

# Irish Human Rights and Education

*Ireland's performance in relation to recommendations and observations made by treaty bodies in the area of human rights and education*

*Submitted by Educate Together, Ireland's human rights and equality-based school movement.*

## The case

Parents of children whose religious and cultural identity are not afforded equality of access and esteem in the Irish education system have been making their case for many years. Many of them have been instrumental in the opening and development of Ireland's small but rapidly growing multi-denominational school movement, Educate Together.

The key elements of the case are:

1. 98% of all primary schools in Ireland are privately-owned institutions controlled by religious organisation and legally obliged to uphold the religious outlook of their 'patrons'.<sup>i</sup>
2. Since 1971, schools are required to ensure that the religious 'ethos' of the school patron permeates the whole school programme. This effectively removed the ability of parents to absent their children from specific religious content.<sup>ii</sup>
3. The State only funds the education of teachers for the religious programmes of the Catholic and Protestant churches.<sup>iii</sup>
4. Although the Constitution of Ireland, and the Education Act allow for the right of parents to seek their children to be 'absented' from religious content in schools that conflicts their conscience, no realistic provision for such absencing is provided by the State.<sup>iv</sup>
5. Equality legislation expressly allows for religious schools to prefer applicants from their own communities.<sup>v</sup> This impacts severely on minority families where there is a shortage of school places.
6. Employment equality legislation expressly allows religious schools to discriminate on a wide range of religious grounds in the matter of selection, promotion and employment of teachers.<sup>vi</sup>
7. The State has failed to recognise the huge increase of parents in Ireland who declare that they either have no religion or decline to state their religion as evidenced in successive national censuses. This minority is now the largest minority 'belief identity' in the State.<sup>vii</sup>
8. This is causing a rising incidence of the violation of the intellectual, religious and human rights of this section of people in Irish society.<sup>viii</sup>

## History of progression of case

The case was made in the Education Forum that was sponsored by the State in the 1990s. This resulted in certain legal principles being established in the Education Act(1998). However, the current administration has been slow to respond to this growing issue in Irish society. In particular, the State has continued to restrain the growth of a national network of equality based schools led by Educate Together and its allies.

In late 2004, after years of failing to get sufficient attention to the issue by the national government, Educate Together took the case to the Committee of the United Nations Convention for the Elimination of Racial Discrimination (CERD). The Committee responded in March 2005 by making the following concluding observation:

*Convention for the Elimination of Racial Discrimination (CERD)*

"The Committee, recognising the "intersectionality" of racial and religious discrimination, encourages the State party to promote the establishment of non-denominational and multi-denominational schools and to amend the existing legislative framework so that no discrimination may take place as far as the admission of pupils (of all religions) in schools is concerned" - *Concluding Observations, March 14, 2005.*

In 2006, the Committee of the Convention on the Rights of the Child echoed these observations as follows:

*Convention on the Rights of the Child (CRC)*

"The Committee encourages the State party to take fully into consideration the recommendations made by the Committee on the Elimination of Racial Discrimination (CERD/C/IRL/CO/2, para. 18) which encourages the promotion of the establishment of non-denominational or multid denominational schools and to amend the existing legislative framework to eliminate discrimination in school admissions." - *Sept 29, 2006.*

In the same year, the Council of Europe also spoke out on the issue in its formal observations:

*Council of Europe Framework Convention for the Protection of National Minorities*

*Observations*

20. "The growing diversity of Ireland is in many ways affecting the education system of Ireland, and in this context the authorities are encouraged to pursue their commitment to take into account the growing demand for non-denominational or multi-denominational schools.

100. "The Advisory Committee urges the authorities to pursue their commitment to widen schooling options, including in terms of non-denominational and multi-denominational schools, in a manner that ensures that the school system reflects the growing cultural and religious diversity of the country."

*Issues of Concern*

131. Further steps are also needed to accommodate the growing diversity of Irish schools, including in relation to the increasing demand for nondenominational or multi-denominational schools.

*Recommendations*

132 "- Pursue on-going efforts to accommodate growing diversity in Irish schools, including in terms of demand for non-denomination or multi-denominational schools." - *October 6, 2006.*

Later in 2008, the International Convention on Civic and Political Rights (ICCPR) again emphasised that this issue was being ignored by the Irish State.

### *International Convention on Civic and Political Rights (ICCPR)*

22. The Committee notes with concern that the vast majority of Ireland's primary schools are privately run denominational schools that have adopted a religious integrated curriculum thus depriving many parents and children who so wish to have access to secular primary education. (arts. 2, 18, 24, 26).

The State party should increase its efforts to ensure that non-denominational primary education is widely available in all regions of the State party, in view of the increasingly diverse and multi-ethnic composition of the population of the State party. - *October 30, 2008.*

## **Educate Together**

It is important to note that the Educate Together movement is 'non-denominational body operating multi-denominational schools'. Educate Together schools operate under a legal obligation to provide equality of access and esteem to children, irrespective of their social, cultural or religious backgrounds". The schools provide a programme of ethical education that includes an informative strand on "belief systems" during the school day, but any faith formation classes take place outside the compulsory school day as voluntary facilities run by parents. This "Faith formation outside school hours" (FFOSH) model, ensures that children and families are treated equally in school. No child is placed under any pressure as a result of their families religious identity and no teacher is contractually obliged to promote a religious view that they may not hold.<sup>ix</sup>

## **Ireland's performance in relation to this case and UN committee observations**

As a result of escalating demand from parents, Educate Together has become the fastest growing section of Irish education over the past 10 years. In 2008, it successfully opened 12 schools and submitted applications for a total of 45 more schools that year. However, with the change of Minister that took place in late 2008, Minister Batt O'Keeffe announced that the remit of the "New Schools Advisory Committee" would not be extended and that a review of the new school recognition process would be conducted to be concluded in six months. In the meantime, only schools proposed by the Department of Education and Science (DES) would be considered. In 2009, no new schools were recognised despite growing pressure by parents for places in Educate Together schools. In 2010, when there was no sign of a new process being in place, the Minister announced seven new schools only two of which would be Educate Together schools. In late 2010, the DES acknowledged that there were 76 formal applications for new Educate Together schools but in March 2011 announced that only three new schools would be recognised only two of which would be Educate Together schools.

During 2008-2010, the State proposed a pilot programme to trial a new form of State multi-denominational school. This new "Community National School" has been configured on the basis that all children entering the school must be registered and identified according to the religious identity of their parents and that at specific periods they must be separated for faith-formation classes provided by the staff of the school. This "Faith formation in school hours" (FFISH) model specifically alienates those parents and children who do not want to be primarily identified on religious grounds - a large and growing section of Irish society. It is specifically this section of Irish society that is most effected by the monopolistic position of Christian denominational provision in the system. This model of multi-denominational education has already been formally rejected by the Humanist Association of Ireland and is being legally questioned on a wide range of equality issues.

It is an open question for the review process to ascertain whether this 'Community National School Model' has been developed in order to prevent the popular growth of the Educate Together movement and whether this is an appropriate response to the growing demand for an alternative to denominational provision throughout the country.

## Current situation

Today, the position is stark.

Ireland is experiencing the greatest growth in its school going population in recent history. It is precisely at such a time that the State has the greatest opportunity to address the structural issue highlighted by the CERD committee and all other UN bodies who have examined the issue since 2005. However, the recently defeated administration demonstrably failed to avail of this opportunity. With the new government now in place this opportunity must be re-examined. This year, Educate Together has 20 viable priority school projects ready to progress to opening.

Even in difficult economic times, there is an imperative to address this issue. Indeed, it is open to question that this issue can be most cost effectively addressed at a time when property and building costs are at an historic low, when there is unprecedented appetite amongst the Irish people for reform and when there is greater openness to change amongst traditional education providers than at many times in the past.

In a modern democratic society, it cannot be acceptable that the state provides no choice other than privately controlled religious schools in the vast majority of areas.

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## References

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- <sup>ii</sup> National Council for Curriculum and Assessment. *Teacher's Manual, Curriculum for National Schools* (1971) revised (1999). Accessed at: [http://www.ncca.ie/en/Curriculum\\_and\\_Assessment/Early\\_Childhood\\_and\\_Primary\\_Education/Primary\\_School\\_Curriculum/Download\\_Primary\\_School\\_Curriculum/Primary\\_School\\_Curriculum.html](http://www.ncca.ie/en/Curriculum_and_Assessment/Early_Childhood_and_Primary_Education/Primary_School_Curriculum/Download_Primary_School_Curriculum/Primary_School_Curriculum.html)
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- <sup>viii</sup> Media reports, 1998-2011
- <sup>ix</sup> Educate Together. (2011) **Educate Together** [Internet]. Dublin. Available from: <[www.educatetogether.ie](http://www.educatetogether.ie)>