



ESC Rights Initiative

## **Implementation of Economic, Social, and Cultural Rights in Ireland: Key Issues in Education**

The right to education is one that has been proclaimed as fundamental in Ireland since the foundation of the state, as seen in Article 42 of the Irish constitution. This demonstrates, along with Ireland's ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Ireland's commitment to ensuring the right to education is met and enjoyed by all citizens and residents. However, despite declaration and acceptance of this right and its applications, Ireland struggles to maintain the standards required by its obligations to respect, protect and fulfil the right to education in a number of areas.

### Discrimination and Exclusion

*"The Rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth of other status."* [Article 2(2), ICESCR]

There is no doubt that discrimination regarding access to education occurs in the Irish schooling system. Many national primary and secondary schools in Ireland give preferential access to children based on their religious affiliations. This contravenes Article 2(2) of the ICESCR and other treaties, including the Convention on the Rights of the Child. This Committee criticised the lack of non-denominational schools for children in Ireland to attend. The Report also states that there are a large number of schools that *"continue to practice discriminatory admissions policies on the basis of the child's religion."*

### Voices from the Community:

*"I grew up in a rural village in Wicklow. There were a number of schools close to my house, but because of my parents' religious beliefs, and the fact that I was not going to be taking part in communion or confirmation, I was not allowed to attend there. I ended up having to go to school an hour away with no buses nearby. I was clearly discriminated against because of my parents' religious beliefs."*

### Affordability

*"Primary education shall be compulsory and available free to all. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education."* [Article 13(2)(a) and (b), ICESCR]

Education provides one of the core foundations of economic, social and cultural rights. The Irish Courts have consistently reaffirmed that there is an explicit duty on the state to fund primary education for children. This element of the right to education has not, however, been fully extended to secondary schooling.

Rural settings often require children to travel long distances for education, as public funding cannot provide for two-teacher primary schools in areas. This travel, when combined with other costs borne on families such as school uniforms, books and daily meals, makes attaining this primary education difficult for poorer or disadvantaged, or even people from remote areas.

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The education system also has difficulty providing for the many varied teaching methods necessary. These include the specific needs of children with learning disabilities.

### Quality and Protection of Standards

*"No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State."* [Article 13(4), ICESCR]

The Irish education system is unusual in that it works along a very indirect model of education. The state pays private actors to provide free education. This has been a feature of Irish education since the foundation of the state. This structure was effective when there were less actors to pay. However, in recent years the different types of schools emerging lead to a difference in standard.

Although the schools are given minimum education standards and guidelines to follow in accordance with the convention and Irish law, the application of these standards can be seen ineffective and detrimental to the continued growth of primary school education.

### Voices from the community:

*"The country has changed so much socially that people now have choice. I believe that the system might be different with these schools but children will still get the same education that they would get in any other school."*

### Equality of Access

*"The States Parties to the present Covenant recognise the right of everyone to education. ... Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education"*

[Article 13(1) and 13(2)(c), ICESCR]

In Ireland, education is not just a right, it is a duty. Education is compulsory for children aged between five and sixteen years old. The subject of accessibility to education is, in most countries, a fiscal matter. The lower the cost of access to education, the greater the equality of accessibility. In Ireland, sixty percent of primary schools charge a fee between €50 and €25 per child, per year. Access to primary and secondary public school education is affordable. When we look at third level university education, however, this is not the case.

University fees are €3000 per year (at least), not including accommodation, food, and other basic living costs. These university fees are very high, even by western European standards. In France, Germany, and Austria, the cost of public university is between €300 and €700 per year. In Denmark, almost all higher education establishments are completely free. In the current climate, it may be difficult to envisage fully free higher education in Ireland. However, an increase in scholarships and a decrease in university fees are essential to facilitating equality of access for those from disadvantaged social backgrounds.

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