

Shadow Report

by



**on The Second State Report under the Framework Convention for
the Protection of National Minorities**

**submitted by
IRELAND**

August, 2005

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Educate Together is the national representative body for multi-denominational schools in Ireland. A non-governmental organisation, we promote rights-based, inclusive schools, which welcome all children equally regardless of social, cultural or religious backgrounds.

In September 2005, there will be 39 Educate Together schools in Ireland, making up just over 1% of the entire primary school network.

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The Irish Primary Education System - Introduction

For various historical reasons, the Irish State has inherited a system of primary education that is overwhelmingly dominated by specific religious interests. 98% of all State-funded primary schools are privately owned and managed by religious bodies. The breakdown is approximately 93% Catholic and almost 6% Church of Ireland (including Anglican, Methodist and Presbyterian schools) with one Jewish and two Muslim National Schools.¹

In 1831 the Irish education system was formally established by Lord Stanley, the then Chief Secretary.² His intention was to create a multi-denominational education system with strict separation between literary and moral education and religious instruction. By the beginning of the twentieth century however, religious bodies had progressively assumed control of the majority of the schools despite the original intentions. In order to protect the rights of children who were not of the religious denomination of the school, a rule guaranteeing the right of parents to withdraw their children from religious instruction that contravened their conscience was established.

Unfortunately, modern day Irish governments have not shown the same regard for the protection of the rights of religious minorities in education. Over the last forty years, the State has acted to restrict and remove the protection of the rights of minorities and to create a situation that undermines the human rights of an increasing numbers of children, parents and teachers:

- In 1965, the revision of the Rules for National Schools saw the State specifically recognize the denominational nature of the National School System for the first time.³
- In 1971, the “New Curriculum” removed the separation between literary and moral education and religious instruction and introduced an

¹ See Table 1, page 14

² Ireland was under direct British rule until 1921. The Chief Secretary was the most important position for determining British policy in Ireland after the Lord Lieutenant, and was frequently a cabinet level position in the 19th and early twentieth centuries.

³ Rule 68 “Of all the parts of a school curriculum, Religious Instruction is by far the most important...Religious Instruction is, therefore a fundamental part of the school course, and a religious spirit should inform and vivify the whole work of the school...”

“integrated” approach in which the religious ethos of the school permeated the whole curriculum. This made it practically impossible for parents to withdraw their child from religious lessons, as from this date onwards the religious character of a school was to be ever-present throughout the school day.

- In 1998, the Education Act – the first such act in the history of the State – obliged the Board of Management of a school to uphold the ethos of its Patron and provided wide powers of control to the patrons of National Schools. In the vast majority of schools today, the Patron is the local Bishop.
- In 2000, the Education Welfare Act obliged a parent to ensure that their child was attending a “recognized programme of education” by the age of 6 and provided significant penalties for failing to do so.⁴
- In 2000 the Equal Status Act granted schools with religious patronage exemptions to discriminate in favour of persons of their own religion in order to protect their ethos. This is allowed in the employment of staff, in the enrolment of children and in the selection of Board members. Given that 99% of schools are under religious patronage, the education system can be fairly described as discriminatory against persons of minority religions.⁵

During the same period within which the education system has been altered, there has been an unprecedented increase in religious and ethnic diversity within the population of the State. The census of 2002 uncovered dramatic increases in members of the population holding minority religious beliefs. The largest single minority was that of “No Religion”.⁶ Many social commentators point to Ireland’s need for overseas labour to sustain economic growth and suggest that the population will become even more religiously diverse and multicultural in the foreseeable future.

⁴ The addition of a right to recognize a programme of home education for the purposes of this Act is not now regarded as a reasonable response in a society in which the majority of new parents are part of double income, one large mortgage social units.

⁵ See Appendices 1 and 2.

⁶ See Table 2, page 14

Correspondingly, increasing numbers of families are now being compelled to send their children to schools that promote – and must by law promote – a religious ethos that conflicts with their conscience and lawful preference. The State has not taken any steps to address this blatant human rights issue. This is a clear violation of the Irish Constitution Article 42.3.1⁷ and has led to the following untenable situation:

- Children who are not of the Catholic faith have restricted access to 93% of Irish primary schools, and furthermore if they are also not of the Protestant faith, they then have restricted access to 99% of Irish primary schools all of which are funded by the State.⁸ Where there is a shortage of spaces in schools, children of minority religions can be denied enrolment. This forces parents to travel long distances daily to find a school willing to accept their children.
- Minority religious families are compelled to send their children to schools that uphold religious views that contradict their own religion, beliefs or conscience. The Education Welfare Act provides serious penalties for failure to ensure that children are in school.
- If parents ask to have their child withdrawn from religious instruction there is no obligation on the school to provide alternative education or lessons for that child. Children of minority religions often have to stand outside classes, go to an office or even sit at the back of a class when religious instruction take place thus creating potential for social isolation, exclusion and bullying.
- To avoid such obvious segregation from their classmates and out of legitimate concern for their children's socialization, parents often choose not to exercise their right to withdraw their child from religious instruction. Instead children of minority religious beliefs participate in religious instruction that is contrary to their own faith.

⁷ Bunreacht na hÉireann (1932) Article 42.3.1 The State shall not oblige parents in violation of their conscience and lawful preference to sent their children to schools established by the State or to any particular type of school designated by the State.

⁸ Almost 6% of schools are Church of Ireland (Protestant) schools, this includes Anglican, Presbyterian and Methodist; they give preference to children of these religions.

- Since 1971, the integrated nature of the curriculum dictates that religious ethos of the school must permeate the entire school day. Hence separation of religious and non-religious content is today practically impossible. Even if children are withdrawn for specific religious instruction lessons, they are repeatedly exposed to educational content and practices that may be prejudicial to their family culture.
- In order to gain employment in 99% of Irish primary schools, teachers can be required to teach as religious truth views that they do not themselves hold.
- Access to the teaching profession can legally be restricted to those of the main religions.
- Staff members who do not hold the religious views of the school can be legally discriminated against.
- Religious discrimination can legally take place in all school Board decisions.
- Those of minority faiths are specifically excluded from exercise of or participation in the dominant role of the Patron in school affairs.

Parents, children and teachers of minority religions can only find a remedy to the situation outlined above if places are available in a multi-denominational school in the locality or if they are of sufficient number and have the necessary social, administrative and financial resources to set up such a school themselves. Given that many families who hold minority religious beliefs are newly-arrived in Ireland and do not speak fluent English, setting up a new school is by no means a realistic option for these parents seeking an education for their children.

In spite of these difficulties, the multi-denominational school sector has become the fastest growing sector in Irish education. All these schools are legally bound to provide equality of access and esteem to children “irrespective of social, cultural or religious backgrounds”. In September 2005, there will be 39 of these non-fee

paying schools, making up just over 1% of the total number of Irish primary schools. These schools are set up from scratch by voluntary parent groups through local initiative and resources, with the administrative support of Educate Together. Once they are open, they are funded by the State on a par with denominational schools. However, Educate Together will only be able to continue to meet this demand if appropriate State funding is made available. Currently the entire development and support work in establishing this network is sustained on State grants of less than €85,000 per annum. Unless this issue is addressed in the near future, the organisation will be unable to meet this increasing demand with devastating impact on the provision of such educational services in the future.

The Framework Convention for the Protection of National Minorities and the Irish Primary Education System

Educate Together believes that the situation outlined above constitutes a serious denial of the human rights of children and parents of minority religions and violates the spirit and provisions of the Framework Convention for the Protection of National Minorities.

Specifically, Educate Together would ask the Advisory Committee to consider the following Articles of the Framework Convention with regard to the Irish primary education system:

The Preamble, namely

“Considering that a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity;”

“Considering that the creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not of division, but of enrichment for each society;”

Failing to ensure that primary schools are available that provide equal respect for diverse religious views directly undermines the cultural and religious identity of ethnic minority families and hampers the creation of a climate of tolerance and dialogue.

Section II

Article 4 (2)

“The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority.”

The Irish State has failed to ensure such equality in relation to access to primary education for minority nationalities whose religious identity is neither Catholic

or Church of Ireland (including Anglican, Methodist or Presbyterian). Primary schools are especially important as it is here that the foundations of moral and ethical mores are established with long lasting repercussions for the social attitudes of future generations of young adults. Not only does this inequality impact upon children, the ability of members of minority religions to become teachers and role models in schools must be considered here. The Employment Equality Act 1998 allows the majority of the State's primary schools to discriminate on religious grounds in the employment of staff – irrespective of their ability to carry out their duties.⁹

Article 5 (1)

“The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

By failing to establish a national network of schools obliged in law to provide equal access and regard to children irrespective of their religious background, the Irish State is not promoting the necessary conditions for persons of religious minorities to maintain, develop or preserve their religion, identified in this Article as an essential element of their identity. Educate Together believes religious bodies have the right to establish schools promoting their religion; however the State has a duty to ensure that children of minority religions can also attend a school that respects their beliefs and rights equally.

Article 6 (1)

“The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons’ ethnic, cultural, linguistic or religious identity, in particular in fields of education, culture and the media.

⁹See Appendix 2

Reiterating the case already detailed, this Article specifically identifies education as the first in fields of particular importance. Educate Together considers that effectively compelling families to attend schools which promote the majority religion contradicts any genuine spirit of tolerance between religions and undermines intercultural dialogue.

Article 7

“The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

The young age and vulnerability of primary school children to the prevailing ethos of a school must be taken into account in considering the relevance of this Article. Compelling minority religious parents to send their children schools which promote the majority religion, violates the freedom of expression, thought, conscience and religion of both the parents and the children.

Article 12 (3)

“The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

As detailed above, the Equal Status Act contains specific exemptions to allow religious schools to discriminate on grounds of religion in relation to enrolment (access) policies.¹⁰ The continuation of these exemptions in law and the continued implementation of priority access to families of specific religions in areas where there are shortages of school places is a direct violation of this article.

¹⁰ See Appendix 1

Conclusion

Ireland will submit the Second State Report under this Framework Convention on September 1st 2005. On this same day over 300,000 children will begin a new school year and once again, many parents have no choice but to send their child to a denominational school which conflicts with their family-held religious belief. During the school year ahead, children of minority religions will be found sitting at the back of the classroom, or waiting in the principal's office while religious instruction is taking place. Or if their parents have decided not to withdraw their children from religious instruction the child then has to participate in a lesson which teaches religious truths that conflict with the beliefs held the child's family. Both scenarios are real and present in Irish classrooms today.

This is not a 'harmless' issue. It is a very serious human rights issue which impacts daily on families of minority religions. Furthermore it has consequences for the development and future well-being of Irish society as a whole.

Educate Together believes that the Irish State's policies towards primary education violate the human rights of parents, children and teachers who are members of minority religions or who do not hold any religious beliefs. This cannot continue.

In January 2005, Educate Together presented this case to the United Nations Committee on the Elimination of All Forms of Racial Discrimination. In March 2005, the UN CERD Committee issued the following recommendation to the Irish Government:

“The Committee, noting that almost all primary schools are run by Catholic groups and that non-denominational or multi-denominational schools represent less than 1% of the total number of primary educational facilities, is concerned that existing laws and practice would favour Catholic pupils in the admission to Catholic schools in case of shortage of places, particularly in the light of the limited alternatives available. (article 5(d)(vii) and 5(e)(v))

The Committee, recognising the “intersectionality” of racial and religious

discrimination, encourages the State party to promote the establishment of nondenominational or 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.”

The most obvious response for the State would be to ensure that a network of multi-denominational schools is established, without delay, so that all families who choose to do so, can access a school that respects all religious backgrounds equally. Regrettably the State has not yet acted on this recommendation.

Educate Together’s assessment of wide international experience is that States must provide an educational space of equality and respect in order to address the rights of national minorities. Attempts to impose a dominant religious view – wittingly or unwittingly – or by simple institutional inertia - deny freedom of thought, expression and conscience. Such denial inherently promotes distrust, alienation and negative social attitudes and can lead to racism, intolerance and violence. International experience repeatedly identifies the response of educational systems at the primary level as critical to the success of educational and social initiatives and in the promotion of well-being and harmony between majority and minority cultures.

Educate Together is hereby asking the Advisory Committee to consider the relevance of the Framework Convention to the rights of religious minorities in Ireland, specifically in relation to the education system. We would like to see the Irish government finally addressing and acting on the human rights issues detailed above that to date they have turned a blind eye to.

Table 1

Distribution of Irish Primary Schools according to Religious Ethos, 2002-2003*

Catholic	2919	93%
Church of Ireland	184	5.8%
Multi-denominational	30	0.9%
Presbyterian	13	0.5%
Inter-denominational	4	0.1%
Muslim	2	0.06%
Methodist	1	0.03%
Jewish	1	0.03%
Other	1	0.03%
Total	3155	100%

Table 2

Census Results 1991 and 2002 Religious Affiliation[#]

<i>Religion</i>	<i>1991</i>	<i>2002</i>	<i>Actual Change 1991-2002</i>	<i>Percentage Change 1991-2002</i>
Catholic	3,228,327	3,462,203	234,279	7.3
Church of Ireland	89,187	115,611	26,424	29.6
Other Christian	16,329	21,403	5,074	31.1
Presbyterian	13,199	20,582	7,383	55.9
Muslim	3,875	19,147	15,272	394.1
Orthodox	358	10,437	10,079	2,815.4
Methodist	5,037	10,033	5,021	99.2
Other stated religion	19,762	40,026	20,264	102.5
No religion	66,270	138,264	71,994	108.6
Not stated	83,375	79,094	-4,281	-5.1
Total	3,525,719	3,917,203	391,484	11.1

* Most recent figures available. Obtained from the Department of Education and Science, 13th December 2004

[#] Published by the Central Statistics Office. 8th April, 2004 www.cso.ie

Appendix 1 – The Equal Status Act 2000¹¹

PART I PRELIMINARY

(2) As between any two persons, the discriminatory grounds (and the descriptions of those grounds for the purposes of this Act) are:

...

(e) that one has a different religious belief from the other, or that one has a religious belief and the other has not (the "religion ground"),

PART II DISCRIMINATION AND RELATED ACTIVITIES

7) Educational Establishments

...

2) An educational establishment shall not discriminate in relation to—

(a) the admission or the terms or conditions of admission of a person as a student to the establishment,

(b) the access of a student to any course, facility or benefit provided by the establishment,

...

(3) An educational establishment does not discriminate under *subsection (2)* by reason only that—

...

(c) where the establishment is a school providing primary or post-primary education to students and the objective of the school is to provide education in an environment which promotes certain religious values, it admits persons of a particular religious denomination in preference to others or it refuses to admit as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal is essential to maintain the ethos of the school...

¹¹ <http://www.justice.ie/> See Equal Status Section

Appendix 2 – The Employment Equality Acts 1998 and 2004¹²

PART IV Specific Provisions as to Equality Between other Categories of Persons

37.—(1) A religious, educational or medical institution which is under the direction or control of a body established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values shall not be taken to discriminate against a person for the purposes of this Part or Part II if—

- (a) it gives more favourable treatment, on the religion ground, to an employee or a prospective employee over that person where it is reasonable to do so in order to maintain the religious ethos of the institution, or
- (b) it takes action which is reasonably necessary to prevent an employee or a prospective employee from undermining the religious ethos of the institution. Exclusion of discrimination on particular grounds in certain employments.

¹² <http://www.justice.ie/> See Employment Equality Section