

Increasing inequality in Irish education - denial of the intellectual and religious rights of children in schools

Educate Together made representations to the Council of Europe in 2006 under the Framework Convention on the Rights of National Minorities. In October 2006 the committee of that convention made a series of recommendations to Ireland in relation to the need for greater availability of “non-denominational schools”.

Council of Europe Framework Convention for the Protection of National Minorities - October 2006

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 non-denominational or multi-denominational schools.

Recommendations

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

The case

Despite some welcome progress in government policy since 2012 and a huge voluntary effort made by Educate Together and other organisations to increase the availability of non-denominational schools, the situation that Educate Together described in 2006 has dramatically worsened.

Ireland's population has continued to grow and diversify rapidly in terms of religious and ethnic identities. There has been a generational transformation of attitude to the role of religious bodies in education and to their role in civic society. This has been starkly evidenced in last year's Marriage Equality referendum.

Recent censuses have demonstrated a rapid increase in the percentage of the population that describes themselves as having "no religion" and this now constitutes the largest minority segment of the population.

At the same time, over 95% of all primary schools (4-12 years) are owned by religious bodies and are legally obliged to prefer their religious outlook in all aspects of school life. The State continues to uphold laws that allow this overwhelming monopoly of school provision to prefer baptised members of their community in school admissions.

Whilst the parents of minority children may require by law that their children be absented from religious classes in schools, the integrated nature of curriculum makes this right largely inoperable and socially isolating for children. The reality is that, in the vast majority of cases, no reasonable alternative is provided for any child whose parents seek such measures. Many parents decide not to avail of their rights in this matter through concern for their child's socialisation in school.

In locations where there is competition for school places, increasing numbers of parents feel that they are forced to baptise their children for no other reason than to access a school place.

In the past two years, a number of mass movements have arisen to address these issues. Education Equality, Equate, Atheist Ireland and others have organised public protests, media debates and other forms of advocacy. The independent Ombudsman for Children has surveyed children affected and has also raised this fundamental issue.

Educate Together is an independent NGO that has been campaigning for the rights of all children to equality of access and esteem in Irish schools. Over the past 38 years, it has built a network of equality and human-rights based schools. It now operates 81 primary and 9 secondary schools serving over 22,000 pupils. Although inundated with demand for its schools, it receives inadequate support from government. In reality, the state will only allow new Educate Together schools to open where gross increases in demographic demand are evident or, in circumstances in which either a religious patron gives the State a building or vacant State buildings are available. This leaves huge areas of the country where parents have no choice at all.

Educate Together is encouraged by the present government's published commitment to build a network of 400 non-denominational schools by 2030. However, this objective currently is not funded and has no budget allocated to it. In 2016, it costs Educate Together €65,000 to open a primary and €102,000 to open a secondary school. Educate Together has to privately raise 100% the funds necessary to open a new secondary school and 85% of those necessary to open a primary school. This huge fund-raising requirement is a substantial restraint on our ability to progress urgently needed schools.

We would urge the Council of Europe to re-iterate, with added urgency, the recommendations it made in 2006.

Background information

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 rapidly growing equality-based school movement, Educate Together.

The key elements of the case are:

1. More than 95% of all primary schools in Ireland are privately-owned but publicly funded institutions controlled by religious organisations and are legally obliged to uphold the religious outlook of their 'patrons'.¹
2. The State only funds the education of teachers for the religious programmes of the Catholic and Protestant churches.²
3. Although the Constitution of Ireland, and the Education Act (1998) 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.³
4. Equality legislation expressly allows for religious schools to prefer applicants from their own faith communities.⁴ This impacts severely on minority families where there is a shortage of school places.
5. 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 group is now the largest minority 'belief identity' in the State.⁵
6. This is causing a rising incidence of the violation of the intellectual, religious and human rights of this section of people in Irish society.⁶

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, successive administrations have been slow to respond to this growing issue in Irish society. In particular, the State has failed to adequately support the growth of a national network of equality-based schools led by Educate Together and its supporters, sustained by thousands of families nationwide.

In 2004, after years of trying in vain to get sufficient attention to the issue from 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 multidominational 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

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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.”

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Recommendations

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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 a ‘non-denominational body operating equality-based 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 family’s religious identity and no teacher is contractually obliged to promote a religious view that they may not hold.⁷ In contrast to denominational schools, in Educate Together schools there is no time period during which ‘opting out’ is necessary, as children from majority, minority and non-faith backgrounds remain with their classmates during the entire school day.

Over the past 38 years, Educate Together has been working to build a national network of schools that provide an alternative to faith-based schooling. We believe that such educational provision should be available to all families within 30 minutes travel time from their homes. Despite the goodwill of many, the effort to provide this alternative has been tortuous and has faced many obstacles.

Evidence of parental demand for Educate Together schools is undeniable: our existing schools and start-up groups are reporting that thousands of children are now signed up to our already over-subscribed waiting lists throughout Ireland. Our education system can no longer ignore parents’ rights to choose the type of education they want their child to have.

As a result of this escalating parental demand, Educate Together has become the fastest growing section of Irish education over the past decade. In 2016, it successfully opened 9 new schools - this marks the second highest total of Educate Together schools to open in a single year. Today, Educate Together has a fully costed plan to embed equality in

the Irish education system: the provision of a national network of Educate Together primary and second-level schools throughout the country. To achieve this, increased funding for the opening of schools must be put in place by the Irish Government.

Ireland's performance in relation to this case and various international committee observations

Earlier this year, the UN Committee on the Rights of the Child published its 'Concluding Observations' on Ireland's record on children's rights, following the State's hearing in Geneva. These observations pointed to the pressing need for the establishment of a network of equality-based schools throughout Ireland.

After Ireland's examination by the Committee in January 2016, Educate Together stressed that the status quo in Irish education is no longer an option. This is a system in which over 95% of state-funded schools are controlled by religious bodies, 9 out of 10 families have no choice but to send their children to a religious-run school and state-funded schools can legally discriminate against children on grounds of religion. This system is an aberration on the world stage. This statement was confirmed earlier this year by the UN Committee on the Rights of the Child in its recommendation that the State:

- 'expeditiously undertake concrete measures to significantly increase the availability of non-denominational or multi-denominational schools'.
- 'amend the existing legislative framework to eliminate discrimination in school admissions.
- and 'ensure accessible options for children to opt-out of religious classes'.

Both the Council of Europe and the UN have on multiple occasions recommended that Ireland eliminate discrimination in schools on religious grounds. Educate Together has many times contended that state-funded schools should never be allowed to discriminate against children on the basis of religion. Indeed, Educate Together is not aware of any situation in which such discrimination is necessary in order to maintain the ethos of schools. 'Catholic first' enrolment policies are forcing many parents to compromise their own values in order for their children to access the local school. This is an unacceptable situation in a modern democratic republic.

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 various international bodies who have examined the issue since 2005.

The past year has seen a groundswell of public opinion demanding equality in education. Thanks to domestic and international media interest, the Irish education system has come under increasing scrutiny and criticism. Many have now called for an overhaul of the education system, in which 9 out of 10 families still have no choice but to send their children to a religious-run primary school and a system where it is legal for state funded schools to discriminate against children on grounds of religion. However, recent administrations have failed to avail of this opportunity.

With the current Government now in place this opportunity must be re-examined. Educate Together has been encouraged by commitments in the current Programme for Government to increase non-denominational and multi-denominational schools to 400 by 2030.⁸ This figure echoes Educate Together's stated aim - a national network of equality-based schools that welcome and cherish all children.

The pace of change on this issue has been very slow to date, and in recent years, the lack of equality-based school places in Ireland has become a desperate situation. Families up and down the country are now advocating for new equality-based schools and for radical reform of the Irish education system.

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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