> which sadly has not been overturned in Irish Court, remains in effect in Ireland when deciding any claims in the High Court which exonerates the Irish State, the Minister for Education, and the Attorney General from any liability.

However, a challenge was taken to the European Court of Human Rights (ECtHR) in *O'KEEFFE-v-IRELAND* (Application No. 35810/09) - European Court of Human Rights (ECtHR) <https://hudoc.exec.coe.int/eng/?i=004-1946> and a Judgment delivered against Ireland on 28 January 2014, a decade ago. Although its decision has placed international pressure on Ireland to comply with its ruling, Ireland has held the court in contempt as far as any effective remedy is concerned, or codification and incorporation of the ECtHR Judgment into Irish Law as demanded by that court.

Of the ten years since the ECtHR judgment, Ireland has only provided four years in the last ten to offer reparations to victims of child sexual abuse in schools. Of the limited number of settlements, only a fraction were apparently settled according to the absurd 'criteria' concocted by the Department of Education in proof of a 'prior complaint' or proof of 'prior litigation'. Only for the few cases settled under the criteria, the majority of applicants to the Ex-Gratia Payment Scheme had to mount challenges against these two criteria in order to have their cases settled in very unsatisfactory out of court settlements which assured the Minister for Education that no legal precedent might otherwise proffer a pathway for other victims forced by circumstance to remain in 'conflict' and without vindication as demanded and prescribed by the Irish Constitution, where the Irish State has an obligation and duty to vindicate those whose human rights had been violated in the Irish State.

How can victims as a matter of public record continue to be denied by the Irish State the ECtHR provision of redress? Why does it take legal challenge to the aberrant 'criteria' applied by the Minister's Ex-Gratia Payment Scheme to receive 'reparations'? Why are such challenges resolved without admission of the wrong done by such contemptible 'criteria' devised by a heartless government? Taking one's time to address '[highly sensitive and complex](#)' issues has clearly failed.

It reminds me of the sort of behaviour of schoolyard bullies who may one day have to relent but only if they feel threatened. In the meantime, those victims are fair 'game' for such mistreatment, torment and excruciating distress whilst the Minister's office prevaricates and prolongs such suffering to the likes of those who were raped 55 years ago within three months of the ninth birthday which induced hysterical trauma at the time and every day since.

There has been a clear denial of the gender issues involved in 'child sexual abuse' in schools in Ireland, where all of it perpetrated against males was systemic, and where 95% of it was sexual violence in 'rape and sexual assault' on male children. Where such a gender demographic was clearly identified in report after report in Ireland, it begs the question as to why such gender violence against 'males' has not been the headline of this scandal in our schools for over one hundred years in Ireland.

When I raise the question of 'male victims' of 'male rape' there is huge confusion where language, definitions and nomenclature have yet to catch up with any non-discriminatory gender language.

Sexual violence perpetrated on males is incapable of addressing the question of what is 'male rape' as though it is some variant of 'female rape'.

Language and terminology inhibit unbiased conversation which is not gender discriminatory. Language and the terminology used cannot hope to address questions of sexual violence against males and females where the language is biased. Rape is associated with the male because of the use of the word 'penetration' as a violation of a female. 'Penetration' is part of the act of sexual intercourse. It is associated with the act of the male, so using it to describe 'rape' would not be possible where a female 'rapes a male' as far as sexual genitalia are concerned.

'Rape' ought to be defined as 'non-consensual unwanted simulation of sexual intercourse' performed on either gender. It removes the loaded gender biased word 'penetration' and identifies rape as a sexual act performed on either gender which is neither consensual nor wanted.

The fact that males and females have external or internal sexual organs is not relevant to answering whether 'rape' has taken place. 'Rape' is included in the terminology and definition of 'rape' as the 'non-consensual unwanted simulation of sexual intercourse' of a male or female by a male or female. Other definitions of 'digital rape', 'oral rape' and 'anal rape' in using different part of the anatomy in what is a 'non-consensual unwanted simulation of sexual intercourse' of a male or female by a male or female. The language is important in the gender politics of negative association with 'penetration' and 'male external genitalia. Such associations ought to be avoided as discriminatory.

I could not help but notice that in the recent elections for the 34th Dáil that no party or personal manifesto included the current national inquiry into child sexual abuse in schools in Ireland as a critical issue for the new government.

Again, it appears that gender politics is not about equality and parity of gender esteem but is actually nothing more than business as usual where one form of gender discrimination is replaced by its opposite. Does equality mean mistreat males as females are and have been mistreated? A perverse meaning to equality which means to mistreat either gender equally, where one is to enforce and engender gender discrimination in order to redress gender discrimination in the first place. How long is that 'support for male gender discrimination' supposed to continue?

Are the historic cases of males as victims of child sexual violence just to be ignored by those who sought election in the 34th Dáil?

My research on sexual violence and offences in Ireland, based on national figures, shows that the sexual violence on children is growing at an alarming rate. Ireland is not only failing to address the past but is clearly failing abysmally in the present making the future very bleak indeed.

I have offered to assist the State in establishing far more robust protection for children but one is side-lined every time when it comes to active participation in the decision-making processes. My research and papers have been appropriated by the Scoping Inquiry without my consent much like those school bullies in the schoolyard who take a child's copybook, taunting and teasing a child as they refuse to return it.

It's been an awful year that has ended very badly in delay and distress for victims/survivors of child sexual abuse in schools.

There was no message of hope this Christmas as the country sinks into an ever-increasing nightmare for victims/survivors of child sexual abuse in schools in Ireland.

In the New Year the government must codify and incorporate the O'KEEFFE-v-IRELAND Judgment into Irish Law as a matter of the utmost urgency, as demanded by the European Court of Human Rights on 28 January 2014. And secondly, it must also open, as a matter of the utmost urgency, the Ex-Gratia Payment Scheme under terms and 'criteria' that do not deny relief to victims/survivors of child sexual abuse in schools in Ireland any longer.

Happy New Year to you and yours, to those whom you love and those who love you.

Sincerely,

Mark Vincent Healy



Mark-Vincent Healy  
Marc Uinseann ÓhÉalaighthe

*Survivor Campaigner seeking 'Rescue Services'*

*and 'Safe Space Provisioning' for survivors of clerical child sexual abuse*  
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