

# Human Rights Education in Ireland

An Overview

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By

Irish Human Rights Commission

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The Irish Human Rights Commission (IHRC) was established under statute in 2000, to promote and protect human rights in Ireland. The human rights that the IHRC is mandated to promote and protect are the rights, liberties and freedoms guaranteed under the Irish Constitution and under international agreements, treaties and conventions to which Ireland is a party.

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# Selected Glossary of Terms

CERD	Convention on the Elimination of All forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CSPE	Civic, Social and Political Education
CPT	Committee for the Prevention of Torture
DEIS	Delivering Equality of Opportunity in Schools
DICE	Development and Intercultural Education Project
ECHR	European Court of Human Rights
ECHR Act	European Convention on Human Rights Act 2003
EU	European Union
FRA	EU Fundamental Rights Agency
HRE	Human Rights Education
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHRC	Irish Human Rights Commission
NCCA	National Council for Curriculum and Assessment
NCSE	National Council for Special Education
NDP	National Development Plan
NUI	National University of Ireland
OCO	Office of the Ombudsman for Children
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the UN High Commissioner for Human Rights
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PDST	Professional Development Service for Teachers
SPHE	Social, Personal and Health Education
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations International Children's Emergency Fund
WPHRE	(UN) World Programme for Human Rights Education

# Foreword

# Foreword

I am delighted to present the Irish Human Rights Commission's Human Rights Education Report. The Commission is mandated under statute to work for the promotion and protection of human rights, and one of our specific functions is to promote human rights education and training, and awareness of human rights. But it is not solely because of this statutory mandate that we are working to promote human rights education, but because we are convinced of the crucial importance of education and training in human rights to build a society that is human rights centred.

Through our work in analysing legislation, publishing policy positions, presenting reports to the United Nations on Ireland's record of compliance with its human rights commitments, and appearing as *amicus curiae* before the courts, among other functions, we have come to fully appreciate that a key method of ensuring that Irish law, policy and practice promotes and protects the human rights of everyone in Ireland is the provision of education and training. It was as a result of this growing realisation that we undertook to map the extent of the provision of human rights education across a range of sectors in Ireland. This report is the result of this exercise. While it does not intend nor claim to be a comprehensive assessment of every element of all these sectors, we hope that by this report we have provided for the first time an overview of human rights education and training in the different sectors and identified where there are gaps and opportunities.

The purpose of this report is to promote and support the development of a national human rights education action plan for Ireland. While we recognise and welcome the work that has gone on to promote human rights through education and training, it is clear from our assessment that there are serious gaps in the provision of human rights education across all sectors. A human rights education plan would allow the Government to fulfil its international commitments and to plan to fill the gaps and identify the opportunities that exist to ensure a comprehensive programme of human rights education and training is in place in Ireland. The provision of human rights education and training need not be cost intensive. Indeed, with our limited resources, the Commission has already piloted a human rights training programme for the Civil and Public Service. There have been other excellent pilot projects that have been undertaken, such as Amnesty International's *Lift Off* project, which provide successful models in the formal education sector.

Ensuring that everyone in Ireland, from school children to senior civil servants, is aware of their rights and the rights of others will help to create a society that values diversity, protects the most vulnerable, and promotes openness, democracy and inclusiveness. We hope that this report will be of assistance in the development of human rights education in Ireland, and stand ready to provide our full support to the implementation of Ireland's human rights education commitments.



Maurice Manning  
President

# Executive Summary



# Executive Summary

## Introduction

The Irish Human Rights Commission (IHRC) is pleased to publish this report on Human Rights Education in Ireland, which aims to provide an overview of the current provision of human rights education and training across a diverse range of sectors: primary, post-primary, higher education, the civil and public service and legal profession and in the community and voluntary sector. The report takes its direction from the United Nations World Programme for Human Rights Education (WPHRE), which Ireland has signed up to. One of the key actions to be taken by States as a result of this programme is the development of a National Action Plan for Human Rights Education, developed with the support of a national committee for human rights education and training. The IHRC hopes that this report will provide an impetus and support for the development of an Irish National Action Plan, by giving an overview of human rights education and training in Ireland – a step that the United Nations has identified as key to the preparation of a national action plan.

This report also identifies a number of opportunities to progress the integration of human rights education within each sector of activity. The IHRC deeply appreciates the views of Ireland's leading actors within each sector whom we have consulted with and acknowledges their contribution in helping the IHRC to consider the opportunities that exist. The IHRC also acknowledges the considerable contributions that have been made to human rights education in Ireland by a range of actors across all sectors. The IHRC is acutely aware of the impact of a lack of resources across all the sectors considered in this report, and the impact of reductions in budgets on the implementation of many of the initiatives that had been in place to promote human rights education and training. However, it considers that the development of a National Action Plan and a shift in policy focus to human rights education and training do not need to be resource intensive, and that resources should not be used as a barrier to the development of a national action plan.

In looking at human rights education in Ireland, the report firstly discusses the definition of human rights education, and the legal bases underlying the State's duty to provide human rights education and training. It then looks at some of the other forms of education that already make a contribution to the promotion of human rights. The report goes on to review human rights education in the context of primary, post-primary and third level education, in the community and voluntary sector, in the civil and public service and the legal profession. Finally, the report provides some points for consideration and practical steps in relation to the development of a National Action Plan for Human Rights Education and Training in Ireland. This report is not intended, nor does it claim, to provide an analysis of every law, policy, project and initiative relevant to human rights education in Ireland. However, it does hope to provide a useful overview that will allow the development of a national action plan to embed human rights education in Irish law, policy and practice.

## The Definition of Human Rights Education

Human rights education is:

**[E]ducation, training and information aimed at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes. (WPHRE)**

The OHCHR and UNESCO have elaborated this to mean:

**A comprehensive education in human rights not only provides knowledge about human rights and the mechanisms that protect them, but also imparts the skills needed to promote, defend and apply human rights in daily life. Human rights education fosters the attitudes and behaviours needed to uphold human rights for all members of society.**

The WPHRE plan of action definition states the *purpose* of human rights education – building a culture of human rights. The OHCHR and UNESCO elaborate on what such education would look like. Thus in order to build a culture of human rights, which is a duty placed upon the State by virtue of its membership of the United Nations and adherence to a range of international human rights treaties and conventions, the State must impart knowledge about human rights and their enforcement/protection mechanisms, provide skills to promote, defend and apply human rights, and shape attitudes and behaviour so that human rights are upheld.

## The Rationale for Human Rights Education in Ireland

Human rights education is a core component of any country's efforts to strengthen respect for human rights and fundamental freedoms. Since the founding of the United Nations (1945) and the proclamation of the Universal Declaration of Human Rights (1948), the necessity and potential of education as one of the primary vehicles to promote and protect human rights has been recognised. Dynamic efforts for the promotion of human rights education have been made since the 1993 Vienna Declaration and World Conference on Human Rights propelled a cohesive effort throughout the international community to strengthen human rights education. These initiatives – including most recently the *United Nations Declaration on Human Rights Education* adopted by the Human Rights Council - offer Ireland an opportunity to develop a concrete plan to meet its commitments in promoting and protecting human rights in Ireland.

As Ireland envisions and formulates the road to national recovery in light of the global and national dynamics, it is the IHRC's view that human rights education—adequately resourced and effectively practiced within each sector—is an integral component of the human rights and equality infrastructure needed to ensure the well-being of all who reside here.

## Assessing and Implementing Human Rights Education

The United Nations, in providing guidance on the development of human rights education at the national level, considers that a comprehensive approach to human rights education must include policies, policy implementation, teaching or training and learning, the learning environment and continuous professional development,

and their application is considered to lead to what is described as ‘quality human rights education’.<sup>1</sup> The extent of human rights education in Irish schools, higher education institutions, the community and voluntary sector and the civil and public service and the legal professions is therefore considered in this report using these components.

## Human Rights Education In Different Sectors

### The Relationship Between Human Rights Education and Other Approaches to Education

Currently, there are a range of different educational approaches which make a very valuable contribution to the promotion human rights in the Irish education system that are closely associated with human rights education but are not human rights education as defined by WPHRE. The four most common approaches are Citizenship Education, Intercultural Education, Development Education and Education for Sustainable Development. These approaches to education have emerged as a means to address societal and global challenges. For example, the shape that citizenship education has taken was informed by the UN Decade for Human Rights Education. An important factor in the impact in Ireland of development education and increasingly intercultural education in Ireland has been the support given by Irish Aid. However, human rights education is an overarching framework to promote and embed human rights across society. Thus while other education approaches promote human rights in particular context or in relation to particular issues, they do not comprehensively fulfil the needs of human rights education. The properly supported provision of human rights education would facilitate all of these educational approaches through the framework of a human rights education action plan.

### Primary and Post-Primary Education

In Ireland, human rights education is at its most developed and features most prominently in the formal primary and post-primary education sectors when compared with the other sectors considered in this report. However, the successful integration of human rights education in school systems requires that it be embedded across all areas: in legislation, policies, implementation strategies, the learning environment, teaching and learning approaches, and the initial education and professional development of teachers and other school personnel. Human rights education elements can be identified in each of these areas at present to a greater or lesser extent, but overall there must be a greater commitment by the State to the implementation of human rights education in practice.

### Legislation, Policies and Implementation Strategies

It is welcome that some human rights-orientated policies can be identified in the current Irish educational framework. However, human rights education itself is not embedded in the system, and there is no coherent and cohesive policy framework based explicitly on human rights principles. The Education Act 1998 in particular, does not establish as a goal the promotion of human rights education. Human rights

<sup>1</sup> UN, Revised Draft Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights Education, A/59/525/Rev.1, March 2005, Appendix, at para.1.

education should be explicitly included as an overarching goal of education in any subsequent legislation in this area.

A range of policies currently exist that support human rights education principles, including those tackling educational disadvantage, improving access to education, and supporting and promoting interculturalism and the rights of Lesbian, Gay, Bisexual and Transgender (LGBT) young people. However, in order for these programmes to be effective in practice, sufficient resources must be ensured as well as a commitment to including target groups in the design, development and evaluation of such programmes.

The purpose of human rights education is to build a culture of human rights not only through teaching and learning but in the whole-school approach. The inclusion of human rights education in School Development Planning is central to the promotion of human rights on a whole-school level. Human rights education should also be a strong feature of a whole-school programme and subject evaluations. The School Inspectorate can play an important role through the inclusion of human rights and human rights education in inspection criteria.

## **Learning Environment**

At the core of human rights education is creating an environment where human rights are practised and lived within the school community and through interaction with the wider community. Such an environment must be safe, inclusive and participatory. Embedding human rights in the school community requires the support of the school leadership, including through integration of a human rights approach in school plans, policies and ways of working, and supporting teacher and other school personnel to implement such an approach.

An inherent feature of human rights education and a core aspect of the Convention on the Rights of the Child is the right of a young person to participate in decisions that affect them. The development of school councils at post-primary level is a positive initiative that supports such an approach. However, it is of concern that since the initiative to establish school councils was first rolled out there has been a decline in young people's participation in decision-making. For class and school councils to be successful there must be a clear understanding of the role of such bodies and they must be placed at the heart of school activity and fully supported by principals and school leaders. School councils should also be extended to primary schools.

The learning environment however, is wider than the school community. A key component of human rights education is the development of attitudes and behaviours that support human rights in society. Young Social Innovators, the Irish Traveller Movement's Yellow Flag project and Development Education initiatives have played an important role in this area to date, and such initiatives should continue to be supported.

## **Curriculum**

Human rights education in Ireland is most prominent in aspects of the primary and post-primary curriculum and subject syllabus. The National Council for Curriculum and Assessment (NCCA) has an important role in advising the Minister for Education and Skills on curriculum and assessment for primary and post-primary schools. This advice is generated through engagement with schools

and educational settings, with committees and working groups and is informed by research, evaluation and foresight. The NCCA takes a welcome consultative approach to the development of curricula.

## Primary Curriculum

The Primary Curriculum is integrated and flexible in nature and its aims and child-centred approach reflect the principles set out in the UN Convention on the Rights of the Child (CRC). Thus there is strong potential for human rights education in primary education in Ireland. An explicit commitment in the core curriculum to human rights education would ensure that the processes of teacher education, curriculum development, school planning, and inspection fully engage with human rights. Such an overt reference is important as research demonstrates that there may be low awareness and understanding among teachers of human rights standards and the nature of human rights education. Low levels of knowledge and understanding of human rights education diminishes the potential of a whole-school approach to it.

As regards specific subjects in the primary curriculum, **Social, Personal and Health Education (SPHE)** is the subject that makes the most contribution to human rights education in its aims and holistic approach. The impact of the curriculum has been positive in terms of enhancing children's confidence, mutual respect and appreciation of diversity. The potential to promote human rights education through SPHE is diminished by the small amount of time - 30 minutes per week - given to teaching SPHE in the curriculum. In relation to human rights education lack of resources can be overcome by mainstreaming projects such as the *Lift Off* initiative led by Amnesty International-Irish Section. The *Lift Off* initiative is a good example of a partnership approach to human rights education, being jointly run by Amnesty International-Irish Section and Amnesty International-Northern Ireland, together with the Ulster Teachers Union and the Irish National Teachers Organisation, funded by the Departments of Education in both jurisdictions with the support of the IHRC and the Northern Ireland Human Rights Commission. This project has worked successfully to promote human rights education in primary schools in three ways: through the development of curriculum support materials; through the promotion of a whole-school approach to human rights education; and by facilitating cross-border links between participating schools. The outcomes of the initiative for children have been increased knowledge about their human rights, more participation and appreciation of diversity, better conflict resolution strategies and more means to tackle issues such as bullying. **Social, Environmental and Scientific Education (SESE)** also offers potential opportunity to embed human rights education, as the aims of the SESE curriculum resonate with the aims of human rights education.

## Post-Primary Curriculum

### Junior Cycle

At the junior cycle, there already exists a very positive model for the advancement of human rights education. **Civic, Social and Political Education (CSPE)** stands out as the main opportunity for human rights education. It is influenced and shaped by both the Convention on the Rights of the Child and the Decade on Human Rights Education. The aim of CSPE, which is a compulsory subject, is to promote active participatory citizens. Human rights are explicitly referred to as values that underpin the learning outcomes of the subject. For CSPE to fulfil the aim of relating human rights to the everyday lives of students, the links between the values

promoted in CSPE and a whole school approach to human rights need to be made explicit, including through addressing participation and governance issues.

Many of the challenges faced by CSPE are not related to content or approach but are a result of institutional or structural issues that hamper its potential to deliver on its aims. These challenges relate to the low status of CSPE in many schools. This is exacerbated by the shorter amount of time allocated to teach the subject, the fact that CSPE is an elective component of initial teacher education and the reduction in supports for in-service teacher education.

The Social, Personal and Health Education (SPHE) programme is another space in the Junior Cycle curriculum that the IHRC considers could advance human rights education, building on the potential that this programme offers at primary level. There is also potential to further embed human rights education as a cross-cutting theme in subjects such as Religion, Geography, History and Home Economics - Social and Scientific.

## Senior Cycle

### Transition Year

Many schools avail of the flexibility offered by the optional Transition Year programme to explore diverse topics including human rights. There are a number of good initiatives in place, such as Young Social Innovators, which, although external to the curriculum, facilitate youth-directed action on social issues, many from a human rights perspective. Transition units offer another vehicle to promote human rights in the programme. Transition Year can also offer an opportunity to consider some of the topics covered in Politics and Society. There is thus considerable potential to develop a human rights education transition unit and the IHRC would welcome engagement in the development of such a unit.

### Leaving Certificate

Within the Leaving Certificate, human rights education is less developed. However, there are opportunities to make human rights education prominent in a single subject and as a cross-cutting feature of other subjects.

From a human rights education perspective, a significant development for the Leaving Certificate is the new Politics and Society subject. The conclusions of the NCCA report on the consultation on the draft Politics and Society syllabus propose a stronger focus on human rights which is very welcome. To give substance to this commitment, there should be an explicit unit on human rights in the syllabus, the cross-cutting nature of human rights should be reflected in other units.

For Politics and Society to be consistent with human rights education, it needs to be developed as part of a whole school approach, so that students not only learning about rights and democracy but that they can practice them and experience them in their own school community. For this reason it should be a mandatory subject in the Leaving Certificate and should be allocated the same amount of time as other mandatory subjects in the curriculum. CSPE and Transition Year should be promoted as foundation blocks for the subject. There is also scope for the approach taken for Social Education in the Leaving Certificate Applied to inform Politics and Society. In addition, teacher education will be a key component in the successful roll out of Politics and Society and adequately funded and planned teacher education and continuing professional development on this subject should be put in place.



Politics and Society can make a significant contribution to the advancement of human rights education in the senior cycle. Even if current resource limitations prevent the implementation of the syllabus at national level immediately, it could be rolled out on a trial basis. The IHRC looks forward to opportunities to support this syllabus.

Human rights are cross-cutting, and therefore could also feature more prominently in other existing subjects such as Home Economics-Scientific and Social, Religious Education, Geography and History. In addition, for the integration of human rights education into other subjects, teachers will require supports in order to deliver these subjects effectively. In this regard, there should be adequate provision for teacher education in human rights education to improve its implementation on a whole-school basis.

## Education and Professional Development of Teachers and other Educational Personnel

The incorporation of human rights education into teacher education is essential for its development and sustainability. By prioritising further support for teacher education in its Second Phase, the WPHRE emphasises the centrality of education and continuous professional development of teachers to the success of human rights education. Teacher education is central to the success of any sustainable national action plan on human rights education and is an area that requires additional support within the Irish system. To further promote human rights orientated educational practice, human rights should be as a core value of the teaching profession and included in training. In addition, documents such as the Codes of Professional Conduct for Teachers and in the Teaching Council's Continuum of Education policy document offer an opportunity to situate the teaching profession within a stronger human rights framework.

### Primary Education

In terms of building awareness and understanding of human rights education, its growing presence in the five main teaching colleges is an important indication of its relevance in the modern classroom.

As regards initial teacher education; at St Patrick's College, Drumcondra, human rights education is explicitly delivered, being integrated across the entire teacher education curriculum and explored in dedicated courses. The promotion of human rights is featured in the programmes of other colleges in a variety of ways, though it is less integrated in approach and primarily offered through the lens of development and interculturalism. For human rights education to be an overarching component of initial teacher education, the Department of Education and Skills needs to provide greater investment and support to the colleges to build on what exists and incorporate human rights education as a core component of their education provision, with particular emphasis on the content of SPHE.

The Professional Development Services for Teachers (PDST) encompasses the services previously provided by the Primary Professional Development Service, also offers continuous professional development courses for teachers on SPHE. An important development from a human rights education perspective is the work that Amnesty International-Irish Section is progressing with the PDST to develop a human rights education course for primary teachers as a consequence of the

*Lift Off* initiative. There are also number of online courses and optional summer courses that promote a human rights education dimension. However, greater priority should be given to human rights education in the development of teacher education programmes.

## Post-Primary Education

Human rights education is a feature of initial teacher education. However, there are opportunities to further develop this area, particularly in relation to core aspects of the curriculum including CSPE and in Politics and Society in the future. Though CSPE is a core subject for the Junior Certificate, it is not a core course component of initial teacher education. Teachers of CSPE have limited opportunities to cover human rights in their initial teacher education at university. CSPE has a key role to play in promoting human rights education. To do this effectively it needs to be a core part of initial teacher education. While the intercultural education and development education dimensions are strong much more investment is needed to integrate human rights education. This will become an even more important consideration in advance of Politics and Society coming on stream.

The PDST now encompasses the services provided by the Second Level Support Service (SLSS). The backdrop to the amalgamation of many of the support services was severe cuts in funding. Within the SLSS, the CSPE Support Service had dedicated resources to support teachers to deliver the curriculum through the production of materials, a website and in-service teacher education. That service now has significantly decreased resources to support CSPE to advance human rights education. These resources should be reinstated. Further support is provided by Curriculum Development Unit of the City of Dublin Vocational Education Committee (CDVEC) which has produced a range of pilot resources to support the development of CSPE and Transition Units and facilitates networking.

Outside of the Department of Education and Skills, Irish Aid has made a major contribution to the integration of development education and intercultural education across the primary and second level curriculum which has human rights as a core element. It has funded development education organisations and initiatives such as the Development and Intercultural Education (DICE) Project, the Ubuntu Network, as well as, the *Lift Off* initiative that produce resource material tailored for teachers and students. Outside of the state sector a range of community and voluntary organisations have worked in partnership with the education support services to produce a variety of human rights resource material.

## Review and Recommendations

- Human rights education should be explicitly included as a goal of education in any subsequent education legislation, policies and implementation strategies.
- Reform of the education system must ensure that the curriculum and whole-school approach fosters human rights education and the best interests of the child.
- A partnership approach to embedding human rights education in the education system should be encouraged.
- Adequate resources and supports to realise human rights education in practice should be put in place.
- Targeted educational programmes should be well resourced and



- supported and involve representatives of target groups and communities in their development, monitoring and evaluation.
- To ensure the development of human rights education, adequate resources should be made available to support services, particularly for SPHE and CSPE.
  - There should be a more explicit reference to promoting and protecting human rights in the aims of the primary curriculum.
  - The time allocated for SPHE should be increased.
  - More space should be given to human rights education within SPHE.
  - The human rights focus of SESE should be strengthened.
  - Greater support to encourage the development of autonomous self governing students councils as well as a commitment to develop them at primary level is needed.
  - The resources and lessons learned from *Lift Off* should be mainstreamed in the whole-school approach, the curriculum and in teacher education.
  - Sufficient resources, supports and educational opportunities must be made available for principals, assistant principals and teacher to apply guidelines that promote respect for diversity in the school community.
  - Human rights and a human rights approach to education should be core aspects of teacher education, and CSPE should be mandatory, particularly as there is no equivalent primary degree in the subject.
  - The efforts of other organisations to promote human rights in schools and with the wider community should be resourced and supported to ensure implementation in practice.
  - The IHRC looks forward to working with all actors in this area to support the further development of human rights education.

## Higher Education

The Second Phase of the WPHRE states that key features for human rights education policymaking in the higher education system include policies that ensure the inclusion of human rights and particularly human rights education in a coherent way, as well as comprehensive human rights training for teaching personnel.

### Legislation, Policy and Policy Implementation

It is clear that human rights already form part of higher education in Ireland, though it is more evident at institutional and course level than in over all legislative and policy level. There are no references to the promotion of human rights or human rights education in higher education legislation. However, as with post-primary education, there are programme supports that promote the right to education by tackling barriers to accessing education experienced by certain groups such as people on low incomes, from educationally disadvantaged backgrounds or with special needs. These programmes and support services need further resources to have the maximum impact.

### Teaching and Learning

In relation to teaching and learning, in addition to a wide range of human rights law courses, there are human rights components included in a number of other courses in higher education institutions. While this report only provides a snapshot of the extent to which human rights is present, it is evident that human rights are included in more areas than might first be imagined. However, particularly in considering

the current situation to the policy process identified by the WPHRE, and the other elements (learning environment, research etc.) set out in WPHRE, it is clear that there are opportunities to strengthen human rights education in this sector. In Ireland, the advancement of human rights education in higher education institutions could be progressed in a number of ways. This could include through the promotion of Human Rights Centres, an increase in courses on human rights, integration of human rights themes across a range of courses and interdisciplinary study, and internships. Investment in research on human rights issues; resources for teaching including written materials, networks, trainings and scholarly publications; two-way learning between universities and NGOs and the community and voluntary sector are other important factors.

## **The Learning Environment**

The Taskforce on Active Citizenship encouraged higher education institutes to come together to promote and link civic engagement activities including volunteering and service learning. It also recommended the development of a national award/certificate to recognise student volunteering. There are an increasing number of initiatives in higher education that promote civic engagement whether through degree programmes, research units or outreach projects. Campus Engage is an important national framework to advise support and enable active citizenship and service learning in higher education. Such initiatives also engage with the wider community outside of the campus.

In relation to student participation, all higher education institutes are required to have a number of student and staff representatives as members of the governing authority of the college. It is common practice for student representatives to be members of college committees and all classes are encouraged to elect class representatives. Students also have their own independent structures – student unions – to give voice to their concerns and campaign on issues, many of which relate to human rights. The Union of Students in Ireland provides representation for students at the national level.

## **Review and Recommendations**

- The relevance of human rights education to all disciplines should be profiled and examples of good practice in human rights education in diverse disciplines highlighted and supported, including through networks across disciplines to promote human rights education.
- Human rights within existing service learning, volunteering, and civic engagement activities in higher education institutes should also be profiled, and the conceptual link between human rights education and civic learning should be clearly made.
- Access to quality education is an integral part of human rights education and the progressive investment of resources is required to achieve equity of access to and participation in education.
- Policy commitments require the sufficient allocation of resources to implementation bodies, and in particular through the continuation of financial support to those groups experiencing barriers to higher education.
- Human Rights Centres have a role to play in forging a link between human rights and service or community based learning, and in promoting human rights across all disciplines and subject areas in higher education.

- Ways to increase resources for research on human rights in Ireland should be explored.
- Research on the impact of human rights education on students' future careers and volunteer activities would be helpful.
- There is greater scope for two-way learning between higher education institutes and the community and voluntary sector particularly in relating human rights standards to daily life and in supporting the use of participatory methodologies, which are central to achieving holistic human rights education.
- The IHRC hopes to work with the Higher Education Authority and higher education institutes to bolster human rights education in higher education settings.

## The Community and Voluntary Sector

Internationally, civil society and Non-Governmental Organisations (NGOs) are the most prolific deliverers of human rights education and training. They have also had a strong influence on shaping human rights education policy and programmes at the international and regional levels and in holding States to account in relation to their obligations to promote human rights in and through education. Likewise, community and voluntary organisations in Ireland play a fundamental role in promoting and defending human rights, in domestic and international contexts. A higher awareness of human rights standards and their application to practical concerns has led to increased activism by a wider range of community and voluntary organisations with international human rights bodies; holding Ireland to account in relation to its human rights obligations. Human rights education and training underpin a stronger engagement with such organisations.

Until relatively recently human rights education as a concept and practice was promoted by relatively few organisations, rather development education was more well known and widespread. A number of pilot projects have emerged on the island of Ireland that promote a human rights approach to address issues that affect communities living in vulnerable or disadvantaged circumstances. Through education and training, communities have empowered themselves to engage with the State to hold it to account and achieve changes to improve their quality of life. The lessons learned from these could support other such projects in this area.

Organisations that have a strong history and track record in promoting and delivering human rights education in Ireland have been catalysts for more and more community and voluntary organisations to see the benefit of highlighting inequalities and injustices through the application of human rights standards. Organisations are increasingly promoting human rights awareness, education and training in Ireland, not just to people and groups they work with but also in the educational, legal and public sectors.

While there is a strong interest in human rights education and training among community and voluntary organisations, a significant factor limiting the community and voluntary sector's ability to provide human rights education was identified as a shortage of resources. There is little evidence of State support to human rights education and training, other than the support provided to development education. There should be increased State support to the human rights education and training initiatives evolving in the community and voluntary sector.

## Review and Recommendations

- There should be promotion of the lessons learned from human rights education and training initiatives undertaken in this sector.
- There should also be provision of resources to the community and voluntary organisations to deliver human rights education and training.
- Support should be provided for training for trainers to equip educators in the formal and non-formal sector to deliver human rights education and training to the highest quality.
- Support should also be given for the establishment of a trainer's network through which community and voluntary organisations could pool their resources together in order to provide human rights education. This would provide significant savings for already stretched resources. It could also facilitate organisations to target a wider audience than would otherwise have been feasible.

## Continuing Professional Development: the Civil and Public Service and Legal Profession

The Second Phase of the WPHRE prioritises human rights education and training of civil servants, law enforcement officers (including police, prison personnel and border patrols) and military personnel. Human rights education is essential to equip the civil and public service with the knowledge, skills, attitudes and ways of working that can promote and protect human rights. In an Irish context there is broad recognition of the importance of human rights education and training by a variety of statutory and policy influencing bodies. There is an understanding that embedding human rights in public sector practice means linking human rights with standards of policy and service delivery, that these standards should be benchmarked and monitored to measure performance and that mechanisms should be in place to hold Government to account.

As well as meeting human rights obligations, ensuring the highest quality of human rights training for staff across the civil and public service enhances staff morale and quality of service delivery. Despite this, the State and its organs do not provide systematic training on human rights for civil and public servants. There is little guidance tailored to service providers in applying human rights principles in their work. The approach taken by An Garda Síochána is a welcome exception. However, key training providers for the Civil and Public Service in Ireland are receptive to enhancing the human rights capacity of the organisations they train. In addition, there exists a very welcome openness to increasing the profile of human rights across the sector.

Each Government Department is responsible for the training and development of its staff. There is more emphasis in the civil and public service on the delivery of quality public services. There are implicit references to human rights principles in the Government's quality public services initiative, but little training has taken place due to resource constraints. Human rights education and training can develop the skills and know-how to apply those human rights principles in practice.

An Garda Síochána lead the way in terms of good practice in relation to human rights education and training in the civil and public service. The Garda Síochána has developed a Human Rights Action Plan and within that a human rights education

and training plan. It has rolled-out human rights training as a core aspect of initial Garda education and increasingly as part of the continuing professional training of Senior Gardaí.

The training programme of the Civil Service Training and Development Centre (CSTDC), the main providers of training to the civil service, has a number of legal courses with some human rights elements and there is considerable opportunity to include human rights education and training in its programme. The Institute of Public Administration offers an extensive programme of education and training to the civil and public service and there is also significant scope here.

The IHRC has identified a number of short, medium, and long term opportunities in this area, where there are clear opportunities to research, develop and potentially deliver human rights education and training courses tailor made to the needs of a range of actors in the civil and public service. A key requirement for this to bear fruit is the willingness and commitment at all levels to see the value in human rights education and training. The IHRC particularly looks forward to supporting the implementation of human rights education within the civil and public service through the IHRC's Human Rights Education and Training Project.

As regards the legal professions and judiciary, the Committee for Judicial Studies (formerly Judicial Studies Institute) is responsible for support the continuous professional development of the judiciary and the IHRC is supportive of their efforts to expand their programme. As regards the legal profession, both the Kings Inn and the Law Society of Ireland address human rights in their educational programmes and in continuing professional development. However, there is potential within both bodies to develop even more explicit human rights content. The IHRC would hope to support such development in any way possible.

## Developing a National Action Plan

It is clear from the consideration in this report, that human rights education and training is most evident in the formal education sector in Ireland. It is also evident that it is evolving in the non-formal education sector. Finally, it is clear that there are serious gaps in the provision of human rights education and training in the civil and public service. However, what is also clear is that there is a genuine openness to strengthen human rights education and training across all sectors. To achieve coherence in the development and delivery of human rights education and training, and for Ireland to meet its obligations in this area, a National Action Plan for Human Rights Education and Training with the necessary resources allocated for its implementation is required.

The OHCHR has set out five steps that States should take towards establishing a National Action Plan. On the basis of the analysis in this report and the steps identified by the OHCHR, the IHRC considers that the following steps should be taken to establish a National Action Plan in Ireland:

### Step 1: Establishing a National Committee for Human Rights Education and Training

The IHRC considers that a committee on human rights education and training should be formed comprising representatives from across Government Departments, statutory bodies, and civil society under the stewardship of the Minister for Education and Skills and the Minister for Public Sector Expenditure and

Reform. This committee should be responsible for the development, implementation, monitoring and evaluation of a National Action Plan. The process of developing the plan should be a consultative one and the committee must be required to seek the views of civil society including Trade Unions and other groups in its work. The IHRC considers that it should have a prominent role in any such committee.

### **Step 2: Conducting a Baseline Study**

It is important that a National Action Plan is based on knowledge of the current state of affairs of human rights education and training in Ireland. The present report aims to provide information relevant for a baseline assessment of the current provision of human rights education and training, across the formal and non-formal sectors. The IHRC considers that the present report, as well as the WPHRE, should provide sufficient information to act as a basis for the identification of priorities for the National Action Plan.

### **Step 3: Setting Priorities**

Priorities in human rights education and training need to be established for the short, medium, and long term on the basis of the findings of the baseline study. These priorities may be set on the basis of the most pressing needs, and on the basis of opportunity. A National Action Plan should not merely be a 'wish list'; prioritisation is essential to ensure that a strategic approach is taken, and opportunities capitalised upon.

### **Step 4: Developing the National Plan**

In response to the needs identified in the baseline study, the National Action Plan should identify priority areas and the challenges and opportunities that exist in those areas, specify the actions to be taken and set out specific objectives and measurable performance indicators. It should also specify who is responsible, the allocation of resources where necessary, and it should set a timeframe. The Plan should also specify responsibility for monitoring and evaluation. As Ireland's National Human Rights Institution, the IHRC considers that it has a key role to play in the development and monitoring of a National Action Plan.

### **Step 5: Implementing the National Action Plan**

Effective implementation is essential for the credibility of the National Action Plan. It is vital that the Plan is created in a consultative manner so as to ensure 'buy-in' from those who will be responsible for implementing the plan. It is also vital that responsibilities are clearly assigned, that there are set objectives and targets, and clear, realistic timeframes for the outcomes.

### **Step 6: Reviewing and Revising the National Plan**

The National Action Plan should allow enough flexibility to ensure that it can be modified as needed. It should be periodically reviewed and revised as necessary to ensure effective responses to the needs identified by the baseline study. In particular, there should be periodic evaluations of the Plan. Ensuring implementation also requires monitoring. A clear monitoring structure should be put in place. Regular consultations should take place with those involved in the implementation of the plan, and recipients of the education and training provided under it, to monitor and assess its progress.

# 1 — Introduction



# 1 Introduction

## Why Human Rights Education in Ireland?

It is a time of enormous change in Ireland, particularly over the past two years as the country necessarily has had to conduct a critical assessment of its social and economic policy and law, its political and governance systems, and its ways of delivering public services in light of the global and national fiscal crisis.

The Irish Human Rights Commission (IHRC) has consistently argued during this time that—given the current contraction of resources—it must be ever more vigilant of those who are most vulnerable to the lack of human rights protections, especially though not limited to, the social and economic rights to health, work, education and housing. The IHRC has also strongly defended the need for a robust human rights and equality infrastructure to ensure that respect for human rights, the legal protections for those rights and public systems and administrative practices to progress those rights remain intact.

Human rights education is a core component of any country's efforts to strengthen respect for human rights and fundamental freedoms. Since the founding of the United Nations (1945) and the enunciation of the Universal Declaration of Human Rights (1948), there exists an international recognition of the necessity for and potential use of education as a primary vehicle—alongside of law—to promote and protect human rights within the pulse of a country's citizens, systems and services.

The Vienna Declaration and World Conference on Human Rights (1993) propelled a cohesive effort throughout the international community to strengthen human rights education around the world. Alongside other nations, Ireland welcomed the United Nations World Decade for Human Rights Education (1995), the subsequent World Programme for Human Rights Education (WPHRE) and, most recently, the draft United Nations Declaration on Human Rights.

The World Programme offered Ireland an opportunity to step up its efforts to bring human rights education to its formal systems of education and to support a broader effort by state and civil society organisations to design and implement human rights curricula and learning methodologies within all sectors of education and training.

This report presents a systematic effort to document the rationale for and substantial activity of human rights education being conducted in Ireland today, and as such is the first of its kind. The IHRC views it as a baseline study of current activities, needs and resources for human rights education and offers it as a prime contribution towards a National Action Plan for human rights education and training.

While this work represents a key step towards highlighting in a cohesive way Ireland's current efforts in this arena, the IHRC also signals a number of opportunities to progress the integration of human rights education within each sector of activity. The IHRC deeply appreciates the views of Ireland's leading actors within each sector with whom we have consulted and acknowledges their contribution in helping us to fashion statements about these opportunities. The IHRC would like to particularly express its gratitude to Dr Fionnuala Waldron (St Patricks College, Drumcondra) and Dr Gerry Jeffers (NUI Maynooth) for their very valuable input.



As Ireland envisions and formulates the road to national recovery in light of the global and national dynamics, it is the IHRC's view that human rights education—adequately resourced and efficiently practiced within each sector—is an integral component of the human rights and equality infrastructure needed to ensure the prosperity and well-being of all who reside here.

## **The Purpose of the Present Report**

This report aims to provide background information on the situation of human rights education in Ireland, and an impetus for the development of a National Human Rights Education and Training Action Plan. The report examines the current provision of human rights education and training across a range of sectors: primary, post-primary, higher education, and continuing professional development, as well as in the community and voluntary sector, the civil and public service and the legal profession. It also considers the legal basis for a National Action Plan and the steps that could be taken to establish such a plan in Ireland. While it is not intended to provide a comprehensive analysis of every initiative underway at time of writing across these sectors, it does provide an overview of the areas in which human rights education and training is present and highlight some of the opportunities that exist for implementing a National Action Plan.

The IHRC is also acutely aware of the impact of a lack of resources across all the sectors considered in this report, and the impact of reductions in budgets on the implementation of many of the initiatives that had been in place to promote human rights education and training. However, it considers that the development of a National Action Plan and a shift in policy focus to human rights education and training do not need to be resource intensive, and that resources should not be used as a barrier to the development of a national plan.

### **What is a National Action Plan?**

In the context of this report, a National Action Plan is a statement of the Government's commitment to a defined set of practical targets, objectives and outcomes for the promotion of human rights education and training. The concept of the development of such a plan derives from United Nations commitments in this area. A National Action Plan sets out the actions necessary to achieve the goals and support structures that will ensure their implementation.

### **Why have a National Action Plan?**

A National Action Plan would allow the coherent development of human rights education and training in Ireland. As will be further elaborated in Chapter 2, the World Conference on Human Rights held in Vienna in 1993, was the catalyst for a concerted effort to promote human rights education globally. The Vienna Declaration and Programme of Action, which resulted from the Conference, and which was adopted by 171 States including Ireland, included a common plan for the international community to strengthen human rights education at the national level around the world. The Conference reaffirmed that:

**[S]tates are duty bound ... to ensure that education is aimed at strengthening the respect of human rights and fundamental freedom.<sup>2</sup>**

The Conference also called on “all States and institutions to include human rights, humanitarian law, democracy and the rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.”<sup>3</sup>

The Vienna Declaration places an obligation on the State to provide training and public information about human rights, which is “essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.”<sup>4</sup>

The UN subsequently declared a Decade on Human Rights Education that led to the development of the WPHRE. The WPHRE envisaged that States would develop a National Action Plan for human rights education. In March 2011, the UN Human Rights Council adopted a Declaration on Human Rights Education, “motivated by the desire to send a strong signal to the international community to strengthen all efforts in human rights education and training through a collective commitment by all stakeholders.”<sup>5</sup>

## **What does the IHRC Report aim to contribute?**

The UN Office of the High Commissioner for Human Rights (OHCHR) developed a set of guidelines for National Action Plans on Human Rights Education. These guidelines outline the following steps to be taken:

- Step 1: Establishing a national committee for human rights education**
- Step 2: Conducting a baseline study**
- Step 3: Setting priorities and identifying groups in need**
- Step 4: Developing the national plan**
- Step 5: Implementing the national plan**
- Step 6: Reviewing and revising the national plan<sup>6</sup>**

This report aims to take forward **Step 2**, which recognises that a baseline study or needs assessment is critical in determining local and national requirements in relation to human rights education. It provides that, a systematic study of current activities, needs and resources for human rights education in the country should be undertaken and its results widely disseminated. This report also aims to provide a starting point for **Step 3** in identifying priorities and groups thereby offering a framework for **Step 4**, developing a national action plan, through identifying practical steps that can be taken in response to the needs identified in the baseline study, and identifying some of the objectives and opportunities that exist in the Irish system.

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2 Vienna Declaration and Programme of Action, World Conference on Human Rights, (14-25 June 1993), UN Doc. A/CONF.157/23, (12 July 1993), at para 33.

3 *Ibid.* at para 79.

4 *Ibid.* at para 79.

5 Human Rights Council Resolution, 6/10 para. 1. See UN Doc. A/HRC/Res/6/1. At time of writing, the Human Rights Council had presented the Resolution to the General Assembly for adoption.

6 Report of the Secretary-General, Addendum: Guidelines for national plans of action for human rights education, 20 October 1997, UN Doc. A/52/469/Add.1.

## Why include ‘Training’?

Although the UN uses the term *Human Rights Education*, what is being discussed is human rights education *and training*. The inclusion of the word training ensures that the concept is inclusive of education in its broadest sense, and of the application of skills, attitudes and knowledge required for a specific task or job. Training is a central aspect of the continuing professional development of key actors who have the duty to promote and protect human rights, including civil and public servants, teachers/educators, the police, the prison service and the judiciary. Training also equips individuals and communities with the skills and know-how to claim and defend their rights and the rights of others. For this reason, the IHRC considers that it is important to explicitly refer to Human Rights Education *and Training* in the context of developing a National Action Plan.



2

# The Definition of Human Rights Education

## 2 \_\_\_\_\_ The Definition of Human Rights Education

*Human rights education is education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes (WPHRE)*

This Chapter sets out the definition of human rights education used in the present report. It also sets out the elements identified by the United Nations as requirements for a successful National Action Plan on Human Rights Education. These elements will form the basis for the consideration of the current situation in Ireland in the different sectors considered in this report. Chapter 12 of this report considers these elements in relation to the report's findings on the current provision of human rights education and training across different sectors in Ireland, as set out in the report.

### What is Human Rights Education?

Since the foundation of the modern system of human rights in 1948, there has been recognition of the importance of educating people about their rights.

**[E]very individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.<sup>7</sup>**

At its simplest, this can be said to be based on the principle that everyone has a right to be educated about their human rights, as with awareness and understanding comes promotion and protection of one's own rights, and the rights of others. This basic concept is reflected in the core international human rights instruments, which acknowledge that awareness and the actual realisation of human rights go hand in hand, by placing an explicit duty on States to make everyone in their territory aware of the rights contained in each of the treaties they have signed up to.

However, the core international human rights instruments also go a step further. They recognise that there is not only a need for States to impart knowledge about rights, but also to create a society that respects these rights. This has been reflected in human rights instruments since the foundation of the United Nations. The 1945 Charter of the United Nations creates an obligation on States to create human rights respecting societies,<sup>8</sup> and this obligation is reflected in the preamble

7 Preamble to the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly, 10 December.

8 Article 1 of the Charter of the United Nations provides that the promotion and encouragement of respect for human rights and fundamental freedoms is one of the purposes of the United Nations. Article 55 of the Charter provides, "With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: (a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

of many of the international treaties.<sup>9</sup> Provisions on human rights education have been incorporated into many international instruments and documents.<sup>10</sup>

Indeed, the requirement to educate and raise awareness is given such importance within the human rights system that even where the provisions of one of the international conventions do not set out such a requirement, this requirement has been read into the meaning of the convention by its monitoring committee.<sup>11</sup> For example, the UN Human Rights Committee which monitors the implementation of the International Covenant on Civil and Political Rights has provided clear guidelines on implementation of the treaty at national level, including its promotion, stating that:

**[I]t is very important that individuals should know what their rights are under the Covenant (and the Optional Protocol, as the case may be) and also that all administrative and judicial authorities should be aware of the obligations which the State party has assumed under the Covenant. To this end, the Covenant should be publicised in all official languages of the State and steps should be taken to familiarise the authorities concerned with its contents as part of their training.<sup>12</sup>**

The duties imposed on States in relation to human rights education can therefore be said to be a consolidation of the duty on them to impart knowledge about human rights, and the duty on States to promote universal respect for and observance of human rights.

- 9 For example: Preamble to the International Covenant on Civil and Political Rights, “Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms”; Preamble to the International Convention on the Elimination of All Forms of Racial Discrimination, “Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion”; Preamble to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, “Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms.”
- 10 See for example, Universal Declaration of Human Rights (Article 26); the International Convention on the Elimination of All Forms of Racial Discrimination (Article 7); the International Covenant on Economic, Social and Cultural Rights, 1966 (Article 13); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 10); the Convention on the Elimination of All Forms of Discrimination Against Women (Article 10); the Convention on the Rights of the Child (Article 29); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 33); the Convention on the Rights of Persons with Disabilities, 2006 (Articles 4 and 8); the Vienna Declaration and Programme of Action (Part I, paras. 33-34 and Part II, paras. 78-82); the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001 (Declaration, paras. 95-97 and Programme of Action, paras. 129-139); the Outcome Document of the Durban Review Conference, 2009 (paras. 22 and 107); and the 2005 World Summit Outcome (para. 131). United Nations, Draft Plan of Action for the Second Phase (2010-2014) of the World Programme for Human Rights Education UN Doc. A/HRC/15/28, 27 July 2010.
- 11 The International Covenant on Civil and Political Rights (ICCPR) does not explicitly require State Parties to publicise the rights contained in the Covenant. However, Article 2 of the Covenant obliges State Parties to put in place measures that will give effect to the rights contained therein and afford remedies where they are violated. To ensure this, Article 2 stipulates that people who believe their rights have been violated should be able to lay claims before competent judicial, administrative and legal authorities, and that where remedies are granted they should be enforced. The Human Rights Committee (the monitoring body for the implementation of the ICCPR) has given guidance on the implementation of the Covenant in its General Comments No. 18, No. 28 and No. 31.
- 12 UN Human Rights Committee, General Comment No. 3, *Implementation at the National Level* (Article 2), 29 July 1981. Note that this General Comment has been replaced by General Comment No.31, *The Nature of the General Legal Obligation imposed on States Parties to the Covenant* UN Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004.

These two elements can clearly be seen in the definition of human rights education used in this report, which derives from the United Nations World Programme for Human Rights Education (WPHRE). The First Phase (2005-2009) of the WPHRE was proclaimed by the United Nations General Assembly in 2004 to advance the implementation of human rights education programmes.<sup>13</sup> The Office of the High Commissioner for Human Rights (OHCHR) provides global coordination of the World Programme. According to the OHCHR:

**The World Programme seeks to promote a common understanding of basic principles and methodologies of human rights education, to provide a concrete framework for action and to strengthen partnerships and cooperation from the international level down to the grass roots.<sup>14</sup>**

The definition arising from the WPHRE is used in this report because it is one which is internationally agreed upon, having been adopted by the UN Member States, including Ireland, and is also the definition which has formed the basis for much of the work on human rights education undertaken globally over the past two decades. The Plan of Action for the WPHRE describes human rights education as:

**[E]ducation, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes.<sup>15</sup>**

The OHCHR and UNESCO elaborate this to mean:

**A comprehensive education in human rights not only provides knowledge about human rights and the mechanisms that protect them, but also imparts the skills needed to promote, defend and apply human rights in daily life. Human rights education fosters the attitudes and behaviours needed to uphold human rights for all members of society.<sup>16</sup>**

The WPHRE Plan of Action definition states the *purpose* of human rights education – building a culture of human rights. The OHCHR and UNESCO elaborate on what such education would look like. Thus in order to build a culture of human rights, the State must both impart knowledge about human rights and their enforcement/ protection mechanisms, and provide skills to promote, defend and apply human rights and shape attitudes so that human rights are upheld. The links between this definition and the obligation on States under the UN Charter to “promote universal respect for, and observance of, human rights and freedoms” are clear.

The above definition was expanded in the Plan of Action for the First Phase (2005-2007) of the WPHRE,<sup>17</sup> which will be discussed further below. The Plan of Action describes human rights education as:

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13 General Assembly Resolution, World Programme for Human Rights Education, UN Doc. A/Res/59/113, 10 December 2004.

14 Source: OHCHR website for the WPHRE, [www2.ohchr.org/english/issues/education/training/programme.htm](http://www2.ohchr.org/english/issues/education/training/programme.htm).

15 UN, Revised Draft Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights Education, A/59/525/Rev.1 (2 March 2005), at paragraph 3 (WPHRE Plan of Action).

16 OHCHR & UNESCO, Booklet on *Plan of Action of the UN World Programme for Human Rights Education - First Phase (2005-2007)*, (2006), at p.1.

17 *Ibid* p. 12. The First Phase was originally supposed to run from 2005 to 2007, the United Nations Human Rights Council subsequently decided, in its Resolution 6/24 (28 September 2007) to extend it until 2009.



**[E]ducation, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes directed to:**

- (a) The strengthening of respect for human rights and fundamental freedoms;
- (b) The full development of the human personality and the sense of its dignity;
- (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- (d) The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;
- (e) The building and maintenance of peace;
- (f) The promotion of people-centred sustainable development and social justice.<sup>18</sup>

This expanded definition not only restates the aim of human rights education—building a culture of human rights—but also outlines how this can be achieved. It can be seen therefore, that human rights education is understood by the Member States of the United Nations as a means of ensuring not only that the human rights set out in the UN treaties and conventions are understood and respected, but that society itself becomes one that is based on human rights. This would mean that State policy and practice is based upon human rights principles.<sup>19</sup>

Having set out the definition of human rights education, the next question to be considered is *why* a State is required to provide human rights education. The underlying obligations which feed into the concept of States' duties in relation to human rights education are: the right to education; and the duty to promote knowledge of human rights standards.

## **Development of Human Rights Education Internationally**

### **Vienna Declaration and World Conference on Human Rights**

The World Conference on Human Rights held in Vienna in 1993, was the catalyst for a concerted effort in the following years to promote human rights education. The Vienna Declaration and Programme of Action, which resulted from the Conference, and which was adopted by 171 States including Ireland, included a common plan for the international community to strengthen human rights education around the world.<sup>20</sup> The Declaration stated that human rights education, training and public information were essential for promoting and achieving harmony among communities and for fostering mutual understanding and peace. The World Conference reaffirmed that:

<sup>18</sup> WPHRE Revised Plan of Action, p.3.

<sup>19</sup> Adapted from UN Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming.

<sup>20</sup> Vienna Declaration and Programme of Action, UN World Conference on Human Rights (14 – 15 June 1993), UN Doc. A/Conf.157/23 (12 July 1993).

**[S]tates are duty bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. [It] emphasises the importance of incorporating the subject of human rights education into education programmes and calls upon states to do so. Therefore, education on human rights and the dissemination of proper information should be integrated in the educational policies at the national as well as international levels.<sup>21</sup>**

The World Conference also called on “all States and institutions to include human rights, humanitarian law, democracy and the rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.”<sup>22</sup>

The Vienna Declaration places an obligation on all States, including Ireland, to provide training and public information about human rights, which is “essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.”<sup>23</sup>

Accepting the recommendations of the World Conference in relation to human rights education, the United Nations General Assembly proclaimed the 10-year period beginning on 1 January 1995 as **United Nations Decade for Human Rights Education** and welcomed the Plan of Action for the Decade presented by the Secretary General.<sup>24</sup> In the resolution proclaiming the Decade for Human Rights Education the General Assembly urged Governments “to contribute to the implementation of the Plan of Action and to step up their efforts to eradicate illiteracy and to direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms”,<sup>25</sup> whilst also urging “governmental and non-governmental educational agencies to intensify their efforts to establish and implement programmes of human rights education, as recommended in the Plan of Action, in particular by preparing and implementing national plans for human rights education”.<sup>26</sup> The Decade led to the development of the WPHRE.

## **World Programme for Human Rights Education Plan of Action (WPHRE)**

From its inception it was envisaged that the WPHRE would consist of a series of phases. The First Phase of the WPHRE from 2005-2009, focused on the integration of human rights education into the formal education system (primary and secondary education) in the areas of policy and legislation, teaching and learning processes, the learning environment, and the education and professional development of teachers and other school actors. Its original end date of 2007 was extended to the end of 2009 by the United Nations Human Rights Council.<sup>27</sup> As noted in the introduction,

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21 *Ibid.* para. 33.

22 *Ibid.* para. 79.

23 *Ibid.* para 78.

24 UN General Assembly Resolution, United Nations Decade for Human Rights Education, UN Doc. A/RES/49/184, 6 March 1995.

25 *Ibid.* at para.5.

26 *Ibid.* at para.6.

27 Human Rights Council Resolution 6/24 (28 September 2007).

the Plan of Action of the WPHRE identifies five key components for a successful national programme of human rights education. These are:

- Educational policies;
- Policy Implementation;
- Teaching and Learning: Process and Tools;
- Learning Environment;
- Education and Professional Development of teachers and other personnel.<sup>28</sup>

The responsibility for launching and implementing the WPHRE fell to the Office of the High Commissioner for Human Rights (OHCHR). The OHCHR developed a set of Guidelines for National Plans of Action for Human Rights Education, which are intended to assist States in responding to several resolutions of both the General Assembly and the former Commission on Human Rights (now Human Rights Council), in which States were called upon to develop national plans of action for human rights education.<sup>29</sup> The OHCHR guidelines outline steps to be taken towards a National Action Plan:

#### *Step 1: Establishing A National Committee For Human Rights Education*

A national committee should be formed of representatives of appropriate governmental and non-governmental organisations with experience or mandate in human rights or human rights education. It should be directly responsible for the development, implementation, and evaluation of a national action plan.

#### *Step 2: Conducting a Baseline Study*

Recognising that a baseline study or needs assessment is critical in determining local and national needs in relation to human rights education, a systematic study of current activities, needs and resources for human rights education in the country should be undertaken and its results widely disseminated.

#### *Step 3: Setting Priorities and Identifying Groups In Need*

Priorities in human rights education need to be established for the short, medium, and long term on the basis of the findings of the baseline study. These priorities may be set on the basis of the most pressing needs, and on the basis of opportunity.

#### *Step 4: Developing the National Plan*

In response to the needs identified in the baseline study and to the national context, a national plan of action should include a comprehensive set of objectives, strategies, and programmes for human rights education, together with evaluation mechanisms.

#### *Step 5: Implementing the National Plan*

Effective implementation is essential for the credibility of the national plan. Implementation is linked to a number of variables, including responsive policies, law, mechanisms and resources. However, it should be based on a number of general principles including: promoting human rights education for all members of society, empowering communities and individuals to identify human rights and to ensure that they are met, and fostering knowledge of and skills to use global, regional, national, and local instruments and mechanisms for the protection of rights.

<sup>28</sup> UN Revised Draft Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights Education, UN Doc. A/59/525/Rev.1, March 2005, Appendix.

<sup>29</sup> See UN General Assembly resolutions 49/184, 50/177 and 51/104; and Commission on Human Rights resolution 1995/47 and decision 1997/111.

### Step 6: *Reviewing and Revising the National Plan*

The plan should be periodically reviewed and revised as necessary to ensure effective responses to the needs identified by the baseline study.<sup>30</sup>

These Guidelines can be seen as a useful tool in monitoring and supporting national implementation of the Plan of Action for the First Phase of the WPHRE. They both provide a series of benchmarks against which national action can be measured, and an example of best practice in the provision of human rights education at the various levels that must be simultaneously addressed to ensure effective and sustainable human rights education programmes.<sup>31</sup> Their application in the Irish context is considered in Chapter 12.

The First Phase of the WPHRE came to an end in 2009. Following a consultation by the OHCHR, a conclusion was reached on the priorities for the Second Phase. According to Human Rights Council Resolution 12/4, the Second Phase of the World Programme for Human Rights Education (2010-2014) aims to focus “on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel at all levels”. However, it further notes that “Member States should also continue the implementation of human rights education in primary and secondary school systems”.<sup>32</sup> The Second Phase of the World Programme also provides a clear statement of the objectives of the WPHRE:

- To promote the development of a culture of human rights;
- To promote a common understanding, based on international instruments, of basic principles and methodologies for human rights education;
- To ensure a focus on human rights education at the national, regional and international levels;
- To provide a common collective framework for action by all relevant actors;
- To enhance partnership and cooperation at all levels;
- To survey, evaluate and support existing human rights education programmes, to highlight successful practices, and to provide an incentive to continue and/or expand them and to develop new ones.<sup>33</sup>

The draft Plan for the Second Phase notes that:

**The international community has increasingly expressed consensus on the fundamental contribution of human rights education to the realization of human rights. Human rights education aims at developing an understanding of our common responsibility to make human rights a reality in every community and in society at large. In this sense, it contributes to the long-term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable development and the enhancement of participation in decision-making processes within a democratic system.**<sup>34</sup>

30 Report of the Secretary-General, Addendum: Guidelines for national plans of action for human rights education, 20 October 1997, UN Doc. A/52/469/Add.1, Section III.

31 See Felisa Tibbitts, *Regional European Meeting on the World Programme for Human Rights Education, 5-6 November 2007 – Conference Report*, Strasbourg: Council of Europe.

32 United Nations, Draft Plan of Action for the Second Phase (2010-2014) of the World Programme for Human Rights Education, UN Doc. A/HRC/15/28, 27 July 2010, at para. 11. Human Rights Council Resolution 12/4 World Programme on Human Rights Education, UN Doc. A/HRC/Res/12/4, 1 October 2009 at para. 3.

33 United Nations Draft Plan of Action for the Second Phase (2010-2014) of the World Programme for Human Rights Education, UN Doc. A/HRC/15/28, 27 July 2010, at para. 15.

34 *Ibid.* at para. 1.

The draft Plan of Action for the implementation of the Second Phase of the WPHRE, which is broader than the corresponding plan for the First Phase, distinguishes between the actions needed to promote human rights education in higher education, and the actions needed to promote human rights training for civil servants, law enforcement officials and the military.

As noted above, the components of human rights education include policies, policy implementation, teaching and learning, the learning environment and continuing professional development.<sup>35</sup> There is a set of criteria that underpins each component. While these components are considered to be indicative rather than prescriptive according to the Plan of Action, nevertheless their application is considered to lead to what is described as ‘quality human rights teaching and learning’.<sup>36</sup>

Guided by the approach taken in the Action Plans for the First and Second Phases of the WPHRE, the following elements may be considered for each component: The policy component relates to the commitment by States in their policies to strengthening human rights education in legislation and policy. Policy implementation refers to mechanisms and levels of co-ordination to support the realisation of those policy commitments and to monitor their impact. The teaching and learning component sets out the criteria to achieve quality human rights education and training processes and the approach to educating, training and learning. The focus on the learning and working environment is to offer guidance on developing a culture of human rights, where human rights are practised and lived within the learning and work space, and beyond. Education and continuing professional development is an important component since human rights education cannot be practised without the input of skilled educators/trainers, nor can duty bearers fulfil their human rights obligations without the skills and know-how to do so.

The components and steps to be taken by States in establishing a National Action Plan, outlined by OHCHR and the WPHRE, provide guidelines for Ireland in developing a National Action Plan. Any National Action Plan must include a clear understanding and definition of what is human rights education. The definition provided by the WPHRE, and used in the present report, is particularly useful in this regard. In addition to the consideration of the definitions and requirements of a National Action Plan, the legal basis for Ireland’s obligations to provide human rights education and training must be considered. These elements as they relate to Ireland, are set out in Chapter 3.

## UNESCO

An important support to the WPHRE has been the publication of the joint United Nations Educational, Scientific, and Cultural Organisation (UNESCO) and UNICEF document, *A Human Rights-Based Approach to Education for All*. It builds on and consolidates developments at the UN level on human rights education, bringing together the current thinking and practice on human rights-based approaches in the education sector.<sup>37</sup> The document offers a comprehensive framework of strategies and actions necessary to translate those human rights into legislation, policies and programmes for the attainment of education for all.

35 UN General Assembly, Revised Draft Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights, UN Doc. A/59/525/Rev.1 (2 March 2005), Appendix.

36 *Ibid.* Appendix, at para.19.

37 UNESCO/ UNICEF *A Human Rights-Based Approach to Education for All*, 2007.

## European Human Rights Bodies and the WPHRE

Regional organisations in Europe also work to promote human rights education and to support the WPHRE. The Office of the High Commissioner for Human Rights, which co-ordinates the World Programme, co-operates with regional bodies such as the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE) and the European Union Fundamental Rights Agency in promoting human rights education.<sup>38</sup> The following are some examples of just some of the human rights education work being undertaken by these regional human rights mechanisms that support and add value to the work being undertaken at UN level.

### Council of Europe

Human rights education is strongly advocated by the Council of Europe. For example, Council of Europe Commissioner for Human Rights, Thomas Hammarberg, has stated that despite welcome developments in human rights education at the international level “the current challenge remains one of translating these recommendations into concrete action at the *national* level”.<sup>39</sup>

The Council of Europe is working across a number of its Divisions and Directorates to produce the resources and tools to support its Member States to put human rights education and training into practice at national level. Human rights education and training is promoted through the Division for Democratic Citizenship and Human Rights Education, the Directorate of Youth and Sport, and the Legal and Human Rights Capacity Building Division of the Directorate General on Human Rights. They target a range of actors including teachers, educationalists, young people, the police and the judiciary.

The focus of the Division for Education for Democratic Citizenship is promoting human rights education in formal education settings. It has developed a series of resources for policy makers, education leaders, student and community organisations, and teachers. In 2001, the Division set up a network of national co-ordinators to foster the development of Education for Democratic Citizenship/ Human Rights Education in their country and to liaise between national activities and the Council of Europe.<sup>40</sup>

A core pillar of the work of the Directorate of Youth and Sport is its Human Rights Education Programme. It has developed an extensive series of educational and training resources on human rights education including the *Compass* manual aimed at young people, and *Compasito* for younger children, many of whom are members of youth organisations. It also delivers a range of international and regional training

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38 For example, on 14 March 2011, the Council of Europe invited representatives of international institutions and civil society organisations to discuss strategies to assist member States with the national implementation of regional and international texts on citizenship and human rights education. This fifth inter-institutional meeting launched an Inter-institutional Contact Group on Citizenship and Human Rights Education. The main objective of the contact group is to ensure systematic and sustainable coordination of inter-governmental initiatives in this field. The contact group - which currently includes the OHCHR, UNESCO, OSCE/ODIHR, European Commission, EU FRA and the Council of Europe - agreed on a number of concrete initiatives, including: 1) the mapping of relevant programmes, 2) development of a joint calendar of international events, and 3) a joint publication on key international texts. International civil society organisations - such as Human Rights Education Associates, Democracy and Human Rights Education in Europe, European Union of Students, and International Association for the Evaluation of Educational Achievement - will provide feedback and advice to the institutions through regular meetings and on-line platform.

39 Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, “Human Rights education is a priority - more concrete action is needed”, 6 October 2008. Available at the Commissioner’s website at [www.commissioner.coe.int](http://www.commissioner.coe.int)

40 See for example Council of Europe Education for Democratic Citizenship and Human Rights pack, available online at [www.coe.int/t/dg4/education/edc/3\\_resources/edc\\_pack\\_EN.asp](http://www.coe.int/t/dg4/education/edc/3_resources/edc_pack_EN.asp).



courses on human rights education targeting young people. In some countries, it has organised national training courses to promote the use of its human rights education and training material. One intended purpose of its training approach is to have a multiplier effect at national level.<sup>41</sup>

The Legal and Human Rights Capacity Building Division of the Directorate General on Human Rights organises training awareness activities for legal professionals, the police, NonGovernmental Organisations (NGOs) and the media. The training initiatives that seem to be most developed are those with legal professionals and the police.

### Organisation for Security and Cooperation in Europe (OSCE)

Participating ('member') States in the Organisation for Security and Cooperation in Europe (OSCE)<sup>42</sup> have a number of commitments in the field of human rights education,<sup>43</sup> and several documents and reports of the OSCE refer to human rights education in a variety of contexts.<sup>44</sup> In practice, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) is active in human rights education and training provision and research. It has also developed guiding principles the Toledo Guiding Principles for the development of curricula and teacher training regarding teaching about religions and beliefs within a human rights framework.<sup>45</sup> The OSCE works closely with the OHCHR, UNESCO and the Council of Europe on furthering human rights education in practice, including the development of a compendium of best practices to promote human rights education.<sup>46</sup>

### European Union Fundamental Rights Agency

The European Union Fundamental Rights Agency (FRA) provides European Union (EU) institutions and authorities and EU Member States with assistance and expertise on fundamental rights when implementing EU law. The Agency is also mandated to raise awareness of Fundamental Rights among the general public. A prioritised area of its work is the promotion of human rights education across the

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- 41 The Directorate of Youth and Sport provides funding and educational support for international youth activities aimed at the promotion of youth citizenship, youth mobility and the value of human rights, democracy and cultural pluralism. For more information on the Directorate of Youth and Sport's Human Rights Education Programme see <http://act4hre.coe.int/>.
- 42 The OSCE is primarily an instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its 56 participating States, which are located in Europe, Central Asia and North America.
- 43 See Office for Democratic Institutions and Human Rights OSCE Commitments Relating to Human Rights Education and Training: A guide prepared for the OSCE Supplementary Human Dimension Meeting on "Human Rights Education and Training, Vienna, 25-26 March 2004.
- 44 Of most recent relevance here are two Ministerial Council decisions: Ljubljana Ministerial Council Decision no. 11/05, Promotion of Human Rights Education and Training in the OSCE Area [MC.DEC/11/05, 6 December 2005], which tasks the ODIHR and OSCE participating States to produce a compendium of best practices to further promote human rights education and training, and Ministerial Council decision no. 10/07 on Tolerance and Non-discrimination: promoting mutual respect and understanding, which encourages the promotion of education programmes "to raise awareness among youth of the value of mutual respect and understanding" (art. 3), and the use of the internet to promote democracy, human rights, and tolerance education (art. 5). [MC.DEC/10/07, 30 November 2007].
- 45 OSCE, *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools: Prepared By The ODIHR Advisory Council Of Experts On Freedom Of Religion Or Belief*, November 2007.
- 46 The OSCE has partnered with OHCHR, UNESCO and the Council of Europe on a number of European regional conferences on human rights education including one in 2007 and 2009. As a contribution to national implementation of the WPHRE, the four partner organizations – the Council of Europe, OHCHR, (UNESCO) and the OSCE/ODIHR – developed a compendium of good practices from Europe, North America and Central Asia as a practical tool that would provide examples and guidance for all those involved in human rights education in the school system. See Council of Europe, OSCE/ODIHR, UNESCO, OHCHR *Human Rights Education in the School Systems of Europe, Central Asia and North America: A Compendium of Good Practice*, 2009.

European Union.<sup>47</sup> The FRA has produced a study to map the extent and range of actors engaged in human rights education in the EU with a view to informing its own work programme in the area. A strong focus of its work to date has been to link human rights education and holocaust education. It has produced a publication entitled *Understanding the Holocaust through human rights education: FRA Handbook for teachers*.<sup>48</sup> It has also organised a range of conferences to progress human rights education practice.

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47 Change Institute, *Human Rights Education Mapping Report, 16 March 2010*. Brussels, European Union Agency for Fundamental Rights.

48 The Handbook is available online at the FRA's website; see [www.fra.europa.eu](http://www.fra.europa.eu).



3\_\_\_\_\_

# Legal Basis for the State's Duty to Provide Human Rights Education and Training

# 3 \_\_\_\_\_ Legal Basis for the State's Duty to Provide Human Rights Education and Training

*States are duty-bound[...]to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms.<sup>49</sup>*

## Introduction

This Chapter considers the legal basis for the State's duties in relation to human rights education and training. It first looks at the relevant international instruments, before considering the situation at the national level, including the bodies which exist at the national level to monitor the State's compliance with its obligations.

## International Instruments

As seen in the previous chapter, the duties to promote knowledge about human rights standards, and to create a society in which human rights are respected and upheld are among the foundational principles of the United Nations. These obligations on States are also linked however, to the right to education itself. This link exists by reason of two factors. Firstly, in defining the type of education which States have an obligation to provide, the United Nations requires that education be aimed at promoting respect for human rights and, consequently, the definitions of 'education' and human rights education, as will be seen below, are markedly similar. Secondly, education in and of itself allows access to rights; by ensuring that everyone has an education, the door is opened to the actual implementation of human rights. Human rights education is therefore 'partially dependent upon the realization of the right to education'.<sup>50</sup> To state it succinctly: everyone has a right to education and the UN defines the education to which people have a right as one that includes human rights.

While the right to education was first elaborated in the Universal Declaration of Human Rights in 1948, real momentum in setting out and defining the right to education and in developing the concept of human rights education has gathered since 1989. In addition to UN-level instruments and the declarations and programmes that elaborate on those, there are also examples of a similar approach being taken at the regional (European) level. The following provides an overview of the sources of the right to education in international instruments, how that education is defined, and the emergence of a focus on human rights education at the international and regional levels.

49 Vienna Declaration and Programme of Action, UN World Conference on Human Rights (14-25 June 1993), UN Doc. A/CONF.157/23, at para.33.

50 Rhona K. Smith (2007) *Textbook on Human Rights*, Oxford University Press, p.297.

## The Right to Education

The right to education has been recognised since the Universal Declaration of Human Rights (UDHR) in 1948. Article 26 of the UDHR sets out the right as follows:

**(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.<sup>51</sup>**

However, as the UDHR is not a legally binding instrument, it was only with the development and ratification of the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR)—both of which entered into force in 1976—that the UDHR rights were made legally binding. Article 13(1) of the ICESCR provides:

**The State Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.<sup>52</sup>**

As can be seen, this definition of education encompasses human rights. The UN Committee on Economic, Social and Cultural Rights (which monitors States' compliance with the ICESCR)<sup>53</sup> has stated that "Article 13, the longest provision in the Covenant, is the most wide-ranging and comprehensive article on the right to education in international human rights law".<sup>54</sup> Article 13(2) of the ICESCR sets out what is required of States to achieve the full realisation of the right to education:

**The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:**

- (a) Primary education shall be compulsory and available free to all;**
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally**

51 The Universal Declaration of Human Rights, adopted by the United Nations General Assembly, 10 December 1948.

52 International Covenant on Economic, Social, and Cultural Rights, Article 13.

53 UN Treaty Bodies are charged with monitoring the implementation of specific treaties. In addition to formulating concluding remarks which are addressed to a particular state, from time to time the Treaty Bodies adopt statements entitled General Comments. General Comments are interpretations of the content of treaty provisions by the various UN Treaty Bodies. General Comments are probably best understood as providing further detail on the actual content of the rights, providing for a better understanding of domestic obligations and being of some persuasive value for domestic legal interpretation.

54 UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education*, December 1999 UN Doc. E/C.12/1999/10 at para.2. Article 14, also concerning the right to education, requires "[e]ach State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all."

**available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;**

**(c) 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;**

**(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;**

**(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.<sup>55</sup>**

The next elaboration of the right to education in an international convention was contained in the Convention on the Rights of the Child (CRC),<sup>56</sup> which came into force in 1989. The CRC was ratified by Ireland in 1992, and is the most comprehensive UN source of State obligations for human rights education in relation to children and young people. Article 29 of the Convention explicitly provides that children's education should be directed to, *inter alia*, "the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations". The Convention promotes education that nurtures and facilitates the right to "express those views freely and on all matters affecting the child."<sup>57</sup> Article 29 of the Convention also requires education to be directed to the development of the child, the development of respect for culture, language and values, and the preparation of the child for "a responsible life in a free society".<sup>58</sup>

In 1999, the UN Committee on Economic, Social and Cultural Rights in its General Comment No.13, set out in more detail the content of the right to education,<sup>59</sup> States Parties' obligations pertaining to the right<sup>60</sup> and the obligations of non-State actors.<sup>61</sup> General Comment No. 13, expands on Article 13(2) in setting out the characteristics of the education to be received. It states that "education in all its forms and at all levels shall exhibit the following interrelated and essential features":

- *Available* in sufficient quantity.
- *Accessible* to everyone. Accessibility has three overlapping dimensions:
  - Non-discrimination – education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination;
  - Physical accessibility – education must be within safe physical reach;
  - Economic accessibility – education has to be affordable to all. More specifically, whereas primary education shall be available "free to all",

55 ICESCR Article 13(2).

56 Convention on the Rights of the Child (adopted 20 November 1989), entered into force 2 September 1990.

57 CRC Article 12.

58 CRC Article 29.

59 UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education*, December 1999 UN Doc. E/C.12/1999/10 at para.2. See also Part I, paras. 4-42.

60 *Ibid*, Part II, paras. 43-59.

61 *Ibid*, Part III.

States parties are required to progressively introduce free secondary and higher education.

- *Acceptability* – the form and substance of education, including curricula and teaching methods, have to be acceptable (for example, relevant, culturally appropriate and of good quality) to the student.
- *Adaptability* – education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.<sup>62</sup>

In applying these “interrelated and essential features, the best interests of the student shall be a primary consideration.”<sup>63</sup> The *General Comment* states that the educational objectives identified in Article 13(1) reflect the fundamental purposes and principles of the United Nations as enshrined in Articles 1 and 2 of the United Nations Charter, and in Article 26 of the UDHR.<sup>64</sup>

In 2001, the UN Committee on the Rights of the Child, which monitors States’ compliance with the CRC, elaborated on Article 29, linking the State’s duty to impart knowledge about human rights with the education of children and expanding the concept so that the manner and means of a child’s education is through human rights.<sup>65</sup> As regards human rights education the Committee provided that:

**Article 29 (1) can also be seen as a foundation stone for the various programmes of human rights education called for by the World Conference on Human Rights... Nevertheless, the rights of the child have not always been given the prominence they require in the context of such activities ... Human rights education should provide information on the content of human rights treaties. But children should also learn about human rights by seeing human rights standards implemented in practice, whether at home, in school, or within the community. Human rights education should be a comprehensive, life-long process and start with the reflection of human rights values in the daily life and experiences of children.**<sup>66</sup>

The *General Comment* therefore places importance on the *process* of implementing the right to education:

**Article 29 (1) not only adds to the right to education recognized in Article 28 a qualitative dimension which reflects the rights and inherent dignity of the child; it also insists upon the need for education to be child-centred, child-friendly and empowering, and it highlights the need for educational processes to be based upon the very principles it enunciates.**<sup>67</sup>

62 UN Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education*, December 1999 UN Doc. E/C.12/1999/10 at para. 6.

63 *Ibid.* at para.7.

64 *Ibid.* at para.4.

65 UN Committee on the Rights of the Child, *General Comment No. 1: Article 29(1) The Aims of Education*, April 2001, UN Doc. CRC/GC/2001/1.

66 *Ibid.* at para.15.

67 *Ibid.* para. 2.

In order to effectively implement Article 29 (1), the Committee on the Rights of the Child recommended that curricula should reflect the aims of education as set out in the Convention and where necessary, systematic revision of textbooks and other teaching materials and technologies should take place, as well as the enactment of school policies, to ensure that they are compatible with the stated aims of the Convention.<sup>68</sup>

In addition to the ICESCR and CRC that specifically set out the right to education, several other United Nations human rights treaties explicitly recognise the importance of education that promotes equality and non-discrimination. As noted above, most of the core UN human rights treaties require States to raise awareness of their provisions. Some conventions specifically require States Parties to introduce awareness, education and training measures to up-skill Civil and Public Servants including law enforcements officials to know and understand human rights and to be human rights compliant in their actions.<sup>69</sup>

## UNESCO Instruments

The OHCHR and UNESCO are the key UN bodies charged with promoting human rights education. UNESCO leads the global *Education for All* initiative, aiming to meet the learning needs of all children, youth and adults by 2015.<sup>70</sup> A key instrument that informs the work of UNESCO and the UN more generally is the UNESCO Convention against Discrimination in Education, adopted in 1960. It has 98 States however, Ireland has not accepted or ratified this Convention.<sup>71</sup>

Several other instruments by, or developed in co-operation with, UNESCO address human rights education including:

- Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms.<sup>72</sup>
- World Plan of Action on Education for Human Rights and Democracy (Montreal, 1993).<sup>73</sup>
- Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy (Paris, 1995).<sup>74</sup>
- The 2000 Dakar Declaration and Framework for Action: Education for All.<sup>75</sup>

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68 *Ibid.* para. 18.

69 See for example, the Convention on the Rights of Persons with Disabilities; Article 24 of the Convention outlines its understanding of quality education. States must also ensure "equal access to primary and secondary education, vocational training, adult education and lifelong learning", and provide an appropriate quality of education that will foster the individual's "participation in society, their sense of dignity and self worth and the development of their personality, abilities and creativity". The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), requires that specific educational measures be taken to uphold the rights of the specific groups, for example, Article 10 requires States to eradicate "any stereotyped concept of the roles of men and women at all levels and in all forms of education...by the revision of textbooks and school programmes and the adaptation of teaching methods". See also the Convention on the Elimination of All Forms of Racial Discrimination (CERD), Article 7.

70 The Education for all initiative grew out of the 1990 World Conference on Education for All. See *World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs*, Adopted by the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand 5-9 March 1990, and the Dakar Framework for Action "Education For All: Meeting Our Collective Commitments", Text adopted by the World Education Forum Dakar, Senegal, 26-28 April 2000.

71 For general information on the nature of UNESCO instruments see <http://portal.unesco.org/en>

72 Adopted by the UNESCO General Conference at its 18th Session on 19 November 1974.

73 World Plan Of Action On Education For Human Rights And Democracy, Adopted by the International Congress on Education for Human Rights and Democracy, Montreal, Canada, 8-11 March 1993. This Plan of Action was submitted to the World Conference on Human Rights, Vienna 1993.

74 Declaration of the 44th session of the International Conference on Education (Geneva, October 1994), endorsed by the General Conference of UNESCO at its 28th Session. Paris, November, 1995).

75 Dakar Framework for Action "Education For All: Meeting Our Collective Commitments" Text adopted by the World Education Forum Dakar, Senegal, 26-28 April 2000.

## Regional Human Rights Instruments

It has been shown above that there is a duty on States, including Ireland, to impart knowledge about human rights and that this has generated additional duties relating to education including the whole system of education. This approach taken at the UN level is also reflected at the European regional level in the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE) and the European Union. The following section will set out some of the sources of State's duties at the regional level in relation to human rights education.

### Council of Europe Instruments and Human Rights Education and Training

The 1950 **European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**, which was ratified by Ireland in 1953 and incorporated in 2003, recognises that the rights contained in the Convention are “best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend.”<sup>76</sup> The ECHR specifically recognises the right to education in Protocol 1, Article 2 of the Convention, which provides for the right not to be denied an education and the right for parents to have their children educated in accordance with their religious and other views. However, there has been little further elaboration of this right in the context of the Council of Europe or the European Court of Human Rights.

The **revised European Social Charter** was ratified by Ireland in 2000. Articles 7 and 17 of the revised Charter protect a child's right to education, while Article 10 protects the right to vocational training. Article 15 obliges states to provide people with disabilities an education appropriate to ensuring their right to independence, integration and participation in the life of the community. Article 30 confers the right to protection against poverty and exclusion, and calls on states to promote the effective access of people living or at risk of living in poverty or exclusion to, among other things, education and culture.

In a decision made public on 11 August 2009, the European Committee of Social Rights, which monitors State compliance with the revised European Social Charter, provided that States bound by the Charter have an obligation to ensure that educational materials do not reinforce demeaning stereotypes and perpetuate forms of prejudice which contribute to social exclusion, embedded discrimination and denial of human dignity.<sup>77</sup>

The 1995 **Framework Convention for the Protection of National Minorities** was ratified by Ireland in 1999. Article 12 provides that Parties shall, where appropriate, “take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority”, and “provide adequate opportunities for teacher training and

<sup>76</sup> *Preamble*, Convention for the Protection of Human Rights and Fundamental Freedoms (“European Convention on Human Rights”) 1950.

<sup>77</sup> *International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Croatia* (no. 45/2007). This judgment is important because it interprets the scope and purpose of education as being to respect universal human rights in its content and in the way it is delivered. Indeed the UN Special Rapporteur on the Right to Education referred to this case as a ‘landmark decision’. See Report of the UN Special Rapporteur on the Right to Education, July 2010, UN Doc. A/65/162, at para. 39.



access to textbooks, and facilitate contacts among students and teachers of different communities.”<sup>78</sup>

The importance of training law enforcement officials (police and prison officers) has been highlighted by the **Committee for the Prevention of Torture (CPT)** which is the monitoring body for the **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**. The Convention was ratified by Ireland in 1988. The Committee is empowered to visit all places where persons are deprived of their liberty by a public authority. The Committee takes the view that “there is arguably no better guarantee against the ill-treatment of a person deprived of his liberty than a properly trained police or prison officer.”<sup>79</sup>

The **Parliamentary Assembly of the Council of Europe**<sup>80</sup> has expressed its concern about “a certain lack of human rights culture and a failure to understand the true meaning of human rights and their implication in everyday life”.<sup>81</sup> Prompted by the UN General Assembly’s decision to initiate a Decade for Human Rights, the Parliamentary Assembly called for further action by member states on human rights education.<sup>82</sup> Recommendation 1346(1997) on human rights education addressed to the Committee of Ministers<sup>83</sup> called for the inclusion of human rights in education:

**in all school curricula, starting with teacher education programmes, including in-service training, institutes for the study of law and training courses for journalists;**

**In the training of all officials dealing with the public, such as the police, prison staff and people dealing with refugees and asylum seekers.**<sup>84</sup>

The Committee of Ministers has since adopted a range of declarations and recommendations on human rights education related issues.<sup>85</sup> In addition, other policy documents of the Council of Europe identify the need for human rights education and training.

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78 Article 12, Framework Convention for the Protection of National Minorities.

79 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *CPT Standards*, Strasbourg, Council of Europe CPT/Inf/E (2002) 1 – Rev. 2010 p. 18.

80 The Parliamentary Assembly (PACE), which is the parliamentary organ of the Council of Europe consisting of representatives from Member State’s Parliaments, has adopted a number of Recommendations and Resolutions on human rights education related issues.

81 *Recommendation 1346 (1997) 1* on human rights education at para.4.

82 *Recommendation 1401 (1999)* on education in the responsibilities of the individual; *Resolution 1193 (1999)* on second-chance schools - or how to combat unemployment and exclusion by means of education and training; *Recommendation 1346 (1997)* on human rights education stresses the importance of developing a human rights culture and an understanding of the true meaning of human rights including eliminating negative stereotypes; promoting positive aspects of different cultures and ways of life; and promoting tolerance and respect for people from different cultures; *Recommendation 1222 (1993)* on the fight against racism, xenophobia and intolerance; *Recommendation 1283 (1996)* on history and the learning of history in Europe.

83 The Committee of Ministers is the Council of Europe’s decision-making body. It comprises the Foreign Affairs Ministers of all the Member States, represented by their permanent diplomatic representatives in Strasbourg.

84 *Recommendation 1346 (1997) 1* on human rights education.

85 *Recommendation (2004) 4* of the Committee of Ministers to Member States on the European Convention on Human Rights in University Education and Professional Training; *Recommendation R(857)* of the Committee of Ministers to Member States on Teaching and Learning about Human Rights in Schools.



For example, the European Code of Police Ethics embraces the concept that police training should be based on the principles of democracy, the rule of law and the protection of human rights.<sup>86</sup>

## Human Rights Education and the European Union

With the adoption of the Lisbon Treaty, the Charter of Fundamental Rights of the European Union has been given legal effect and the European Union will become party to the ECHR. Member States elaborated education as a right in the European Charter of Fundamental Rights.<sup>87</sup> Article 14 of the Charter provides:

- 1. Everyone has the right to education and to have access to vocational and continuing training.**
- 2. This right includes the possibility to receive free compulsory education.<sup>88</sup>**

It may be noted that the standard set for education in the Charter is modelled on the equivalent ECHR provision, contained in Article 2 of Protocol I. In accordance with Article 53 of the Charter, insofar as rights contained therein are modelled on similar provisions of the ECHR, the meaning and scope of those rights are to be interpreted to have the same meaning as in the ECHR.<sup>89</sup> The Charter does not however address the issue of the purpose of education. This concept has been considered in some of the other fora of the EU. In 1984, the European Parliament adopted a Resolution on Freedom of Education in the European Community, providing:

**[T]he purpose of education and teaching shall be to enable the individual to develop fully and to promote respect for human rights and fundamental freedoms.<sup>90</sup>**

A Resolution by the European Council in 1990 on the fight against racism and xenophobia stressed the importance of effective information and education policies.<sup>91</sup> A 1995 European Council Resolution acknowledged the important role of teachers in shaping pupils attitudes from an early age and invited Member States:

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- 86 *Recommendation Rec (2001)10* of the Committee of Ministers to Member States on the European Code of Police Ethics. The Code identifies a number of fundamental principles which should underpin the training of police personnel, including the principle of openness and transparency in the training of staff and the principle that initial recruit training should be followed by regular in-service training- Articles 26-30 of the European Code of Police Ethics. The Code singles out aspects of training that it considers to be of crucial importance; it highlights the importance of training on the use of force and its limits, with particular reference to the ECHR, and the importance of training on the need to challenge and combat racism and xenophobia.
- 87 In the Amsterdam Treaty, Member States committed themselves to the education of their citizens, though they did not prescribe that it should promote human rights. "State parties are "[d]etermined to promote the development of the highest possible level of knowledge for their peoples through a wide access to education and through its continuous updating"- Article 2(1).
- 88 Article 14(1) and (2), Charter of Fundamental Rights of the European Union.
- 89 Article 53(3). *See also Explanations Relating to the Charter of Fundamental Rights of the European Union*, while this is an explanatory text with no legal value, it is a useful guide in ascertaining the rationale behind the inclusion of particular rights within the Charter.
- 90 Principle 5, European Parliament Resolution on Freedom of Education in the European Community, 14 March 1984.
- 91 Resolution of the Council of the European Communities and representatives of Governments of Member States meeting in the Council, 29 May 1990. It proposed the dissemination of information about the legal instruments in Member States to deal with this issue; to highlight the role of the media; to promote education on pluralism and tolerance; to promote exchange of young people to increase mutual understanding; and to encourage the training of teachers to understand and address diversity in the classroom.

**To foster the provision of education and training of quality enabling all children to fulfil their potential and play a role in the community;**

**To promote educational and curricular innovations which contribute to the development of concepts such as peace, democracy, respect and equality between cultures;**

**To encourage initiatives promoting co-operation between schools and their communities.<sup>92</sup>**

The Resolution also invited the European Commission to ensure coherence among all its programmes that promote education and training on the fight against racism and xenophobia, and to work collaboratively with other international organisations such as the Council of Europe.<sup>93</sup>

The European Council and Parliament have also supported the concept of promoting active citizenship,<sup>94</sup> and the European Council has recognised the importance of lifelong learning initiatives underpinned by human rights values.<sup>95</sup> More recently, the Parliament re-iterated the need to take preventative action against racism, xenophobia, anti-semitism and totalitarianism through education of young people and public information on human rights.<sup>96</sup>

## **Irish Law**

Ireland's obligations in relation to the right to education, and human rights, are also set out in domestic law. Such obligations are detailed in the following section as they are foundational for human rights education. However, it should be noted that there is no national human rights education policy in place in Ireland at time of writing.

### **International Treaties in Domestic Law**

It is of relevance here that most of the international treaties mentioned above do not have direct force of law in Ireland. The Irish Constitution establishes the fundamental principles from which the rights and responsibilities of Irish citizens are derived. International human rights law has had very little influence on shaping the Constitution since its enactment in 1937. In part, this is because of the dualist system set out in the Constitution. Article 29.5 provides that every international agreement to which the State becomes a party, other than purely technical agreements, "shall be laid before Dáil Éireann".<sup>97</sup> Article 29.6 further states that

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92 Resolution of the Council of the European Communities and representatives of Governments of Member States meeting in the Council on the response of educational systems to the problems of racism and xenophobia 95/C 312/01, 23 October 1995.

93 *Ibid.*

94 European Parliament and Council of the European Union Decision to adopt the third phase of the "Youth for Europe" Programme, 818/95/EC, 14 March 1995. The Decision of the European Parliament and the Council in 1998 which established the Community action programme "European Voluntary Service for Youth" stressed the importance of the programme in fostering solidarity and active citizenship in non-formal settings, Decision of the European Parliament and the Council establishing the Community action programme "European Voluntary Service for Youth", 1686/98/EC, 20 July 1998.

95 European Council Conclusions on a Strategy for Lifelong Learning, 97/C 7/02, 20 December 1996.

96 European Parliament Resolution on Combating the Rise of Extremism in Europe, P6\_TA(2007)0612, 13 December 2007.

97 For treaties which involve a charge on public funds, there is an additional requirement that the Dáil must approve the treaty.

“[n]o international agreement shall be part of the domestic law save as may be determined by the Oireachtas”. Read in conjunction with Article 15.2.1 of the Constitution, which provides that the sole and exclusive power of making laws is vested in the Oireachtas (Parliament), Article 29.6 excludes international treaties from having the force of law at domestic level unless they have been transposed into legislation by the Oireachtas.

In general, successive Irish governments have not exercised the procedure of incorporation, and while persons have sought to rely on Article 29.6 to bolster the argument that international human rights treaties to which the State has become a party have created subjective individual rights for Irish citizens, the Irish courts have repeatedly rejected such claims.<sup>98</sup> The present position is that the various international treaties to which the State is a party have no force, as such, within the domestic legal order until such time as the Oireachtas transposes them into the domestic legal order whether by way of legislation or Constitutional amendment. There is an exception to this position in relation to European Community Law, which has direct legal effect in Ireland.

This position conflicts with the clear statement of the UN Treaty Bodies on the nature of State parties' obligations. In its reports to the various UN Treaty Bodies, the Irish government has stated that the dualist nature of the Irish legal system constitutes an obstacle to incorporating any international human rights treaty except where the domestic law already conforms to the relevant standards.<sup>99</sup> This position is undermined by the fact that Ireland has given legal effect to the ECHR in Irish law by way of the European Convention on Human Rights Act 2003 (ECHR Act). Ireland has also given effect to other international treaties dealing with human rights issues. In further cases, the provisions of international treaties have been given effect at the domestic level by statutory enactments which address the obligations of the treaty in question.<sup>100</sup>

## The Right to Education in Irish Law

The right to education is addressed in the Constitution in a limited way under the right to free primary education. Article 42 provides for the right to free primary education in the following terms:

**The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate initiative, and when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation.**

Although expressed as a duty on the State rather than as a right, the Courts have established that a right corresponds to this duty:

98 *Re O'Leighleis* [1960 IR 93]. *Kavanagh v Governor of Mountjoy Prison* [2002] 3 IR 97; *Horgan v An Taoiseach* [2003] 2 IR 468.

99 For example see Ireland's Second Periodic Report under the ICESCR, (2000) UN Doc. E/1990/6/Add.29.

100 See further IHRC, *Discussion Document on Economic, Social and Cultural Rights*, (2005) Dublin, Irish Human Rights Commission at p. 96. Available online at [www.ihrc.ie](http://www.ihrc.ie)

**[T]he imposition of the duty under Article 42, s. 4, of the Constitution creates a corresponding right in those in [sic.] whose behalf it is imposed to receive what must be provided. In my view, it cannot be doubted that citizens have the right to receive what it is the State's duty to provide for under Article 42, s. 4.<sup>101</sup>**

However, the Courts have taken a minimalist interpretation of the State's Constitutional obligations by providing that the duty imposed on the State by Article 42.4 was not to "provide" but to "provide for" free primary education.<sup>102</sup> In other words, the State has an indirect aiding duty rather than a duty to directly provide free primary education. This is reflected in practice whereby a large proportion of primary schools are owned or managed by religious or other private bodies, while being funded by the State.<sup>103</sup> In general, Article 42.4 has been interpreted in a restrictive manner and the Courts have resisted the application of this Article to cover other rights.

The Constitution acknowledges parents as the "primary and natural guardians of the child", while the State is confined to the narrower role of ensuring that children receive "a minimum education, moral, intellectual and social".<sup>104</sup> The Courts have considered what is meant by 'education', but the definition of what amounts to a 'minimum' education has not yet been defined in legislation or by the Courts. It can be said that the framers of the Constitution in 1937 intended the term "primary education" to bear its ordinary meaning of the time: education from approximately the ages of 4 to 12 years provided in primary schools. However, it is also well established that the Constitution is to be interpreted in light of prevailing standards and attitudes.<sup>105</sup>

Since the general concept of what education should comprise has changed dramatically since 1937, a central question is: what exactly is understood by the expression "primary education", as contained in Article 42.4.<sup>106</sup> The first substantive definition of the term was provided by the Supreme Court in the case of *Ryan v Attorney General*:

**Education essentially is the teaching and training of a child to make the best possible use of his inherent and potential capacities, physical, mental and moral.<sup>107</sup>**

This interpretation was also used in relation to the rights of persons with special needs in the case of *O'Donoghue v Minister for Health*,<sup>108</sup> which was the first major case dealing with the State's obligation to protect the right to free primary education for children with severe and profound mental disabilities. In this case,

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101 *Crowley v Ireland* [1980] I.R. 102 at 122, per O'Higgins C.J.

102 *Crowley v Ireland* [1980] I.R. 102 at 126, per Kenny J.

103 The Constitutional Review Group recommended that the right of every child to free primary education should be explicitly stated in the Constitution by removing the word "for" after "provide" in the text. The Group also recommended that the Oireachtas should seriously consider extending this right to the second level. Report of the Constitution Review Group 1996, p 353.

104 Conor O'Mahony, "National Mechanisms for Protecting the Right to Education", presented at the IHRC/ Law Society of Ireland Annual Human Rights Conference 2009. Available online at [www.ihrc.ie](http://www.ihrc.ie).

105 See, Walsh J. in *McGee v Attorney General* [1974] I.R. 284 at 319 and Denham J. in *Sinnott v Minister for Education* [2001] 2 I.R. 545 at 664.

106 Conor O'Mahony, "National Mechanisms for Protecting the Right to Education", presented at the IHRC and the Law Society of Ireland Annual Human Rights Conference, November 2009. Available online at [www.ihrc.ie](http://www.ihrc.ie).

107 *Ryan v Attorney General* [1965] I.R. 294.

108 *O'Donoghue v. Minister for Health* [1996] 2 I.R. 20 (S.C).

O'Hanlon J concluded that the constitutional obligation imposed by Article 42.4 involves "giving each child such advice, instruction and teaching as will enable him or her to make the best possible use of his or her inherent and potential capacities, physical, mental and moral, however limited those capacities may be".<sup>109</sup> In doing so, O'Hanlon J borrowed from the language of the Convention on the Rights of the Child.<sup>110</sup>

While Ireland has not given direct legal effect to the international treaties and conventions that contain the right to education and the duty to impart knowledge of human rights, as will be seen in subsequent sections, at policy level the language has to some extent implicitly permeated education legislation and in limited circumstances has also explicitly been reflected in policy and curricula.

## Equality Legislation

A key component in combating various forms of discrimination in Ireland has been the equality framework. The framework consists of the Employment Equality Acts (1998 to 2008) and the Equal Status Acts (2000 to 2008), which are relevant to a whole range of activities that occur in educational settings. This legislation prohibits discrimination across nine grounds: Gender, Marital Status, Family Status, Age, Race, Religion, Disability, Sexual Orientation, and Membership of the Traveller Community.<sup>111</sup> The Employment Equality Acts prohibit discrimination in employment<sup>112</sup> These Acts also prohibit harassment and sexual harassment. The Equal Status Acts have specific provisions on educational establishments, defined as including all public and private primary and post-primary schools.<sup>113</sup>

The Equal Status Acts specify four areas in which a school must not discriminate:

- The admission of a student, including the terms or conditions of the admission of a student;
- The access of a student to a course, facility or benefit provided by the school;
- Any other term or condition of participation in the school;
- The expulsion of a student or any other sanction.<sup>114</sup>

However, it must be noted that certain exemptions apply.<sup>115</sup> For example, in relation to non-discrimination on gender grounds, single-sex schools are permitted. Furthermore, a school that has the objective of providing education in an environment that promotes certain religious values can admit a student of a certain religious denomination in preference to other students. In addition, such a school can refuse to admit a student who is not of that religion provided it can prove that this refusal is necessary to maintaining the ethos of the school. A statutory body, the Equality Authority, exists to ensure the effective implementation of the Equality Acts.<sup>116</sup>

109 *Ibid.* at.65.

110 IHRC, *Making, Economic, Social and Cultural Rights Effective: An IHRC Discussion Document*. 2005, p.101.

111 Sections 3 and 4 of the Equal Status Acts 2000-2008.

112 Section 6 of the Employment Equality Acts 1998-2008.

113 Section 7 of the Equal Status Acts 2000-2008.

114 Section 7(2) Equal Status Acts 2000-2008.

115 Section 7(3) Equal Status Acts 2000-2008.

116 The Equality Authority is an independent body set up under the Employment Equality Act 1998. It was established on 18 October 1999.

## European Convention on Human Rights Act 2003

Fifty years after Ireland ratified the European Convention on Human Rights (ECHR) it was given effect in domestic law with the passing of the 2003 European Convention on Human Rights Act (ECHR Act). In incorporating the Convention, the ECHR Act gives direct effect in Irish law to the right to education as contained in Protocol 1, Article 2. Section 3 provides:

**[E]very organ of the State shall perform its functions in a manner compatible with the State's obligations under the Convention provisions.<sup>117</sup>**

Thus, all public bodies and officials in Ireland have a statutory duty to take account of the provisions of the ECHR in carrying out their functions. In relation to the delivery of public services, human rights should be integrated into the organisational culture, and should feature in continuing professional development for civil and public servants, so that legislation, policy, programmes and everyday practices respect human rights.<sup>118</sup> In order to fulfil this duty, education and training programmes on the ECHR Act are necessary to ensure that the actions of public bodies are consistent with the content of the Act in line with section 3.

In practical terms, a proactive use of a human rights approach not only improves the relationships that constitute the work of public bodies (such as between the citizen and government, employees and the general public), it also serves as a protective measure against litigation. The Ombudsman has made the case for a proactive human rights based approach:

Rather than explore the potential for added-value through litigation when the damage is done (or allegedly done) I think it might be worth considering the value of avoiding damage—or even damages!—by a more proactive, human rights-based approach on the part of organs of the State covered by the ECHR Act.<sup>119</sup>

Human rights education and training for the Civil and Public Service will be considered in more detail in Chapter 10.

## National Mechanisms for Monitoring and Accountability

There are a number of bodies which have a monitoring role over the provision of education and the State's compliance with international human rights standards. Some of these bodies also provide support for education initiatives and their role in this regard is considered further in later chapters. In the context of a National Action Plan, these bodies could have roles as monitoring or implementing bodies.

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117 Section 3 (1) European Convention on Human Rights Act 2003.

118 The Irish Public Service is composed of a Civil Service (staff working in departments and major agencies) and commercial and non-commercial bodies that provide services on behalf of the State as well as independent bodies that monitor the actions of the State and hold it to account. It is also composed of agencies, public hospitals, schools, defence and police services, and local government.

119 Address by Emily O'Reilly, Ombudsman, 27 April 2007 at the Biennial Conference at the British and Irish Ombudsman Association, England.



## Independent Statutory Bodies

### The Irish Human Rights Commission

The Irish Human Rights Commission (IHRC) is an independent statutory body tasked under the Human Rights Commission Act 2000 with the promotion and protection of human rights in Ireland. The IHRC has a key role at the national level in monitoring the State's human rights compliance, and promoting increased human rights protections. The core functions of the IHRC include providing recommendations and observations on the human rights implications of key legislative and policy questions, monitoring compliance with international and Constitutional human rights standards, promoting awareness, education and training on human rights, conducting enquiries into human rights issues and acting as *amicus curiae* (or 'friend of the court') before the Courts in individual cases. The IHRC is specifically mandated to work in the area of human rights education and awareness-raising. It regularly provides recommendations to the State on measures that need to be taken to improve human rights in Ireland.

The IHRC is also Ireland's National Human Rights Institution (NHRI), and is recognised as such by the United Nations. As the NHRI, the IHRC is mandated to engage at an international level. It has a specific role for example in providing independent reports to the United Nations bodies that oversee the core UN human rights treaties. It also has a specific role in relation to the Universal Periodic Review Process, and can make its own independent interventions before the Human Rights Council. The IHRC is also part of the global network of NHRIs – the International Coordinating Committee of NHRIs – and through that engagement, can also influence human rights development at the international level.<sup>120</sup>

The role and functions of the Irish Human Rights Commission (IHRC) will be considered further below in Chapter 11.

### The Ombudsman for Children

The Office of the Ombudsman for Children was established under the Ombudsman for Children Act 2002, to promote children's rights and the Convention on the Rights of the Child and to advise government on, to consult with children about, and to investigate complaints regarding issues that affect children, including education. From 2004 to 2010, 42.2% of complaints received by the Ombudsman for Children were in relation to education.<sup>121</sup> Within education, the main issues that arose were: child protection, special needs allocation, handling of allegations of bullying, school transport, mechanisms for handling inappropriate behaviour towards children, and policies and procedures.<sup>122</sup> The Ombudsman for Children Act 2002, also tasks the Ombudsman for Children with promoting awareness among the public, including children, of children's rights and welfare,<sup>123</sup> and with establishing structures to hear the views of children and young people so that they are effectively represented.<sup>124</sup>

### The Equality Authority

As noted above, the Equality Authority was set up under the Employment Equality Act 1998 as an independent body tasked with the promotion of equality of

120 For further information on NHRIs see below Chapter 11.

121 Average of complaints relating to education for those years. See <http://www.oco.ie/complaints/complaints-stats.html>

122 Ombudsman for Children, *Annual Report*, 2009, at p.24.

123 Section 7.

124 Section 7(2).

opportunity, and, working towards the elimination of discrimination in relation to the grounds covered by the Employment Equality Acts (1998 to 2008), and the Equal Status Acts (2000 to 2008). As well as responding to public queries and complaints in relation to educational establishments under the Equal Status Acts, the Equality Authority has played a role in working for equality in education, and has produced a range of resources for schools to assist them in developing inclusive schools.<sup>125</sup>

### Office of the Ombudsman

The Office of the Ombudsman investigates complaints about the administrative actions of Government Departments, the Health Service Executive, local authorities and An Post. When the Ombudsman's Office secures a benefit or other entitlement, for a complainant, in the area of housing, disability, nursing home care, hospital treatment, respite for carers, or any other of the areas the Ombudsman deals with, its actions are addressing the rights of those people.<sup>126</sup>

### Other Monitoring Mechanisms

There are a range of other important independent statutory bodies that perform a monitoring function with regard to the civil and public service. These include the Garda Síochána Ombudsman Commission,<sup>127</sup> the Ombudsman for the Defence Forces,<sup>128</sup> and the Data Protection Commissioner.<sup>129</sup>

## Review and Recommendations

Two elements relevant to human rights education have been considered above. The first is the legal underpinning of the right to education in international instruments and in Irish law. As discussed, the content of 'education' relevant to the right to education contained in international treaties includes human rights as a core component. While a right to education does exist under Irish law, the type of education to be provided is not precisely defined.

The second element considered is the duty on the State to raise awareness of human rights among the population. It is clear that Ireland, at a minimum, has an obligation pursuant to the international treaties to which it is a signatory, to ensure that there is public awareness of the rights to which people in Ireland are entitled under those treaties. This is perhaps all the more important in light of Ireland's dualist system, which does not provide the right to those living in Ireland to use many of the international instruments to which Ireland is a party before Irish courts. The one notable exception to this rule is the European Convention on Human Rights, which has been incorporated into Irish law. However, although the ECHR Act includes an express requirement that all organs of the State carry out their functions in compliance with the ECHR, there has been little if any action taken by the State to actively ensure that this is the case. In this regard, education and training are crucial to ensuring that this section of the Act is realised.

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125 Equality Authority, *Guidelines for Second level Schools on Embedding Equality in School Development Planning*, 2010. See also Equality Authority, *The Inclusive School*, March 2004; Equality Authority, *Making Your School Safe – for Lesbian, Gay, Bisexual and Transgender Students* (published with BeLonGTo Youth Project), October 2006.

126 Address by Emily O'Reilly, Ombudsman - at Amnesty International Annual Report launch, Buswell Hotel, Dublin, 27 May 2010, available at [www.ombudsman.gov.ie](http://www.ombudsman.gov.ie)

127 See [www.gardaombudsman.ie](http://www.gardaombudsman.ie)

128 See [www.odf.ie](http://www.odf.ie)

129 See [www.dataprotection.ie](http://www.dataprotection.ie)



While the question of the State's compliance with its obligations to provide human rights education and training will be further considered below, it is clear that the State must make concerted efforts to ensure that Irish legislation fully reflects the provisions of the Convention on the Rights of the Child and of the right to education as set out in International Covenant on Economic Social and Cultural Rights. There should also be specific provisions made for human rights education and training to be provided to all members of the Civil and Public Service.



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# Different Approaches to Education and Human Rights

# 4 \_\_\_\_\_ Different Approaches to Education and Human Rights

*Value-oriented human rights education alone is insufficient. Human rights education should make reference to human rights instruments and mechanisms of protection, and to procedures for ensuring accountability.*<sup>130</sup>

## Introduction

There are a range of different approaches to education and human rights that have been taken in Ireland. This Chapter considers the relationship between human rights education and other types of education that specifically refer to human rights or integrate human rights into their content. The four approaches to education that are considered are: citizenship education, intercultural education, development education and education for sustainable development. These have been chosen because they represent examples of those forms of education explicitly related to, and often interchangeably referred to with human rights education in Ireland. While this Chapter is primarily focused on the formal education system at secondary school level, it is of relevance across all sectors.

The past 30 years have seen the emergence of a proliferation of forms of education which have similarities to human rights education in that they aim to promote a set of values that are human rights oriented. These include respect for human dignity, the promotion of intercultural understanding and sustainable development. Different approaches to education have emerged as a means to tackle societal and global problems such as racism, intolerance, poverty and inequality. They have been influenced by grass-root organisations, initiatives and programmes of the United Nations, regional bodies such as the Council of Europe, as well as development NGOs and community and voluntary organisations. These approaches to education have flourished in Ireland particularly through the work of civil society and the development of the non-formal education sectors to pursue certain values and social change through the medium of education.

The human right issues that the different approaches to education aim to address are inter-linked (see diagram below, courtesy of the *Compass* Manual for Human Rights Education, Council of Europe). This is because human rights are indivisible, interdependent and interrelated. This diagram explains the different so-called 'generations' of human rights are also recognised by the different approaches to education. These include civil and political rights such as right to freedom of expression, right to participate in the political life of society, which would be the focus of civic education, for example. The 'second generation' of rights include economic, social and cultural rights such as the right to an adequate standard of living, to health, to education, to join a trade union. Rights sometimes described as

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130 OHCHR, Report of the United Nations High Commissioner for Human Rights on the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (1995-2004), UN Doc. A/55/360, part V, Section A, para 131.

'third generation' or 'emerging' rights - as they are still in a process of being fully recognised – often deal with the collective rights of society or peoples such as the right to sustainable development. Citizenship education, development education, intercultural education and education for sustainable development examine these rights.<sup>131</sup> All of these forms of education contribute to the realisation of human rights education, which is overarching and inclusive.



Copyright: Compass Manual for Human Rights Education, Council of Europe

In considering the relationship between human rights education and other forms of education that promote human rights it is useful to recall that human rights education aims to develop the ability to make human rights a reality both in communities and in wider society. In describing the scope of human rights education, the then UN High Commissioner for Human Rights, Mary Robinson, said that *value-oriented* human rights education alone was not enough. Human rights education should, by definition, make reference to human rights instruments and mechanisms, and to procedures for ensuring accountability.<sup>132</sup> Thomas Hammarberg, Council of Europe Commissioner for Human Rights, has also stated that human rights education must relate the relevance of the various legal conventions to ordinary people in their daily lives in an accessible way.<sup>133</sup>

Ideally, human rights education should promote knowledge about human rights and mechanisms for their protection; build a human rights culture through the development of values, beliefs and attitudes that uphold human rights and offer encouragement to take action to defend human rights and prevent human rights abuses, and fostering skills necessary to do so.<sup>134</sup> This understanding of human rights education is the baseline by which its relationship with other educational approaches that promote human rights can be compared.

<sup>131</sup> See *Compass* on the website of the Council of Europe's European Youth Centre, Budapest. [www.eycb.coe.int](http://www.eycb.coe.int)

<sup>132</sup> OHCHR, Report of the United Nations High Commissioner for Human Rights on the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (1995-2004), UN Doc. A/55/360, part V, Section A, para 131.

<sup>133</sup> Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Viewpoint: Human Rights Education is a Priority More Concrete Action is Needed, 6 October 2008. Available at [www.commissioner.coe.int](http://www.commissioner.coe.int)

<sup>134</sup> UN General Assembly, Revised Draft Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights Education, UN Doc. A/59/525/Rev.1, (March 2005), at para. 4.

# Citizenship Education/ Education for Democratic Citizenship<sup>135</sup>

Traditionally, concepts of citizenship have focused on the nation state, with the result that education for citizenship was in effect education for national citizenship. A course in 'Civics' was first introduced into the Irish curriculum in 1966. It has been stated that in practice it "was frequently textbook bound where the focus was on the acquisition of unproblematic knowledge and the passive acceptance of social institutions."<sup>136</sup> The 1992 Department of Education *Green Paper on Education: Education for a Changing World* stated that "[the] experience with Civics has not been a successful one, and the topic has not always received the attention it deserves".<sup>137</sup> Recent years have seen the development of programmes that go beyond ideas of national citizenship as well as looking at more comprehensive human concerns.<sup>138</sup> The traditional 'national' approach to citizenship can no longer be said to be in keeping with the everyday reality of students, which is increasingly globalised, nor to recognise the reality that young people have local, national, and international perspectives. Nor does the traditional approach recognise that all learners may not have citizenship in the State in which they are studying.<sup>139</sup>

T.H. Marshall in his book *Citizenship and Social Class* suggests that citizenship can only be effective when it ensures access to three main types of rights. In this way he identifies three components of citizenship:

- The civil component—the rights addressing individual freedom;
- The political component—the right to participate in the exercise of political power;
- The social component—the right to the prevailing standard of living, and equal access to education, healthcare, housing and a minimum level of income.<sup>140</sup>

The modern concept of citizenship education is education which encourages the development of young people as active and responsible citizens.<sup>141</sup> It has been

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135 Human Rights Education and Citizenship Education/Education for Democratic Citizenship often appear together in the title of educational training centres and programmes and the Council of Europe has used both terms interchangeably. In practice however, the two forms of education have fundamental differences in emphasis. In particular, they differ in how they refer to the relationship between the individual and the State. Both approaches share the concept of "rights and responsibilities" but have different fundamental principles underpinning them. Human rights are underpinned by a notion of inherent humanity and arise from ethical and legal interpretations of the individual. Citizenship rights are founded on the relationship between the individual and a political community and political and legal understandings of the individual. K. Peter Fritzsche, "What do human rights mean for citizenship education?", 6(2) *Journal of Social Science Education*, February 2008, pp 40-49.

136 C. Harrison, "Changing practices within citizenship education classrooms", in Jeffers, G. & O'Connor and U., *Education for Citizenship and Diversity in Irish Contexts*, (2009) Institute of Public Administration.

137 Department of Education and Science, *Green Paper on Education- Education for a Changing World* 1992, at p.96.

138 A. Lodge and K. Lynch, (eds.) *Diversity at School*, Dublin, Institute of Public Administration (for the Equality Authority), 2004.

139 Audrey Osler articulates this shift in civics education when she replaces the notion of national citizenship with the idea of a 'cosmopolitan citizenship' based on human rights, which attempts to recognise the complexity of learners' sense of belonging and allegiances in a transnational and globalised world. Audrey Osler and Hugh Starkey, *Citizenship and Language Learning: International Perspectives*, Ignatieff, (2005), p.18. The "cosmopolitan" citizen acknowledges the universalism of human rights regardless of state boundaries, and has distinct responsibilities to act in ways which help to realise those rights. S. Khoo, "Development education, citizenship and civic engagement at third level and beyond in the Republic of Ireland", (2006) 3 *Policy and Practice: A Development Education Review*, pp. 26-39.

140 T.H Marshall, *Citizenship and Social Class*, (1950).

141 See *Compass* on website of the Council of Europe's European Youth Centre, Budapest at [www.eycb.coe.int/compass/](http://www.eycb.coe.int/compass/)

argued that the increasing preoccupation with human rights in education is related to the increase in the processes of democratisation in countries around the world and increasing globalisation, which factors have expanded the notion of what it means to be a citizen.<sup>142</sup>

According to UNESCO, in 1974 there were 39 democracies in the world, this increased to 76 by 1990 and the number of formal democracies in the world increased to more than 120 by 2003.<sup>143</sup> A report by UNESCO/UNICEF and others draws a direct connection between these political developments and the focus on human rights within traditional civic education programmes. It found that:

**Civic education programmes have become an increasingly important means for countries to educate citizens about their rights and responsibilities. Increasing pluralism within states has encouraged the development of civic education programmes that go beyond ‘patriotic’ models of citizenship requiring uncritical loyalty to the nation state. By defining ‘citizenship’ in terms of human rights and civic responsibilities, civic education programmes attempt to avoid concepts of ‘citizenship’ that define nationality in terms of ethnic, religious or cultural identity. The aspiration is that concepts of citizenship based on human rights and responsibilities may make it more difficult to mobilize political conflict around identity issues. It has therefore become the norm for modern civic education programmes to have a strong human rights values base, to make specific reference to children’s rights and address issues related to diversity and the rights of minorities within society.<sup>144</sup>**

Inter-Governmental Organisations whose mandates include the promotion of human rights standards including those promulgated by the UN and the Council of Europe, promote the idea that human rights are integral to the democratic discourse and to citizenship education.<sup>145</sup> Some influential commentators on human rights education consider that there is evidence to suggest that, in practice, human rights education is increasingly recognised by educational authorities as a special feature of, or inclusive approach to, citizenship education.<sup>146</sup> However, this, as will be shown, raises certain challenges, as citizenship appears to place the emphasis on individual responsibility rather than the duty of the State to promote and protect human rights.

The Council of Europe’s Education for Democratic Citizenship programme embraces a broader understanding of citizenship that moves beyond the confines of the nation state to a concept of ‘community’ that encompasses the local, national, regional and international contexts that individuals live in.<sup>147</sup> The concept of Education for Democratic Citizenship has emerged from more traditional civic and citizenship

142 K. Peter Fritzsche, “What do human rights mean for citizenship education?”, (2008) 6(2) *Journal of Social Science Education*, pp 40-49 at p. 45.

143 A. Caille, *Peace and Democracy- Benchmarking*, (2004) UNESCO, at p.10.

144 A. Smith, S. Fountain, and H. McLean, *Civic Education in Primary and Secondary Education in the Republic of Serbia*, 2002, Belgrade: UNICEF, UNESCO, Open Society Foundation, Fund for Open Society - Serbia p.16.

145 See for example WPHRE Revised Plan of Action and Recommendation CM/Rec (2010)7 of the Committee of Ministers to Member States on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.

146 Felissa Tibbitts, “Editorial”, *Journal of Social Science Education* 1, 2006.

147 See Council of Europe Website, “What is education for democratic citizenship and human rights?": [www.coe.int/t/dg4/education/edc/1\\_What\\_is\\_EDC\\_HRE/EDC\\_Q&A\\_en.asp](http://www.coe.int/t/dg4/education/edc/1_What_is_EDC_HRE/EDC_Q&A_en.asp)

education programmes. Recognising the constitutive relationship between a working democracy, a human rights culture, and an active and cohesive citizenry, it has as a fundamental aim the promotion of a culture of democracy and human rights that enables individuals to develop the collective project of building communities.<sup>148</sup>

## Citizenship Education in Ireland

In Ireland, citizenship education is the primary vehicle for human rights education in formal education curricula. At present in formal Irish education, the main vehicle for citizenship education is the Junior Certificate subject, Civic Social and Political Education (CSPE). CSPE replaced the former subject of Civics Education which had been in place since 1966. Since the 1990s, CSPE has had an established presence as an examinable subject at Junior Certificate level. As will be considered further in subsequent Chapters of this report, the evolution of CSPE has its roots in human rights education work developed in Ireland during the UN Decade for Human Rights Education, therefore the strong human rights orientation that underpins the subject is not surprising. CSPE aims:

**To prepare students for active participatory citizenship...through comprehensive exploration of the civic, social and political dimensions of their lives at a time when pupils are developing from dependent children into independent young adults. It should produce knowledgeable pupils who can explore, analyse and evaluate, who are skilled and practised in moral and critical appraisal, and capable of making decisions and judgements through a reflective citizenship, based on human rights and social responsibilities.<sup>149</sup>**

Forms of Citizenship Education also feature in the Transition Year Programme, in the Applied Leaving Certificate and, to a lesser extent, in Social, Personal and Health Education (SPHE) at primary level. In 2008, the syllabus of a new Leaving Certificate subject entitled “Politics and Society” was approved for consultation by the National Council for Curriculum and Assessment. One of the learning outcomes to be achieved in the syllabus is an understanding of human rights, and human rights is a feature of one of the syllabus units, although the emphasis on human rights could be stronger. This subject is envisaged as building on the areas covered in CSPE in the senior cycle and its potential to be a lynchpin of human rights education will be discussed further below in the Chapter on post-primary education.

Citizenship education is also popular in non-formal education, particularly in the Youth Sector. A range of very successful initiatives exist that encourage young people to become involved in community and voluntary activities in order to develop their sense of social and civic awareness. A prominent example is Gaisce, or the President’s Award, which is awarded to young people who complete challenges in a range of areas including personal skills and community involvement.<sup>150</sup>

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148 Thus, Education for Democratic Citizenship seeks to strengthen social cohesion, mutual understanding and solidarity. In recognition of the role of human rights in this broader conception of citizenship, the Council of Europe programme was renamed Education for Democratic Citizenship and Human Rights Education (Education for Democratic Citizenship /Human Rights Education) See [http://www.coe.int/t/dg4/education/edc/What\\_is\\_EDC/GlossaryKeyTerms\\_en.asp#P207\\_8117](http://www.coe.int/t/dg4/education/edc/What_is_EDC/GlossaryKeyTerms_en.asp#P207_8117). It is noteworthy that Education for Democratic Citizenship includes human rights education, civic education, peace education and intercultural education.

149 Department of Education, Civic, Social and Political Education Syllabus for Junior Certificate, (1996) at para. 1.1.1. For further consideration of the human rights education components of CSPE see below Chapter 5/7.

150 Department of An Taoiseach. *Report of the Taskforce on Active Citizenship*, March 2007, pp. 21-22.



## Opportunities and Overlaps

It may be said that human rights education can encompass the concept of citizenship education, as human rights education aims to uphold democracy by creating an awareness of rights which need to be recognised and enforced. Effective human rights education can also support social and political transformation as it requires learners to be made aware that governments are responsible for securing human rights, and of the need to hold governments to account in this regard. Citizenship education focuses more on the individual's responsibility to participate in the life of society, striving primarily to foster cohesion and stability in the social and political community. However, while there are differences between human rights and citizenship education, there are also considerable overlaps, for example, in the use of active, participatory and democratic learning processes which aim to develop the skills and attitudes necessary to be rights-respecting global citizens. Human rights education and citizenship education both aim to foster social cohesion.

A move away from a narrow view of citizenship education towards a broader human rights education could offer a greater opportunity for students to develop their capacity to critique power structures, promote change and to hold government and duty bearers to account. Human rights education can also provide a set of universal principles suitable to a broader notion of citizenship in a globalised world. Furthermore, by defining 'citizenship' in terms of human rights, citizenship education programmes can avoid concepts of citizenship that define nationality in terms of ethnic, religious or cultural identity, and so can better foster a sense of communality of belonging and responsibility. Such an approach is particularly relevant in an increasingly diverse Irish society.

As shall be seen in chapter 6 there is increasing emphasis in Initial Teacher Education and further teacher education on learning about diversity and developing skills to acknowledge and embrace diversity in the classroom. The Development and Intercultural Education (DICE) initiative has been important in that regard.

## Intercultural Education

Intercultural education includes processes that enable the discovery of mutual relationships and the dismantling of barriers.<sup>151</sup> As societies become increasingly diverse, acknowledgement of, and respect for, the rights of all become increasingly important. Many international human rights instruments attach special importance to education about different cultures, civilisations, and languages, with the aim of improving racial, ethnic, and religious relations.<sup>152</sup> Intercultural education is aimed at creating awareness of individuals as global citizens. It is also an effective way to address racism, discrimination and intolerance. A further benefit of Intercultural Education is as a tool to help people take advantage of the diversity offered by multicultural societies.

151 Council of Europe Directorate of Youth and Support, *'All Different - All Equal'* Education Pack. European Youth Centre, 1995, p.40.

152 See for example International Convention on the Elimination of All Forms of Racial Discrimination, Article 7; the Convention on the Rights of the Child, Article 29 (c), (d). See also Article 4(4) of the 1992 UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities adopted by General Assembly Resolution 47/135 of 18 December 1992, which calls on states to encourage knowledge by the majority of minority languages.

According to the Directorate of Youth and Sport of the Council of Europe,<sup>153</sup> the goal of Intercultural Education is:

- To see that diversity is rooted in equality and does not become a justification for marginalisation.
- To make an effort to recognise different cultural identities and to promote respect for minorities.
- To resolve conflicting interests peacefully.<sup>154</sup>

Recognising that issues surrounding integration are multifaceted, the Council of Europe advocates that civic education, peace education, education for democratic citizenship and human rights education all share with intercultural education the aim of achieving intercultural harmony through education.<sup>155</sup>

As was discussed above in relation to citizenship education, the Council of Europe's move towards integrating human rights into citizenship education was an attempt to find a stable relationship between diversity and cohesion on the basis "that concepts of citizenship based on human rights and responsibilities may make it more difficult to mobilize political conflict around identity issues."<sup>156</sup> Intercultural education, which looks at the way people interact with cultures, societies and social groupings, has a natural connection with human rights education. Intercultural education explicitly promotes human rights as the basis for respect for diversity, and goes beyond learning about different cultures to critically engaging with the structural dynamics of power that underlie discrimination in an effort to actively challenge it.<sup>157</sup>

## Intercultural Education in Ireland

Human rights education has particular importance in modern Ireland where Travellers, minority and other groups continue to experience unequal opportunities to access and participate in the educational, cultural, economic, social, and political life of Irish society.<sup>158</sup>

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153 The Directorate of Youth and Sport of the Council of Europe has been active in providing and supporting Intercultural Education, in particular through non-formal channels. It takes an expansive view of intercultural education, that "[f]or a society to become really intercultural, every social group must be able to live in conditions of equality regardless of their culture, lifestyle, or origin." See website of the Council of Europe's European Youth Centre Budapest: <http://eycb.coe.int/compass/en>. The Council of Europe as a whole has been working to promote intercultural dialogue since the 1970's. Initial projects emphasised the integration of minorities in an effort to ensure equality in education and encourage intercultural exchange within the broader community. In the 1990s, projects called attention to diversity within the contexts of language, history, geography and religion while laying the cornerstones for integrating Intercultural Education with Civic Education and Education for Democratic Citizenship and human rights education. The Council of Europe's work in the area of intercultural education takes place the context of European integration and cohesion. It states that in a modern reality of increased economic and social interdependence between different world regions, concepts of national societies as culturally homogeneous are becoming outdated. A commentator observed that "[e]ven in those parts of the globe which are not experiencing patterns of immigration, existing conflicts can often be traced back to conflicts between different peoples or ways of life". See J.M LeClercq, "The Lessons of 30 Years of European Co-operation on Intercultural Education" Speech at the Forum—*The new Intercultural Challenge to Education: Religious Diversity in Europe*, 30 September 2002.

154 Council of Europe's Directorate of Youth and Sport, *All Different – All Equal Education Pack*, (1995).

155 See Council of Europe Website "What is Education for Democratic Citizenship and Human Rights?"; [www.coe.int/t/dg4/education/edc](http://www.coe.int/t/dg4/education/edc)

156 Felissa Tibbits, "Editorial", (2006) 1 *Journal of Social Science Education*

157 Ibid.

158 Higher Education Authority (HEA) *Achieving Equity of Access to Higher Education in Ireland – Action Plan 2005-2007*. November 2004, at p 16.

Travellers, for example, continue to experience marginalisation, racism, and exclusion.<sup>159</sup> A 2009 EU-wide survey showed high perceptions of racial discrimination and abuse by some minorities in Ireland.<sup>160</sup> The National Council for Curriculum and Assessment (NCCA) has responded to the challenges posed by a diversifying Ireland by introducing guidelines on Intercultural Education for teachers. The definition of Intercultural Education in these guidelines is:

**[E]ducation which respects, celebrates and recognises the normality of diversity in all areas of human life. It sensitises the learner to the idea that humans have naturally developed a range of different ways of life, customs and worldviews, and that this breadth of human life enriches us all. It is education which promotes equality and human rights, challenges unfair discrimination, and promotes the values upon which equality is built.<sup>161</sup>**

The Guidelines set out a framework for a whole-school approach to interculturalism and citizenship within Irish primary and post-primary schools. The Guidelines define intercultural education as education that promotes equality and human rights.<sup>162</sup> They focus on the school in its entirety, addressing enrolment policies, strategies to include parents, and school charters. Prior to the intercultural guidelines, the Department of Education and Skills published guidelines on Traveller Education in primary and post-primary schools in 2002.<sup>163</sup>

While the Guidelines are very useful, a coherent implementation plan is needed to ensure their implementation in practice.<sup>164</sup> In addition to this, ongoing research in the area suggests teachers are largely unaware of these guidelines and that they are not being widely implemented in the classroom.<sup>165</sup> Materials developed by the NCCA to date on inclusive practices include guidelines in the areas of special educational needs, intercultural education and guidelines on teaching English as an additional language. Other materials include a curriculum framework for use in Children Detention Schools, high support units and special care units.<sup>166</sup>

Outside the formal education sector, in recent years there has also been a proliferation of workplace training courses and continuing professional development courses covering issues of cultural diversity. These have included courses across the professions, the Gardaí and the Civil and Public Service. Intercultural education in non-formal settings is also being delivered by community and voluntary groups.<sup>167</sup>

159 See for example All Ireland Traveller Health Study 2010, Dublin: Stationery Office; IHRC Submission to the United Nations Committee on the Elimination of all forms of Racial Discrimination on the Examination of Ireland's Combined Third and Fourth Periodic Reports, November 2010; IHRC Discussion Paper, Travellers as an Ethnic Minority under the CERD, March 2004, p.16; IHRC and Pavee Point Joint Research Report, *Travellers Cultural Rights—The Right to Respect for Traveller Culture and Way of Life*, November 2008.

160 European Union Fundamental Rights Agency, *EU-MIDIS: European Union Minorities and Discrimination Survey*, 2010.

161 Department of Education and Science and NCCA, *Intercultural education in the primary school*, 2005, at p. 3.

162 Department of Education and Science and NCCA, *Intercultural Education in the Primary School: Guidelines for Schools*, p. 6 (online version). Available at <http://www.ncca.ie/uploadedfiles/Publications/Intercultural.pdf>

163 For more information on these guidelines see [www.education.ie](http://www.education.ie)

164 Astrid Pérez Piñán, "NCCA guidelines for intercultural education: Issues, opportunities and transferability", (2006) 2 *Policy and Practice – A development Education Review*.

165 C. Ní Chroimin, "Two schools and their experience of Development and Intercultural Education", presented at DICE conference, Dublin, 2009, as quoted in Tiley, A., *Yellow Flag Programme Research Report*, (2009) Irish Traveller Movement, at p.69.

166 See NCCA website for more details [www.ncca.ie](http://www.ncca.ie).

167 See National Youth Council of Ireland website; [www.youth.ie](http://www.youth.ie).

## Opportunities and Overlaps

Human rights provide a normative framework of an agreed set of universal principles which can form the basis for dialogue and solidarity between different cultures and faiths. In this way, human rights education has the potential to be a useful means of educating for intercultural understanding and tolerance. Similarly, human rights provide an empowering framework of universal legal rights which can be used to address issues of inequality which often accompany issues of diversity. The provision of human rights education in the curriculum would therefore include elements of this education and also allow it to be focused through a human rights lens.

## Development Education

The Irish Government—through Irish Aid’s Development Education Committee—has defined Development Education as:

**An educational process aimed at increasing awareness and understanding of the rapidly changing, interdependent and unequal world in which we live. It seeks to engage people in analysis, reflection and action for local and global citizenship and participation. It is about supporting people in understanding, and in acting to transform the social, cultural, political and economic structures which affect their lives and others at personal, community, national and international levels.** <sup>168</sup>

Development Education gives high priority to issues concerning the interaction of different societies and methods of development, linking it with both Intercultural Education and Education for Sustainable Development which have strong human rights elements. Development Education is thus holistic, in the sense that it is based upon a view of the world as one interconnected whole, and it is oriented towards the future. As well as featuring strongly within the content of the Development Education curriculum, human rights education shares a large proportion of the educational approaches and methodologies that are central to Development Education. Development Education primarily uses a human rights framework and promotes human rights values, perspectives, and instruments. However, while Development Education does address human rights and development issues in a local and national context to a certain extent, in practice it differs from human rights education in that the overriding emphasis is on the global perspective.

## Development Education in Ireland

Development Education has been a feature of education in Ireland for over thirty years, with both its content and methodologies evident across the curriculum at primary and post-primary levels, and it is arguably the most developed and well funded of the “value educations” in Ireland. As well as schools and higher education institutions, a broad range of civil society organisations, including the trade union movement, religious groups, development NGOs, and advocacy organisations have been active in Development Education for many years and their work has strengthened development education in schools at primary and post primary

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168 Irish Aid—Department of Foreign Affairs, *Development Education Strategy Plan 2007-2011*, (2007).

level.<sup>169</sup> The Irish Development Education Association has a membership of over 40 organisations, all of which are involved in the provision, promotion or advancement of development education. Organisations to support teacher education in the area exist at both primary<sup>170</sup> and post-primary level,<sup>171</sup> as well as centres of teaching and research at Third Level.<sup>172</sup>

Irish Aid, the Irish Government's programme of assistance to developing countries, published a Development Education Strategy Plan that runs from 2007-2011. It provides that every person in Ireland will have access to educational opportunities to understand their rights and responsibilities as global citizens as well as their potential to effect change for a more just and equal world.<sup>173</sup> Through Irish Aid, the Department of Foreign Affairs funds development education programmes through strategic partnerships and the Development Education Funding Scheme. Under this scheme a wide range of development education organisations, development NGOs and school networks at primary and post primary levels have received funding for development education programmes. Irish development NGOs have developed and provided a large and diverse range of programmes, training courses, and supporting resources and materials to support Development Education in all education sectors. To date, research in Development Education at Third Level has also been well funded.<sup>174</sup>

Irish Aid and Trócaire<sup>175</sup> created a *Guide to Development Education resources in Ireland*, which includes over 300 resources for teachers and students in diverse settings at all levels of education.<sup>176</sup> The Guide illustrates the wide range of primary level development education resources in existence. These are cross-curricular, and focused on specific strands of the primary curriculum, in particular, Social, Personal and Health Education (SPHE) and Social, Environmental and Scientific Education (SESE).<sup>177</sup> An interesting development in recent years, as Ireland has become more diverse, has been the development of material that makes the link between development in a global context and development at community level using development education approaches and techniques.<sup>178</sup>

At Secondary Level there is an abundance of development education resources created for CSPE, and a growing number designed to complement the Geography, Religious and Values Education, and Science and Mathematics

169 Examples include Trócaire, Concern Worldwide, the National Youth Council of Ireland, and Comhlámh. Two examples of work in the Youth and Community sectors include the National Youth Council of Ireland and the Lourdes Youth and Community Project.

170 See the Development and Intercultural Education (DICE) Project's Website: [www.diceproject.org](http://www.diceproject.org).

171 See the Ubuntu Network's Website: [www.ubuntu.ie](http://www.ubuntu.ie).

172 For example, the Development Education Research Network (DERN) at National University of Ireland, Galway, and in University College Dublin, the Development Studies Library and the Equality Studies Centre. See further below Chapter 8.

173 Irish Aid—Department of Foreign Affairs, *Development Education Strategy Plan 2007-2011*, (2007).

174 Irish Aid launched 'The Programme of Strategic Co-operation' in 2006 with a budget of €2.5 million. The aim of the scheme, which is managed by the Higher Education Authority, is to promote innovative research across a range of subject areas in support of Irish Aid's mission and to develop the capacity of the higher-education sector in Ireland and abroad for developmental research. See [www.irishaid.gov.ie/grants\\_educatoin.asp](http://www.irishaid.gov.ie/grants_educatoin.asp).

175 Trócaire is the official overseas development agency of the Catholic Church in Ireland. It works with people to bring about positive and lasting changes in some of the world's poorest places. Its programmes are carried out with partner organisations so that local people drive the process and, in turn, their own development. See [www.trocaire.ie](http://www.trocaire.ie).

176 Irish Aid and Trócaire, *Guide to Development Education Resources in Ireland 2006-2008*.

177 *Ibid.*

178 Banúlacht is a feminist organisation and part of a global women's movement and, as such, is committed to political action. Banúlacht believes in justice and equality for all women and men and in relationships of solidarity between women, North and South. Its approach is founded on the recognition that women are active agents of change in Ireland and globally. See [www.banulacht.ie](http://www.banulacht.ie).

curricula. Development education resources also exist for use in the Leaving Certificate Applied, Transition Year, and Leaving Certificate Vocational.<sup>179</sup> The recent review of the senior cycle has opened up new avenues for the inclusion of development education within the curriculum. Development education is also a feature at primary level, with a wide range of resources in existence that are cross-curricular, and focused on specific strands of the primary curriculum, in particular SPHE and SESE.<sup>180</sup>

## Development Education Strategy

The current Irish Aid Development Education Strategy 2007-2011 'Promoting Public Engagement for Development' sets objectives for support for development education in Ireland over a five year period. One of those objectives is to "strengthen coherence between development education and national education, citizenship and development policies in Ireland".<sup>181</sup> Such investment by Irish Aid is an important contributing factor to the growth of development education and research at third level. Its *Programme of Strategic Co-operation between Irish Aid and Higher Education and Research Institutions* promotes linkages and increased cooperation between Irish higher education and research institutions and those in countries supported by Irish Aid. Irish Aid has allocated over €12 million to this programme for the period 2006 to 2013.<sup>182</sup>

The 2006 White Paper on Irish Aid sets out government policy on development and recognises the key role of development education in Ireland. Acknowledging the close links between human rights and development issues, the Irish Aid development education strategy states that "[p]romotion of human rights and fundamental freedoms are... at the heart of our approach and these priorities will inform our support for development education programmes."<sup>183</sup> A core objective of the Irish Aid strategy is to create cohesion at policy level between national education, citizenship education and development, and to "support the further integration of development education in formal and non-formal education programmes in Ireland".<sup>184</sup> A mid-term review of this strategy found that Irish Aid support is making a difference in building public understanding of and engagement with global development issues.<sup>185</sup>

## Development and Intercultural Education Project (DICE)

The Development and Intercultural Education Project—DICE—aims to promote an understanding of development and intercultural issues in Initial Teacher Education in Ireland.<sup>186</sup> It does this through collaborative partnerships with all five Colleges of Education in the Republic of Ireland, Irish Aid and a number of Non-Governmental Organisations. Funded by Irish Aid, it has as a central objective the support of the inclusion of development education and intercultural

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179 See Irish Aid and Trócaire, *Guide to Development Education Resources in Ireland 2006-2008*. Available at [http://www.irishaid.gov.ie/ourworld/students\\_links\\_downloads.html](http://www.irishaid.gov.ie/ourworld/students_links_downloads.html).

180 *Ibid.*

181 Irish Aid, *Development Education Strategy Plan 2007-2011 - Promoting Public Engagement for Development*, at p. 8.

182 See [www.irishaid.gov.ie/grants\\_education.asp](http://www.irishaid.gov.ie/grants_education.asp)

183 Irish Aid, *Development Education Strategy Plan 2007-2011, Promoting Public Engagement for Development*, at p. 6.

184 *Ibid.*, at p.11.

185 See Irish Aid, *Mid-Term Review of Development Education*, 2011. Available at [www.irishaid.gov.ie/article.asp?article=1519](http://www.irishaid.gov.ie/article.asp?article=1519).

186 See [www.diceproject.org](http://www.diceproject.org).



education perspectives as essential elements of initial teacher education. Human rights education is also promoted under this initiative. During 2007-2009, a DICE Network of five DICE lecturers within the partnership colleges was established to facilitate opportunities for sharing ideas and practice in development and intercultural education and to enable continuing professional development and research for DICE lecturers.

## Opportunities and Overlaps

Both human rights and development are grounded on the principle of creating conditions whereby all people can achieve their full potential. This principle also underlies their respective educational approaches. In a similar way to human rights education, Development Education aims to promote critical thinking and to effect change at a local and global level, and embraces an idea of global citizenship and participation. It can be said that development education has four key components that are also found in human rights education. These are knowledge, skills, and attitudes that lead to action. Human rights can offer Development Education a stronger framework for holding governments and State authorities accountable for ensuring the full development of everyone in their State. A human rights-based approach to education can reinforce Development Education learning by creating a rights-respecting environment in which the knowledge, skills and attitudes acquired can be practiced and observed on a daily basis.

## Education for Sustainable Development

The basic vision of Education for Sustainable Development is a world where everyone has the opportunity to benefit from education and learn the values, behaviour and lifestyles required for a sustainable future and for positive societal transformation.<sup>187</sup> The concept of development has been expanded to recognise the interdependent relationship between people and the environment. In 1992, the United Nations Earth Summit in Rio de Janeiro identified three components of sustainable development—social development, economic development and environmental sustainability—as interdependent and mutually reinforcing pillars.<sup>188</sup> Sustainable development therefore relates to development in the context of the use of natural resources. It is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.<sup>189</sup> Thus while development may be needed to meet human needs and improve quality of life, it must be done in such a way that does not deplete the natural environment’s ability to meet present and future needs. There is a growing realisation of the interdependence of human rights and a respect for the environment, in particular in recent years the area of human rights and climate change is a growing field. This is based on the principle that the pursuit of human rights is meaningless without regard for the natural environment in which these rights are realised, for example, if a lack of respect for the environment leads to a situation where it impedes a person’s enjoyment of basic rights such as access to food and clean water. Thus respect for the environment assists the realisation

187 UNESCO, *Highlights on Decade for Education for Sustainable Development (DESD) - Progress to Date*, January 2007, at p. 2.

188 UN General Assembly, *Report of the United Nations Conference on Environment and Development*, Rio de Janeiro, 3-14 June 1992, A/Conf.151/126 (Vol.1) August 1992.

189 UN, *Report of the World Commission on Environment and Development: Our Common Future*, (1987) A/42/427.

of human rights. Likewise, human rights are viewed as a tool for achieving environmental integrity and environmental justice.<sup>190</sup>

Education for Sustainable Development is one of the newest areas of learning that promotes principles of global citizenship, human rights, and development and which aims to transform society by imparting the necessary knowledge, skills, and attitudes to effect social change by creating active, informed, and critical citizens. UNESCO has proposed that a vision of education for sustainable development is a world where everyone has the opportunity to benefit equally from education and to learn the values, behaviours and lifestyles required for a sustainable future and for positive societal transformation.<sup>191</sup>

It has been submitted that the promotion of Education for Sustainable Development is a key opportunity in continuing the mainstreaming of the concept of sustainable development.<sup>192</sup> Education is viewed as a prerequisite for achieving sustainable development and an essential tool for good governance, informed decision making and the promotion of democracy. The overall goal of Education for Sustainable Development is to move society towards sustainable development by exploring the complex interactions between the three pillars of the discipline, which need to reinforce each other if development is to be sustainable. These are: the environment, society and economics.

## Education for Sustainable Development in Ireland

In the Irish context, work was initiated on the development of a national strategy for Education for Sustainable Development in 2007 as part of the UN Decade of Education for Sustainable Development (2005-2014). During the consultation process that took place for this plan, the IHRC advised that the interdependence between human rights and environmental considerations should be actively explored in any programme of Education for Sustainable Development.<sup>193</sup> It is important also to note that this area of learning is relatively new and, to some extent, still exploratory.<sup>194</sup>

The Ubuntu Network is an important resource to support education for sustainable development in secondary education. It has the goal of promoting teaching for sustainable development and while it is housed at the Department of Education and Professional Studies, University of Limerick, its membership includes teaching staff from education departments in other universities as well as school teachers.<sup>195</sup>

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190 In the UN *Rio Declaration on Environment and Development* (1992), one of the sources of sustainable development concepts and policies, recognised the need for public participation in decision-making regarding the environment and the need for access to information on the environment. The UN *Århus Convention to Information, Public-Participation in Decision-Making and Access to Justice in Environmental Matters* (1998), to which Ireland is a signatory, further entrenches the right to information on the environment (as well as other environment-related rights).

191 UNESCO, *Highlights on Decade for Education for Sustainable Development (DESD) Progress to Date*, January 2007, p.2.

192 See website of the UN University, Institute of Advanced Studies; [www.ias.unu.edu/research/esd.cfm](http://www.ias.unu.edu/research/esd.cfm) 12/07/2007

193 IHRC, *Submission of the IHRC on a National Strategy for Sustainable Development to the Department of Education and Science*, July 2007, at p. 9.

194 See for example, UN Commission on Human Rights Resolution 2003/71: 'Human Rights and the Environment as Part of Sustainable Development'.

195 See further information on Ubuntu Network below, Chapter 6.



## Opportunities and Overlaps

Human rights education and education for sustainable development share common aims, including enabling critical reflection and corresponding action. Furthermore, it is reflective of the commonality of their aims and content that there is overlap between the definitions of human rights education and education for sustainable development. It has been asserted by some commentators that since Education for Sustainable Development includes human rights, then education for sustainable development is a form of human rights education.<sup>196</sup> Both forms of education can certainly benefit from exposure to and knowledge of each other. Education for sustainable development can also be said to lead to a more global and holistic understanding of human rights within human rights education. Its emphasis on collective rights widens the relationship between the individual and the State to include links with the environment, ecological resources, and societal productivity. The UN Decade of Education for Sustainable Development (2005-2014) provides an opportunity to make clear the links between education for sustainable development and human rights education, and to reinforce the ideals of the UN Decade for Human Rights Education, and the World Programme for Human Rights Education.

## Review and Recommendations

The approaches to education reviewed in this Chapter represent current examples of approaches to education explicitly related to, and often interchangeably referred to as 'Human Rights Education' in Ireland. However, it is clear that they are not Human Rights Education as defined by the World Programme for Human Rights Education. Therefore, it cannot be said that the State is fulfilling its obligations to provide human rights education through the inclusion of these topics in the curriculum. It is further clear from the above consideration, that the properly supported provision of human rights education would actually cover many of the issues contained in citizenship, intercultural, and development education. Human rights education would further allow all of these values-based forms of education to be provided through a framework of human rights.

However, in dialogue with educators in these sectors, there is further scope to use human rights education as an overarching framework and to agree a set of learning outcomes that meet the aims of human rights education and that ensure that such education equips learners with the knowledge and understanding of human rights and the skills and behaviour to allow people to realise their own rights and the rights of others.

196 J. R. Plantilla, 'Human Rights in Education for Sustainable Development', in UNESCO, *Report on the Expert Meeting on Education for Sustainable Development: Reorientating Education to address Sustainability*, 11-3 May 2006, Thailand, at p.109.



5

# Primary and Post-Primary Schools: Policies and Supports

# 5 \_\_\_\_\_ Primary and Post-Primary Schools: Policies and Supports

*Human Rights Education... is to be stated explicitly in the objectives of educational policy... as well as in quality standards of education (WPHRE)*

## Introduction

This Chapter considers the framework which exists in Ireland in primary and post-primary schools that may support human rights education as implemented through a National Action Plan for Human Rights Education and Training in Ireland.

As noted above, in the First Phase of the World Programme for Human Rights Education, the UN identified 5 key components for the successful integration of human rights education into school systems. The following Chapters will use these components to map the extent and nature of human rights education in primary and post-primary schools in Ireland. These components are:

- education policies including legislation;
- policy implementation strategies;
- learning environments;
- teaching and learning approaches;
- education and professional development of school personnel.<sup>197</sup>

This and the two following Chapters dealing with primary and post-primary schools, examine the current framework in light of these five elements in order to consider whether Ireland already has a framework for a successful human rights education strategy in place.

## Education Law and Policies

The Plan of Action for the First Phase of the World Programme for Human Rights Education, which focused on primary and post-primary schooling, identifies educational policies as the first key component for a successful national programme of human rights education. It provides that:

**Human Rights Education, which promotes a rights based approach to education, is to be stated explicitly in objectives of educational policy development and reform, as well as in quality standards of education.<sup>198</sup>**

As noted above, educational policies are government statements of commitment including legislation, plans of action, curricula and training policies which explicitly

197 UN General Assembly, Revised Draft Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights Education, UN Doc. A/59/525/Rev.1, March 2005, para.18.

198 WPHRE Revised Plan of Action, Appendix, para. 3.

promote human rights in education.<sup>199</sup> These policies should be developed through a participatory model and fulfil international obligations in relation to quality education.<sup>200</sup> Thus human rights education should be an explicit feature of education at all levels of policy and practice in the education system, and should be developed in a participatory way while also ensuring that it meets the quality standards set out in the Convention on the Rights of the Child (CRC).

The Plan of Action goes on to identify the elements of successful policy implementation, the second component for successful human rights education at national level, which requires that a consistent implementation strategy including resources and coordination mechanisms be established.<sup>201</sup> Thus for human rights education to be effective at the national level, it requires the provision of necessary resources and effective co-ordination to ensure coherence, monitoring and accountability and to take account of and involve such resources and coordination mechanisms in implementing educational policy in practice.

In the past 20 years, education policies and the education system in Ireland have been subject to significant developments. The OECD Review of Education in Ireland in 1991 appears to have prompted many of these developments. A period of extensive policy analysis and debate around Government Green and White Papers, such as the Green Paper *Education for a Changing World (1992)*,<sup>202</sup> the White Papers *Charting Our Education Future (1995)*,<sup>203</sup> *Ready to Learn - Early Education (1999)*,<sup>204</sup> the Green and White Papers on Adult Education (1998 and 2000),<sup>205</sup> as well as the Education Act 1998 and the Education and Welfare Act 2000 led to fundamental changes in Irish education and revised curricula across all levels. Prior to the enactment of the Education Act and the Education and Welfare Act there was an absence of legislation directing education policy in Ireland; education policy was mainly provided through Circulars.

Other developments in the 1990s influenced developments in education policies, most notably, Ireland's ratification of the CRC in 1992, but also international programmes such as the UN Decade for Human Rights Education. The language of the Convention on the Rights of the Child relating to equality of access to quality education aimed at the holistic development of the child and directed towards the creation of a society which respects human rights, is clearly in evidence in the education policy documents and legislation created in Ireland during this time. The UN Decade in particular influenced and informed the development of Civic, Social and Political Education (CSPE) at junior cycle.<sup>206</sup> For example, the 1995 Government White Paper *Charting Our Educational Future* provides that educational development must take into account the State's obligations to fulfil and protect fundamental human rights:

199 Office of the UN High Commissioner for Human Rights & UNESCO, Booklet on *Plan of Action of the UN World Programme for Human Rights Education - First Phase (2005-2007)*, (2006), at p. 3.

200 *Ibid.* p.3.

201 *Ibid.*

202 Department of Education, *Education for a Changing World - Green Paper on Education* (1992) Dublin: Stationery Office.

203 Department of Education, *Charting our Education Future - White Paper on Education*, (1995) Dublin: Stationery Office.

204 Department of Education, *Ready to Learn - White Paper on Early Childhood Education*, (1999).

205 Department of Education, *Green Paper - Adult Education in an Era of Learning*, (1998) Dublin: Stationery Office; Department of Education, *Learning for Life - White Paper on Adult Education*, (2000), Dublin: Stationery Office.

206 At the beginning of the UN Decade for Human Rights Education, a Human Rights Education Project within the City of Dublin Vocational Education Committee Curriculum Development Unit, sponsored by Trócaire was set-up with the aim of promoting the development of human rights education within the formal education curriculum. See K. O'Shea, B. Gill and A. Clifford (eds) (2000) *Towards an Integrated Approach to Human Rights Education*, Dublin: City of Dublin Vocational Education Committee (CDVEC) Curriculum Development Unit/Trócaire, at p.7.

**[T]he State is obliged to protect and promote fundamental human and civil rights, in accordance with the Constitution, national law and relevant International Conventions, including the United Nations Convention on the Rights of the Child.<sup>207</sup>**

This White Paper was the product of extensive consultation and debate and set out an agenda for change and development that resulted in legislative change in the form of the Education Act 1998. It provided that the rationale for education in the State is informed by principles of quality, equality, accountability, pluralism, and partnership.<sup>208</sup> The White Paper conceived of education as part of the State's endeavour to secure economic prosperity, social well-being and a good quality of life within a democratically structured society.<sup>209</sup> It notes the importance of education in areas such as human rights, tolerance, mutual understanding, cultural identity, peace and the promotion of co-operation in the world among people of different traditions and beliefs.<sup>210</sup> The education it envisages aims to achieve the holistic development of the individual and promote the economic and social welfare of the country through developing the necessary skills and competencies.<sup>211</sup> The White Paper also notes that "education is a right for each individual and a means of enhancing well-being and quality of life for the whole of society".<sup>212</sup> Protecting the rights of individuals is acknowledged as part of this responsibility, and education itself is recognised as one of these individual rights.<sup>213</sup>

## The Education Act 1998

The Education Act 1998 is a key piece of legislation governing the operation and development of the education system in Ireland. The Act provides clear normative content to the right to education compared to the broadly worded provisions contained in the Constitution.<sup>214</sup> The Act does not establish an explicitly human rights-based approach to education however, it does promote aspects of quality education as envisaged in the Convention on the Rights of the Child (CRC). The long title to the Act states that one of its purposes is to provide for "the education of every person in the State, including any person with a disability or who has other special educational needs".<sup>215</sup> It addresses quality of education for all children and includes primary, post-primary, adult and continuing education as well as vocational education and training. The Act does reflect some of the principles contained in Article 29 (1) of the CRC. For example, it has the stated aim of ensuring that the education system is "accountable to pupils, parents and the State and respects

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207 Department of Education and Science, *Charting our Education Future - White Paper on Education*, (1995) Dublin: Stationery Office, p.5.

208 *Ibid.* pp. 4-5.

209 *Ibid.* p. 6.

210 *Ibid.* p. 212.

211 *Ibid.* p. 4.

212 *Ibid.* p. 5.

213 *Ibid.* pp. 10, 11, 135.

214 IHRC, *Economic, Social, and Cultural Rights Discussion Document*, 2005, at p 113.

215 The full long title provides that it is "an act to make provision in the interests of the common good for the education of every person in the state, including any person with a disability or who has other special educational needs, and to provide generally for primary, post-primary, adult and continuing education and vocational education and training; to ensure that the education system is accountable to students, their parents and the state for the education provided, respects the diversity of values, beliefs, languages and traditions in Irish society and is conducted in a spirit of partnership between schools, patrons, students, parents, teachers and other school staff, the community served by the school and the state; to provide for the recognition and funding of schools and their management through boards of management; to provide for an inspectorate of schools; to provide for the role and responsibilities of principals and teachers; to establish the national council for curriculum and assessment and to make provision for it, and to provide for related matters. [23rd December, 1998]", Education Act 1998.

the diversity of values, beliefs, languages and traditions in Irish society.”<sup>216</sup> The Act also provides some limited endorsement of the child’s right to consultation and participation, as recognised under Article 12 of the CRC. Section 21 of the Act states that a school plan must be prepared in consultation with the parents, the patron, staff and students of the school. Such plans aim to set out the objectives of the school relating to equality of access to and participation in the school and the measures that the school proposes to take to achieve these objectives.<sup>217</sup> The Act also provides for the establishment of procedures to facilitate the involvement of the students in the operation of the school, according to their age and experience, and for the establishment of school councils in post-primary schools.<sup>218</sup>

## The Education (Welfare) Act 2000

While the Education Act 1998 governs the whole operation of the education system, the Education (Welfare) Act 2000 provides a statutory framework to ensure that every child in the State is in receipt of a minimum standard of education. The main aim of the Act is to promote and improve school attendance rates for children at primary and post-primary level education.<sup>219</sup> It protects the individual child’s right to education at the most basic level—working to ensure their attendance at school is secured. The Act raised the minimum school leaving age to sixteen years, or the completion of the secondary school junior cycle, whichever is later, and puts school attendance in a more rigorous legal frame by providing for school attendance records, notices and offences.<sup>220</sup> The Act also provides for school strategies regarding attendance and a positive learning environment and a written and disseminated code of behaviour and appeals procedures.<sup>221</sup>

The National Education Welfare Board (NEWB) was established under the Education (Welfare) Act 2000. It provides for Education Welfare Officers who are tasked with implementing the Act’s legislative commitments. The remit of the NEWB was expanded, with effect from 1 September 2009, to include the Home School Community Liaison Scheme (HSCL), the School Completion Programme (SCP) and the Visiting Teachers Service for Travellers (VTST). The Board is tasked with developing a single, strategic approach reflecting equally the nature and strengths of each service—including the National Educational Welfare Service—to address school attendance, participation and retention.

## Education for Persons with Special Educational Needs Act 2004

The Education for Persons with Special Educational Needs Act 2004, establishes a right to education suited to individual needs. This includes equality of access to a quality education based on individual needs which ensures the fullest possible social integration and individual development. Together with the Disability Act 2005, the Education for Persons with Special Educational Needs Act aims to ensure that education takes place, as far as possible, in an inclusive environment and that those with special education needs have the same right as everyone else to avail

216 Section 15(2)(b), Education Act 1998.

217 Section 21(3), Education Act 1998 requires that the school plan shall be prepared in accordance with such directions, including directions relating to consultation with the parents, the patron, staff and students of the school, as may be given from time to time by the Minister in relation to school plans.

218 Article 27, Education Act 1998.

219 See the Department of Education and Skills website: [www.education.ie](http://www.education.ie)

220 Sections 21, 22, 24 and 25, Education (Welfare) Act 2000.

221 Sections 10, 22, 23 and 26, Education (Welfare) Act 2000.



themselves of, and benefit from, appropriate education. Under the Act, children with special educational needs are entitled to supports to enable them to participate in inclusive education.<sup>222</sup>

## Teaching Council Acts 2001 and 2006

The purpose of the Teaching Council Act 2001 was to establish a Teaching Council. The Teaching Council (Amendment Act) 2006 made provisions concerning the operation of certain provisions of the Teaching Council Act 2001 and the validity and effect of actions to be carried out under it.<sup>223</sup> Accordingly, the Teaching Council was established on a statutory basis in March 2006. This Council contributes to the quality of Irish education by promoting teaching as a profession at primary and post-primary levels, promoting the professional development of teachers and regulating standards in the profession.

The Teaching Council comprises 37 members who represent colleges of education, parents associations, school management, third level bodies, teachers unions, and the Department of Education and Skills (hereinafter referred to as the Department), as well as primary and post-primary teachers. The Council provides for a large measure of self-governance for those directly involved in teaching.<sup>224</sup> The Teaching Council is tasked with maintaining a register of teachers, establishing, publishing, reviewing and maintaining Codes of Professional Conduct for Teachers which include teaching knowledge, skill and competence, and advising the Department on teacher issues.

The Codes of Professional Conduct for Teachers aim to “clarify the ethics and set out the core values underpinning teachers’ practice and conduct.”<sup>225</sup> It is of note that human rights are not referenced in relation to these core values, nor do they feature in the Codes’ references to teacher’s knowledge, skills or competence. Continuing Professional Development is viewed as a right and a responsibility of teachers, who are conceived of as lifelong learners.<sup>226</sup> The Codes are under review at time of writing, and this may provide an opportunity to place the role of the teaching profession within a stronger human rights framework.<sup>227</sup>

## National Children’s Strategy 2000-2010

Although Ireland does not have a human rights education strategy at time of writing, it does have a National Children’s Strategy that is underpinned by the Convention on the Rights of the Child (CRC). The *National Children’s Strategy 2000-2010* provided the first comprehensive national policy document for the full range of statutory and non-statutory providers in the development of services for children in Ireland. The three national goals of the strategy are:

- Goal 1 - Children will have a voice in matters which affect them and their views will be given due weight in accordance with their age and maturity.

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222 Section 3 provides that each child assessed with a special educational need should have a personal education plan. Should a special educational need be established following an assessment, the child must be referred to the National Council for Special Education (NCSE), or to the principal. While the school has a duty to implement the plan within the school, the NCSE must provide the student with the necessary service as identified in the plan.

223 Section 2, Teaching Council (Amendment) Act 2006.

224 For information on the Teaching Council of Ireland see; [www.teachingcouncil.ie/about\\_the\\_council/](http://www.teachingcouncil.ie/about_the_council/)

225 The Teaching Council of Ireland, *Codes of Professional Conduct for Teachers*, (2007) at p. 14.

226 *Ibid.* at p. 14.

227 *Ibid.* at p. 18.

- Goal 2 - Children's lives will be better understood; their lives will benefit from evaluation, research and information on their needs, rights and the effectiveness of services.
- Goal 3 - Children will receive quality supports and services to promote all aspects of their development.<sup>228</sup>

The implementation of the National Children's Strategy is the responsibility of the Office of the Minister for Children and Youth Affairs.<sup>229</sup> To date, four progress reports have been presented to the Cabinet, with the last one being in 2005.<sup>230</sup> In its 2006 Concluding Observations on Ireland's implementation of the Convention on the Rights of the Child, the UN Committee on the Rights of the Child, which oversees implementation of the CRC, recommended that the achievements of the Strategy to date should be evaluated and assessed in order to ensure that a rights-based approach to all the activities is taken. It also recommended that specific timeframes and budget allocations for the implementation of the Strategy are made.<sup>231</sup>

## Comment

It can be seen from the above that human rights education is not embedded in current legislation. In addition, there is no coherent policy framework based explicitly on human rights education principles. While some aspects of the CRC are reflected in the Education Act 1998, it does not establish as a goal the promotion of human rights education. The National Children's Strategy is more explicitly linked to the principles of the CRC, although there are few concrete recommendations in the Strategy relating to education. Human rights education should be explicitly included as an overarching goal of education in any subsequent legislation and policy in this area.

## Targeted Measures for Educational Inclusion of Specific Groups

A focus on overcoming inequalities in access to education is key to a human rights approach to education. In addition to the education framework legislation set out above, a range of measures exist that target vulnerable groups in an attempt to ensure their full enjoyment of the right to education in the Irish education system. These include policies and associated implementation bodies tasked with addressing the challenges of specific issues and areas in education. These targeted measures aim to counter the barriers that certain sectors in Irish society face in accessing quality education, and aim to use education as a means to counter issues of broader social inequality. Also relevant here is intercultural education discussed in the previous Chapter.

The Children's Programme in the National Development Plan 2007-2013 (NDP) builds on "Towards 2016", whose vision is for all children to enjoy a fulfilling childhood and realise their full potential.<sup>232</sup> Both documents provide that any

228 Department of An Taoiseach, *Our Children - Their Lives; National Children's Strategy 2000-2010*, (2000) Dublin: Stationery Office, at p.11.

229 In terms of co-ordination, the establishment of the Office of the Minister for Children in 2005 brought together a range of policy areas relating to children under a single umbrella.

230 Office of the Minister for Children, *2005 Progress Report on the National Children's Strategy*, (2005) Dublin: Stationery Office.

231 UN Committee on the Rights of the Child, *Concluding Observations: Ireland*, 29 September 2006, UN Doc. CRC/C/IRL/CO/2, at para. 10.

232 Department of An Taoiseach, *Towards 2016; 10 Year Framework Social Partnership Agreement 2006-2015*, (2006) Dublin; Stationery Office, at p.41.

investment framework with children at its centre and social inclusion as its overall objective must include education. Likewise, the National Action Plan for Social Inclusion identifies education as central to addressing poverty.<sup>233</sup>

The **Social Inclusion Unit** within the **Department of Education and Skills** was set up in 1998 to co-ordinate policy addressing educational disadvantage, and there have been numerous programme-based initiatives undertaken aimed at targeting specific groups or specific schools experiencing educational disadvantage.<sup>234</sup> These have included the *Breaking the Cycle of Educational Disadvantage Project*, *Home School Community Liaison Scheme*, the DEIS Programme (Delivering Equality of Opportunity in Schools) and the *Traveller Education Programme*, which are outlined below:

- The **Breaking the Cycle of Educational Disadvantage Project** was introduced in 1996 and was the first scheme within the Department that focused on positive discrimination in favour of pupils from disadvantaged backgrounds. It is now integrated into the Delivering Equality of Opportunity in Schools Programme.<sup>235</sup>
- The **Home School Community Liaison Scheme** was established in 1990, when teachers were appointed as liaison officers in a number of primary schools throughout the country in areas of urban disadvantage. In 1999, the scheme was extended to all designated disadvantaged schools, and from September 2009, the scheme was integrated into a single School Support Programme under the National Educational Welfare Board.<sup>236</sup>
- **Delivering Equality of Opportunity in Schools (DEIS)** is the Department's action plan for educational inclusion. It focuses on the educational needs of children and young people from disadvantaged communities from pre-school through second-level education (3-18 years). Its frame of reference is based on the definition of "educational disadvantage" in the Education Act 1998.<sup>237</sup> The DEIS action plan is one element of a range of measures to address disadvantage, which include second-chance education for adults wanting to return to education, and training and access measures for adults to support increased participation by under-represented groups in further and higher education.<sup>238</sup>
- A Report titled, **Report and Recommendations for a Traveller Education Strategy** was published in 2006. It proposed the implementation of a Strategy which aimed to ensure equal access to quality education for members of the Travelling Community.<sup>239</sup> Both

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233 The Office for Social Inclusion, *National Action Plan for Social Inclusion*, February 2007, Dublin; Stationery Office, at p. 34.

234 For further information on the Social Inclusion Unit in the Department of Education and Skills See <http://www.socialinclusion.ie/index.html>

235 For more information on *Breaking the Cycle* see the Department of Education and Skills website, [www.education.ie](http://www.education.ie). All schools included in this programme were also included in the "Giving Children an Even Break" programme tackling disadvantage in primary schools.

236 Further information can be obtained on the NEWB website at [www.newb.ie/about\\_us.asp](http://www.newb.ie/about_us.asp)

237 The definition in the Act is which is: "...the impediments to education arising from social or economic disadvantage which prevent students from deriving appropriate benefit from education in schools." Section 32(9), Education Act 1998.

238 Core elements of the DEIS action plan comprise: a standardised system for identifying, and regularly reviewing, levels of disadvantage; a new integrated School Support Programme (SSP) which will bring together, and build upon, existing interventions for schools and school clusters/communities with a concentrated level of educational disadvantage. The differences between urban and rural disadvantage will be taken into account in targeting actions under the programme.

239 Advisory Committee on Traveller Education, *Report and Recommendations for a Traveller Education Strategy*, 2006, Dublin; Stationery Office.

the Advisory Committee on Traveller Education and the Education Disadvantage Committee had been involved in developing the Report and Recommendations for a strategy. Both bodies include members of Pavee Point, the Irish Traveller Movement (ITM), the National Traveller Women's Forum as well as teachers unions and School Management. The IHRC has previously stated that such a strategy needs to address the impact of structural inequalities such as poor living conditions, low income and discrimination in the low-level of educational attainment among children from the Traveller Community.<sup>240</sup> No published strategy appears to have been developed to date from the Report, and it has been reported by Traveller organisations that the Report has been used as the Strategy itself. It is unclear at time of writing what specific actions have been taken in relation to implementation.<sup>241</sup>

As discussed in the previous section, under the **Education for Persons with Special Educational Needs Act (EPSEN) 2004**, children with special educational needs are entitled to supports to enable them to participate in inclusive education. The Act states that each child assessed with a special educational need should have a personal education plan. This system is not yet in place but its implementation is being coordinated by the **National Council for Special Education (NCSE)** which has published **Guidelines for the Individual Education Plan** process.<sup>242</sup> The NCSE has also published the *Implementation Report: Plan for the Phased Implementation of the EPSEN Act 2004*.<sup>243</sup> This sets out how the Act can be implemented. However, there is at time of writing no date for the implementation of the assessment of need and individual education plans. The *Report of the Special Group on Public Service Numbers and Expenditure Programmes* ("the McCarthy Report") stated that the "full implementation of the EPSEN and Disability Acts has been deferred due to economic circumstances".<sup>244</sup>

## Taskforce on Active Citizenship

It is also worth mentioning in this context the Taskforce on Active Citizenship, which was set up in part to develop an integrated government social policy framework on citizenship, which included education as a key aspect.<sup>245</sup> It was established in 2006, with a remit to review current levels of citizen participation in Ireland and recommend policy measures to encourage its growth.<sup>246</sup> The Taskforce completed a major public consultation process in 2006, and submitted its recommendations

240 See for example, IHRC, Submission to the UN Committee on the Rights of the Child on Ireland's second periodic report under the Convention on the Rights of the Child, May 2006, pp. 28-31; IHRC, Submission for the 12th Session of the Working Group on the Universal Periodic Review: Ireland, March 2011, at p. 12; IHRC, Travellers as an Ethnic Minority under the Convention on the Elimination of Racial Discrimination - A Discussion Paper, March 2004; IHRC, Submission to the UN CERD Committee on the Examination of Ireland's Combined Third and Fourth Periodic Reports, Nov 2010, at paras. 44-48.

241 See Pavee Point Travellers Centre, *Irish Travellers And Roma Shadow Report: A Response To Ireland's Third And Fourth Report On The International Convention On The Elimination Of All Forms Of Racial Discrimination (CERD)*, January 2011. The Report states that the Department of Education had acknowledged that the report is being read as the strategy for Traveller education. A Traveller Education Strategy Advisory and Consultative Forum (TESACF) was established in late 2009, p. 26.

242 National Council for Special Education, *Guidelines for Primary, Post Primary and Special Schools in Processing Applications for Resources for Pupils with Special Educational Needs*, 2011/2012.

243 National Council for Special Education, *Implementation Report; Plan for the Phased Implementation of the EPSEN Act 2004*, (2006).

244 *Report of the Special Group on Public Service Numbers and Expenditure Programmes Volume II: Detailed Papers*, (2009), Dublin; Stationery Office, at p.56.

245 Department of An Taoiseach, *Report of the Task Force on Active Citizenship in Ireland*, 2007, Dublin; Stationery Office, at p.4.

246 *Ibid.* p. 4.

to Government the following year.<sup>247</sup> As a first step in the implementation process, the Office of Active Citizenship was established on a non-statutory basis in the Department of the Taoiseach and was tasked to work in partnership with relevant stakeholders to achieve an agreed set of targets.<sup>248</sup> Regrettably the Office of Active Citizenship was shut down in 2009.<sup>249</sup> In May 2010, responsibility for progressing Active Citizenship was transferred to the then Minister for Community, Equality and Gaeltacht Affairs. The Minister for Environment and Local Government announced on 1 June 2011 that consideration was being given to moving from a stand-alone approach to Active Citizenship to a more pragmatic one where Active Citizenship is mainstreamed into the Department's existing programmes.<sup>250</sup>

The recommendations of the Taskforce on Active Citizenship overlap with some of the recommendations in the Report of the Democracy Commission,<sup>251</sup> among others, in highlighting the role of schools, youth organisations, community groups and other learning centres in the promotion of civic awareness, values, and behaviour. The Taskforce made a series of recommendations to Government relating specifically to Citizenship Education in schools. These included a recommendation to expand it in schools, youth and adult sectors, and to develop an initiative to promote, link and support Citizenship Education in the Higher Education sector.<sup>252</sup> Unfortunately, the Report did not contain any references specific to children in primary schools.

The final Report of the Taskforce noted that a strong theme that emerged from the consultation process was that, beyond any specific programme or intervention to enhance Active Citizenship, the role of the school ethos and social equality were crucial in providing the right context.<sup>253</sup>

## Religion and Education

Finally, in terms of providing an overview of the educational environment in Ireland, the issue of religion and education—and particularly the issue of patronage—is an important issue. Following on from the obligation in the Irish Constitution to provide “for” education, which has manifested itself in the provision of education by religious and other private bodies, an aspect of the Education Act 1998 that has been the subject of much recent debate is the obligation placed on school Boards of Management to uphold the ethos of its Patron. This has translated in practice to religious denominations (notably the Catholic Church) having wide powers of control of State-funded schools, particularly National (Primary) Schools.<sup>254</sup>

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247 *Ibid.* pp. 15-23.

248 *Ibid.*

249 Information supplied by the Department of An Taoiseach.

250 Minister for Environment, Community and Local Affairs, Phil Hogan T.D., Answer to Parliamentary Question, Wednesday 1 June 2011.

251 The Democracy Commission is an initiative of TASC (a think tank for action on social change) in Dublin, and Democratic Dialogue (a Belfast-based think tank). See C. Harris, ed., *The Report of the Democracy Commission: Engaging Citizens The Case for Democratic Renewal in Ireland*, TASC and Democratic Dialogue, (2005), Dublin. In relation to education for democratic citizenship in schools it recommends promoting democratic structures within schools, the extension of a politics and society subject to Leaving Certificate level and promoting teacher training.

252 Department of An Taoiseach, *Active Citizenship in Ireland, Progress Report 2007-2008 and Action Plan 2008 – 2009*, December 2008, Dublin: Stationery Office, at p.23.

253 Department of An Taoiseach, *Report of the Taskforce on Active Citizenship*, March 2007, Dublin: Stationery Office, at p.21.

254 Section 15(2) Education Act 1998 states that “A board shall perform the functions conferred on it and on a school by this Act and in carrying out its functions the board shall ... (b) uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school.”



Historically, religion and education have been closely linked in Ireland. This relationship is set down in the Constitution, which provides that the role of the State in relation to the provision of free primary education is to “provide for” primary education. In practice, this has meant that the State has funded third parties to deliver education services in Ireland. For the most part, faith-based bodies have fulfilled that role. This practice has led to the current situation where a large proportion of primary schools are funded by the State but owned or managed by religious or other private bodies. As Ireland has become a more diverse country and more parents demand the choice of sending their children to multi-denominational and non-denominational schools, this situation has been the subject of considerable debate.

At present, 98% of Irish primary schools are under religious patronage, with 92% under the patronage of the Catholic Church.<sup>255</sup> The patron of religious schools is in general a senior religious figure and there is church representation on the Boards of Management of each school.<sup>256</sup> There is provision to opt-out of religious instruction in the Irish Constitution.<sup>257</sup> The most recent Primary School Curriculum (1999) recognises the right of parents to choose a school with a religious ethos which reflects the parents’ religious beliefs.<sup>258</sup> It further states that at the same time schools should “be flexible in making alternative organisational arrangements for those who do not wish to avail of the particular religious education it offers. It is equally important that the beliefs and sensibilities of every child are respected”.<sup>259</sup> In reality, the religious ethos of the school could be said to permeate the entire curriculum, thereby reducing in practice the ability to absent the child from religious education.

There are a number of types of post-primary schools: secondary schools, vocational schools, community or comprehensive schools and private secondary schools. Secondary schools form the majority of post-primary schools. Non-fee paying and private secondary schools are usually under the patronage of a religious order. There are no designated non-denominational schools in Ireland. It is also worth noting however, that terms such as non and multi denominational have no definition in Irish law.

There are 58 **Educate Together** Primary Schools in Ireland which are State-funded in the same way as other national schools. These schools are multi-denominational, with most schools under the patronage of Educate Together, a Limited Company. These schools believe that specific religious instruction is the responsibility of parents. Educate Together aims to teach children to understand and to be aware of “the teachings of religious and non-theistic belief systems and how these systems relate to our shared human experience”.<sup>260</sup> Educate Together received formal recognition of second-level patronage from Minister of Education and Skills,

255 Supplementary additional information by the Government of Ireland concerning the List of Issues (CCPR/C/IRL/Q/3) taken up in connection with the consideration of the Third Periodic Report of Ireland under the International Covenant on Civil and Political Rights, UN Doc. CCPR/C/IRL/3, (2008) at p. 10.

256 For a brief history of the Irish primary education system see Á. Hyland, ‘The multi-denominational experience in the national school system in Ireland’, 8(1) 1989 *Irish Educational Studies*, at pp. 89-114.

257 C. O’Mahony, Review of A. Mawhinney, Freedom of Religion and Schools: the Case of Ireland (Saarbrücken: VDM Verlag, 2009) 1(1) *Irish Journal of Legal Studies*, pp 170-171.

258 NCCA and Department of Education, *Primary School Curriculum - Introduction*, (1999) Dublin: Stationery Office, at p. 58.

259 *Ibid.*

260 For further information see Educate Together website at [www.educatetogether.ie](http://www.educatetogether.ie)

Ruairi Quinn TD in May 2011.<sup>261</sup> Plans are being progressed at time of writing to open secondary schools in Lucan, Waterford, Swords, Drogheda, Wicklow, Cork, Limerick and Gorey.

**Gaelscoileanna** consist of primary and post-primary schools. They may be denominational and may therefore be under the patronage of Church authorities. Equally they may be under the patronage of a Limited Company.

**Vocational post-primary schools** are under the patronage of the local Vocational Education Committee. These schools are stated to be non-denominational however, in practice most such schools have a denominational ethos. A new model of primary school, the Community National School, is operating on a trial basis in 5 locations at time of writing. These schools are multi-belief, under the patronage of the local Vocational Educational Committee.

The issue of Irish education being predominately delivered by faith-based bodies rather than the State itself, particularly at primary level, has been commented on by the UN Human Rights Committee. In its 2008 Concluding Observations on Ireland the Committee stated that:

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.<sup>262</sup>

The Human Rights Committee recommended Ireland should increase its efforts to ensure that non-denominational primary education is widely available in all regions of the State, in view of the increasingly diverse and multi-ethnic population.<sup>263</sup>

In response, the Government in its one-year follow-up report noted to the Committee a number of points of progress in relation to the education system's recognition of the changing composition of Irish society.<sup>264</sup> These included a conference for the main school patron bodies to discuss issues such as school ethos and inclusion, details on pilot schemes for new models of Vocational Education Committee (VEC) schools<sup>265</sup> and a Commission on School Accommodation to review the issues of school patronage and the establishment of new schools. The one-year follow-up report stated that until a new system of patronage was in place, the Minister for Education did not intend to recognise new schools, except where increases in pupil numbers could not be catered for by extending existing schools.<sup>266</sup> It also noted that most new schools are multi-

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261 See Educate Together Press Release- *Educate Together Formally Recognised as Second-Level Patron*, 30 May 2011. Available on [www.educatetogether.ie](http://www.educatetogether.ie)

262 UN Human Rights Committee, *Concluding Observations: Ireland*, UN Doc. CCPR/C/IRL/CO/3, 2008, at para.22.

263 *Ibid.*

264 Government of Ireland, *Information received from Ireland on the implementation of the Concluding Observations of the Human Rights Committee*, UN Doc. CCPR/C/IRL/CO/3/Add.1, August 2009, at para. 37.

265 VECs are statutory bodies set up by local authorities (usually County Councils) under the Vocational Education Act 1930, as amended by the Vocational Education (Amendment) Act 2001. Traditionally VEC schools only provided second level and further education. They are largely funded by the Department of Education and Skills. Unlike at second level, where the boards of management for these schools are sub-committees of the VEC (which acts as patron), at primary level the boards of managements will be independent of the patron. Membership of the boards includes VEC representatives and parent, teacher and community representatives, as outlined under the Education Act 1988.

266 Government of Ireland, *Information received from Ireland on the implementation of the concluding observations of the Human Rights Committee*, UN Doc. CCPR/C/IRL/CO/3/Add.1, August 2009, at para. 46.



denominational and argued that Irish schools are welcoming of all backgrounds.<sup>267</sup> The lack of multi-denominational and non-denominational education, particularly in the primary sector, impacts particularly on children from religious minorities and non-religious families.<sup>268</sup>

The issue of religious patronage of schools was also raised by the UN Committee on the Elimination of Racial Discrimination during its examination of Ireland's record under the Convention. In its Concluding Observations in 2011, the Committee recommended that Ireland "accelerated its efforts to establish alternative non-denominational or multi-denominational schools".<sup>269</sup> It further urged Ireland to "encourage religious diversity and tolerance of other faiths and beliefs in the education system by monitoring incidents of discrimination on the basis of belief".<sup>270</sup>

It may also be noted that four of the five State Colleges of Education that provide initial teacher education are under Catholic management/patronage. In order to ensure that students in the College had freedom of thought, conscience and religion, in accordance with Article 18 of the Universal Declaration of Human Rights, St. Patrick's College recently introduced a module entitled 'Ethics and Education', which can be taken by students instead of 'Religious Education'.<sup>271</sup> St Patrick's College indicate that the introduction of this module is in recognition the multiculturalism and pluralism experienced in Irish classrooms today.

In April 2011, recognising the challenges posed by the present system of patronage and the changing needs of the Irish education system, the Minister for Education announced the implementation of the Forum on Patronage and Pluralism in the Primary Sector.<sup>272</sup> The Forum is tasked with reviewing public submissions on: 1) Establishing parental and community demand for diversity; 2) Managing the transfer/divesting of patronage, and 3) Diversity within a school or small number of schools in a locality.<sup>273</sup> The Minister stated:

**[T]he significant societal changes that have taken place in Ireland in recent years have led to an increased demand for new forms of multi-denominational and non-denominational schooling as well as increased demand for Irish language schooling. There are real questions to be answered about the match between our type of school provision, the demand for greater diversity and the make-up of the communities which need to be served.**<sup>274</sup>

The IHRC has proposed that a new approach to patronage in the primary and second level school system be introduced, allowing for greater diversity and inclusion in the education system and, pending such a change, that specific steps be taken to protect minority faith or non-faith children. In this regard, the recently announced Forum on Patronage and Pluralism in the primary Sector is to be

267 *Ibid.*, at para. 42.

268 See IHRC, Submission to the UN Committee on the Rights of the Child on Ireland's Second Periodic Report under the Convention on the Rights of the Child, May 2006, at para. 5.3.

269 Committee on the Elimination of Racial Discrimination, *Concluding Observations: Ireland*, UN Doc. CERD/C/IRL/CO/3-4, April 2011, at para.26.

270 *Ibid.*

271 Information received from St. Patrick's College, Drumcondra.

272 See Press Release of Minister Ruari Quinn T.D., Minister for Education, 19 April 2011. Available on [http://www.education.ie/servlet/blobServlet/fpp\\_press\\_release\\_april\\_2011.pdf](http://www.education.ie/servlet/blobServlet/fpp_press_release_april_2011.pdf).

273 *Ibid.*

274 *Ibid.*

welcomed. The Government should ensure that there is sustained progress in this area. Human rights values are universal and unifying. In formulating these important reforms the Government should ensure that a whole-school approach fosters human rights education and ensures the best interests of the child are served.<sup>275</sup> The IHRC can assist in this process.

## **Support Structures**

In primary and post-primary education, there are a range of bodies that support the implementation of policy and curricula through the provision of training and resources. The Department of Education and Skills fund support services, other Government Departments fund support structures and the community and voluntary sector lead supports and initiatives, examples of which are illustrated below. All of these actors are important in the context of the implementation of the existing educational framework, and any future National Action Plan on Human Rights Education and Training.

### **Department of Education and Skills**

Primary responsibility for education lies with the Department of Education and Skills. The Department administers all aspects of education policy including curricula, syllabi and national examinations. At present, there are twenty state agencies working under the aegis of, or in conjunction with, the Department of Education and Skills.<sup>276</sup> Prominent among these is the National Council for Curriculum and Assessment (NCCA). The work of the Department is also supported through a range of curriculum and school development support bodies that operate under its aegis.

### **National Council for Curriculum and Assessment (NCCA)**

The NCCA was placed on a statutory footing in 2001.<sup>277</sup> It leads developments in curriculum and assessment, and supports the implementation of changes resulting from this work. In accordance with section 41(1) of the Education Act 1998, the object of the Council is to advise the Minister for Education on matters relating to the curriculum for early childhood education, primary and post-primary schools, and the assessment procedures employed in schools and examinations on subjects which are part of the curriculum. Implicit in its advice to the Minister, and outlined in its vision statement, is the organisation's goal to lead and support change in schools and other educational settings.<sup>278</sup> This may help to improve the educational experiences of individuals and thereby contribute to the experience of greater equality in Irish education.

The NCCA promotes engagement with a range of education stakeholders, including “representatives of bodies and persons involved in the education system at early childhood and primary and post-primary levels, in particular national associations of parents, recognised school management organisations and recognised trade

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275 See IHRC, *Religion and Education: A Human Rights Perspective*, May 2011.

276 See website of the Department of Education and Skills, [www.education.ie](http://www.education.ie)

277 Established by Statutory Instrument No.245 and 2001- Education Act 1998 (National Council For Curriculum and Assessment) (Appointment of Members) Regulations, 2001, in accordance with Section 39 of the Education Act 1998.

278 See NCCA website [www.ncca.ie](http://www.ncca.ie)

unions and staff associations representing teachers<sup>279</sup> and the representatives of secondary school students. It has developed a welcome practice of consulting widely and in a timely way with educational stakeholders.<sup>280</sup> The NCCA was responsible for the development of the Civic, Social and Political Education (CSPE) curriculum, informed by pilot work carried out by the Curriculum Development Unit of the City Of Dublin Vocational Education Committee (CDVEC) and consultations with stakeholders. The CSPE curriculum has a strong human rights focus, as will be considered further below. In 2009, the NCCA published the draft syllabus for a new senior cycle subject “Politics and Society” for consultation. It has the promotion of human rights as one of its learning objectives and will also be considered further below.<sup>281</sup>

## Curriculum Development Unit of the City of Dublin Vocational Education Committee

The Curriculum Development Unit (CDU), established in 1972, is a teacher-centred research and development institute, which has developed and supported a variety of local, national and international programmes and initiatives at junior cycle, senior cycle and Further Education levels. These have included Post-Leaving Certificate, Youth, Adult and Community Programmes. Much of the more recent work of the CDU has focused on supporting teachers in programmes that address educational disadvantage and promote social justice.

The CDU initiates, hosts and provides management support to a number of support services for teachers and schools/centres involved in programmes or initiatives such as: Civil, Social and Political Education (CSPE); Student Councils; Education for Democratic Citizenship; Human Rights Education; Education for Sustainable Development, and Seeking Asylum Support Services. The CDU also develops and produces teaching and learning materials.<sup>282</sup> It was instrumental in the development of pilot materials on human rights education that informed and shaped the CSPE curriculum. The CDU also facilitates meetings of the Citizenship Education Network, (CEN) which brings together teachers and educators to provide input into curriculum developments such as the draft syllabus for Politics and Society. Support structures such as this are vital to ensuring that educational programmes and curricula reflect the changing nature of students’ educational needs, whilst also keeping abreast of societal changes and to ensuring that teachers are equipped to address these changes in the classroom.

## Education Centres and Support Services

Since the mid 1990s a range of support services have come on stream to assist teachers, addressing a variety of needs, such as school leadership and development planning, curriculum change, education programmes and other areas of teaching and learning. Until recently, these support services were operated on an individual capacity, provided through Education Support Centres.<sup>283</sup>

279 Education Act 1998 Section 40 (2)(a).

280 However, it is notable that a representative body of school students is not a member of the NCCA Council (Board). This is in part because such a body was not established at the time the Education Act was enacted in 1998, but this situation has not been remedied following the establishment of the Irish Secondary Students Union a number of years ago.

281 See Draft Syllabus for Politics and Society, at [www.action.ncca.ie/en/senior-cycle-consultation/](http://www.action.ncca.ie/en/senior-cycle-consultation/)

282 For further information see [www.cdvec.ie](http://www.cdvec.ie).

283 These were formerly known as Teachers Centres.

According to Section 37 of the Education Act 1998, an Education Support Centre is:

**a place in which services are provided for schools, teachers, parents, boards and other relevant persons which support them in carrying out their functions in respect of the provision of education which is recognised for that purpose by the Minister.**

The principal activity of Education Centres is to organise the local delivery of national programmes of teacher professional development on behalf of the Department. Centres also organise a varied local programme of activities for teachers, school management and parents in response to demand. Education Centres are statutory bodies and are managed by voluntary Management Committees elected annually.<sup>284</sup>

In recent years, there has been some consolidation and re-structuring of the support service system. Support services are now provided through an umbrella organisation, the **Professional Development Service for Teachers (PDST)**. There were fourteen support services provided at the time of writing, which are described in brief in a Table below. There was a dedicated CSPE Support Service to provide assistance for teachers of CSPE, including the development of materials and in-service training. Human rights issues feature in the material and training. However, this Service has been greatly reduced as a result of budget cuts and as a result, the subject no longer has a dedicated support service. CSPE must compete for attention and resources with a range of subjects classified under the cultural and environmental pillar of the PSDT.<sup>285</sup> The Education Support Centres, of which there are twenty-one full-time and nine part-time centres, are still in operation. They now act as administrative bases for the support programmes. PDST personnel, working in multi-disciplinary teams on a regional basis, now provide relevant support to schools. PDST works in close co-operation with the Education Support Centre Network to ensure that needs, as identified by schools, will be met.<sup>286</sup>

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284 Section 37, Education Act 1998.

285 For further information see [www.PDST.ie](http://www.PDST.ie).

286 *Ibid.*

The following table outlines some of the programmes and supports provided by the PDST.

<b>Junior Certificate Schools Programme</b>	The Junior Certificate Schools Programme is a national Department of Education and Skills Programme within the Junior Certificate aimed at students who may leave school early. It includes supports for CSPE, SPHE, and cross-curricular issues such as interculturalism and working with others. <sup>287</sup>
<b>Leadership and Planning</b>	Leadership programmes are provided for primary and post-primary principals and deputy principals. There are a number of programmes including the ‘Misneach’ programme for newly-appointed principals, the ‘Forbairt’ programme for experienced principals and deputy principals, the ‘Cúmasu’ programme provides support to DEIS school leaders and those working in economically disadvantaged contexts, and the new ‘Tóraiocht’ programme which is a programme for future leaders. These programmes offer guidance on building a positive school culture, managing conflict, tackling educational disadvantage, developing interculturalism and working with those with special educational needs. <sup>288</sup>
<b>Leaving Certificate Applied Programme</b>	The Leaving Certificate Applied is intended to meet the needs of those students who are not adequately catered for by other Leaving Certificate programmes or who choose not to opt for such programmes. It is aimed at preparing students for adult and working life. The programme puts an emphasis on forms of achievement and excellence, which the established Leaving Certificate has not recognised in the past. <sup>289</sup>
<b>Transition Year Programme*</b>	The Transition Year Programme promotes the personal, social, vocational and educational development of students and prepares them for their role as autonomous, participative and responsible members of society. It is a unique one-year programme for students who have completed the Junior Certificate.
<b>DEIS: Delivering Equality of Opportunity in Schools*</b>	The DEIS Programme provides support to Urban Band 1 and Urban Band 2 DEIS schools in the area of literacy and numeracy. As part of the DEIS Action Plan, schools are invited to avail of support in literacy through First Steps and Reading Recovery and in the case of numeracy through Maths Recovery and Ready Set Go-Maths.

287 For further information, see <http://jcsp.slss.ie>.

288 For further information see [www.lds21.ie](http://www.lds21.ie).

289 For further information see <http://lca.slss.ie/faq.html>.

<b>Maths Recovery*</b>	<b>The Maths Recovery programme is being rolled out extensively as part of the Department of Education and Skills DEIS initiatives as one of the key actions to improve numeracy outcomes. Maths Recovery offers a unique approach to extending children's number knowledge, understanding and strategies. It is suitable not only for pupils who are experiencing difficulties but also for average and more able children.</b>
<b>Reading Recovery*</b>	<b>Reading Recovery is an early intervention designed to reduce literacy problems in any education system. The goal of Reading Recovery is to enable the lowest achieving children to return to working with the average band in their classes and to continue to progress successfully.</b>
<b>Child Abuse Prevention Programme*</b>	<b>The Stay Safe Programme is a personal safety skills programme which aims to give children the skills necessary to enable them to recognise and resist abuse/victimisation, and to teach children that they should always tell an adult about any situation which they find unsafe, upsetting, threatening, dangerous or abusive.</b>
<b>Post Primary Cultural and Environmental</b>	<b>The Cultural and Environmental 'pillar' of subjects includes Ancient Greek, Art, CSPE, Classical Studies, ESS, Geography, History, Latin and Music. Resources are available for teachers of these subjects.</b>
<b>Post Primary Business and Enterprise</b>	<b>The Business and Enterprise 'pillar' of subjects include Business Studies, Accounting, Business, Economics, Leaving Certificate Vocational Programme and Enterprise. Resources are available for teachers of these subjects.</b>
<b>Post Primary Modern Languages</b>	<b>The Modern Languages 'pillar' of subjects includes English and Modern Languages. Resources are available for teachers of these subjects.</b>
<b>Post-Primary Science and Applied Maths</b>	<b>The Sciences and Applied Maths 'pillar' subjects include Junior Science, Biology, Chemistry, Physics, Agricultural Science, Home Economics, Maths and Applied Mathematics. Resources are available for teachers of these subjects.</b>
<b>Guidance for long and short term planning*</b>	<b>Guidance is provided for teachers as to what information long and short term plans should contain. Examples of plans are provided on its website.</b>
<b>Physical Education*</b>	<b>This programme provides support for Physical Education Teachers.</b>

\* Further information available on [www.pdst.ie](http://www.pdst.ie)



## SPHE and CSPE Teacher Networks

Teachers of SPHE and CSPE have established their own networks and association respectively to support the development of their skills and know-how, and to contribute to policy developments. The teacher education colleges and the universities have also engaged with these networks.<sup>290</sup> These bodies take a keen interest in human rights education.

## Other Support Services

Other Government Departments and bodies have also supported human rights in education, these include Irish Aid (Department of Foreign Affairs), the Taskforce on Active Citizenship, (Department of the Taoiseach), as well as independent State bodies such as the Ombudsman for Children, the Irish Human Rights Commission, and the Equality Authority.<sup>291</sup> Community and voluntary organisations such as Amnesty international-Irish Section, the Irish Traveller Movement, and An Taisce, have also delivered initiatives to promote human rights in education.

## Other Government Departments that provide Supports

### Irish Aid, Department of Foreign Affairs

As noted above, Irish Aid, the Irish Government's programme of assistance to developing countries, promotes and supports the delivery of development education. In its Development Education Strategy it makes a clear and explicit commitment to human rights.<sup>292</sup> Through Irish Aid, the Department of Foreign Affairs funds development education programmes through strategic partnerships and the Development Education Funding Scheme. The DICE initiative in initial teacher education which has a strong human rights component has made an important contribution to the promotion of human rights in initial teacher education. Irish development NGOs have developed and provided a large and diverse range of programmes, training courses, and supporting resources and materials to support development education in all education sectors.<sup>293</sup>

## Independent Statutory Bodies that provide Supports

### Irish Human Rights Commission

The Human Rights Commission Act 2000 tasks the Irish Human Rights Commission (IHRC) with promoting awareness, understanding and education on human rights. The IHRC delivers this function in a number of ways. At a policy level, it promotes the importance of human rights education in national and international fora. At the national level, it has, for example, advocated for a strong human rights focus in the syllabus for *Politics and Society*, a new Leaving Certificate subject. The IHRC has also contributed to the evaluation of the First Phase of the WPHRE at the UN level. It successfully recommended the need for a continued emphasis on teacher education in the Second Phase of the WPHRE as well as a focus on

290 The Association for CSPE Teachers is officially recognised by the Department of Education and Skills as the voluntary support association for teachers of CSPE. For more information on its activities see [www.cspeteachers.ie](http://www.cspeteachers.ie)

291 For more information see [www.equality.ie](http://www.equality.ie).

292 Irish Aid- Department of Foreign Affairs, *Development Education Strategy Plan 2007-2011*, (2007), Dublin: Stationery Office.

293 Irish Aid launched 'The Programme of Strategic Co-operation' in 2006 with a budget of €12.5 million. The aim of the scheme, which is managed by the Higher Education Authority, is to promote innovative research across a range of subject areas in support of Irish Aid's mission and to develop the capacity of the higher-education sector in Ireland and abroad for developmental research. Irish Aid has allocated over €12 million to the programme between 2007-2013. See [www.irishaid.gov.ie/grants\\_educatoin.asp](http://www.irishaid.gov.ie/grants_educatoin.asp).



human rights education for duty bearers, namely the civil and public service. In practical terms, the IHRC participated in the Advisory Group of the *Lift Off* Human Rights Education Initiative and has strongly advocated that this successful initiative be mainstreamed in the primary curriculum. It has promoted a focus on human rights in action projects in CSPE through an exhibition of human rights posters produced by CSPE students to commemorate the 60th Anniversary of the Universal Declaration of Human Rights. The IHRC has also launched and is rolling out a Human Rights Education and Training Programme for the Civil and Public Service, which is outlined in detail in Chapter 11.

### **Ombudsman for Children**

The Ombudsman for Children Act 2002, tasked the Ombudsman for Children (OCO) with promoting awareness among the public, including children, of children's rights and welfare<sup>294</sup> and with establishing structures to hear the views of children and young people so that they are effectively represented.<sup>295</sup> In 2007, two major initiatives – the establishment of a team of young advisors and the “Big Ballot”<sup>296</sup> – helped the OCO to hear and take on board the voices of almost 750,000 children and young people. The OCO also helped generate awareness about the role of the Ombudsman for Children and the UN Convention on the Rights of the Child. The Big Ballot was a project that identified the main issues affecting children and the obstacles to children's rights in Ireland. It involved the largest consultation with children and young people ever held in Ireland with all schools, Youthreach Centres and Senior Traveller Training Centres invited to participate and over 1,000 schools registering to take part. Class size, bullying, school uniforms, discrimination, school policies/priorities, the school curriculum, standards in education and exams were among the educational issues that were raised by children.<sup>297</sup>

### **The Equality Authority**

As noted above, the Equality Authority was set up under the Employment Equality Act 1998 as an independent body tasked with the promotion of equal opportunities and working towards the elimination of discrimination. As well as responding to public queries and complaints in relation to educational establishments under the Equal Status Acts, the Equality Authority works for equality in education and has produced a range of resources for schools to assist them in developing inclusive schools.<sup>298</sup> It has also developed tools to assist primary schools in monitoring their own compliance with equality legislation by conducting equal status reviews. The Authority has conducted research into diversity in schools<sup>299</sup> and homophobic bullying at second level.<sup>300</sup> In 2010, it produced *Guidelines for Second Level Schools on Embedding Equality in School Development Planning*.<sup>301</sup>

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294 Ombudsman for Children Act, section 7.

295 *Ibid.* section 7(2).

296 Further information is available on the Ombudsman's website: [www.oco.ie](http://www.oco.ie).

297 Ombudsman for Children's Office, *What Children Care About, Issues raised by children and young people in our office in 2008*, pp. 9-13.

298 Equality Authority, *Guidelines for Second level Schools on Embedding Equality in School Development Planning*, 2010. See also Equality Authority, *The Inclusive School*, March 2004 Equality Authority, *Making Your School Safe – for Lesbian, Gay, Bisexual and Transgender Students* (published with Belong To Youth Project), October 2006.

299 Equality Authority, *Diversity at School*, 2004.

300 Equality Authority, *Addressing Homophobic Bullying in Second-Level Schools*, September 2010.

301 Equality Authority, *Guidelines of Second Level Schools on Embedding Equality in School Development Planning*, 2010. Dublin: Equality Authority and School Development Planning Initiative.

## Community and Voluntary Sector Supports

### Amnesty International-Irish Section

Amnesty international-Irish Section offers a range of human rights education supports at primary and secondary level. The *Lift Off* project is a north-south initiative run in partnership with the Irish National Teachers Organisation and Ulster Teachers Union to promote human rights education in primary schools. The project also has the support of both the IHRC and the Northern Ireland Human Rights Commission.<sup>302</sup> The project developed tailored human rights education resources for the classroom as well as inputting into initial teacher education and in-service teacher education. *Lift Off* will be profiled in more detail in the next Chapter. At second level it has produced resources for CSPE and Transition year.

### Gay and Lesbian Equality Network and BeLonGTo

The Gay and Lesbian Equality Network (GLEN) and BeLonGTo<sup>303</sup> offer a range of supports to promote the rights of lesbian, gay and bi-sexual young people in the school community. GLEN initiated partnership projects to produce guidance material to help Principals and School Leaders at second level when addressing the challenge of homophobic bullying and involving lesbian, gay, bi-sexual and transgender students in policy development.<sup>304</sup>

### Irish Traveller Movement

The Irish Traveller Movement has piloted an initiative called the *Yellow Flag* programme in secondary schools with the aims of promoting and fostering intercultural understanding. The initiative takes a rights-based approach to promoting the culture of the Traveller community.<sup>305</sup> This programme will be more fully outlined in the Chapter on the post-primary curriculum.

### An Taisce

An Taisce is the national trust of Ireland and is concerned with conserving Ireland's heritage.<sup>306</sup> As part of its education programme, it delivers the 'Green School' initiative in both primary and post-primary schools, implemented in partnership with Local Authorities and the Department of the Environment, Community and Local Government. The programme recognises and promotes the interdependence between environment, citizenship and human rights. This programme will also be outlined in more detail below.

## Policy Implementation Strategies within Schools

Also important in terms of implementing any future National Action Plan are current—and future—policy implementation strategies.

302 *Life Off* has been delivered by Amnesty International-Irish Section and Amnesty International UK (Northern Ireland) with the support of the Department of Education and Science and Irish Aid in the Republic of Ireland, and the Department of Education in Northern Ireland since 2001.

303 BeLonGTo is an organisation for Lesbian, Gay, Bi-Sexual and Transgender Young People from 14 to 23. See [www.belongto.org](http://www.belongto.org)

304 See [www.glen.ie](http://www.glen.ie).

305 For more information, see ITM website at [www.itmtrav.ie](http://www.itmtrav.ie).

306 For more information on An Taisce see [www.antaisce.org](http://www.antaisce.org).

## School Development Planning Initiative

The School Development Planning Initiative (SDPI) was established in 1999 to stimulate and strengthen a culture of collaborative development planning in post-primary schools. It was devised as part of the range of policies to tackle education disadvantage and was initially developed in schools in areas which were designated disadvantaged. With the introduction of the Education Act 1998, the School Development Planning Initiative was rolled out to all schools.<sup>307</sup> School Development Planning Support (SDPS) undertook a support function in this area for primary schools. Since 2009, support for school development is included as a support service under the umbrella organisation, the Professional Development Services for Teachers (PDST).

School Development Planning (SDP) has been defined as a systematic whole-school approach to the process of identifying the school community's needs and developing plans to address them.<sup>308</sup> Internationally, there is widespread agreement among educationalists that this form of planning is a powerful means of promoting school improvement and school effectiveness.<sup>309</sup> It has been viewed as a means to promote quality education in schools, modernise the education sector,<sup>310</sup> promote gender equality,<sup>311</sup> raise standards of literacy and numeracy,<sup>312</sup> and tackle disadvantage in education.<sup>313</sup>

The 2002 National Progress Report on the School Development Planning Initiative in primary and post-primary schools identified core issues and challenges for future school development planning including the role of such planning in addressing disadvantage, promoting interculturalism, and providing for special educational needs.<sup>314</sup> The Advisory Group on Post-Primary Teacher Education has stated that "if SDP is to achieve its aim every teacher should view his/her work as interconnected with the work of every other teacher in the school in the communal task of delivering on the school's aims, mission, and vision."<sup>315</sup>

In assisting schools to develop whole-school development plans to address issues and challenges that they are facing as a result of diversity, a School Development Planning resource highlighted the importance of examining existing perceptions and attitudes towards the issue in question; "In planning for diversity and equality, it is important that schools spend some time in honest reflection on their perceptions of and attitudes towards diversity of all kinds, and to try to agree the core values which

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307 Section 21 of the Education Act 1998 requires that a school's board of management shall "make arrangements for the preparation of a plan (in this section referred to as the 'school plan') and shall ensure that the plan is regularly reviewed and updated." It specifies that the school plan shall be prepared "in accordance with such directions, including directions relating to consultation with the parents, the patron, staff and students of the school, as may be given from time to time by the Minister in relation to school plans."

308 For further information on School Development Planning see [www.sdpi.ie/](http://www.sdpi.ie/).

309 B. Davis, and L. Ellison, *School Planning and Development* (1992) Harlow: Longman.

310 *The Programme for Prosperity and Fairness (2000)* identified School Development Planning as the basic element of modernisation in the education sector at primary and post-primary level.

311 *The National Plan for Women 2001–2005* promoted School Development Planning as a means of addressing gender equality issues in schools.

312 The Government's *National Anti-Poverty Strategy* (March 2002) specified School Development Planning as a strategy for raising standards of literacy and numeracy.

313 Department of Education and Science, *Report of Advisory Group on Post-Primary Teacher Education, 2002* Dublin: Stationery Office, at p. 44.

314 Department of Education and Science *School Development Planning Initiative - National Progress Report, 2003*, Dublin: Stationery Office.

315 Department of Education and Science, *Report of the Advisory Group on Post-Primary Teacher Education, 2002*, Dublin: Stationery Office at p. 44.

they want to implement in their policy and practice.”<sup>316</sup> The resource then examines various whole-school approaches that can be taken to diversity in a school, including an equality/human rights-based approach.

One of the aims of human rights education is to build a culture of human rights in every community, including the school community. School Development Planning exemplifies an important shift in school culture towards a whole-school approach to addressing school issues that is based in consultation and democratic decision-making, and which moves away from a stratified and compartmentalised curriculum. The development of a human rights approach to School Development Planning is key to the successful realisation of human rights education.

## School Plans

Under the Education Act 1998, all primary and secondary schools are obliged to publish a school plan that describes their ethos, admissions policy and objectives.<sup>317</sup> This Plan is to be produced by the board of management and to set out the long-term vision of the school, its goals and action plans, and its policies and procedures. It includes information on the school’s curriculum, resources and facilities, and opportunities for students and others to participate in the school community. It should also contain the school’s objectives relating to equality of access, participation in the school and provision for students with disabilities or who have other special educational needs. The Professional Development Service for Teachers (PDST) produces policy prompts, which, though not mandatory, are intended to assist schools in devising their own school policies and procedures including child protection, equality and interculturalism, all underpinned by human rights principles.<sup>318</sup>

From a human rights education perspective, school plans can provide an opportunity to create a human rights-based school and build a culture of human rights in the school community. An example of an initiative in this area is Amnesty International’s ‘Human Rights Friendly Schools Project’, which explores what is a human rights friendly school and how to create a school plan that is informed by human rights at all levels.

### Amnesty International’s Human Rights Friendly Schools Project

Amnesty International (International Secretariat) has developed a global human rights project for secondary schools. The project aims “to promote a culture of human rights in schools through supporting school communities to integrate human rights values and principles into key areas of school life, and to demonstrate the validity of a Human Rights Friendly School Approach.”<sup>319</sup> The project reflects the vision and mandate of the UN World Programme for Human Rights Education, and is envisaged as a means to support partnerships among community and voluntary organisations, schools, and communities. The Project outlines what a human rights friendly school would look like:

316 Input by Mary Gannon at SDP Summer School, NUI Galway, June 2006. Available at: [www.sdpi.ie/](http://www.sdpi.ie/)

317 Section 21, Education Act 1998.

318 For further information on policy prompts see <http://ppds.ie>.

319 Amnesty International, *Guidelines for Human Rights Friendly Schools*, London, Amnesty International – International Secretariat, 2009 at p.5.

## What is a Human Rights Friendly School?

According to the project, a Human Rights Friendly School is a school that ensures that equality, dignity, respect, non-discrimination and participation are at the heart of the learning experience and present in all major areas of school life; it is a school that is friendly to human rights. A Human Rights Friendly School promotes:

- An overall school-wide atmosphere of equality, dignity, respect, non-discrimination and participation;
- A fully democratic, participatory approach to school governance where all members of the school community are involved in the decisions that affect them;
- Empowerment of students, teachers and staff to meaningfully and equally participate in the creation and implementation of school policies;
- Student involvement in debates about change;
- An increased sense of inclusivity and interconnectedness that fosters mutual responsibility and local and global solidarity;
- Learning experiences about human rights inside and outside of the classroom.<sup>320</sup>

## School Admissions or Enrolment Policies

A school admissions or enrolment policy sets out the school's policy for the enrolment of children. School admissions policies are governed by Section 33(g) of the Education Act 1998. However, beyond setting some general principles and requirements, the Act is not overly prescriptive regarding the content of any admissions policy. The admissions policies of most primary schools give priority to children from their local area, which, for denominational schools, is usually the local parish. Where there is an accommodation problem, the school must give priority on the basis of their admissions policy. The board of management of each school is tasked with devising its own admissions policy and making this information available to parents.<sup>321</sup> Such policies should include the provision of services for children with special educational needs<sup>322</sup> and respect the rights of parents to send their children to a school of their choice. Schools are allowed to follow their religious and educational philosophy when developing an admissions policy and may choose only to enrol children from a particular area or age group.<sup>323</sup> They cannot however refuse admittance to a student unless that refusal is in accordance with their stated policy and does not discriminate under the Equal Status Acts 2000–2004.<sup>324</sup> Parents can appeal a decision to refuse enrolment to the school's board of management, and if necessary, to the Department of Education and Skills.<sup>325</sup>

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320 This approach to human rights education, which goes beyond the classroom and into all aspects of school life, is commonly called a 'whole-school approach,' a 'holistic approach' or 'rights-based approach.' These terms indicate the involvement of all members of the school community in building an environment where human rights are learned, taught, practiced, respected, defended and promoted. For more information on Human Rights Friendly Schools project see [www.amnesty.org/en/human-rights-education/projects-initiatives/rfsp](http://www.amnesty.org/en/human-rights-education/projects-initiatives/rfsp)

321 *Ibid.*

322 Section 33(i), Education Act 1998.

323 *Ibid.*

324 Section 7, Equal Status Act 2000.

325 Section 29, Education Act 1998.

In 2007, the Equality Authority expressed its concern to the Department of Education and Science (in 2011 renamed the Department of Education and Skills) at the emergence of segregated primary school provision for black and minority ethnic students, who had been turned away from local national schools that were overcrowded.<sup>326</sup> In particular it queried the interpretation of the religious ethos exemption found in Section 7(3)(c) of the Equal Status Acts and concluded that the “exemption in Section 7(3)(c) cannot be relied on by denominational schools where indirect discrimination on the ground of race is the result”.<sup>327</sup> Such discrimination is prohibited by the European Race Directive,<sup>328</sup> which takes precedence over Irish legislation.<sup>329</sup> In January 2008, the Catholic Archdiocese of Dublin approved a new school enrolment policy which saw two schools for the first time setting aside a quota of places for non-Catholic pupils.<sup>330</sup> Up to this point, all schools belonging to the Archdiocese were obliged to enrol Catholic applicants first.

An audit of school enrolment policies at primary and post-primary levels was published by the then Department of Education and Science’s Regional Offices Services in April 2008.<sup>331</sup> An analysis of the audit indicated that there was evidence at a local school cluster basis, though not on a systemic level, that “some schools are assuming disproportionate shares of responsibility for enrolling children of all backgrounds and needs within their local community”.<sup>332</sup> The audit also identified elements of the written enrolment policies of schools that may appear to have the effect of disadvantaging certain pupils.<sup>333</sup> The report highlighted how retaining lengthy waiting lists (for example, pre-enrolling children from birth) or providing preference to children of past-pupils, placed non-nationals and children of families who were moving house at a disadvantage.<sup>334</sup>

## Codes of Behaviour

The Education (Welfare) Act 2000, sets out the law in Ireland in relation to discipline in State primary and post-primary schools. Under the Act, the board of management of school is obliged to draw up a code of behaviour for students stating the school’s disciplinary rules and procedures.<sup>335</sup> Almost all schools have a written code of discipline or student behaviour and a set of rules with which pupils are expected to comply.<sup>336</sup> Schools are encouraged to develop the codes with the involvement of the entire school community including student councils.<sup>337</sup> The idea that students themselves are involved in developing the Codes is central to a rights-based approach to education and reflects the principles enshrined in Articles 12 and 28(2) of the

326 Equality Authority, *Annual Report 2007*, p.42.

327 *Ibid.*

328 Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The Directive was transposed into Irish law by the Equality Act 2004. The European Commission issued a reasoned opinion on 27 June 2007 stating that, in its view, Ireland had failed to correctly transpose the Directive in a number of respects.

329 *Ibid.*

330 See RTE News online article; *Dublin Schools to end Catholic-first Policy*, 23 January 2008. The two schools in question were St Patrick’s and St Mochta’s in Dublin.

331 Department of Education, *Audit of school enrolment policies by Regional Offices Services- Summary Report*, November 2007.

332 Letter issued to all educational partners from Mary Hanafin T.D., Minister for Education and Science, 24 April 2008, following the publication of the ‘*Audit of school enrolment policies by Regional Offices services, summary report, 2007*’. See [www.education.ie/insreports/des\\_itr\\_enrolment\\_audit.doc](http://www.education.ie/insreports/des_itr_enrolment_audit.doc).

333 *Ibid.*

334 *Ibid.*

335 Section 23, Education (Welfare) Act 2000.

336 National Education Welfare Board, *Developing a Code of Behaviour: Guidelines for Schools*, 2008 at p. iii. See [www.newb.ie/codes\\_of\\_behaviour\\_guidelines/introduction.asp](http://www.newb.ie/codes_of_behaviour_guidelines/introduction.asp).

337 *Ibid.* See further Chapter 5, below.



Convention on the Rights of the Child. Schools have considerable independence in the area of discipline. They must however, use fair procedures, which include hearing the student's case.<sup>338</sup> The Task Force on Student Behaviour recommended that a charter of rights and responsibilities should be drawn up that would assist all who form the school community to clearly understand their roles and their responsibilities.<sup>339</sup> It also recommended that the charter become a focus of school development plans for those schools that adopt it and should be easily accessible to all relevant parties, through inclusion in the School Journal or Handbook.<sup>340</sup>

The **National Education Welfare Board** has a statutory function to ensure that “each child attends a recognised school or otherwise receives a certain minimum education”.<sup>341</sup> As noted above, it aims to build a culture of attendance and participation among all children and families by addressing the root causes of absenteeism, and fostering a positive learning environment where the individual needs of the student are addressed so that they can fully participate in education.<sup>342</sup> In terms of assisting schools in this measure, the Board has created guidelines for developing codes of behaviour in schools with the aim of assisting schools to “maintain the best possible educational environment” in the school.<sup>343</sup> These recommend that the prevention of bullying should be a fundamental part of a written code of behaviour and discipline in all schools. The Guidelines are informed by the right to education as outlined in the European Convention on Human Rights and the Convention on the Rights of the Child, and by the Equality Legislation, which are referenced in the text.<sup>344</sup> They state that a code of behaviour should be underpinned by principles of fairness and equity, and be based on a commitment to the welfare of every student, including the right to participate in, and benefit from, education.<sup>345</sup>

## Evaluations and Inspection

Whole-school evaluation, programme inspections and subject inspections can be important tools in creating and monitoring a human rights-based education system, in which human rights inform policy, planning, consultation and teaching and learning practices. Evaluations and inspections are carried out by the Inspectorate Division within the Department of Education and Skills.

### Whole-school evaluation

Whole-school evaluation is a process of external evaluation of the work of a school carried out by the **Inspectorate of the Department of Education and Skills**. The process is designed “to monitor and assess the quality, economy, efficiency and effectiveness of the education system provided in the state by recognised schools and centres for education”.<sup>346</sup> Whole-school evaluation is one of a number of external evaluative instruments used by the Inspectorate in schools. At post-primary

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338 *Ibid.* at p. 68.

339 Department of Education & Science, *School Matters: The Report of the Task Force on Student Behaviour in Secondary Schools*, Dublin: 2006, p.138.

340 *Ibid.* at p.139.

341 Section 10, Education (Welfare) Act 2000.

342 For further information, see NEWB website, [www.newb.ie/about\\_us.asp](http://www.newb.ie/about_us.asp).

343 NEWB, *Developing a Code of Behaviour: Guidelines for Schools*, 2008, at p. iii.

344 The Guidelines further note the State obligation outlined in the Convention on the Rights of the Child (CRC) to ensure that “school discipline is administered in a manner consistent with the dignity of the child”. They also note that in accordance with the CRC, the voice of the child must be heard in matters that affect them, and therefore students must be consulted in the drawing up of a school code of behaviour which should be a whole-school effort, at p.12.

345 NEWB, *Developing a Code of Behaviour: Guidelines for Schools*, 2008 at p. 23.

346 Section 7(2)(b), Education Act 1998.



level, subject inspection is an established approach to evaluating individual subjects and is an integral part of whole-school evaluation.

Whole-school evaluation is intended to be a collaborative process involving the teaching staff, the management of the school, parents, and students. At various stages during the whole-school evaluation process, members of the school community have the opportunity to interact with the evaluation team to discuss their work, their role, and their vision for the school. During a whole-school evaluation, the management and planning, teaching and learning and supports for students are evaluated. The evaluation team discusses the findings and recommendations of the whole-school evaluation with the board of management, principal and deputy principal (or deputy principals), and all members of the teaching staff.

During a whole-school evaluation at post-primary level, inspectors do meet with the student council to hear the views and opinions of students.<sup>347</sup> A representative sample of students is consulted in the pre-evaluation phase by means of a survey.<sup>348</sup> Students are not consulted at the post-evaluation phase, during which the board of management, principals, teachers and parents' representatives receive feedback from the inspector and begin a future planning process based on their findings and recommendations. At primary level, inspectors are expected to talk to children about what they are learning, and "listen to children's views and opinions",<sup>349</sup> and parental involvement is facilitated.<sup>350</sup> While the Department of Education and Skills does specify the means of assessing parental and community involvement, which is to be welcomed, a means of assessing how children's views and opinions are listened to in the inspection process is not outlined.<sup>351</sup>

### Programme evaluation

Programme evaluation in primary and post-primary schools focus on the quality of provision of particular programmes. At post-primary level, evaluations are undertaken in relation to the following programmes: Transition Year, Leaving Certificate Vocational Programme, Leaving Certificate Applied Programme and the Junior Certificate Schools Programme. At primary level, evaluations are undertaken of the following: provision for Traveller education, implementation of the primary school curriculum and literacy and numeracy in schools designated as disadvantaged.

### Subject inspection

Subject inspection is the most frequent form of evaluation in post-primary schools.<sup>352</sup> The code of practice for subject inspection states that in evaluating subjects, the Inspectorate should "place the student at the centre of teaching and learning" and include interaction between the inspector and the students, where appropriate.<sup>353</sup> However, the list of possible sources of evidence for inspecting

347 Department of Education, *A Guide to Whole-School Evaluation in Post-Primary Schools*, January 2011. The Guide sets out the practices and procedures involved in all aspects of the Whole-School Evaluation process. It clarifies the process for all participants and places whole-school evaluations within a legislative and regulatory framework.

348 *Ibid.*, at p.10.

349 Department of Education and Science Inspectorate, *A Guide to Whole School Evaluation in Primary Schools*, June 2010, at p.13.

350 *Ibid.*

351 *Ibid.*

352 For further information see Department of Education and Skills website, [www.education.ie](http://www.education.ie).

353 Department of Education and Science Inspectorate, *A Guide to Subject Inspection at Second Level*, October 2004, at p. 2.

aspects of teaching and learning does not mention discussion with students, only with teachers and principals, with reference to observation and occasionally “interaction” with students. The aim of interacting with students does not appear to be to elicit their views on the education they are receiving, rather it is said “to clarify student’s knowledge, understanding, and engagement with the subject.”<sup>354</sup> The Department of Education and Skills Guidelines outline the elements of the inspection day that should be planned. These include meeting with and interviewing principals, meeting teachers, observing classes, providing feedback to individual teachers, to the principal, and to teachers as a group.<sup>355</sup> Consulting with students is not mentioned, nor is providing feedback to them.<sup>356</sup>

## Comment

While there are references to the operation of student councils, which is a good indication of student participation, there is no reference to human rights in a sample of reports on Civic, Social and Political Education (CSPE) published in February 2011.<sup>357</sup> At primary level, for example, within reports of inspections of Social Personal and Health Education (SPHE), human rights were not found to have been commonly referenced.<sup>358</sup> This is despite the fact that part of school planning for SPHE in the primary school includes the aim of creating a positive school climate and atmosphere. According to the SPHE curriculum guidelines, appropriate strategies for creating a positive climate and atmosphere include fostering respect for diversity, and developing democratic processes.<sup>359</sup> Both of these strategies reflect human rights education principles. In order to realise the potential of whole-school evaluation, programme inspections and subject inspections as tools in creating and monitoring a human rights-based education system, the promotion of human rights education should be included by the Inspectorate of the Department of Education and Skills as an inspection criterion.

## Learning Environment

The Convention on the Rights of the Child obliges States to ensure that young people have a say in decisions that affect them,<sup>360</sup> and an educational space that promotes a culture and ethos of respect for human rights.<sup>361</sup> Human rights education therefore consists not only of the imparting of knowledge about human rights, but also includes the practice of human rights in the whole environment in which education takes place. The Plan of Action for the WPHRE outlines an appropriate learning environment for meaningful human rights education. The elements of this environment are described as follows:

**Human rights education strives towards an environment where human rights are practiced and lived in the daily life of the whole school community. As well as cognitive learning, human rights**

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354 *Ibid.* at p. 10.

355 *Ibid.* p. 4.

356 *Ibid.* p. 10.

357 See Website of the Department of Education and Skills, School Inspection Report Listing. Reports Published between February and May 2011. [www.education.ie/insreports/](http://www.education.ie/insreports/)

358 *Ibid.*

359 Department of Education and Science, *Social, Personal and Health Education Teacher Guidelines*, 1999, Dublin: Stationery Office, p.22.

360 Article 12, Convention on the Rights of the Child.

361 Article 29, Convention on the Rights of the Child.

**education includes the social and emotional development of all those involved in the learning and teaching process. A rights-based environment respects and promotes the human rights of all school actors and is characterized by mutual understanding, respect and responsibility. It enables children to express their views freely and to participate in school life, and offers them appropriate opportunities for interacting with the wider community.<sup>362</sup>**

Human rights education in this context is an educational process that extends beyond textbook learning to a person's actual experience in the school environment. Indeed, research findings in other countries suggest that young people learn just as much from actively applying civic knowledge in practice as from instruction in knowledge about political participation, institutions and current political issues.<sup>363</sup>

The WPHRE Plan of Action indicates that a human rights based<sup>364</sup> school will ensure the existence and effectiveness of policy statements such as a charter of student and teachers rights, a code of conduct, non-discrimination policies and the recognition of human rights achievements. Teachers should be supported by the school leadership to deliver human rights education. They should also have ongoing professional development in human rights education content and methodology, and networks for sharing good practice should be encouraged. Policies for recruitment, retention and promotion of teachers that reflect human rights principles should also be in place. Students should have opportunities to take on responsibilities, and participate in decision-making. Interaction between the school and the wider community on human rights issues should also take place including creating awareness among parents of human rights education and the pursuit of extra-curricular student projects in the community on human rights issues as well as collaboration with civil society organisations.<sup>365</sup>

## Child protection – Bullying

A rights-based learning environment is one that is healthy, safe and secure.<sup>366</sup> Each school has one designated Child Protection Officer responsible for ensuring child protection training for all staff, information for parents, and to follow up reports of suspicions of abuse and actual abuse.<sup>367</sup> Within a rights-based learning environment, each member of the school community has a right to enjoy school in

362 OHCHR and UNESCO, Booklet on *Plan of Action of the UNWPHRE – First Phase (2005-2007)*, 2006, pp. 3-4.

363 Organisation for Economic Co-Operation and Development, *Understanding the Social Outcomes of Learning*, Paris, OECD, 2007.

364 Human rights education promotes a holistic human rights based approach to education and training. For example, in the school context a human rights based approach implies not only integrating human rights into the curriculum and methodological approaches, but also integrating the norms, standards and principles of human rights into the entire school or organisation including its plans, strategies, policies and delivery mechanisms. UNESCO and UNICEF, *A Human Rights Based Approach to Education for All*, 2007, pp. 9-10. OHCHR and UNESCO Booklet on Plan of Action, World Programme for Human Rights Education, First Phase, states that Human rights education can therefore be understood as "both 'human rights through education,' ensuring that all the components and processes of education – including materials, methods and training – are conducive to the learning of human rights, and 'human rights in education,' ensuring that the human rights of all members of the school/learning community are respected." p 3.

365 OHCHR and UNESCO Booklet on *Plan of Action, World Programme for Human Rights Education, Phase 1*, 2006, pp. 43-44.

366 UNICEF and UNESCO, *A Human Rights Based Education for All*, 2007, at p. xi.

367 Department of Health and Children, *Children First: National Guidelines for the Protection and Welfare of Children*, 1999, Dublin: Stationery Office, at p. 51. Revised guidelines are currently being developed. See Department of Children and Youth Affairs website. [www.dcy.gov.ie](http://www.dcy.gov.ie).

a secure environment in which their rights are protected and diversity is accepted. This is underpinned in Irish law by the Education Act 1998 and equality legislation.

Bullying has been identified as a serious problem within Irish education, and one which has the potential to severely impact on a student's educational attainment and experience of school.<sup>368</sup> Research has shown bullying to be a pervasive problem in Irish schools at primary and second level.<sup>369</sup> The latest international Health Behaviour in School-aged Children Report, which is carried out across 41 countries in Europe and North America every four years, indicates that some 28% of 11 year-olds, 27% of 13 year-olds and 23% of 15 year-olds in Ireland said they had been bullied at school at least once in the months before they were surveyed.<sup>370</sup> The percentage of 11-year-olds who reported being bullied at school at least twice in the previous couple of months was found to have increased from 4% in 2002, to almost 10% in 2006.

According to *Children First: National Guidelines for the Protection and Welfare of Children*<sup>371</sup> issued by the Department of Health and Children in 1999, teachers may have a general duty to ensure that students are not bullied by other students. The right to security within the school environment is acknowledged in the Department of Education *Guidelines on Countering Bullying Behaviour in Schools*, 1993, whose purpose is to assist schools in developing an anti-bullying policy and a strategy to prevent bullying behaviour.<sup>372</sup> Under these Guidelines, each school is required to have in place a policy which includes specific measures to deal with bullying behaviour within the framework of an overall school Code of Behaviour and Discipline. The guidelines set out the rights of parents and students when bullying occurs. Efforts in this regard are supported by the Anti-Bullying Research and Resource Centre, which was set up in the Education Department of Trinity College Dublin in 1996 as an independent research body targeting the area of bullying.<sup>373</sup> More specific research has been carried out in relation to homophobic bullying. Research funded in 2006 by the Gender Equality Unit of the then Department of Education and Science,<sup>374</sup> (now Department of Education and Skills) found that a majority of teachers (79%) were aware of instances of verbal **homophobic bullying**. 16% were aware of physical bullying in their school. The research found that 90% of respondents reported that their school's anti-bullying policy did not include any reference to homophobic related bullying. In 2006, the Department of Education and Science issued suggested steps for developing, revising and updating Anti-Bullying Policies in Schools. Schools are now obliged to address homophobic bullying within their policies. In 2009, guidance material was published to help Principals and School Leaders at second level when addressing the challenge of homophobic bullying and other sexual orientation issues in their schools, which is a very positive initiative.<sup>375</sup>

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368 *Ibid.*

369 Saoirse Nic Gabhainn, Colette Kelly and Michal Molcho, *Health Behaviour in School-aged Children report*, August 2007, Health Promotion Research Centre, NUI Galway.

370 *Ibid.*

371 Department of Health and Children, *Children First: National Guidelines for the Protection and Welfare of Children*, 1999, at p. 51.

372 See Department of Education and Science, *Guidelines on Countering Bullying Behaviour in Primary and post Primary Schools*, 1993, Dublin: Stationery Office.

373 For more on the Anti-Bullying Research Centre, Trinity College Dublin See [www.abc.tcd.ie](http://www.abc.tcd.ie).

374 J. Norman, M. Galvin, and G. McNamara, *Straight Talk: Researching Gay and Lesbian Issues in the School Curriculum*, Dublin: Centre for Educational Evaluation, DCU, 2006.

375 The Gay and Lesbian Equality Network and the Department of Education and Science, *Lesbian, Gay and Bi-Sexual Students in Secondary School – Guidelines for Principals and School Leaders*, 2009.

## Student participation in school affairs: Student Councils

The recognition of a child's right to participation and consultation outlined in Article 12 of the Convention on the Rights of the Child is endorsed by both the National Children's Strategy (2000) and the Education Act 1998. In effect, the Education Act created a statutory basis for democratic school systems and structures, requiring school boards to provide "information to students and student councils" regarding school matters.<sup>376</sup> The Act provides for the establishment of procedures to facilitate the involvement of the students in the operation of the school, according to their age and experience, and for the establishment of school councils at second level. The same provision is not made at primary level, although some primary schools do have school councils.<sup>377</sup> Guidelines on the establishment and operation of student councils were issued by the Department of Education and Science in 2002.<sup>378</sup> A student council, as outlined by the Department, is a representative structure through which students can become involved in the affairs of the school, working in partnership with school management and staff and parents for the benefit of the school and its students.<sup>379</sup>

Once the guidelines were in place to support the establishment of student councils, the Second Level Support Service developed a series of resources to support schools of management, teachers and students in their development. The materials include a website and student council resource pack and diary.<sup>380</sup>

The Office of the Minister for Children and Youth Affairs collaborated with the Curriculum Development Unit in funding the development of a CSPE teaching/learning resource entitled *Giving Young People a Voice; Student Councils in Schools* (2007). The resource is the basis for the work of the Student Council Support Service and is gradually being introduced into schools by the coordinator of that service. It promotes the rights of children and young people to a voice in matters that affect their lives, under the UN Convention on the Rights of the Child and the National Children's Strategy. It also incorporates information about *Dáil na nÓg*<sup>381</sup> and *Comhairle na Óg*<sup>382</sup> and their potential links with student councils. The establishment or improvement of student councils is the main focus of the resource. The contribution of the Irish Second-Level Students' Union (ISSU) to giving

376 Section 27, Education Act 1998

377 IHRC and St Patrick's College Drumcondra survey found that 70% of schools surveyed reported that they had a committee/structure in which children participate; the Green School programme provided the most common context (57% of total number of schools surveyed). 6% of the participative structures in existence were student councils, and 7% were discipline/behaviour strategies. For an innovative example of student councils at primary school level see P. Downes and C. Maunsell, "*Count us in: Tackling early school leaving in South West Inner City Dublin*", Dublin, Educational Disadvantage Centre and SICCD, 2007, p. 99.

378 *Ibid.*

379 Department of Education and Science, *Student Councils: A Voice for Students*, 2002, Dublin: Stationery Office

380 For more information on how to establish student councils see [www.studentcouncils.ie](http://www.studentcouncils.ie). For more information on student council resources see [www.dcy.gov.ie](http://www.dcy.gov.ie).

381 *Dáil na nÓg* is the annual national youth parliament for young people aged 12 to 18 years old. It is funded and overseen by the Department of Children and Youth Affairs. 200 delegates are elected to *Dáil na nÓg* through their local *Comhairle na nÓg*. Every year *Dáil na nÓg* delegates select and vote on themes which they feel are important to young people. Each of the 34 *Comhairle na nÓg* elects one young person to the *Dáil na nÓg* Council. *Dáil na nÓg* Councillors serve for a term of one year. The Council meets once a month in the Department for Children and Youth Affairs and is supported in its work by the Department and the National Youth Council of Ireland. [www.dailnanog.ie](http://www.dailnanog.ie)

382 *Comhairle na nÓg* are local youth councils, which give children and young people the opportunity to be involved in the development of local services and policies. *Comhairle na nÓg* were set up under the National Children's Strategy (2000) in the 34 City and County Development Boards around the country. The work of *Comhairle na nÓg* is the responsibility of the local authority in each city and County [www.comhairlenanog.ie](http://www.comhairlenanog.ie).

students a voice in their education and in issues that affect them and their efforts to promote human rights education should also be noted.<sup>383</sup>

In December 2010, Ireland's third biennial State of the Nation's Children Report was published. As regards children's participation in decision-making in schools, it found that there has been a decrease in participation levels. In 1998, 33% of children reported that students at their school participated in developing the school rules compared to 23% of children in 2006.<sup>384</sup> The survey was conducted with children aged 9 to 17.

A research report commissioned by the National Children's Office identified two essential factors for a student council: a shared understanding of the role of the council and the need for councils to be at the heart of school activity and be fully supported by principals. The study concluded that student councils provide enormous benefits to students and to schools, and afford students the opportunity to develop responsibility and leadership skills and to better understand the value of citizenship.<sup>385</sup>

## Learning Environment: Models

The idea of an 'inclusive school' has much in common with the aims of human rights education. Opportunities for action exist and should be explored at the operational level of the school development plan, in the admissions policy, in the code of behaviour and through awareness and training.<sup>386</sup>

The Equality Authority has worked on the building of '**inclusive schools**' based on the principles of equality and human rights over the past number of years.<sup>387</sup> With regard to education, the Equality Authority considers that there are three main challenges to inclusion for all across the nine grounds on which discrimination is prohibited in the equality legislation. Firstly, inclusion in mainstream education involves not only issues of access and participation, but also achievement of outcomes in terms of education credentials and personal development.

**Segregation remains an experience on grounds of gender, religion, disability and ethnicity. Issues this raises include access to schools, subject take-up, early school leaving and practical supports for mainstreaming.**<sup>388</sup>

Accommodating diversity presents a second challenge;

**Differences need to be acknowledged and valued. The inclusive school will take account of the specific needs of all...across the nine grounds.**<sup>389</sup>

The third challenge lies in;

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383 ISSU connects students nationwide and is the national umbrella body for second-level school student councils. For more information see [www.issu.ie](http://www.issu.ie).

384 Office of the Minister for Children and Youth Affairs, "State of Our Nation's Children, Ireland 2010", December 2010, Dublin: Stationery Office, at p. 116.

385 Anna Fiona Keogh and Jean Whyte, The Children's Research Centre, Trinity College, *Second Level Student Councils in Ireland: A study of enablers, barriers, and supports*, National Children's Office, April 2005.

386 Equality Authority, *Schools and the Equal Status Acts*, 2nd Edition, pp. 18-19.

387 Equality Authority, *Embedding Equality in School Development Planning*, 2010.

388 Equality Authority, *Schools and the Equal Status Acts* 2nd Edition, at p.12.

389 *Ibid.* p. 12.



**The role that schools have in helping students develop their ideas and values. This is done directly through what is taught and indirectly through the school's ethos and culture.<sup>390</sup>**

The Equality Authority has highlighted to schools the importance of providing information about different groups in society, including those that face inequality or discrimination.<sup>391</sup> Schools have a role in supporting students, including those from minority or disadvantaged groups, to learn about themselves and their differences from others in a way that is positive and affirming of diverse identities.<sup>392</sup> Schools can also help students to understand the causes of inequality and empower them to oppose these inequalities.<sup>393</sup> The ethos of the school is also stressed as an important factor in shaping the values of students, and their expectations around standards of behaviour acceptable in the school.

A model of an inclusive school which is growing in Ireland is *Educate Together*. The ethos underpinning Educate Together Schools is to make children aware of the “naturally positive contribution that social, religious and cultural diversity and difference of viewpoint and opinion make to society”.<sup>394</sup> There are no admission requirements except that admission is on a ‘first come first served’ basis. Equality of access is guaranteed to children “irrespective of their social, cultural or religious backgrounds”.<sup>395</sup> Educate Together schools teach the National Curriculum, in line with all National schools, except for religion. Instead of teaching religion, Educate Together provides an Ethical Education Programme. This Programme has four strands: 1) Moral and Spiritual Development, 2) Justice and Equality, 3) Belief Systems, and 4) Ethics and the Environment. As part of the second strand, children learn about issues relating to human rights, equality, culture and diversity, social justice and social inclusiveness with the aim of empowering children to make a difference.

### **Yellow Flag Programme**

The Irish Traveller Movement (ITM) undertook a pilot programme to realise the idea of the ‘inclusive school’ called the Yellow Flag Programme.<sup>396</sup> In the academic year September 2008 - June 2009, two primary and two post-primary schools participated in a pilot to promote and foster interculturalism among all students. The main aim of the Yellow Flag Programme was to develop a practical series of nine steps that bring issues of interculturalism, equality and diversity into the whole-school programme and apply them to the day-to-day running of the school. ITM worked with students, staff, management, parents and wider community groups so that issues of diversity and equality were not merely seen as “school subjects” but were understood and taken outside the school setting into everyday life. The nine steps of the programme were:

- Intercultural and Anti-Racism Training for Staff and Management;
- Involvement of local community groups;
- Establishing a Diversity Committee;
- Undertaking an Intercultural Review;
- Developing an Action Plan;
- Monitoring and Evaluation;

390 *Ibid.* p. 12.

391 *Ibid.* p.12.

392 Equality Authority, *Embedding Equality in School Development Planning*, 2010.

393 *Ibid.*

394 For more information see [www.educatetogether.ie](http://www.educatetogether.ie).

395 *Ibid.*

396 A. Tiley, *Irish Traveller Movement - Yellow Flag Programme Research Report*, 2009.



- Curriculum Work;
- Going Beyond the School Walls: Engaging with the Community;
- The Diversity Code.<sup>397</sup>

The Yellow Flag Programme is a practical programme and an award scheme whereby the completion of nine practical steps will result in the school receiving the “Yellow Flag” for diversity. Part of the rationale for the initiative was to include Travellers in a national programme of intercultural education for the first time,<sup>398</sup> and to address the perceived lack of representation of Travellers within the primary and post-primary curricula.<sup>399</sup> The programme defines intercultural education within the context of human rights, and some pilot schools capitalised on the human rights link by collaborating with Amnesty International during the programme and utilising their human rights education materials.<sup>400</sup>

A research report on the pilot as well as a toolkit on the Yellow Flag Programme was completed in 2009. It provided examples of how intercultural and anti-racism education were integrated in various subjects across the primary curriculum, including English, Irish, Maths, History, Music, and Drama, as well as subjects already dealing to some extent with these issues, such as SESE, SPHE, and Ethical Education. From ITM’s experience of carrying out this initiative, they found that the primary curriculum is more conducive to such an integrated approach to whole-school education.<sup>401</sup>

### **Green-Schools Initiative**

Despite positive evaluation of the pilot, funding has been discontinued and no new schools took on the programme in the school year 2009/10.

The Green-Schools initiative operates in primary and post-primary schools in Ireland. It is an international environmental education programme, environmental management system and award scheme that is open to primary and post-primary schools. Green-Schools in Ireland is operated and co-ordinated by the Environmental Education Unit of An Taisce in partnership with Local Authorities throughout the country, is supported by the Department of the Environment, Community and Local Government and the Department of Transport & Sport. In May 2011, there were over 3,500 schools registered with the programme, which represents 83% of the total schools in Ireland.<sup>402</sup> The programme promotes long-term, whole-school action for the environment and aims to foster a strong sense of citizenship and leadership among participants that spreads far outside the school into the wider community. It also promotes a strong sense of teamwork among teachers, students and the wider community, democratises school management structures, brings children into the decision-making process and makes them responsible for their decision and actions.

397 *Ibid.* p.11

398 *Ibid.* p.11.

399 *Ibid.* p.77.

400 *Ibid.* p.16.

401 *Ibid.* p.72.

402 See [www.greenschoolsireland.org](http://www.greenschoolsireland.org), as viewed on 31 May 2011.

The programme is structured around four environment-related themes. Recognising the interdependence between the environment, citizenship, and human rights, a new theme on Global and European Citizenship was piloted in two primary and two secondary schools along with supporting materials. Evaluation has found the Green-Schools Initiative to be a successful means of encouraging the entire school community to engage in activities which foster respect for the local environment, and is linked with the environment and care strand of the Science and Geography curricula.<sup>403</sup>

## Education and Professional Development of School Personnel

For a school to serve as a model of human rights learning and practice, all teachers and staff need to be in a position to transmit and model human rights values. Education and professional development is essential to foster knowledge about, commitment to, and motivation for human rights. The IHRC has previously emphasised the centrality of teachers and educators to the human rights education project with reference to the importance of their levels of knowledge about and attitude towards human rights.<sup>404</sup>

The modern school environment is characterised by change: substantial reforms in the 1990s have seen a values-related change from a curriculum-centred to a pupil-centred emphasis, from passive learning to active learning, from directed learning to negotiated learning, from constraint to choice and from authoritarian models of management to participative and democratic models. Together with the broader societal changes of increased diversity, changing patterns of parenting, and expanded learning opportunities reaching far beyond the classroom, they pose a direct challenge to teachers to absorb, adapt to and perpetuate these changes in their teaching, and have had a significant impact on the abilities required of teachers.<sup>405</sup>

The education and professional development of teachers in human rights is central to the success of any sustainable national programme of human rights education. The Plan of Action for the WPHRE identifies the educational and professional development of education personnel as a key element for successful human rights education. The OHCHR and UNESCO have elaborated on this:

**Given the role model function of teachers, effective human rights education implies that they master and transmit relevant values, knowledge, skills, attitudes and practices. Education and professional development must foster their knowledge about, commitment to and motivation for human rights. Similarly, human rights principles need to be essential criteria for the professional performance and conduct of other educational personnel.<sup>406</sup>**

403 Dr M. J. O'Mahony, *Green Schools Research Report*, (2001) Environmental Education Unit, An Taisce.

404 IHRC, Submission to the Office of the High Commissioner for Human Rights on Human Rights Education in Ireland in response to the consultation of the Human Rights Council, July 2008.

405 Department of Education & Science, *Report of Advisory group on Post-Primary Teacher Education*, 2002, Dublin: Stationery Office, p. 19 -24.

406 OHCHR and UNESCO, Plan of Action of the UN World Programme for Human Rights Education - First Phase (2005-2007), 2006, Appendix, para 25.

As will be seen from the consideration in subsequent sections, this is an area that needs additional support and resources in the Irish context.

In primary teacher education, the five main colleges of education offer a varying level and range of human rights education, which will be set out in the next Chapter. Usually, this is within the context of the SPHE subject, and in conjunction with courses on intercultural education, and development education. As previously noted, Irish Aid funds the DICE (Development and Intercultural Education) Project in the five colleges, which aims to inform student teachers about development, social justice and intercultural issues. St Patricks College, Drumcondra, has a dedicated Centre for Human Rights and Citizenship Education. Some colleges are attempting to integrate human rights education across initial teacher education. Human rights education is not a mandatory part of teacher education at this level except in St Patricks College where it is integrated into the Bachelor of Education curriculum.

There are currently seven university education departments which provide second-level teacher education programmes, along with two specialist colleges of home economics, three colleges of art and design, and one college for teachers of religious education. Citizenship education is the main potential vehicle for human rights education at this level. It has become more established within initial teacher education programmes, and usually has a distinct methodology class for CSPE, which is a indicator of being mainstreamed.<sup>407</sup> However, CSPE teachers have very limited opportunities to cover human rights in their initial teacher education.

In the view of the Advisory Group on Post-Primary Teacher Education in 2002, teacher education and continuing professional development programmes had not kept pace with such change and have not allowed teachers and student teachers to come to terms, in many instances, with these changes.<sup>408</sup> At a policy level, teacher education has gradually come to the forefront, as education at all levels of a teaching career is recognised as key to assisting teachers deal with changes and developments in both schools and courses. Policy documents have increasingly emphasised the need for teachers to be active participants in their own education and development,<sup>409</sup> which must come with a right to support for that development.<sup>410</sup>

As policy developments show, in Ireland teacher education has been the subject of much review, reform, reflection, and development over the past fifteen years. One significant change has been the widespread increase in diversity in the classroom due to increased migration to Ireland. According to the Association of Secondary School Teachers (ASTI) “there is widespread evidence—both through academic research, pilot projects and from teachers’ professional bodies—that many teachers feel ill-equipped in respect of teaching in multi-ethnic classrooms”. The Association called for more in-service training for teachers to promote intercultural learning and understanding in the classroom.<sup>411</sup>

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407 G. Jeffers, “Some challenges for citizenship in the Republic of Ireland”, in Gerry Jeffers and Una O’Connor (ed.s), *Education for Citizenship and Diversity in Irish Contexts*, 2008, Dublin: IPA.

408 Department of Education and Science, *Report of the Advisory group on Post-Primary Teacher Education*, 2002, Dublin: Stationery Office, at p. 20.

409 *For example* White Paper on Educational Development, 1980; OECD Review of Irish Education 1991; Green Paper: Also see Education for a Changing World, 1992; White Paper on Education: Charting our Educational Future 1995; Education Act 1998; Teaching Council Act 2001.

410 Department of Education and Science, *Report of the Advisory group on Post-Primary Teacher Education*, 2002, Dublin: Stationery Office, p. 50.

411 Association of Secondary School Teachers (ASTI), *Submission to the Department of Education and Science consultation on Intercultural Education Policy*, 2008.

The Teaching Council published a draft policy document entitled “The Continuum of Teacher Education” in December 2010. Recognising that teachers face a range of new challenges, such as “the inclusion of children with disabilities and/or special educational needs into mainstream schools, the increase in the numbers of students from different ethnic and cultural backgrounds, the changes in an increasingly diverse society, changing family structures and the emergence of new societal problems”,<sup>412</sup> the draft policy, once finalised, aims to provide a framework which will guide the Council’s work in the areas of initial teacher education, induction and early and continuing professional development.<sup>413</sup> Along with the codes of conduct referred to earlier, which are also under review at time of writing, this policy document offers an opportunity to explicitly state the importance of promoting human rights and the delivery of human rights education in particular.

## **Review and Recommendations**

It can be seen from the above consideration that human rights education features relatively prominently in the formal primary and post-primary education sectors in comparison with the other sectors considered in this report. However, the successful integration of human rights education in school systems requires that it be embedded in legislation, policies, implementation strategies, the learning environment, teaching and learning approaches, and the education and professional development of school personnel.

### **Legislation, Policies and Implementation Strategies**

While human rights-orientated policies can be seen in the current Irish educational framework, human rights education itself is not embedded in the system. The Green and White Papers on Education contain strong references to the importance of human rights in education. The subsequent Education Act 1998 however, does not establish as a goal the promotion of human rights education set out in the International Covenant on Economic Social and Cultural Rights and further elaborated in the Convention on the Rights of the Child and the World Programme for Human Rights Education. The IHRC considers that human rights education should be explicitly included as a goal of education in any subsequent legislation in this area.

Human rights education requires that the most vulnerable are particularly considered in the formulation of policies and in practice. The Irish education system has identified a number of vulnerable groups, including educationally disadvantaged children, children from the Traveller community, children with special needs and children with English language needs, and put targeted programmes in place for these groups. These are to be welcomed. However, in order for these programmes to be effective in practice, sufficient resources must be ensured as well as a commitment to include vulnerable groups in the design, development and evaluation of such programmes.

Efforts have been made to acknowledge and embrace diversity in schools in relation to children with different ethnic, cultural and religious backgrounds, as well as lesbian, gay and bi-sexual young people and to tackle bullying on these and other

412 The Teaching Council, *Draft Policy on the Continuum of Teacher Education*, December 2010, p. 4.

413 See The Teaching Council, *Draft Policy on the Continuum of Teacher Education*, December 2010, p. 3.

grounds with the introduction of guidelines. From a human rights perspective, the introduction of guidelines that include a whole-school approach to and recognition of diversity are to be welcomed. However, sufficient resources must be made available for teacher education and continuing professional training in this area.

As noted above, the IHRC has proposed that a new approach to patronage in both the primary and second level school system be introduced. Such an approach should allow for greater diversity and inclusion in the education system. The Forum on Patronage and Pluralism in the Primary Sector announced in April 2011 is to be welcomed. The State should ensure that there is sustained progress in this area and the IHRC looks forward to assisting in this process.

The Irish education system has an extensive and complex support framework in place to support the development and implementation of the curriculum and whole-school approach. What is missing is an explicit human rights orientation in this framework. In terms of developing a whole-school approach, there is scope to learn from the Educate Together school model, the work of the Equality Authority on the Inclusive School and the innovative approaches of Amnesty International and the Irish Traveller Movement. However, it is of concern that there have been cuts in investment in curricular areas where an explicit effort has been made to promote human rights. From a human rights education perspective proper resources for the support services for SPHE in the primary sector and CSPE in the post-primary sector should be reinstated.

## **Learning Environment**

A learning environment that promotes human rights education must be safe, inclusive and participatory and one in which respect for human rights is evidenced in all aspects of school life. Positive initiatives that promote interculturalism and rights of lesbian, gay and bi-sexual young people are welcomed. However, for them to have real impact in the classroom, teachers need supports in terms of continuing professional training to provide them with the skills and confidence to apply these guidelines in practice.

An inherent feature of human rights education and a core aspect of the Convention on the Rights of the Child is the right of a young person to participate in decisions that affect them. Class and school councils offer the potential to empower children and young people at an early age to develop responsibility and leadership skills and to know their opinion is heard and valued. It is of concern that since the initiative to establish school councils was first rolled out there has been a decline in young people's participation in decision-making. The IHRC supports the view that for class and school councils to be successful there must be a clear understanding of the role of these bodies and that they must be placed at the heart of school activity and fully supported by principals. The IHRC considers that school councils should also be developed at primary level.

The human rights education approaches espoused in schools that promote the Yellow Flag Programme and the Educate Together Schools should be examined for their potential to underpin the learning environments in mainstream education. Policies should be developed that would assist in the promotion of a holistic approach to human rights education, requiring that the process of education itself and the environment in which learning takes place, embody the principles of human

rights, and promote a culture of human rights, as well as, increasing knowledge and understanding of them.

## Teaching and Learning Approaches, Education and Professional Development

The Irish school environment is experiencing change at an unprecedented rate, both in terms of educational methodologies and management styles, which are becoming more active, democratic and pupil-centred; and, in terms of broader societal changes of increased diversity, expanded learning opportunities afforded by new technologies, and changes in parenting styles. These trends challenge the teacher to continually adapt to, absorb, and perpetuate changes with the result that the abilities and skills required of teachers are continually expanding and evolving. The promotion of higher education in teacher education can be conceived as both a result of this change, and a means of addressing the challenges that teachers face. The IHRC considers that teacher education is central to the success of any sustainable national plan on human rights education and is an area that requires additional support.

The presence of human rights education as a feature of the courses in the five main colleges of education for primary teachers is continuing to evolve, and the dedicated Centre for Human Rights and Citizenship Education at St Patrick's College is a welcome development. However, the profile of human rights education remains low in initial and in-service teacher education. Only one teacher training college for primary teachers has human rights education as a mandatory component in its undergraduate course, and it is given limited and discretionary attention in teachers' SPHE training. In order to provide for a human rights orientated educational practice, human rights should be specifically provided as a core value of the teaching profession and included in The Codes of Professional Conduct for Teachers and in the Teaching Council's Continuum of Education policy document. Such policies and the fact that the Codes are currently under review offers an opportunity to situate the teaching profession within a stronger human rights framework.





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# Primary Education

## 6 Primary Education

*“Human Rights Education in the school system requires adopting a holistic approach to teaching and learning that reflects human rights values” (WPHRE)*

### Introduction

This Chapter considers the current provision of human rights education in the Primary Curriculum, in initial teacher education in the colleges of education, and through continuous professional development.

### What is ‘Human Rights Education’ in this context?

Human rights education is embraced in the early stages of primary school through the exploration of the child’s immediate environment, developing an awareness of how to interact fairly with others, sharing, being aware of emotions and feelings, learning to treat others with dignity and respect, and learning to appreciate differences.<sup>414</sup> Later on in primary education, broader community concerns are explored in similar terms. In addition, attention is given to civic structures in Ireland and Europe, community organisations, and how equal rights, justice and peace can be promoted in local, national, and international contexts.<sup>415</sup>

### What is currently being undertaken for Human Rights Education in Primary Education in Ireland (Curriculum and Teacher Education)

#### Primary School Curriculum

**The primary education sector in Ireland is made up of different types of primary school including denominational schools, multi-denominational schools, Irish-speaking schools (*Gaelscoileanna*), special schools and non-State-aided private primary schools.<sup>416</sup> 98% of all State-funded primary schools are privately owned and controlled by religious bodies. The breakdown is approximately 93% Catholic and 5% Anglican, with one Jewish, and two Muslim National Schools.**

414 Task Force on Active Citizenship, *Report on Active Citizenship Consultation Process*, 2006, at p.4. See also ICCPR Third Report (para. 87) by Ireland on the measures adopted to give effect to the provisions of the covenant.

415 *Ibid.*

416 The Education Act 1998 does not use the term “national school” and instead uses “primary” school. The name is not particularly significant except that national school clearly denotes that the school is State-aided while a primary school can be private or State-aided.

**Attendance at full-time education is compulsory for all children between six and sixteen years of age. Although children in Ireland are not obliged to attend school until the age of six, almost all children begin school in the September following their fourth birthday.**

The revised primary school curriculum was introduced into national schools in 1999. It consists of six curriculum areas that are further divided into eleven subjects. This was the first complete revision of the curriculum since 1971. According to the Department of Education and Skills, the curriculum reflects the educational, cultural, social and economic aspirations and concerns of Irish society.

It can be said that the aims of the primary curriculum and its child centred approach generally fit with the aims of the Convention on the Rights of the Child (CRC) and with the principles of human rights education. The curriculum aims to support children to reach their full potential and to develop the social skills to live and co-operate with others and so contribute to the good of society. Its specific aim is “to enable children to develop respect for cultural difference, an appreciation of civic responsibility, and an understanding of the social dimension of life, past and present”.<sup>417</sup>

Some of the key issues taken into account in the development of the curriculum include its:

- Ability to instil awareness of diversity of peoples and environments in the world;
- Role in promoting an understanding among children of their role as citizens of the global community;
- Role in promoting tolerance and respect for diversity in both the school and the community as well as avoiding gender stereotyping; and
- Flexibility to address social and economic disadvantage and the special needs of children so as to ensure that each child reaches her or his full potential.<sup>418</sup>

In terms of teaching and learning, an underlying principle of the curriculum is that a child should be an active agent in her or his learning and that the starting point for acquiring new learning is the child’s existing knowledge and experience.<sup>419</sup> The curriculum of each subject is accompanied by a set of teacher guidelines that explain the principles that informed its design, dealing with content, methodologies, school and classroom planning.<sup>420</sup> The subject within the curriculum which most closely relates to human rights education is the Social, Personal and Health Education (SPHE) programme with the subject of Social, Environmental and Scientific Education (SESE) having more potential to do so.

### Social, Personal and Health Education

Social, Personal and Health Education (SPHE) makes an important contribution to the promotion of human rights education. The human rights education principles promoted in the overall primary curriculum are most specifically addressed within this relatively new compulsory subject. SPHE has as one of its stated aims

417 *Primary School Curriculum*, 1999, Dublin: Stationery Office, p.34.

418 *Ibid.* p.14.

419 *Ibid.* p.14.

420 *Ibid.* p. 66.

the fostering of human rights values and its approach to developing student's knowledge, skills, and attitudes together with its emphasis on reinforcing and contextualising the learning from course content through the school climate and integration in other subjects resonates with the aims and approaches of human rights education.

SPHE provides opportunities to help the child become “an active and responsible citizen” by being “explicit about the values of a caring and just society” and by developing a “framework of values, attitudes, understanding and skills” that will inform children's decisions and actions now and in the future.<sup>421</sup> SPHE also aims to promote self-worth, self confidence, self-responsibility and enable children to have more control over their own lives. The curriculum approach emphasises the importance of children feeling valued and knowing that their opinions and concerns are taken into account so that, in turn, they acquire a better understanding of “the idea of community based caring and a shared sense of responsibility.” It also stresses the importance of “experiencing the democratic process in action at school and in the community” to help them understand how democracy is practiced in everyday life.<sup>422</sup>

Each strand of the curriculum has resonance with the CRC and the principles of human rights education. Strand One *Myself* fosters independence and self-reliance by encouraging children to voice their own opinions, contribute to group and class discussions and encourages dialogue with the teacher.<sup>423</sup> Strand Two *Myself and Others* fosters caring and the importance of treating others with dignity and respect. Students also learn how to deal with conflict and learn that bullying is always wrong.<sup>424</sup> Strand Three *Myself and the Wider World* has the strongest connection with human rights education, it aims to develop:

**[A] respect for cultural and human diversity in the world and an appreciation for the democratic way of life. The child is encouraged to become an active and responsible citizen who understands the interdependent nature of in which he/she lives.**<sup>425</sup>

This strand is designed to complement Social, Environmental and Scientific Education (SESE) and to provide the foundation for Civic, Social and Political Education (CSPE) in post-primary education.<sup>426</sup> In the strand's “Developing Citizenship” unit children “learn about individual and group rights and responsibilities, particularly in the context of their school and local community”.<sup>427</sup> The concept of democracy is brought to life and given real meaning by giving children the opportunity to voice opinions, taken on responsibilities, reach group decisions by consensus, listen to different points of view and get involved in school-decision making. The strand also explores diversity, with students encouraged to learn about other cultures and how discrimination can happen in their own school, in the local community and in the wider world and how to acknowledge and counteract prejudice.<sup>428</sup>

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421 Department of Education & Science, *Social, Personal, and Health Education – Teacher Guidelines*, 1999, Dublin: Stationery Office, p. 2.

422 *Ibid.* p. 3.

423 *Ibid.* pp. 10-12.

424 *Ibid.* pp 14-16.

425 *Ibid.* p. 17.

426 *Ibid.* p. 17.

427 *Ibid.* p. 17.

428 *Ibid.* pp.17-18.

Feedback from SPHE advisors from the Primary Professional Development Service (PPDS) found that “schools that adopt a whole-school approach to planning and implementation tend to provide a broad and balanced curriculum in SPHE.”<sup>429</sup>

The NCCA completed a review of the Primary School Curriculum in 2008.<sup>430</sup> It focussed on the experience of teachers, principals, children and parents in three subjects, including SPHE. The review looked at the curriculum impact, successes, challenges and priorities. Teachers identified several positive impacts of SPHE on children’s learning, including a growing awareness of needs and opinions of others and their ability to relate to others, and increased development of self awareness, self confidence, self esteem and self respect.<sup>431</sup> Teachers also highlighted their use of different teaching methods, such as ‘circle time’, as key successes because it was seen as a democratic way of discussing a subject<sup>432</sup> and ensured ‘that less vocal children got a hearing’.<sup>433</sup> In terms of implementing the curriculum, teachers found lack of time and lack of resources (including locating and assembling them) most challenging.<sup>434</sup>

The approach to the SPHE curriculum is provided to the child in three contexts: through a positive school climate, through integration with other subjects, and in the specifically allocated curriculum time.<sup>435</sup> It appears from the review that this is taking place in schools.<sup>436</sup> For example, a number of teachers use the curriculum to structure their school plans.<sup>437</sup> Others talked of discussion in their classes where SPHE themes and topics were considered.<sup>438</sup>

What stands out in the NCCA Report is the emphasis the impact and success of the first two strands of SPHE, but with a small number (18%) of responding teachers commenting on the impact of the strand *Myself and the Wider World*.<sup>439</sup> Those that did respond on their experience of this strand, highlighted children’s greater understanding of diversity, which can be seen a positive outcome.<sup>440</sup> However, the low response rate on strand Three is notable.

The fact that SPHE is designated only 30 minutes of teaching hours per week also limits the range of topics covered. Teachers themselves have identified this as a problem.<sup>441</sup> The IHRC has also raised this concern with the UN.<sup>442</sup> For teaching and learning in SPHE to fully meet the aims of human rights education there needs to be increased content relating to human rights. Where human rights education is a strong focus of SPHE and teacher education the results are very positive. As

429 Professional Development Services for Teachers, Annual Report 2008/2009, p. 83.

430 National Council for Curriculum and Assessment, Primary Curriculum Review – Phase 2, Final Report, 2008, Dublin: Stationery Office.

431 *Ibid.* pp. 15-16.

432 *Ibid.* p. 16.

433 *Ibid.* p. 58.

434 *Ibid.* pp. 16-17.

435 National Council for Curriculum and Assessment, Primary School Curriculum - Introduction, 1999, Dublin: Stationery Office, p.57.

436 National Council for Curriculum and Assessment, Primary Curriculum Review – Phase 2, Final Report, 2008, Dublin: Stationery Office. p. 21.

437 *Ibid.* p.53.

438 *Ibid.* p. 61.

439 *Ibid.* p. 92.

440 *Ibid.* p. 91.

441 National Council for Curriculum and Assessment, Primary Curriculum Review: Phase 2 – Final Report with Recommendations, 2008, Dublin, Stationery Office, p. 105 .

442 The IHRC identified this as a challenge in 2005, see IHRC, Report to UN Committee on Racial Discrimination in respect of Ireland’s first national report on the UN Convention on the Elimination of Racial Discrimination, 2005, p. 25

noted in the previous Chapter, the *Lift Off* initiative led by Amnesty International–Irish Section has worked to promote human rights education in primary schools. It has undertaken this in three ways: through the development of curriculum support materials; through the promotion of a whole-school approach to human rights education; and by facilitating links between participating schools North and South. All of the *Lift Off* teaching materials and lesson plans were prepared by teachers, are recommended by the National Council for Curriculum and Assessment (NCCA) and the Primary Curriculum Support Programme (PCSP), and are now incorporated into the Professional Development Service for Teachers (PDST). These resources meet the expectations of the primary curriculum and are suitable for use across the entire curriculum. *Lift Off* human rights education materials have been disseminated to each primary school and teacher training has been offered widely. 70 schools undertook to pilot the *Lift Off* materials in the Republic and there were more than 600 schools registered on the *Lift Off* website, which is an indication of its popularity.

*Lift Off* is currently the only programme that explicitly delivers human rights education support at primary level and has been independently and positively evaluated. The evaluation of the programme found that there is overwhelming agreement among teachers surveyed on the need for human rights education as delivered through *Lift Off*. This view is informed by the positive impact the programme has had in the classrooms and schools where it has been piloted. They consider that the programme helps educate “children about their rights and responsibilities, gives them a greater ‘voice’ in schools, develops a comprehensive rationale for positive behavioural strategies, and helps children cope with increasing diversity in school and society”.<sup>443</sup> Teachers also considered that the aims of the programme fit very well with the aims of the primary school curriculum. This view of the educational benefits of human rights education in the curriculum is backed up in a recent survey of primary school teachers where 78% of those questioned considered that human rights education has a positive impact on children, while 80% considered that children have a more positive experience of school if their rights are recognised.<sup>444</sup>

One of the challenges to the adoption of a human rights-based approach to education is that the purpose of education as defined in international human rights instruments could be translated into a language that educators and learners can understand and adopt. In the *Lift Off* Programme, the topics, teaching materials and methodologies were highly praised. They were considered ‘teacher-written, easy to access, suitable for a number of levels, and well linked to a number of curricular areas.’ The children who participated in the evaluation also understood their significance and enjoyed participating in them. They became more aware of human rights issues and they developed the skills to take a human rights approach when they dealt with issues and conflicts.

In the schools that participated in *Lift Off* it has been shown that human rights education has led to a decrease in incidences of bullying and conflict, as children had developed the skills and understanding to apply human rights principles in dealing with potential conflicts.<sup>445</sup> Another important aspect of the curriculum that teachers found challenging, according to that review, was dealing with cultural and

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443 Dr M. Morgan and K Kitching, *An Evaluation of Lift Off – The Cross Border Primary HRE Initiative*, December, 2006.

444 IHRC and St Patrick’s College, *Survey of Primary School Teachers on Human Rights Education*, 2009.

445 Dr M. Morgan and K Kitching, *An Evaluation of Lift Off – The Cross Border Primary HRE Initiative*, December, 2006.

religious prejudice, and finding a common ground within a school that has multiple cultures. As is the case with school bullying, this is an area in which human rights has been proven to have a positive impact.<sup>446</sup> Both are challenges which human rights education is ideally placed to assist.

The emphasis placed on the cross-border aspects of *Lift Off* was also reported to be valuable. Teachers said it gave children an insight into how other children lived, and that the skills learned through human rights education go 'beyond the classroom door' and can be applied in the wider society. However, it was also clear that more investment was required to really obtain the benefits of the cross-border nature of the project.

Following on from the strong endorsements given to the programme in independent evaluations, Amnesty International is seeking the support of the Department of Education and Skills to mainstream the human rights education programme offered through *Lift Off* in the primary education curriculum. They have worked with the PDST to build their capacity to provide in-service training on HRE to primary school teachers and are supported by Irish Aid. The IHRC considers that it is important to mainstream the resources and learning from *Lift Off* as part of a wider strategy to promote human rights education in primary schools and to increase the time allocated to SPHE as it has the potential to make a valuable contribution to strengthening human rights in education.<sup>447</sup>

### Social, Environmental and Scientific Education (SESE)

Social, Environmental and Scientific Education (SESE) offers another potential opportunity to embed human rights education in the primary curriculum. SESE is presented under three subject headings: history, geography and science.<sup>448</sup> SESE is concerned with the exploration, investigation and development of an understanding of the natural, human, social and cultural dimensions of local and wider environments, and aims to provide opportunities to engage in active learning, to use a wide range of skills, and to acquire open, critical and responsible attitudes. Each SESE subject plays a distinctive role in fulfilling the aims and objectives of this curriculum area. For example, in the SESE history curriculum, history is seen as having a valuable role to play in enabling children to learn about, and come to value, the contributions made in the past by people from different ethnic and cultural groups, particularly those from ethnic, social and religious minorities. The curriculum area of SESE is allocated two and a quarter hours a week in infant classes, and three hours a week in senior classes.

The SESE curriculum states that:

**SESE seeks to generate an appreciation of cultural and historical inheritance and cultivates an atmosphere of equality and opportunity where gender, cultural diversity, minorities and special needs are respected and valued. Prejudice and discrimination are challenged while respect and mutual understanding are promoted.**<sup>449</sup>

446 *Ibid.*

447 IHRC, Report to the UN Human Rights Committee on Ireland's Third Periodic Report under the International Covenant on Civil and Political Rights, 2008, pp 10-11.

448 The SESE curriculum is available online at <http://www.curriculumonline.ie/en>

449 *Ibid.*



This clearly resonates with the aims of human rights education, as does its cross-curricular approach. It has been advised that schools need to plan further for the integration of SESE across the three subjects (Geography, History, and Science) it operates in, a fact that is reflected in the high demand for support in SESE from the PDST among teachers and schools.<sup>450</sup> The provision of resources is key to the incorporation of human rights in SESE in practice.

## **The current provision of human rights education in Primary Teacher Education**

The incorporation of human rights education into teacher education is key to its development and sustainability. In terms of building awareness and understanding of human rights education, its growing presence in the five main teaching colleges is an important indication of its relevance in the modern classroom. There are five Colleges of Education for primary teachers which offer three year full-time courses leading to a Bachelor of Education (B.Ed.) degree which is the recognised qualification for primary teaching. They also offer a range of graduate Diplomas, Certificates, and Degrees, some of which cover issues of human rights, diversity, intercultural, development, and equality in education. It may be noted that the five colleges also participate in the Development and Intercultural Education Project (DICE), funded by Irish Aid. Below is an outline of the provision of human rights education based on information provided by the colleges themselves.

### **St Patrick's College, Drumcondra<sup>451</sup>**

St Patrick's College, Drumcondra, houses the Centre for Human Rights and Citizenship Education (the Centre), a dedicated centre for the promotion of education for human rights, citizenship and democracy in schools. The Centre is an initiative of St. Patrick's College, Drumcondra with the support and collaboration of Amnesty International–Irish Section. The Centre serves as a focal point for research, for the critique of policy and for the creation, evaluation, exchange and dissemination of information and resources in this field. To date, the Centre has established significant partnerships with schools, teachers, governmental and non-governmental organisations such as Trócaire. The Centre and the College work closely with the DICE Project.

At St Patricks College, Drumcondra, human rights education is integrated across the entire initial teacher education curriculum and is explored in dedicated courses. All Bachelor of Education (B.Ed.) students participate in dedicated courses in their first year and third year. The first year course focuses on students' own knowledge, understanding and attitudes while the third year course focuses on pedagogy and the application of human rights education principles to classroom and whole-school practice. All Postgraduate Diploma Students also participate in equivalent courses. The College also offers elective courses, which explore more in more depth human rights, global citizenship and inclusion in an education context. These courses encourage students to take a human rights perspective to education, to children and to the issues and subjects they incorporate in their teaching. Students are encouraged to recognise children as rights-bearers and as citizens and to respect the holistic needs of the child. Students consider human rights instruments and their application to curriculum content, classroom and whole-school practice.

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450 Primary Professional Development Service, *Annual Report 2008/2009*, Dublin, 2009.

451 Information provided by St. Patrick's College.

Students are also encouraged to incorporate education for, through and about human rights into their teaching while on teaching practice as well as after they qualify. The Centre offers resources for loan and guidance to students in this regard. The Centre also encourages teaching practice supervisors to provide support and guidance on human rights education to the students they supervise.

The College also offers a Masters in Education in Human Rights and Citizenship Education. This programme develops understanding, knowledge and skills around human rights education and citizenship education. The course is underpinned by the values and principles of international human rights instruments, particularly the Universal Declaration of Human Rights and Convention on the Rights of the Child. The course is designed for practitioners, including school leaders and prospective school leaders who wish to apply democratic and human rights principles in their school practice, primary and post-primary teachers and those working in non-formal settings. There is a strong global dimension to the course and the opportunity to engage directly with leading theorists and practitioners in the field nationally and internationally. This programme is available on campus and online.

St Patrick's College also houses the Educational Disadvantage Centre. The work of this Centre is underpinned by Article 26 of The Declaration of Human Rights, which states that "everyone has the right to education ... and higher education shall be equally accessible to all on the basis of merit". The Centre aims to promote equality in education and to contribute to the shaping of primary teacher education, so that the cycle of educational disadvantage is broken. The Centre also aims to contribute to best practice in national and international policy regarding educational disadvantage and equality in education. Work at the Centre includes electives offered in educational disadvantage to undergraduates; an extensive resource library maintained for students' and public use; postgraduate research conducted within the remit of the Centre, at master's and doctoral level, and voluntary work coordinated both on and off campus by the Centre.

The Special Education Department at St Patrick's College is also recognised as contributing to the College's human rights education practice. The right to inclusion underpins the Department's policy, ethos and practice and is promoted as a process of increasing access, participation and benefits for all learners. Human rights education and in particular, awareness and knowledge of children's rights permeate all programmes of study. In addition, specific human rights education learning experiences provide students with opportunities to become familiar with human rights instruments and to apply human rights principles to strategies for inclusion, teaching and learning.

The work of St Patrick's College in human rights education was given international recognition when its course framework was included in the International Compendium of Good Practice (2009) published jointly by OSCE, the Council of Europe, the Office of the High Commissioner for Human Rights and UNESCO that features exemplary practices covering all levels and areas of education in Europe, Central Asia and North America.<sup>452</sup>

452 Council of Europe, OSCE/ODIHR, UNESCO, OHCHR, *Human rights education in the school systems of Europe, Central Asia and North America; A Compendium of Good Practice*, 2009, p. 201.

## Mary Immaculate College, Limerick<sup>453</sup>

To date, Mary Immaculate College has been involved in human rights education with a range of partners and through a range of college-based, school-based and inter-college collaborations. The College is an active participant in the DICE Project. All of the development and intercultural work which takes place in the context of One World Week initiatives, courses for students and curriculum development projects are based firmly on human rights principles.

Human rights education features strongly in the SPHE programme in Mary Immaculate College. *Lift Off, Voice our Concern*<sup>454</sup> and *Imagine*<sup>455</sup> are among the many resources used with the College's students. The Guidelines for Intercultural Education in the Primary School,<sup>456</sup> is also considered a significant resource. The Universal Declaration of Human Rights and the Convention on the Rights of the Child are accorded specific focus. Students are encouraged to reflect on the Human Rights classroom and they are reminded that in implementing SPHE effectively, they are also implementing human rights education even if a specific human rights education topic is not being addressed at a given time. Students are also reminded that the principles of the Health Promoting School incorporate a human rights focus and that many school policies (e.g. Child Protection, Nutrition, Anti-Litter, Health and Safety) have a strong link with human rights. Students are invited to reflect on their own role as advocates and defenders of human rights and to ensure that the principles promoted in the classroom are reflected in the day-to-day interactions in the school. They also learn that human rights education is taught to children from a very young age as children "are acutely aware from an early age of issues of justice, a concept that underpins human rights education".<sup>457</sup>

Human rights education is a broad area and permeates many other curricular areas along with SPHE. It also resonates with the foundation areas of sociology, psychology, philosophy and history of education. The College has a full time DICE lecturer with responsibility for promoting development, intercultural and human rights education for all students and for all staff. Specialist elective courses for third year students include the anti-discrimination approach to intercultural education, the treatment of the Traveller population in Ireland, language and religion as human rights, and food and environmental security.

Students are familiarised with rights-based resources such as those developed by Amnesty International-Irish Section, indeed students from the DICE elective have been involved in reviewing *Lift Off* for a European Development Education Project. Amnesty International has also delivered dedicated tutorials on Human Rights to the elective students and have attended 'Global Resource Fairs' run in the College.

As the College is embarking on a review of the B.Ed. programme it is anticipated that all B.Ed. students will have the opportunity to study human rights education for their own personal development and for their professional development as primary teachers. The Student Handbook for the B.Ed. programme 2010/2011 states that

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453 Information provided by Mary Immaculate College.

454 Amnesty International-Irish Section, *Voice Our Concern*, 2005, Dublin: Amnesty. See further below.

455 Amnesty International-Irish Section Ireland, *Imagine* DVD (1999). Dublin: Amnesty.

456 Department of Education and Science and NCCA, *Guidelines for Intercultural Education in the Primary School*, 2005, Dublin: Stationery Office.

457 Amnesty International-Irish Section, *Cross Border primary Human Rights Education Initiative Lift Off: Introducing Human Rights Education within the Primary Curriculum*, Dublin 2003.

human rights education will be explored in a module entitled “Teaching Studies 8: Early Primary Education, Religious Education, SPHE and SESE.”<sup>458</sup>

### Church of Ireland College of Education<sup>459</sup>

The Church of Ireland College of Education provides an elective on Global Citizenship, which contains a large human rights component and is available to B.Ed students. It did not run in 2008/2009, due to lack of demand, but ran again in 2009/2010. The DICE lecturer delivers approximately two hours of lectures on human rights issues to second year students as part of a block on development, intercultural, and inclusive education. It looks at human rights-based approaches to development and development education and explores the concept of human rights education. The DICE lecturer also delivers a variety of inputs across the college curriculum, some of which have a human rights education aspect. A two hour module with third years in Professional Development will look at whole-school approaches, which will include a human rights approach.

Supervisors who are involved in assessing student teachers’ teaching practice have been instructed to assess if and how they cover development, intercultural and human rights issues, and use their attendant educational approaches. They have also developed a “reflection sheet” for students based on the Convention on the Rights of the Child, which encourages them to reflect on their teaching practice in the light of this instrument. The College also offers courses on special needs education, which contain a distinct human rights element.

### Froebel College of Education<sup>460</sup>

In the Froebel College of Education, intercultural education is integrated into various subjects in their initial teacher education courses (B.Ed. and Postgraduate Diploma in Primary Teaching). These include Maths, Early Childhood Education, English Literature and Religious Education.

In English Literature, four out of the twenty-one hours of both the second year and the third year of the B.Ed. course, and a similar proportion of the Postgraduate Diploma in Education (PGDE) course, focus on discussing national identity, conflict resolution, stereotyping, and the construction of “difference” in children’s historical fiction and picture books set in the historical past of different cultures. The aim is to allow students to engage more reflectively in the responsible selection of texts for children which promote inclusion, the SPHE curriculum, and intercultural education. Teaching for inclusive education is covered in several ways in initial teacher education courses. These include a core course under the DICE programme, which covers global development issues, as well as exploring concepts of culture, experiential learning, and intercultural education resources. Initial teacher education students also receive two sessions discussing issues relating to the Traveller Community.

An elective course on development education is also available to second year B.Ed. students. Froebel has identified opportunities for integrating intercultural education into SESE through history, geography, drama, the visual arts, music, and Physical Education. These opportunities also exist for human rights education.

458 Mary Immaculate College, Bachelor of Education Degree 2010 2011, Student Handbook.

459 Information received from the Church of Ireland College of Education.

460 Information received from Froebel College.

SPHE education looks at how to raise children's awareness of human rights. Graduate programmes in Development Education, Positive Interventions in Educational Disadvantage, and in Special Educational Needs also contain human rights elements.

### **Coláiste Mhuire, Marino Institute of Education<sup>461</sup>**

In Year 2, students have a ten-hour module on Development and Intercultural Education as part of their Inclusive Education course. Human rights are a central feature of this programme, both explicitly and implicitly. For example, to coincide with International Human Rights Day on 10 December, students have a session on the Convention on the Rights of the Child, and are introduced to the *Lift Off* set of primary school resources. There are also sessions on topics such as intercultural awareness, approaches to teaching English as an additional language, development and development education, locality studies, and the use of imagery in the classroom. Students taking the Postgraduate Course for Primary Teaching receive five hours on Development and Intercultural Education. Again, one of these lectures takes an explicit human rights education focus, while a human rights perspective is embedded in the remainder of the sessions.

Students are offered a 20-hour elective entitled 'The World in the Classroom'. This covers aspects of human rights, such as the Universal Declaration of Human Rights and the Convention on the Rights of the Child, and also explores the concept of a 'human rights school'. Students are offered a 20-hour elective entitled 'Teaching English as an additional language: an intercultural approach', which contains an implicit human rights education dimension in that the course is underpinned by principles of social justice, parity of esteem and equal rights. Single sessions of human rights education are offered to students at various times throughout the year.<sup>462</sup>

Coláiste Mhuire launched a Postgraduate Diploma in Intercultural Education in November 2009. This comprises four modules: School Diversity, Inclusion and Intercultural Education; Teaching English as an additional language; Religious Diversity and Intercultural Education; Practice-Based Research Project. A human rights perspective informs the design of these modules, in that the course is underpinned by principles of equality and social justice. Specific aspects of human rights education are addressed in aspects of the course that explore whole-school issues.

Coláiste Mhuire has also offered on-line summer in-service courses in '*Teaching English as an additional language*' since 2007 (in association with the Irish National Teachers' Organisation (INTO) in 2007 and 2008). An extended version of this course was also offered in the autumn of 2007 and 2008 in association with the INTO. To date, an estimated 1,600 teachers have participated in these courses. One module addresses whole-school approaches and contains activities through which teachers gauge the 'human rights temperature' of their school, using materials adapted from Amnesty International-Irish Section.

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461 Information received from Marino Institute of Education.

462 For example, to mark International Human Rights Day in December 2008 and 2009, a member of the Inclusive Education Department gave a talk on human rights issues in Palestine. Other college events have included talks from a survivor of Bergen Belsen concentration camp, Tomi Reichental, (2007 and 2008) and a visit from an author of children's books with intercultural/human rights themes, Marilyn Taylor (2009). A committee of staff and students organised Global Day in 2007 and 2009, and One World Week in 2008.

## Continuous Professional Development

According to the Plan of Action for the WPHRE for teachers to implement the key responsibility of delivering human rights education in the curriculum, a number of factors must be taken into account. Firstly, teachers are rights-holders and the recognition of their professional status is a pre-requisite for them to promote human rights. Secondly, the school management and leadership on the one hand and educational policy makers on the other must support and empower teachers to innovate in teaching and learning practices.<sup>463</sup>

There is a need to provide more in-service education to primary teachers to build up their knowledge of human rights and to support them to develop a holistic approach to the delivery of human rights education. The support services for SPHE provided to primary teachers through the Primary Professional Development Services have been incorporated into the PDST.<sup>464</sup> As stated earlier the approach to SPHE offers the best conduit for human rights education in the primary curriculum. The PDST's work with Amnesty International to build their capacity to provide in-service education on human rights education to primary school teachers is a very welcome development. The SPHE Teacher's Network can have an important role in supporting such efforts to promote human rights education. There is also scope to develop human rights education support for other school personnel in particular principals and other school leaders.

There are an increasing number of online courses and supports available to primary school teachers. ACTION (Assessment, Curriculum and Teaching Innovation on the Net) is a website being developed to support teachers in the 'how to' of teaching and learning through the use of multimedia. ACTION proposes to "focus on 'showing' rather than 'telling' the features of effective teaching and learning in different settings".<sup>465</sup> It includes material on intercultural education and human rights to support the NCCA Guidelines, including videos showing how to put aspects of the Guidelines into practice in the classroom with reference both to learning activities and methodologies.

The INTO currently offers a series of Online Professional Development courses, which are subject to change annually. It has in the past offered a course on "Cross-Curricular Approaches to Human Rights Education". Professional development courses offered by the INTO that may include human rights include solidarity and equality, supporting an inclusive approach to education in the primary school. The Department of Education and Skills also facilitates a number of optional summer in-service courses at primary level which are usually organised by independent trainers and organisations programmes. As part of the *Lift Off* Initiative, Amnesty International-Irish Section has provided input on human rights education at in-service training for primary school teachers and principals, and at postgraduate seminars in higher colleges of primary education.<sup>466</sup> The Centre of Human Rights and Citizenship Education at St Patrick's College, Drumcondra offers a Masters course in education: human rights and citizenship.<sup>467</sup>

463 Office of the UN High Commissioner for Human Rights & UNESCO, Booklet on *Plan of Action of the UN World Programme for Human Rights Education - First Phase (2005-2007)*, (2006)

464 For more information on PDST see [www.pdst.ie](http://www.pdst.ie)

465 For more information on the NCCA's ACTION initiative see [www.action.ncca.ie](http://www.action.ncca.ie).

466 For more information see [www.liftoffschools.com](http://www.liftoffschools.com).

467 For more information on the Centre for Human Rights and Citizenship see [www.spd.dcu.ie/hosted/chrce/](http://www.spd.dcu.ie/hosted/chrce/).



## Knowledge of Human Rights: Research on Human Rights Education and Primary Teachers

In 2009, the IHRC and the Centre for Human Rights and Citizenship Education, St Patrick's College, Drumcondra conducted a survey of primary teachers in order to ascertain teachers' awareness, understanding and practice in relation to human rights education. 152 teachers from 110 schools around the country returned completed questionnaires. The survey showed that there were low levels of awareness and understanding among teachers of human rights instruments and human rights bodies. For example, while 56% of teachers stated that they were familiar or very familiar with the Irish Constitution, only 34% stated that they had similar knowledge of the Universal Declaration of Human Rights (UDHR). Overall, about two thirds of respondents reported a lack of familiarity with any international human rights instruments and programmes. Regarding human rights education, teachers' own assessment of their knowledge and understanding was low, with 15% of teachers stating a high or very high level of understanding of human rights education. While levels of understanding and awareness reported in this research were low among teachers, the research revealed positive dispositions among teachers towards human rights, human rights education, and children's rights in particular.

A somewhat confused picture emerged in relation to the practice of human rights education in schools. Despite an apparent lack of conceptual clarity regarding the nature and purpose of human rights education, 78% of teachers stated they taught human rights education as an integrated approach, most frequently citing SPHE as one of the subject areas through which they delivered human rights education. Relatively few participants were able to identify, when asked, specific resources or approaches which would be directly associated with practice in human rights education. Classroom indicators of practice identified in the questionnaire included the display of human rights posters, use of human rights education resources and the organisation of events in the classroom, while indicators such as policies referencing human rights instruments, the presence of school councils and posts of responsibility for human rights education received relatively low levels of response in relation to school practice.

Following a pattern evident in other similar research, teachers identified a lack of training, and curriculum overload as barriers to human rights education in schools. While 9% of respondents stated that they had received input in human rights education in their initial teacher education, 36% stated that they had received input in either human rights education, development education or intercultural education. As development education and intercultural education have a content focus on human rights, it suggests that it was integrated into courses in a way that did not support an explicit identification or recognition as human rights education.

The findings in relation to Initial Teacher Education are reflected in the overall survey which suggests that while there may be implicit and tacit support for human rights education, there are relatively few explicit examples of policy and practice in human rights education across the education system. The research report concludes that a lack of conceptual clarity in the education system as to the nature and purpose of human rights education may be one of the principal factors underlying this.



## Review and Recommendations

The primary school curriculum is integrated and flexible in nature, and its aims and child-centred approach reflect the principles set out in the UN Convention on the Rights of the Child. The potential therefore exists for primary education to be receptive to human rights education. While there are implicit references to human rights values such as respect for diversity, equality and responsible citizenship in the introduction to the primary school curriculum, there is no explicit reference to the importance of education that promotes and protects human rights.

An explicit commitment to human rights education in the core curriculum would ensure that the processes of teacher education, curriculum development, school planning, and inspection fully engage with human rights. An overt reference is particularly important as research shown above demonstrates that there may be low awareness and understanding among teachers of human rights instruments and human rights bodies. Low levels of knowledge and understanding of human rights education diminishes the potential of a whole-school approach to it.

In terms of building awareness and understanding of human rights education, its growing presence in the five main teaching colleges is an important development. The development of a dedicated Centre for Human Rights and Citizenship Education at St Patrick's College is a very welcome initiative. However, more needs to be done to raise the profile of human rights education in initial teacher education. The fact that human rights education is a mandatory component in St Patrick's undergraduate course is a positive action that should be encouraged in all the colleges. However, the profile of human rights education remains low in in-service teacher education and it is given limited and discretionary attention in teachers' SPHE training. Human rights education should be a mandatory component of the initial teacher education of all Irish teachers.

In the primary curriculum, human rights are most specifically addressed in the aims of SPHE and in its curriculum. There is evidence of the positive impact of SPHE. The potential to promote human rights education through SPHE is, however, diminished by the small amount of time given to teaching SPHE in the curriculum, and the limited and discretionary attention given to it in teacher education and in-service training. The IHRC considers that the time allocated for SPHE should be increased and the time and space given to human rights education within SPHE increased. The resources and learning from the *Lift Off* Project should be mainstreamed in the whole-school approach, in the curriculum and in teacher education. The potential to integrate human rights in SESE should be examined.

Without a co-ordinated commitment to human rights education at all of these levels there is a likelihood that human rights education will remain dependant on the individual will and capacity of a committed teacher or principal for its implementation in Irish primary schools.



# 7      Post-Primary Education

# 7 \_\_\_\_\_ Post-Primary Education

*“Human rights education aims at developing a culture of human rights, where human rights are practised and lived within the school community and through interaction with wider community.” (WPHRE)*

There are a number of types of post-primary school in the Irish education system. They include voluntary secondary schools, community schools and comprehensive schools, which are generally denominational, and vocational schools and community colleges which are non-denominational.

Voluntary post-primary schools are privately owned and managed, and can be fee paying or non-fee paying. They are under the trusteeship of religious communities, boards of governors or individuals.

Vocational schools and community colleges are owned by the local VEC, which are statutory bodies set up by local authorities (usually County Councils) under the Vocational Education Act 1930 as amended by the Vocational Education (Amendment) Act 2001. They are largely funded by the Department of Education and Skills. Many Community and Comprehensive schools were established as the result of the amalgamation of voluntary secondary and vocational schools. The schools are also financed entirely by the Department of Education and Skills.

While the management structure and the history of each school-type differs, the Education Act 1998 makes certain requirements of each secondary school’s board of management, including following the curriculum prescribed by the State and offering the two State examinations, Junior Certificate and Leaving Certificate.

## Introduction

There are two phases of post-primary education in Ireland: the junior cycle and the senior cycle. The junior cycle ends with the Junior Certificate examination. The senior cycle offers students a choice of four programmes. The first of these is Transition Year, which is a year long programme after which students usually progress to a Leaving Certificate programme. Transition Year is usually optional. Students can choose to undertake one of three Leaving Certificate Programmes, the traditional Leaving Certificate, the Leaving Certificate Applied Programme, or the Leaving Certificate Vocational Programme. The Leaving Certificate programme concludes post-primary schooling. As will be seen below, there are a number of subjects through which human rights are informed about human rights in the post primary curriculum. The most obvious subject is Civic, Social and Political Education (CSPE) where human rights is a topic. Other subjects where human rights may be referred to even indirectly are Social, Personal and Health Education (SPHE), Religious Education, Home Economics and Social Scientific (HESS) and various

Transition Year Units. A human rights perspective is also a critical cross-cutting theme in Geography, History and English.

## What is currently being undertaken for human rights education in the Junior Certificate Programme?

### Junior Certificate Programme

The Junior Certificate Programme comes within the compulsory period of education and is usually taken by students between the ages of 12 and 15. Students who begin junior cycle have spent eight years in primary school and the curriculum at junior cycle builds on that learning.

The aims and intended outcomes of the junior cycle curriculum reinforce and further develop those of the primary curriculum, and emphasise the importance of students experiencing a broad, balanced and coherent programme of study across a wide range of curriculum areas in order to prepare them for transition to senior cycle education. In addition to reinforcing and developing the young person's knowledge, understanding, attitudes, skills and competencies at primary level, the curriculum aims to:

- extend and deepen the range and quality of the young person's educational experience in terms of knowledge, understanding, skills and competencies;
- develop the young person's personal and social confidence, initiative and competence through a broad, well balanced, general education;
- prepare the young person for the requirements of further programmes of study, of employment or of life outside full-time education;
- contribute to the moral and spiritual development of the young person and develop a tolerance and respect for the values and beliefs of others; and
- prepare the young person for the responsibilities of citizenship in the national context and in the context of the wider European and global communities.<sup>468</sup>

The aims of the junior cycle programme are set out in explicit terms in the stated aims of the Civic, Social, and Political Education (CSPE) syllabus, which refers to human rights, and states that:

**The general aims and principles of Civic, Social and Political Education accord with those of the Junior Certificate programme. In particular, the aims that the Junior Certificate programme should develop the pupils' personal and social confidence, contribute to their moral development, and prepare them for the responsibilities of citizenship, are central concerns of Civic, Social and Political Education.<sup>469</sup>**

468 See "Aims of Junior Cycle" on the website of National Council for Curriculum and Assessment (NCCA) [www.ncca.ie/](http://www.ncca.ie/)

469 See the CSPE Syllabus at <http://cspe.slss.ie>

As is the case with the primary curriculum, the stated aims of the junior cycle at post-primary level resonate with the aims of human rights education. In relation to current education, which may be said to either explicitly or implicitly refer to human rights or the aims of human rights education, the subjects which are of particular relevance include SPHE and CSPE, which are considered below.

## Civic, Social and Political Education (CSPE)

Civic, Social, and Political Education (CSPE) is a mandatory and examinable subject at junior cycle, which is assessed through a written paper and an action project. It was piloted in 1996 and mainstreamed in 1997. In 2000, all students at junior cycle undertook the subject as part of the Junior Certificate Examinations. CSPE replaced “civics” education in Irish secondary schools, which dated back to 1966. CSPE is described as a “course in citizenship, based on human rights and social responsibilities [that] aim to develop active citizens”,<sup>470</sup> and is intended to give students a practical experience of active citizenship. It is however, only allocated one class per week, which is not sufficient to fully provide for human rights education.<sup>471</sup>

### CSPE Syllabus

According to the CSPE Syllabus:

**Aims to prepare students for active participatory citizenship. This is achieved through comprehensive exploration of the civic, social and political dimensions of their lives at a time when pupils are developing from dependent children into independent young adults. It should produce knowledgeable pupils who can explore, analyse and evaluate, who are skilled and practised in moral and critical appraisal, and capable of making decisions and judgements through a reflective citizenship, based on human rights and social responsibilities. Such pupils should be better prepared for living in a world where traditional structures and values are being challenged, and where pupils are being confronted with conflicting interests, impermanent structures and constant questioning.**<sup>472</sup>

As can be seen, CSPE therefore already contains an explicit reference to human rights.

The objectives of CSPE are set out in the syllabus in terms of knowledge, concepts, skills and attitudes/values. Students should acquire basic knowledge and a broad understanding of:

- the development of the person as a social being;
- the various social groups to which every person belongs;
- the rights and responsibilities of every person as a citizen;
- the structure, function and workings of selected civic and political organisations, institutions and systems – how they interact and how individuals can participate in them;

470 Department of Education and Science, Civic, Social, and Political Education - Guidelines for Teachers, 1998, Dublin; Stationery Office.

471 One 40 minute class per week of the academic year translates into approximately 70 hours over 3 years.

472 CSPE Syllabus, at 1.13. See <http://cspe.slss.ie/>

- selected issues of personal, social and political development at all levels – personal, local, national and global; and
- how decisions at all levels are made and applied, particularly within the context of a democratic political system.<sup>473</sup>

The syllabus states that the central concept of the CSPE course is citizenship.<sup>474</sup> Students are required to know the concepts that inform and clarify the idea of an active participatory citizen. The seven concepts are:

- *Democracy*: in particular the importance and rights and responsibilities of democratic participation;
- *Rights and Responsibilities*: the syllabus provides that “pupils should be aware that every individual is entitled to basic social, cultural, economic, civil, religious and political rights and to the safeguarding and protection of these rights”;
- *Human Dignity*: awareness of the individual dignity of every human being and how the provision of basic needs (food, health, education, security) is vital to human dignity;
- *Interdependence*: awareness of the interdependence of all human life at the individual, community, national and global levels;
- *Development*: the syllabus states that “development can be defined as a process of improvement (social, economic, cultural, political) to meet the needs in people’s lives at all levels).”
- *Law*: the importance of rules and laws within a community or society and their relationship to the realisation of rights and responsibilities;
- *Stewardship*: every person is a temporary owner or steward entrusted with care and maintenance of finite resources.<sup>475</sup>

In exploring the concepts, the syllabus provides that students should have the opportunity to develop and practice skills such as:

- *Identification/awareness*: skills which enable pupils to acquire information;
- *Analysis/evaluation*: developing the ability to analyse, interpret and evaluate information;
- *Communications*: personal reflection, interpersonal skills, presentation;
- *Action*: identify steps to be taken in tackling an issue as well as social and political skills of organisation, procedure, decision making and voting.<sup>476</sup>

The attitudes and values of the course include “a personal commitment to the concepts underlying [CSPE] e.g. a commitment to the values of human rights, social responsibilities and democracy”.<sup>477</sup> Some of the attitudinal objectives of the CSPE include awareness and respect for the rights of all groups in society; and fostering a commitment to oppose prejudice, inequality and social justice.<sup>478</sup>

CSPE is constructed around four main units of study: the Individual and Society; the Community; the State–Ireland; and Ireland and the World. There is recognition in the syllabus that the best way to achieve CSPE’s learning objectives is active,

473 *Ibid.* 2.2.1 p.9.

474 *Ibid.* 2.2.2 Concepts, p.10.

475 *Ibid.* pp. 10-12.

476 *Ibid.* 2.2.3: Skills, p.13.

477 *Ibid.* 2.2.4: Attitudes and Values, p.14.

478 *Ibid.* 2.2.4: Attitudes and Values, p.14.



participatory class-work with an emphasis on learning by doing. The Guidelines for CSPE provide outlines for lessons on human rights-related issues and offers some examples of active learning methodologies.<sup>479</sup>

## Human Rights and CSPE

CSPE, as a form of citizenship education, meets many of the criteria that underpin quality human rights education as set out in the first phase of the WPHRE Plan of Action. In terms of teaching and learning content and objectives it defines basic human rights competencies, such as a commitment to oppose prejudice. It gives equal importance to cognitive (knowledge and skills) and social/affective (values, attitudes and behaviours) learning outcomes, and relates human rights teaching to the daily lives of students. In relation to teaching and learning practices and methodologies, there is an emphasis on participation and learning by doing. From a human rights education perspective some of the challenges for CSPE relate to its conceptual framework and its status in schools.

At a conceptual level, there is evidence that there was a shift in the approach taken to citizenship from when the CSPE syllabus was first conceived to when it was finalised and implemented. Research undertaken on a comparison carried out between the 1987 draft syllabus and the 1996 syllabus which is now in operation in schools, claimed that the original draft syllabus became depoliticised between 1987 and 1996.<sup>480</sup>

In particular, it was argued that the erasing of an explicit reference to “power” as a key concept may be seen as a serious weakness within the current CSPE programme.<sup>481</sup> This omission has also been described as “a thinly disguised mask for the perpetuation of the political status quo and the inequalities and silences that go with it.”<sup>482</sup> The question is posed whether the absence of power in the curriculum is part of a broader, and worrying trend towards a “deepening consensualism governing political discourse in Ireland.”<sup>483</sup>

As noted previously, the fundamental difference between the human rights education and citizenship education is in how each deals with the relationship between the individual and the Nation State, part of which manifested itself in the presence or absence of a critique of State power within the curriculum. Human rights education, as defined in this report, has as a central aim the empowerment of individuals to protect their own rights and defend those of others and to hold the State to account in relation to the fulfilment of its commitments to promote and protect human rights. This emphasis is largely absent from CSPE.<sup>484</sup>

It has been argued that CSPE may identify an Irish and/or European identity in an uncritically positive way, and that structural and systemic dimensions of racism may be ignored.<sup>485</sup> From a human rights perspective, if this were the case, this would be

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479 National Council for Curriculum and Assessment, *Civic, Social and Political Education (CSPE) Guidelines for Teachers*, 2005, Dublin: Stationery Office, p. 100.

480 Gerry Jeffers, “Some challenges for citizenship in the Republic of Ireland”, in G. Jeffers and Una O’Connor (ed.s), *Education for Citizenship and Diversity in Irish Contexts*, (2008) Dublin: IPA, p. 14.

481 *Ibid.* p.15.

482 Kathleen Lynch, “Education for Citizenship: The Need for Major Intervention in Social and Political Education in Ireland”, paper presented at CSPE Conference, Bunratty, Co. Clare, 29 September 2000.

483 *Ibid.*

484 See the definitions of Human Rights Education in Chapter 2 of this Report.

485 See submission of Audrey Bryan and Sheila Drudy UCD, at p.8. National Council for Curriculum and Assessment, *Senior Cycle Developments: Report on Consultation on “Social and Political Education in Senior Cycle, A Background Paper”*, May 2007, Dublin: Stationery office.

a troubling approach as it is essential that uncritical attitudes and received notions of identity are challenged in order to combat racism and prejudice. An increased emphasis on the human rights legal standards underpinning the CSPE curriculum could address such issues. By more explicitly defining ‘citizenship’ in terms of human rights, CSPE can avoid concepts of ‘citizenship’ that define nationality in terms of ethnic, religious or cultural identity, and so can better foster a sense of communality of belonging and responsibility. Similarly, an increased emphasis on human rights would offer the student of CSPE a greater opportunity to develop their capacity to critique power structures, promote change, and to hold government and duty bearers to account. The consultation on the draft syllabus for Politics and Society suggested the need for greater focus on power relations, the same case can be made for CSPE.<sup>486</sup>

### Status of CSPE within Schools

There are widely accepted challenges attached to the status of the subject within the school and within the Junior Certificate Examination.<sup>487</sup> Many of these challenges are not due to the content or approach of the course itself, but rather are a result of institutional and structural issues such as the low status of the subject and insufficient class time.<sup>488</sup>

Research analysing CSPE in practice suggests that citizenship education continues to struggle in many schools and particular problems with CSPE in schools have been identified.<sup>489</sup> These include:

The low status of CSPE in many schools;

- The short amount of time given to the subject: 70 hours over three years is regarded as insufficient time to teach the curriculum thoroughly;
- The common practice of conscripting teachers with little interest in the subject to teach it, and the resulting high turnover rate of CSPE teachers from year to year;
- A discomfort expressed by many teachers with “active methodologies”;
- Uncertainty among teachers as to how to respond to negative attitudes towards groups such as Refugees and members of the Travelling Community that they often encounter in teaching CSPE<sup>490</sup>

The status of CSPE is considered to be weakened by the lack of a related follow-up subject at senior cycle. The development of a new senior cycle subject ‘Politics and Society’, which will be discussed in detail later, will hopefully improve the status of CSPE. If a strong link is made between CSPE and ‘Politics and Society this may spur more interest and commitment to the subject among school leadership.<sup>491</sup>

The issue of limited class time is crucial when assessing the feasibility of practically achieving CSPE’s stated educational goals, and a link has been made between limited class time and the status of the subject. That is, such a relegated place in the class timetable sends a message as to what are the priorities in education,

486 NCCA, Leaving Certificate Politics and Society- Report on the Consultation Process, March 2010, p. 23.

487 Eilis Ward, “*Citizenship Studies, A Curricular Proposal for Social and Political Education in the Leaving Certificate (Established)*”, 2002, CDVEC Curriculum Development Unit, p.26.

488 *Ibid.* p. 26.

489 See G. Jeffers, “Some challenges for citizenship in the Republic of Ireland”, p.12. in G. Jeffers and Una O’Connor (ed.s), *Education for Citizenship and Diversity in Irish Contexts*, 2008, Dublin: IPA, P.13.

490 *Ibid.*

491 G. Jeffers, “Some challenges for citizenship in the Republic of Ireland”, p.12. in G. Jeffers and Una O’Connor (ed.s), *Education for Citizenship and Diversity in Irish Contexts*, 2008, Dublin: IPA, p.13.

a message which resonates with current trends in public discourse about living “in an economy” as opposed to “in a society”, or emphasising economic growth over all aspects of national development.<sup>492</sup>

### CSPE in Action in Schools

The action project component of CSPE is envisaged as a creative, developmental approach to education aimed at empowering students to actively explore issues of human rights, citizenship and diversity. In practice however, there is a question mark over how commonly the potential of the project is fully realised.<sup>493</sup> Such an approach may partly be explained by the fact that CSPE learning takes place within an examination-dominated school system and culture.<sup>494</sup> Evidence of challenges in relation to teacher confidence and motivation for the subject, coupled with limited class time renders it unsurprising if the full potential of the course is not fulfilled.

The CSPE syllabus states that the CSPE course “provides unique opportunities and greater potential for cross-curricular work in schools”.<sup>495</sup> However, research has indicated that there is little evidence of cross-curricular thinking, planning, or implementation in schools.<sup>496</sup> The lack of a cross-curricular approach may be primarily a cultural issue within schools and within the teaching profession as it is not emphasised in teacher education and continuing professional development.<sup>497</sup> School Development Planning and the promotion of a whole-school approach also have the potential to address this issue.

### Support for CSPE

It is clear that more resources and supports are needed to embed human rights education through CSPE. There was a dedicated CSPE Support Service to provide such assistance including the development of materials and in-service training. Human rights issues feature in the material and training. However, as noted above, this Service has been greatly reduced by budget cuts and the subject no longer has a dedicated support service.<sup>498</sup> The Association of CSPE Teachers offers peer support, exchange of good practice and policy input. Community and voluntary organisations such as Amnesty International provide input and support by way of materials and presentations, and there is evidence that some teachers use human rights education materials provided by community and voluntary organisations. Statutory bodies also provide information on human rights issues to CSPE students.<sup>499</sup> There are two dedicated websites that offer resources and material for use by CSPE students and teachers.<sup>500</sup> All of these supports will be looked at in more detail the section on the current provision of human rights education in post-primary teacher education and development.

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492 *Ibid.* p. 17.

493 *Ibid.* p.15.

494 *Ibid.* p. 15.

495 The Junior Certificate CSPE Syllabus, p.3.

496 G. Jeffers, “Some challenges for citizenship in the Republic of Ireland”, in G. Jeffers and Una O’Connor (ed.s), *Education for Citizenship and Diversity in Irish Contexts*, 2008, Dublin: IPA, p. 17. See page 18 for further discussion of this topic.

497 *Ibid.* p. 18.

498 From having three dedicated resource people to support the course, CSPE is now one of many subjects managed by one person over the Cultural and Environmental Pillar of the PDST. See further above,

499 For example, the IHRC responds to many requests from CSPE students for material on human rights issues.

500 For more information on resources available see <http://cspe.slss.ie/>.

## Social, Personal and Health Education (SPHE)

Social, Personal and Health Education (SPHE) is a mandatory part of the curriculum in the junior cycle at second level. SPHE was introduced on a phased basis from September 2000, and all post-primary schools are required to offer SPHE in each year of the junior cycle.

SPHE is conceived as a whole-school education programme. It is intended to reflect the unique ethos of the school, and needs the support of a positive school climate and atmosphere in order to be successful.<sup>501</sup> A supportive whole-school environment is described in the context of SPHE, as one where: people feel valued, self-esteem is fostered, fairness and tolerance are evident, high expectations are the norm, those having difficulty are supported, communication is open, effort is recognised, difference is valued, conflict is handled constructively, initiative and creativity is stressed and social, moral and civic values are promoted.<sup>502</sup>

Like CSPE, SPHE promotes a participatory, experiential, and active form of learning with the teacher in a facilitative role. While it offers a valuable space for learning, its scope is limited as it is only one period per week.<sup>503</sup> Nevertheless as part of a whole-school approach it can complement and reinforce the goals of CSPE as it has shared objectives.<sup>504</sup>

Building on the aims of SPHE in the primary school, SPHE at post-primary, aims to develop students' skills to learn about themselves and make informed decisions about their health, social lives, and social development.<sup>505</sup> The National Council for Curriculum and Assessment has produced a draft curriculum framework for SPHE in the senior cycle, which it has sent to the Department of Education and Skills.<sup>506</sup>

## What is currently being undertaken for human rights education in the Leaving Certificate Programme?

### Leaving Certificate Programme

Senior cycle education in Ireland may be of two or three years' duration. The difference is accounted for by students choosing to take an optional Transition Year in the first year of the senior cycle, before they follow the two year Leaving Certificate programme. The Department of Education and Skills states that the senior cycle programme aims to "provide a comprehensive, high-quality learning environment which enables all students to live full lives, appropriate to their stage of development, and to realise their potential as individuals and as citizens. It aims to prepare students for adult life and to help them proceed to further education or directly to employment".<sup>507</sup>

501 The Junior Certificate *SPHE* Syllabus, p.5.

502 *Ibid*, p.5.

503 *Ibid*, p.6.

504 *Ibid*, p.5.

505 *Ibid*.

506 For further information see website of the NCCA at [www.ncca.ie](http://www.ncca.ie).

507 See website of the Department of Education and Skills: [www.education.ie](http://www.education.ie).

There are four programmes of education available to students in the senior cycle: Transition Year, and three Leaving Certificate programmes. The Established Leaving Certificate (hereafter referred to as Leaving Certificate) is the main basis upon which places in universities, institutes of technology and colleges of education are allocated. A majority of students take the Leaving Certificate—the traditional terminal examination in post-primary education in Ireland. Students usually choose six to eight subjects from the list of approved subjects. The Leaving Certificate Vocational Programme differs from the established Leaving Certificate in placing a concentration on technical subjects and in including additional modules, which have a vocational focus. Students undertaking the Leaving Certificate Vocational Programme (LCVP) take six or seven Leaving Certificate subjects and two additional Link Modules: Preparation for the World of Work and Enterprise Education.<sup>508</sup> The Leaving Certificate Applied Programme (LCA) has as its primary objective the preparation of participants for adult and working life through relevant learning experiences.<sup>509</sup> LCA students follow a self-contained pre-vocational programme made up of a range of courses structured around three elements: Vocational Preparation, Vocational Education and General Education.<sup>510</sup>

With the exception of Transition Year programmes, all senior cycle programmes lead to State examinations taken towards the end of the senior cycle when students are usually 17 or 18 years of age. Student achievement in these examinations is directly linked to processes of selection for courses of study in further and higher education.

The Leaving Certificate curriculum is compartmentalised into subjects in which teaching and learning are largely self-contained as opposed to cross-curricular, allowing students a degree of specialisation towards a chosen career option. Transition Year and the Leaving Certificate Applied adopt a more cross-curricular approach, and evidence of human rights education within these curricula will also be examined further in forthcoming sections.

## Revision of the Senior Cycle

Senior cycle education underwent significant change during the 1990s and is at time of writing the subject of a major consultation and review by the NCCA aimed at planning for its future development. This review identifies reform in the areas of school culture, curriculum re-structuring and re-balancing and changes in assessment provision as the basis for developments in the years to come. There are several welcome revisions, including new programmes of study being introduced that are intended to create more choice and flexibility and allow for a better balance between knowledge and skills in the educational experience of senior cycle students. Developments at senior cycle have now progressed to a point where a number of draft syllabi are coming on stream for consultation with stakeholders at time of writing. The one most interesting from a human rights education perspective is the draft syllabus for Politics and Society, which will be discussed in more detail below.

The NCCA's 2005 advice to the then Minister for Education and Science in relation to the development of the senior cycle shows a holistic approach:

**The purpose of senior-cycle education is not solely related to meeting needs and ambitions associated with further study and**

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508 For further information see [www.ncca.ie](http://www.ncca.ie)

509 *Ibid.*

510 *Ibid.*

**work. Curriculum components that cater for the personal and social development of students, that contribute to their personal well-being and prepare them for life as citizens should be included.<sup>511</sup>**

This holistic view of education is shared by many of the stakeholders who offered their views to the NCCA during the consultation phase. A NCCA consultative survey, revealed that respondents identified communicating with others and appreciating different cultures as two of the most important challenges facing students in the future.<sup>512</sup> In the context of social and political education within the senior cycle, the NCCA report on the consultation found that “a strong argument has been made for locating a range of perspectives (on identity, on globalisation and on sustainable development) within a human rights framework”.<sup>513</sup> Even at this very early stage it was envisaged that such a subject would advance human rights education in the Leaving Certificate Programme.

## Transition Year

The one-year optional Transition Year programme is aimed at offering students an opportunity to mature and develop without the pressure of an examination.<sup>514</sup> It is therefore designed to act as a bridge between the Junior Certificate and Leaving Certificate programmes. It is available to all second level schools and at time of writing approximately 75% offer the programme.<sup>515</sup> The aim of the Transition Year curriculum as set out in the curriculum guidelines is “to promote the personal, social, educational and vocational development of pupils and to prepare them for their role as autonomous, participative, and responsible members of society.”<sup>516</sup> Each school designs its own Transition Year programme within set guidelines and according to its individual capacity, to suit the needs and interests of its students. In establishing its own distinctive programme content, the school takes into account the possibilities offered by local community interests and the educational support offered by a number of State Agencies and NGOs. Assessment is usually carried out on an ongoing basis and can include school-based assessment of projects or portfolios, oral, aural, practical and written activities. Within Transition Year many schools avail of the flexibility offered to explore diverse strands of education for human rights, citizenship, and diversity.<sup>517</sup>

## Transition Units

A new development in Transition Year, as a result of the senior cycle review, has been the development of ‘transition units’ as a new curriculum component.<sup>518</sup> Transition units are not intended to be exam subjects but will be assessed as part

511 National Council for Curriculum and Assessment, *Proposals for the Future Development of Senior Cycle Education in Ireland*, April 2005, Dublin; Stationery Office, p. 14.

512 National Council for Curriculum and Assessment, ‘Developing the Senior Cycle - Online Survey Results’, August 2003, Dublin: Stationery Office, p. 6. Available online at [www.ncca.ie](http://www.ncca.ie)

513 NCCA Senior Cycle Development: Report on Consultation on Social and Political Education in Senior Cycle, A Background Paper, May 2007, p.7

514 For an outline of the Transition Year Programme of the Senior Cycle Programme, see website of the NCCA [www.ncca.ie](http://www.ncca.ie).

515 See G. Jeffers, The Transition Year Programme in Ireland: Embracing and Resisting a Curriculum Innovation, (2011), 22(1) the Curriculum Journal, p.61.

516 Department of Education & Science, *Transition Year Programme – Guidelines for Schools*, 1993, Dublin; Stationery Office, p.3.

517 *Ibid.*, pp. 8-16.

518 For information on transition units see NCCA website [www.ncca.ie](http://www.ncca.ie)



of the teaching and learning undertaken in the unit. Transition units are 45-hour courses developed, by schools or organisations working with schools, on a range of eight broad and inclusive topics, including Local and Global Citizenship, and Moral, Social and Personal.<sup>519</sup> They are intended to open up new areas of learning for students, and provide an opportunity for schools to engage in curriculum planning and development at a local level. It is envisaged that transition units would be integrated into the senior cycle programme of study offered by the school. Non-Governmental Organisations (NGOs) such as Trócaire and Statutory bodies, such as the now closed Combat Poverty Agency, have previously developed units on human rights-related themes of development education and poverty respectively.<sup>520</sup>

While there is no specific Transition Year unit on human rights, there is scope and flexibility for some existing units to be human rights-orientated, particularly those in the area of Local and Global Citizenship. For example, the Environmental Studies unit and the Legal Studies unit both have strong ties with human rights issues. The unit developed by the now-closed Combat Poverty Agency; *Ireland - A Level Playing Pitch?*, uses students' community work experience to explore the work of local community groups and organisations that enable and empower those who are disadvantaged to participate in society.<sup>521</sup> Aside from the human rights-related content of the sample units mentioned above, all of these units, in terms of their content, active learning methodologies, and assessment approaches, have enormous potential to realise the aims of human rights education.

### Examples of Human Rights Based Transition Year Initiatives

One example of a human rights education Transition Year initiative is *Voice Our Concern* project, an initiative of Amnesty International-Irish Section, which is tailored for the Transition Year Curriculum.<sup>522</sup> The initiative, which has been running annually since 2004, works with between 10 and 15 schools each year. It brings artists and young people together in the production of creative resources exploring human rights (plays, poetry, film, photography and music), and brings these resources to a wider audience together with background material on human rights. *Voice Our Concern* also runs creative human rights workshops for teachers, and provides classroom materials that can be used to support human rights education.

#### Young Social Innovators

While *Young Social Innovators*<sup>523</sup> developed outside the curriculum, it has proved hugely popular and is a good vehicle for human rights education. It complements CSPE and has the potential to be a building block for *Politics and Society*. The initiative is Ireland's largest social awareness and active citizenship education programme. It facilitates youth directed action on social issues, and is usually incorporated within the Transition Year curriculum. It has its origins in Social Innovations Ireland (SII), an NGO set up by Sr. Stanislaus Kennedy in 2001 with the aim of looking at new and emerging social needs in Ireland and ways to respond to these. In 2005, following a successful pilot of three years' duration, the programme extended to all second level schools and youth centres nationwide. *Young Social Innovators* grew to become an organisation in its own right in June 2006 and has the status of a registered charity.

519 *Ibid.*

520 *Ibid.*

521 Transition Year Unit 'Ireland – A level playing pitch?'; see [http://www.ncca.ie/en/Curriculum\\_and\\_Assessment/Post-Primary\\_Education/Senior\\_Cycle/Transition\\_Year/Transition\\_Units/](http://www.ncca.ie/en/Curriculum_and_Assessment/Post-Primary_Education/Senior_Cycle/Transition_Year/Transition_Units/).

522 For further information see [www.amnesty.ie/voice-our-concern](http://www.amnesty.ie/voice-our-concern).

523 For further information see [www.youngsocialinnovators.ie/](http://www.youngsocialinnovators.ie/).



The work of the organisation includes social enterprise projects, professional development for educators, regional platform events for young people to speak on social issues, and encourages them to become advocates for social justice. There are also moves to create centres around the country to encourage more youth-led, team-based, social action projects which work to create a more caring community and society.

In its first year 11 schools participated with 158 students undertaking 16 projects. In 2009, some 5,500 students undertook over 400 projects throughout Ireland.

### Some views on Young Social Innovators

One third of students, when asked, stated they were more involved in their local community as a result of the programme. 46% of students said that they wanted to continue their project; 26% actually did continue. 90% of Young Social Innovator Guides (teachers) feel that the programme suits young people of varying aptitudes. 90% of Guides felt that it was a worthwhile learning experience.<sup>524</sup>

In its 2007 report, the Task Force on Active Citizenship outlined its support for the Young Social Innovators programme, it recommended:

the expansion of education for citizenship in the school system and in the youth and adult education sectors, and in particular: ensure that every Transition Year student has the opportunity to take part in an active learning community-based project, building on existing programmes such as the Young Social Innovators (YSI). To contribute to this, participation in YSI should be increased incrementally to make it available to a larger percentage of Transition Year students.<sup>525</sup>

## Senior Cycle: Politics and Society

A new subject, Politics and Society is being developed at Leaving Certificate level. With a strong human rights emphasis, Politics and Society is a positive and necessary addition to the Leaving Certificate programme. Its development and implementation in post-primary schools should be fully supported and resourced in line with the State's obligations to promote human rights education in practice. Politics and Society has the potential to be a curricular syllabus vehicle that can introduce human rights more fully into Irish post-primary education.<sup>526</sup>

While its closest counterpart in the junior cycle; Civic, Social and Political Education (CSPE) is a compulsory subject, Politics and Society is not envisaged to have this status in the senior cycle. Politics and Society is envisaged to be a two-year subject, one of a range of subject choices offered at Higher (Honours) and Ordinary (Pass) levels.<sup>527</sup> The emergence of this new social and political education curriculum subject arose from a number of events: the NCCA senior cycle consultation and review; the ongoing contribution of the Curriculum Development Unit to the development of CSPE and human rights and citizenship in the curriculum; as well as the advocacy of networks such as the Citizenship Education Network (CEN) for a similar subject

524 J. Gleeson, D. Ó Donnabháinn, O. McCormack and J. O'Flaherty, *Stop Talking and Do Something- The YSI Programme; An Independent Evaluation 2008*, Dublin; Liffey Press.

525 Report of the Task Force on Active Citizenship, March 2007.

526 IHRC *Submission to NCCA on draft syllabus for new Senior Cycle Subject Politics and Society* November 2009, p. 2.

527 *Ibid.*

at senior cycle. It is also a product of wider societal and educational contexts: the identified gap in the Leaving Certificate curriculum in terms of broad educational goals; the changing nature of Irish society and of the international environment; and the need for these to be reflected within school curricula.<sup>528</sup>

The draft syllabus on Politics and Society was published for consultation in 2009.<sup>529</sup> The process was wide-ranging and included consultation with principals, students, teachers, third level institutions, and other educational stakeholders. Such an approach is to be commended, and provides a good example for the development of a human rights-based subject.

Politics and Society, with its emphasis on active, critical learning, its introduction of non-exam based assessment, and its potential for cross-curricular fertilisation, offers a valuable opportunity to contribute to the development of individuals with a more rounded skill set and developed critical faculties. The syllabus' stated aim is to "develop the learner's capacity to engage in reflective and active citizenship informed by the insights and skills of social and political sciences".<sup>530</sup> The syllabus overview states that both units of the syllabus are "permeated by the application of human rights principles to the areas studied."<sup>531</sup>

A welcome development within the draft syllabus is the attention given to human rights principles. One of the subjects' learning objectives is to develop "an understanding of and respect for human rights and responsibilities, for human dignity and for democratic modes of governance".<sup>532</sup> However, there is no corresponding unit within the syllabus on human rights to give substance to this commitment. Rather, the proposed syllabus includes human rights as a component of Topic Three: Democratic Governance. Noting that two units are being devoted to cover development and sustainable development, a new topic 'Promoting and Protecting Human Rights' inserted into the syllabus would strengthen the syllabus from a human rights education perspective.<sup>533</sup>

The Active Citizenship Project component of the syllabus is an innovative aspect of Politics and Society, with a strong emphasis on participatory learning. This type of learning has real potential not only to increase understanding of an issue among students but, more importantly, to challenge their attitudes and ultimately their actions, and is very much in keeping with the principles of human rights education. However, more recognition should be given to the active learning element. The draft syllabus proposed that it will be assessed through a written examination which would account for 80% of the final mark, and an Active Citizenship Project report which would account for the remaining 20%.<sup>534</sup> To fulfil the requirements of human rights education, it is essential that more emphasis is placed on the active citizenship portion of the course. One means of achieving this is by increasing the

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528 Dr E. Ward, *Citizenship Studies: A Curricular Proposal for Social and Political Education in the Leaving Certificate (established)*, 2002, CDVEC Curriculum Development Unit, Dublin, p.11.

529 See NCCA, *Politics and Society- Draft Syllabus for Consultation*, 2009. The IHRC submitted its views on the draft syllabus to the NCCA in which it commented on the syllabus content, assessment and teaching methods from a human rights perspective as well as the need for appropriate teacher education and training. See IHRC *Submission to NCCA on draft syllabus for new Senior Cycle Subject Politics and Society*, November 2009; see also NCCA, *Leaving Certificate Politics and Society- Report on the Consultation Process*, March 2010.

530 NCCA, *Politics and Society- Draft Syllabus for Consultation*, 2009. p.12.

531 *Ibid.* p. 16.

532 *Ibid.*

533 IHRC Submission to NCCA on draft syllabus for new Senior Cycle Subject Politics and Society November 2009, p. 7; NCCA, *Leaving Certificate Politics and Society- Report on the Consultation Process*, March 2010.

534 NCCA, *Politics and Society – Draft Syllabus for Consultation*, 2009, p.46.

percentage allocated to the active citizenship project report as part of the syllabus from 20% to 40%.<sup>535</sup>

Promoting human rights understanding is a learning objective of the syllabus, which can best be achieved through integrating a human rights perspective into each unit, in effect making it clear how human rights are relevant to the material covered. Otherwise, the human rights element could remain a vague and critically, an unquestioned value concept that is referenced in policy and curriculum documents.<sup>536</sup>

CSPE and Transition Year have the potential to be important foundation blocks for Politics and Society. Lessons need to be learned from both the successes and the challenges of CSPE in developing this new related subject.<sup>537</sup> The development of a senior cycle citizenship education curriculum can strengthen CSPE both in terms of its attractiveness as a teaching area for teachers, and as an academic subject for students.<sup>538</sup> Politics and Society could also provide an opportunity for students to deepen their knowledge and understanding of issues covered in CSPE. It could also influence and enhance the development of Transition Units.<sup>539</sup>

Politics and Society is also a good opportunity to expand the range of educational backgrounds in the teaching profession. The success of the subject depends to a great extent on the adequate and appropriate preparation of teachers – in terms of their confidence to deal with challenging curriculum content, and to use active learning methodologies, and their ability to access continued support.<sup>540</sup> It is crucial that teacher education and professional development to accompany this syllabus is adequately funded and coordinated.<sup>541</sup>

The report of the consultation process on the draft curriculum concluded that the NCCA should develop Politics and Society as a Leaving Certificate subject. Some of the conclusions are particularly notable from a human rights education perspective. It was suggested in the consultation report, for example, that concepts related to human rights and power relations be given greater prominence. It was further suggested that gender issues should also be more effectively integrated across the curriculum. The report stressed that the learning outcomes should ensure a strong link between theory and everyday life, that there should be an emphasis on “active exploration of civil, social and political issues in a way that is informed by social scientific concepts and evidence”. The report also suggested that the percentage of marks allocated to the Active Citizenship project report should be reconsidered and increased. Finally, the consultation identified that for teachers, content knowledge was crucial, and the report suggested that a broader range of degrees should be recognised to become a teacher of Politics and Society.<sup>542</sup>

535 IHRC Submission to NCCA on draft syllabus for new Senior Cycle Subject Politics and Society November 2009, p. 81.

536 NCCA, Leaving Certificate Politics and Society - Report on the Consultation Process, March 2010.

537 Dr Eilis Ward, *Citizenship Studies: A Curricular Proposal for Social and Political Education in The Leaving Certificate (established)*, CDVEC Curriculum Development Unit, 2002.

538 *Ibid.*, p.33.

539 IHRC Submission to NCCA on draft syllabus for new Senior Cycle Subject Politics and Society November 2009, pp. 12-13.

540 NCCA, Leaving Certificate Politics and Society- Report on the Consultation Process, March 2010.

541 IHRC Submission to NCCA on draft syllabus for new Senior Cycle Subject Politics and Society November 2009, pp. 17-18.

542 NCCA, Leaving Certificate Politics and Society- Report on the Consultation Process, March 2010, pp. 16-36.

The conclusions of the report are very welcome from a human rights education perspective. At the time of writing, it is understood that as a result of the recommendations in the consultation document, significant changes were made to the syllabus, and that it has been approved by the NCCA Council and sent to the Department of Education and Skills. The IHRC considers that Politics and Society is an extremely important contribution to human rights education. In light of current resource limitations, the IHRC considers that even if it is not possible to immediately roll out the syllabus nationwide, that it should be rolled out on a trial basis as soon as possible. The IHRC looks forward to opportunities to support this syllabus.

## Wider Senior Cycle Curriculum

Human rights education, as defined in this report, can be seen to exist in the Leaving Certificate curriculum in a cross-curricular and multi-disciplinary manner. As will be set out below, there are already elements of human rights education in some of the newly developed curricula such as History, Geography, and Religious Studies, which explore aspects of human rights. Elements of human rights education are also present to a more limited degree in Home Economics Scientific and Social, in the English syllabus, in Economic History and in Classical Civilisation. As well as the acquisition of specific skills and information, Home Economics Scientific and Social, Geography, Religious Education and History aim to develop a range of skills, knowledge and attitudes that could be considered, in their broadest sense, as elements of human rights education. A more pronounced human rights education element has the potential to enhance learning in these areas, while a sharing of common topics could mutually enhance and deepen the understanding within each discipline area. Thus while these subjects contain some themes and approaches that could be said to contribute to a human rights education curriculum, there is potential for more explicit material on human rights to be included and supports and resources should be developed in this regard.<sup>543</sup>

## Religious Education

As one of the Leaving Certificate (established) subjects to come on stream in recent years, the Leaving Certificate Religious Education curriculum promotes the holistic development of the individual in line with the stated aims of education, preparing the student for employment and for their role as participative, enterprising citizens, and sees itself as “part of a curriculum which seeks to promote the critical and cultural development of the individual in his or her personal and social contexts”, through the development of knowledge, skills and attitudes.<sup>544</sup> The emphasis in the syllabus on diversity and mutual respect, as well as on the value of religious belief, is of particular relevance for national and global citizenship. The curriculum also conceptualises justice in several ways, including in terms of the upholding of human rights.<sup>545</sup> It further looks at the influence of established religions on the Universal Declaration of Human Rights, and on various constitutions and declarations of independence from around the world.<sup>546</sup> The dynamic between the common good

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543 For example, while Home Economics Scientific and Social does deal with issues such as consumer rights, rights and responsibilities within the marriage relationship and rights of children within the family, there is no overt consideration of human rights.

544 Department of Education and Science, Leaving Certificate Religious Education Syllabus, Dublin, 2004, pp. 3-4.

545 *Ibid.* p.43.

546 *Ibid.* p.43.

and the rights of the individual is also examined.<sup>547</sup> However, the human rights component of the syllabus is limited in scope and extent, and the syllabus does not utilise the concept of human rights as a means to bring coherence to the diverse themes and activities within each topic covered in the curriculum.

### Home Economics – Scientific and Social

Home Economics Scientific and Social is concerned with the way individuals and families manage their resources to meet physical, emotional, intellectual, social and economic needs.<sup>548</sup> The potential of this syllabus to have a human rights education orientation is provided in its aims, which refer to encouraging “an appreciation of the diversity of socio-economic and cultural influences on family life” and the importance of awareness of the “interdependence of the individual or family and the environment” as well as the need “to promote a sense of responsibility to global issues.”<sup>549</sup> Human rights could feature, for example, in place of Social Studies. Topics included in this unit which could be said to have an implicit link with human rights include employment and unemployment, and poverty.

### Geography

The rationale for the Geography syllabus is based on the inter-relationship between the human and the physical environment and the promotion of knowledge and understanding of these relationships.<sup>550</sup> In terms of content, an optional unit on Global Interdependence examines the human impact of development in terms of human rights.<sup>551</sup> Perhaps more significantly as regards human rights education, the Guidelines for Teachers states that “what we teach and how we teach it must be informed from a human rights and social justice perspective.”<sup>552</sup> These elements of the syllabus reflect a growing realisation of the interdependence of human rights and a respect for the environment, and exemplify the link between human rights education and education for sustainable development, which is particularly pertinent in the context of Geography.<sup>553</sup>

### History

The History syllabus aims to prepare the student for life and citizenship, and has as one of its stated objectives the development of an understanding of, and an ability to apply, human rights and democracy.<sup>554</sup> It focuses on the human experience, looking at some of the major political and social movements of the twentieth century such as the evolution of democracy and how these movements have shaped contemporary society.<sup>555</sup> While human rights is listed as a “substantive concept” underpinning the course, the connection between human rights and the topics studied is not made explicit within the curriculum.<sup>556</sup>

547 *Ibid.* p.43.

548 Department of Education and Science, Leaving Certificate Home Economics Scientific and Social Syllabus, Dublin, 2001 p. 2.

549 *Ibid.* pp 24-27.

550 Department of Education and Science, Leaving Certificate Geography Syllabus, Dublin, 2003 p.2.

551 *Ibid.* p.33.

552 NCCA and Department of Education and Science, Leaving Certificate Geography Guidelines for Teachers, Dublin, 2004 p.52.

553 IHRC Submission on a National Action Plan for Sustainable Development to Department of Education and Science, August 2007.

554 Department of Education and Science, Leaving Certificate History Syllabus, Dublin, 2003 p.4.

555 *Ibid.*

556 *Ibid.*

## Social Education (Leaving Certificate Applied)

The key focus of social education within the Leaving Certificate Applied is the personal and social development of students.<sup>557</sup> It offers students the opportunity to examine and explore issues and topics related to contemporary social, economic, political and cultural issues.<sup>558</sup> The Contemporary Issues modules are particularly relevant to human rights education. The Contemporary Issues 1 module aims to:

**develop students' understanding of contemporary social, political, economic and cultural issues ... Human rights education is central to this module and students are encouraged to view issues from a human rights perspective.**<sup>559</sup>

The module covers aspects of active citizenship, civil rights and responsibilities and the wider world. It aims to “encourage students to have a responsible attitude to their civil rights and responsibilities” and to prepare them “for active participatory citizenship in Ireland, the European Union and the wider world”.<sup>560</sup> In the support material for this unit, some of the human rights issues highlighted include: places of detention; children’s rights; residential facilities for people in the care of the State; treatment of people with intellectual disabilities; asylum seekers; human trafficking; discrimination and women’s rights.<sup>561</sup> The learning from this subject’s application in practice could inform Politics and Society

## The Current Provision of Human Rights Education in Post-Primary Teacher Education

### Initial Teacher Education

Human rights education is a feature of initial teacher education in Ireland. However, there are opportunities to further develop this area, particularly in relation to core aspects of the curriculum including CSPE and in the future, Politics and Society. A Postgraduate Diploma in Education (PGDE) is needed to qualify to teach in post-primary schools. Increasingly Schools and Departments of Education in universities are including core components that have a resonance with human rights education such as development and intercultural education. However, human rights education could be made more explicit in these courses. Below is a summary of the human rights education features of the programmes provided by the Schools and Departments of Education in Irish Universities responsible for post-primary teacher education.

The **School of Education, University College Cork** offers a number of modules as part of the Postgraduate Diploma in Education within which human rights are explored, including the compulsory modules Inclusion and Multiculturalism and Psychology and Sociology of Education.<sup>562</sup>

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557 Department of Education and Science, Social Education in the Leaving Certificate Applied – Guidelines for Teachers, Dublin, 2000, p.4.

558 *Ibid.*

559 *Ibid.* p.6.

560 *Ibid.* p. 77.

561 Second Level Support Service – Leaving Certificate Applied – material for Contemporary Issues Unit of Social Education, available online at [http://lca.slss.ie/resource\\_category/view/87](http://lca.slss.ie/resource_category/view/87).

562 Information supplied by the School of Education at UCC.



A number of the programmes in the National University of Ireland Galway, (NUIG) **School of Education**<sup>563</sup> contain courses with a strong human rights focus, including Sociology of Education related modules which feature on all of the School's programmes.<sup>564</sup> The Postgraduate Diploma in Education also features a service learning module, "Learning to Teach for Social Justice", as a Specialist Teaching Methodology. Goals, learning outcomes, pedagogy and assessment are developed collaboratively with community partners and are closely linked with the academic content of the Diploma, specifically the 'Education, Diversity and Social Justice' course. Student teachers work with the Galway Traveller Movement's 'Pavee Study' homework club in the community setting, providing academic and other support to Traveller pupils from local schools, and on various academic-support related activities within the Galway Refugee Support Group, Ballinfoyle Family Services and Bohernmore Family Services groups.<sup>565</sup> On-campus supportive tutorials are provided to encourage student reflection and to support the communication of learning.

The School of Education also runs a project entitled "The Education, Diversity and Social Justice Workshop for Teachers". This workshop is being developed by the School and a number of community partners to include numerous 'forms' of diversity and for wider implementation. A working group, comprising representatives from the School of Education, the Galway Traveller Movement, the Galway Refugee Support Group, the Galway One World Centre, SHOUT (a local LGBT group), the St Vincent de Paul and the Galway City Partnership was formed to collaboratively plan and design the workshop. The aim of the workshop is to support teachers' development as educators committed to a social justice ethos, through an interrogation of their own class, ethnic, gender and disability positionality, and through an exploration of pedagogies for social justice. In collaboration with the School of Political Science and Sociology, in 2010 the School was examining the introduction of a postgraduate diploma for practising teachers to equip them with the skills and knowledge required to teach the proposed senior cycle subject Politics and Society.

A human rights perspective is a key component of initial teacher education programmes offered in the **Education Department, NUI Maynooth**. Within the Post Graduate Diploma in Education (PGDE) the module 'Teacher as Critically Reflective Practitioner' encourages student-teachers to examine their roles through a human rights lens. The methodology workshops for Civic, Social and Political Education (CSPE) and Social, Personal and Health Education (SPHE) equip student-teachers to engage with active methodologies that promote and respect human rights and responsibilities. Particular emphasis is placed on the United Nations Convention of the Rights of the Child and on schools as sites where these rights can be realised on a daily basis. During the first semester of the PGDE all students take part in Development Education Week which invites student-teachers to examine how global justice issues can be integrated into their teaching. This week is run in co-operation with a range of agencies involved in development

563 Information supplied by the School of Education, NUIG.

564 Including the Postgraduate Diploma in Education, the BA in Mathematics and Education, and the Postgraduate Diploma in Professional Education Studies. The Postgraduate Diploma in Education has core modules entitled "Education, Diversity and Social Justice" and "Catering for Diversity", which focus on the relationship between education and society, and on social justice pedagogies (both in philosophy and practice at school and classroom levels) and these modules are underpinned by a philosophy of human rights. The Civic, Social and Political Education Methodology module also covers human rights issues and includes a session on "Rights and Responsibilities".

565 For example, see article in 'Education Matters' at: <http://www.educationmatters.ie/2009/04/28/student-teachers-committed-to-social-justice/>.



and human rights action and is supported by Irish Aid. During that week students engage directly with human rights activists and key concepts within human rights education.

Equality and Diversity modules are central to Masters in Education (M.Ed) programmes. In the Post Graduate Diploma in Educational Management (PGDEM) 'Responding to Young People's Rights and Responsibilities' is a core module and is centred on the Convention on the Rights of the Child. Respect for human rights is also a key perspective in the 'Reflective Practice' module in the Post Graduate Diploma in School Guidance and Counselling (PGDSGC).

While there is no specific module on human rights education in the **School of Education Studies, Dublin City University**<sup>566</sup> programme, many modules do address human rights issues. At undergraduate level, students take modules on Equality, Access and Inclusion, Values, Identity and Intercultural Learning, Education for Sustainable Development, and the Inclusive Classroom. At postgraduate level students also have an input on the management of diversity in the workplace, equality in the workplace, and Communities of Practice and the Learning Organisation, all of which have implications for human rights education.

The **School of Education, Trinity College, Dublin** also offers electives on SPHE, Development Education, Intercultural Education, and Education and Social Disadvantage. Several of the colleges offer postgraduate qualifications in Special Educational Needs, which commonly examine human rights and equality legislation. In the Postgraduate Diploma in Education the elective on CSPE is based on the concept of human rights. One session is dedicated to each of the 7 core CSPE concepts (Human Dignity, Rights and Responsibilities, Democracy, Development, Law, Stewardship and Interdependence) and a final session on Assessment in CSPE.

The **Department of Education and Professional Studies, University of Limerick**<sup>567</sup> has strong links with development education, which has a large human rights element. The Ubuntu Network is based in the Department, which, as noted below, works with teachers to integrate development education into their teaching.<sup>568</sup> In second year, a Technology and Society module is organised around the themes of technology and development and technology and sustainability. In third year, Education and Society in Modern Ireland includes education and identity, education and ethnic minorities, while Curriculum Studies includes active and participatory methodologies workshops including development education work. In fourth year, there is a module on Diversity and Equality in Education.<sup>569</sup>

Though CSPE is a core subject for the Junior Certificate, it is not a core course component of initial teacher education. Teachers of CSPE have limited opportunities to cover human rights in their initial teacher education in the

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566 Information supplied by the School of Education Studies, DCU.

567 Information supplied by the Department of Education and Professional Studies, UL.

568 The following areas have been targeted to date: In first year teaching students are given an input on development education required to teach a sustainable development topic for one of their teaching experiences. A Philosophy of Education module is offered which addresses the work of Paulo Freire and uses participatory methods in tutorials and in lectures. These are taken by all BA Languages (Education), B.Tech Engineering (Education), B.Tech Architectural Technology (Education), B.Sc Physics and Chemistry (Education), B.Sc Biological Science (Education) and B.Sc (Physical Education).

569 There are some additional occasional inputs that relate to human rights. For example, in November 2009 all third year students received a lecture on the Convention on the Rights of the Child, and on issues arising at the Irish Society for the Prevention of Cruelty to Children (ISPCC).

universities as it appears that most universities offer CSPE as an elective. In the teacher education curriculum, human rights is present as a potential lens, but it is down to the individual teacher's interpretation of their subject whether or not the human rights elements are explored in any detail. While the intercultural education and development education dimensions are strong much more investment is need to integrate human rights education. This will become an even more important consideration in advance of the Politics and Society coming on stream.

### The Ubuntu Network

The Ubuntu Network supports the integration of development education and education for sustainable development into post-primary initial teacher education in Ireland. The network is made up of teacher educators from the main providers of teacher education<sup>570</sup> and is supported by NGOs and by other national and international practitioners of development education, education for sustainable development, human rights education, and intercultural education. The network provides a forum to exchange ideas and foster cooperation among practitioners, and works to support teachers/educators to design, deliver and evaluate development education/education for sustainable development based interventions within their teaching and professional practice, and to ensure that an action research element is included where possible.<sup>571</sup>

### Continuing Professional Development

The Personal Development Service for Teachers (PDST) now encompasses the services provided by the Second Level Support Service (SLSS), which was established by the then Department of Education and Science to oversee staff development and curriculum innovation at post-primary level.<sup>572</sup> The backdrop to the amalgamation of many of the support services was severe cuts in funding. Within the SLSS, the CSPE Support Service had dedicated resources to support teachers to deliver the curriculum through the production of materials, a website and in-service teacher education.<sup>573</sup> The courses for CSPE teachers covered the action project, active learning methodologies, and an induction course for new teachers.<sup>574</sup> This changed in 2010 with the amalgamation of services. The position of National Co-ordinator for CSPE was replaced by a National Co-ordinator for Cultural and Environmental subjects/programmes (History, Geography, CSPE, Art, Music, Classics, Greek, Latin and Classical Studies).<sup>575</sup>

Further support is provided by the Curriculum Development Unit of the City of Dublin Vocational Education Committee (CDVEC), which has produced a range of pilot resources to support the development of CSPE and Transition Units.<sup>576</sup> It also facilitates the Citizenship Education Network (CEN), which provides support and learning opportunities to teachers/educators in the field.

570 Network members include representatives from UL, LIT, UCC, NUIM, NUIG, UCD, TCD, NCAD, MIC, Mater Dei, DCU, TI and St. Angela's College.

571 For more information on the Ubuntu Network see [www.ubuntu.ie](http://www.ubuntu.ie).

572 For more information on the Second Level Support Service see <http://www.slss.ie/>.

573 *Ibid.*

574 For more information on the Citizenship Education Support Team see <http://cspe.slss.ie/>.

575 *Ibid.*

576 For more information on the work of the Curriculum Development Unit of the CDVEC <http://curriculum.ie>

Outside of the Department of Education and Skills, Irish Aid has made a major contribution to the integration of development education across the second level curriculum, which has human rights as a core element.<sup>577</sup> Outside of the State sector, Amnesty International has been the lead community and voluntary organisation producing human rights education material for CSPE and Transition Year in particular. Other organisations such as GLEN are producing material that teachers can use in the classroom to challenge homophobic bullying.

Statutory organisations, community and voluntary organisations and professional bodies have also undertaken initiatives to enrich the content of CSPE from a human rights perspective. For example, for the Commemoration of the 60th Anniversary of the Universal Declaration of Human Rights (UDHR), the IHRC and the Law Society of Ireland promoted an initiative inviting CSPE students to produce human rights posters in teams as part of the action project component of CSPE, which were then exhibited in the Law Society. All the young people involved received certificates of participation. Amnesty International produced a manual on the UDHR for the Anniversary.

There are also a number of websites dedicated to CSPE, which are overseen by a variety of organisations with an interest in human rights and citizenship education. CSPE.ie for example is sponsored by the Children's Rights Alliance, the Society of St Vincent De Paul, Integra, the Equality Authority, and was sponsored by the Combat Poverty Agency before this Agency was closed.<sup>578</sup>

Post-primary teachers receive pre-service education through the Higher Diploma in Education in Irish Universities. As noted above, there are currently seven university education departments which provide second-level initial teacher education programmes, along with two specialist colleges of home economics, three colleges of art and design, and one college for teachers of religious education.

### **Example of Research into teachers' knowledge of and attitude towards human rights related issues**

Research on cultural diversity in post-primary schools has shown that teachers' attitudes to cultural diversity were based on a conceptualisation of diversity as "otherness" and of minority students as "them" as opposed to "us".<sup>579</sup> A frequent distinction was made between Irish students and those from minority ethnic or religious groups, including Travellers.<sup>580</sup> Teachers commonly expressed concern about the impact the presence of a high percentage of minority ethnic students might pose to the status quo.<sup>581</sup> Research findings also showed that educators who saw Irish culture in traditional terms were often wary of Irish culture "losing out" in the face of the arrival of immigrant students.<sup>582</sup>

577 As noted above, Irish Aid funds development education organisations such as the Ubuntu Network and Trócaire, which produce resource material tailored for CSPE teachers and students.

578 See [www.cspe.ie](http://www.cspe.ie).

579 Mary Gannon, *Framing Diversity: Responding to Cultural Diversity in Irish Post Primary Schools*, Trinity College, Dublin, 2004.

580 *Ibid.*

581 *Ibid.*

582 *Ibid.*

This manifests itself as an additive as opposed to transformative approach to the recognition of minority ethnic students' cultural identities.<sup>583</sup> For example, a prevalent means of welcoming, understanding, and celebrating immigrant cultures was hosting cultural events, days, or weeks, a method that can be seen as unthreatening to the dominant position of majority Irish culture within mainstream school life.<sup>584</sup> In contrast, a smaller number of educators held a broader perspective of culture, viewing it as a fluid process that needed to be reflected in a multi-perspective curriculum.<sup>585</sup>

None of the teachers or principals interviewed in the course of this piece of research located diversity within a human rights framework, including those who were CSPE teachers, or who taught social justice issues in other subjects.<sup>586</sup> The predominant educational approach towards diversity was absorption or assimilation of culturally diverse students, rather than inclusion on the basis of equality.<sup>587</sup> The research concluded that “teachers and students often find it difficult to distinguish between treating students identically and treating them equally, particularly in a context of cultural, religious and other kinds of diversity.”<sup>588</sup>

This evidence would suggest that teachers and school staff would benefit from an examination of their own perceptual and ideological frameworks which inform their teaching and their students' learning. It also further underlines the necessity of teacher in-service education to complement the guidelines for Intercultural Education that exist at primary and post-primary levels, which is not currently provided by the Department of Education and Skills. Furthermore, on the basis of her research Mary Gannon states that there is a “need for a clearer understanding in schools and society generally of human rights and responsibilities, and of the obligations of schools under the Convention on the Rights of the Child, the National Children's Strategy, and the Equal Status Acts.”<sup>589</sup>

## Review and Recommendations

### Junior Cycle

Post-primary education in Ireland is divided into two phases: the junior cycle and the senior cycle. Building on the aims of the primary curriculum, the junior cycle syllabus aims to promote respect for diversity and active citizenship. Within the junior cycle curriculum, CSPE stands out as the main vehicle for human rights education. It is influenced and shaped by both the Convention on the Rights of the Child and the UN Decade on Human Rights Education. The aim of CSPE is to promote active participatory citizens. Human rights are explicitly referred to as values that underpin the learning outcomes of the subject. The concepts that underpin the idea of active

583 Mary Gannon, “Frameworks for responding to diversity in schools”, in G. Jeffers and U. O'Connor (ed.s), *Education for Citizenship and Diversity in Irish Contexts*, Dublin, IPA, 2008, p. 127-8.

584 *Ibid.* p. 126.

585 *Ibid.* p. 126.

586 *Ibid.* p. 134.

587 *Ibid.* p. 133.

588 *Ibid.* p. 135.

589 *Ibid.* p. 135.

participatory citizenship include the promotion and protection of human rights and respect for human dignity, as well as the importance of participation in the democratic process. It gives equal value to cognitive and social/effective learning outcomes and attempts to relate human rights to the everyday lives of students. While the subject is an improvement on the former Civic Education syllabus from the perspective of human rights education, a number of weaknesses can be identified within the CSPE syllabus and its delivery. For example, there should be scope for a critique of power. A fundamental difference between human rights education and citizenship education is how each deals with the relationship between the individual and nation State or any of its institutions. This distinction manifests itself in the presence or absence of a critique of State power and structural inequalities within the curriculum. Human rights education has as a central aim the empowerment of individuals to protect their own rights and the rights of others. For CSPE to fulfil the aim of relating human rights to the everyday lives of students, the links between the values promoted in CSPE and a whole-school approach to human rights need to be made explicit, and that implies addressing power relations.

However, many of the challenges faced by CSPE are not related to content or approach, but are a result of institutional or structural issues that hamper its potential to deliver on its aims. These challenges relate to the low status of CSPE in many schools, which is reinforced by the short amount of time allocated to teach the subject. This is further compounded by the common practice of requiring teachers who may have little interest in the subject to teach it, and the resulting high turnover of teachers from year to year. Some teachers may have discomfort with active methodologies and dealing with sensitive issues and, combined with limited class time, this hampers the potential of the active learning component of the subject.

While there are some supports at teacher education and in-service level, the focus on CSPE and, more particularly, human rights has not been helped by cuts in funding. Though CSPE is a mandatory subject in the junior cycle, it is an elective and not a mandatory component of teacher education. This fact can only reinforce the low status of the subject among student teachers. The IHRC considers that human rights and a human rights approach to education should be core aspects of teacher education, and CSPE should be mandatory, particularly as there is no equivalent primary degree in the subject.

At in-service level, the CSPE Support Service had provided courses on different aspects of CSPE with a human rights focus. However, cuts in funding and personnel have reduced the supports it can offer to teachers. CSPE as a mandatory junior cycle subject requires sufficient in-services training support. The IHRC considers that resources available for such support should be reinstated.

With the advent of Politics and Society as a subject at senior cycle level, there is potential to increase the status of CSPE at the junior cycle level. In order to maximise the potential of CSPE to provide human rights education to students, the IHRC considers that CSPE should be allocated the same amount of time as other mandatory subjects in the curriculum.

The SPHE programme is another space in the junior cycle curriculum that the IHRC considers could advance human rights education, building on the potential that this programme offers at primary level.

The efforts made by teachers of CSPE committed to the subject, who have organised their own network offering peer to peer support and input into policy and programme developments, are very positive. The Curriculum Development Unit of the City of Dublin Vocational Education Committee has particularly contributed to the development of the CSPE curriculum and in-service education. By facilitating the Citizenship Education Network (CEN), it brings teachers and educators together from both the formal and non-formal sectors to support the development of CSPE and citizenship education more widely in the curriculum and whole-school approach. The IHRC considers that these networks offer the opportunity to promote human rights education.

## Senior Cycle

Senior cycle education in Ireland offers four programmes of education to students: Transition Year, Leaving Certificate (Established), Leaving Certificate Vocational and Leaving Certificate Applied. Opportunities to embed human rights education can be identified in all of these programmes.

### Transition Year

While the Transition Year programme is optional, it does offer students the opportunity to explore different avenues of interest without the pressures of exams. Many schools avail of the flexibility offered by the programme to explore diverse topics including human rights. The recent development of Transition Units in particular offers an opportunity to specifically include human rights education. The IHRC considers that there is potential to develop a human rights education Transition Year unit and would welcome engagement in the development of such a unit.

### Leaving Certificate

There are opportunities to make human rights prominent in a single subject and as a cross-cutting feature of other subjects. An important development in this regard is the development of Politics and Society as a new subject at senior cycle level. It has great potential to embed human rights education in the senior cycle curriculum. The draft Politics and Society syllabus for the senior cycle has an explicit focus on achieving an understanding of and respect for human rights through its inclusion as one of the learning objectives. The IHRC considers that to give substance to this commitment, there should be an explicit unit on human rights in the syllabus and the cross-cutting nature of human rights reflected in other units in the proposed draft syllabus, in effect making clear how human rights are integral to all the material covered. As noted above, a core feature of human rights education is active learning and in this regard, the IHRC considers that the active citizenship portion of the course should be given greater prominence by making the project worth 40% of the final assessment.

In the development of the Politics and Society syllabus, the approach developed for social education in the Leaving Certificate Applied should be taken into account, where there is a strong focus on human rights.

For Politics and Society (and CSPE) to be consistent with human rights education, it must also be developed as a whole-school approach, so that students not only learn about rights and democracy, but that they can practise them and experience them in their own school community. For this reason it should be a mandatory

subject in the Leaving Certificate and it should be allocated the same amount of time as other mandatory subjects in the curriculum. CSPE and Transition Year should be promoted as foundation blocks for the subject.

As with CSPE, teacher education will be a key component in the successful roll-out of the new Politics and Society Leaving Certificate subject. Adequately funded and planned teacher education and in-service training on this subject should be put in place.

Valuable resources for teachers and students have been produced by a variety of organisations to promote human rights in the curriculum in the past, there is potential to support the new Politics and Society syllabus in the same way and the IHRC would welcome making a contribution in that regard.

Human rights education could also feature more prominently in other subjects such as Home Economics Scientific and Social, Religious Education, Geography and History. The IHRC considers that a working group should be set up by the NCCA to integrate human rights into the curricula of such subjects, linking such an initiative to whole-school planning.

In addition, if human rights education is to be integrated into other subjects, teachers will require supports in order to deliver these subjects effectively. In this regard, adequate provision for in-service training in human rights education must be provided to improve its implementation on a whole-school basis.



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# Higher Education

# 8 \_\_\_\_\_ Higher Education

*“Higher education institutions not only have the social responsibility to educate ethical citizens committed to... human rights ... but also to generate global knowledge to meet current human rights challenges” (WPHRE)*

## Introduction

The Second Phase of the World Programme for Human Rights Education (WPHRE) states that “the role of human rights education in higher education is fundamental.” In this regard it provides that human rights education in higher education should be understood as a process that includes:

- (a) *Human rights through education*: ensuring that all the components and processes of learning, including curricula, materials, methods and training are conducive to the learning of human rights;
- (b) *Human rights in education*: ensuring respect for the human rights of all actors, and the practice of rights, within the higher education system.<sup>590</sup>

According to UNESCO, higher education includes “all types of studies, training or training for research at the post-secondary level, provided by universities or other educational establishments that are approved as institutions of higher education by the competent State authorities.”<sup>591</sup> Institutions for the training and certification of teachers, social workers as well as medical and legal professionals can also be included in this sector.<sup>592</sup> For the purpose of this Chapter, human rights education was mapped in three sites of higher education: universities, institutes of technology and colleges of education. Higher Education can be distinguished from Further Education, which comprises education and training that takes place after second level schooling, but which is not part of the third level system.

This Chapter considers the current structures in place in third level education (that is, post-Secondary school formal education) in Ireland, and the extent to which they already support, or could support human rights education, particularly in the context of a National Action Plan on Human Rights Education and Training. An adapted version of the WPHRE framework of analysis is used to map human rights education in higher education institutes.

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590 *Draft Plan of Action for the Second Phase (2010-2014) of the World Programme for Human Rights Education*, UN Doc. A/HRC/15/28, 27 July 2010, para 22.

591 UNESCO, *World Declaration on Higher Education for the Twenty-First Century: Vision and Action*, Adopted by the World Conference on Higher Education, 9 October 1998, p.1; See also United Nations, *Draft Plan of Action for the Second Phase (2010-2014) of the World Programme for Human rights Education*, UN Doc. A/HRC/15/28, 27 July 2010.

592 *Draft Plan of Action for the Second Phase (2010-2014) of the World Programme for Human Rights Education*, UN Doc. A/HRC/15/28, 27 July 2010, para. 16.

## What is ‘Human Rights Education’ in this context?

An important role for higher education is the creation and maintenance of the knowledge society: one which puts value on learning in and of itself.<sup>593</sup> In this role, higher education develops “careful and critical global citizens, people who have the skills necessary to understand the global and local issues that confront them... the people who will shape the world in which we all live and make it a better place”.<sup>594</sup> Higher education institutions have been identified as key in developing human rights respecting democratic societies by international organisations promoting democratisation, such as the Council of Europe. The Second Phase of the WPHRE sets out the following functions for higher education institutions:

**Higher education institutions, through their core functions (research, teaching and service to the community), not only have the social responsibility to educate ethical citizens committed to the construction of peace, the defence of human rights and the values of democracy, but also to generate global knowledge to meet current human rights challenges, such as eradication of poverty and discrimination, post-conflict rebuilding, sustainable development and multicultural understanding.**<sup>595</sup>

The Council of Europe considers that the multiple purposes of higher education – teaching, research, and public service for the knowledge economy and society at large – are not conflicting but complementary.<sup>596</sup> It considers that equally converging are the objectives of higher institutions to prepare students for successful performance in the labour market, for continuous personal development, and for active, responsible, ethically sensitive citizenship in democratic, rights-respecting and increasingly diverse societies.<sup>597</sup>

In the higher education context, human rights education can be both discipline-specific (specific to a field of study or a discipline) or transferable (common to any degree course and applicable in a range of contexts).<sup>598</sup> Clear methodological criteria for quality human rights education are being developed, such as active participatory methods of learning that associate human rights with problems faced by real people and the importance of action to protect them.

On a practical level, two clear links between human rights education and higher education institutes are students and academics.<sup>599</sup> The integration of human

593 See Irish Federation of University Teachers, ‘The University in the Modern World’ - Presentation to the Higher Education Strategy Group as part of Consultation on Higher Education, Monday 9 November 2009, p.2.

594 *Ibid.* p 2.

595 Draft Plan of Action for the Second Phase (2010-2014) of the World Programme for Human Rights Education, UN Doc. A/HRC/15/28, 27 July 2010, para 21 citing 2009 UNESCO World Conference on Higher Education, preamble and paras. 2-4.

596 Council of Europe, Recommendation of the Committee of Ministers to member states on the public responsibility for higher education and research, Recommendation CM/Rec(2007)6, 16 May 2007.

597 The final report of the Invitational Forum on “Converging Competences: Diversity, Higher Education, and Sustainable Democracy,” organised jointly by the Council of Europe and the US Steering Committee of the International Consortium for Higher Education, Civic Responsibility and Democracy, Strasbourg, 2-3 October 2008.

598 *Ibid.*

599 F. Tibbits, ‘Universities and Human Rights Education: Mapping Growth and Opportunities World-wide’, Presentation prepared for Norwegian Human Rights Centre, Oslo, 16 November 2006, pp. 1-2. Available online at [www.hrea.org](http://www.hrea.org).

rights issues into courses or the application of human rights principles to real life situations, promotes the understanding of human rights. The ability to assess a problem through a human rights “lens” is something students can carry with them throughout their adult careers. Many students, particularly those studying law, become human rights activists through their experience in college.<sup>600</sup> Academics, particularly legal scholars, can promote human rights standards through the expert advice they give to policy makers, and can, through their own research, bring new ways of thinking about a human rights issue to the fore.<sup>601</sup>

To date, the main focus of policy for the higher education institute sector in Ireland has been the knowledge-based economy and its role as a stimulant for economic activities.<sup>602</sup> Considerable emphasis has been placed on the role of higher education in developing the knowledge economy. However, Government policy of recent years has likewise reflected a growing awareness that institutions of higher education have a specific contribution to make in the debate on active citizenship and social justice.<sup>603</sup> There are also policies and implementation bodies that have been put in place to ensure equality of access to and participation in higher education, although it remains to be seen how cuts in the allocation of State funding to the sector will affect the fulfilment of these policy commitments into the future.

## The basis for higher education in international instruments

Article 26 of the Universal Declaration of Human Rights provides that “higher education shall be equally accessible to all on the basis of merit”. Article 13 of the International Covenant on Economic Social and Cultural Rights similarly provides that “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”. UNESCO has stated that higher education should provide:

**An opportunity for individual development and social mobility in order to educate for citizenship and for active participation in society, with a worldwide vision, for endogenous capacity-building, and for the consolidation of human rights, sustainable development, democracy and peace, in a context of justice.**<sup>604</sup>

At the European Level, the European Higher Education Area (EHEA) was launched in March 2010 by 47 participating European countries following an 11-year process (1999-2010). The EHEA aims to ensure more comparable, compatible and coherent systems of higher education in Europe,<sup>605</sup> and also notes the civic aspects

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600 *Ibid.* p. 2.

601 *Ibid.* p. 2.

602 K. Coate and I. MacLabhrainn, “Irish Higher Education and the knowledge Economy”, in, J. Huesan (ed.) *International Perspectives on the Governance of Higher Education, Alternative Frameworks for Coordination*, Routledge, New York and London, 2009.

603 See for example ‘Priorities for Education for the Next Five Years’ - Address by Mary Hanafin T.D., Minister for Education and Science, to the MacGill Summer School, July 2007; See also, Higher Education Authority, *Strategic Plan 2008-2010*. HEA, Dublin, 2008 p.3.

604 UNESCO, *World Declaration on Higher Education for the Twenty-First Century: Vision and Action*, 9 October 1998.

605 At time of writing the EHEA has 47 participating countries out of the 49 countries that have ratified the European Cultural Convention of the Council of Europe (1954). For further information including a history of the development of the EHEA see EHEA website at [www.ehea.info](http://www.ehea.info).

of higher education.<sup>606</sup> The Council of Europe, through its education for democratic citizenship and its human rights programme has highlighted the role of higher education in fostering a democratic culture in which human rights and citizenship are core elements, and have identified universities as strategic institutions for the democratic development of schooling and societies.<sup>607</sup>

## Human Rights in Higher Education

As established in the definition of human rights education set out at the beginning of this report, human rights education goes beyond learning about human rights. It aims at developing a culture of human rights, where human rights are practised and lived within the education community and through interaction with the wider community. For this to happen, human rights teaching and learning should take place in a human rights-based learning environment. Educational objectives, practice and the organisation of institutions should be consistent with human rights values and principles. The hallmarks of an institution which provides a human rights-based learning environment include:

- Policy statements such as a charter of rights, codes of conduct and non-discrimination policies;
- Ongoing education and professional development in human rights education;
- Mechanisms for sharing good practice;
- Opportunities for students to participate in decision-making at different levels, and to self-organise;
- Interaction between the Institution and the wider community.
- Support from the institution's leadership.<sup>608</sup>

The growth of human rights education in higher education is most evident since the beginning of the UN Decade for Human Rights Education in 1995.<sup>609</sup> Three dimensions of that growth have been observed: institutional, academic and among students. Indications are that the study of human rights in higher education institutes in many countries has increased.<sup>610</sup>

The presence of human rights in higher education institutes can take a range of forms, including human rights centres and human rights courses as part of law degrees, and as full Masters and Doctoral programmes. Human rights are also increasingly integrated as part of interdisciplinary approaches to development and women's studies and as part of the curriculum in schools of health, education and public policy. Such developments indicate the welcome application of a human rights framework to professional practice.<sup>611</sup>

606 The Bologna Declaration of 19 June 1999, Joint declaration of the European Ministers of Education.

607 The Council of Europe states that a democratic culture encompasses democratic values, ways of knowing and acting, ethical judgments, analytical competencies, and skills of engagement. It includes concern for the sustainable well-being of fellow human beings as well as for the environment in which people live. It includes awareness of and concern for human rights as well as openness to the cultural diversity of human experience and willingness to give due consideration to the views of others. See Higher Education and Democratic Culture at [www.coe.int](http://www.coe.int).

608 F. Tibbitts, *Universities and Human Rights Education: Mapping Growth and Opportunities World-wide*, Presentation prepared for Norwegian Human Rights Centre, Oslo, 16 November 2006 *Ibid.* p. 3.

609 *Ibid.* p.2.

610 *Ibid.* p.2.

611 *Ibid.* p.3.

# Higher Education in Ireland

Third level, or higher education and training, in Ireland is made up of a number of sectors. They are, the university sector, the technological sector and the colleges of education, all of which are substantially funded by the State. In addition, there are a number of independent private colleges.

There are seven universities in Ireland which are State-funded, but autonomous. The Universities Act 1997 sets down the legislative provisions which must be met for an educational institution or college to be established as a university in Ireland. The seven universities, which are the only ones recognised under the Act, are as follows:

- University College Dublin (NUI) <sup>612</sup>
- University College Cork (NUI)
- National University of Ireland, Galway
- National University of Ireland, Maynooth
- Trinity College, Dublin
- Dublin City University
- University of Limerick.

The technological sector includes fourteen institutes of technology that provide programmes of education and training in areas such as business, science, engineering, linguistics and music to certificate, diploma and degree levels. In teacher education, several colleges of education in Ireland provide specialised training for primary school teachers.<sup>613</sup>

At present, a range of different bodies in Ireland are entitled to award or validate qualifications in the higher education sector. These include the Universities and some of the Institutes of Technology, as well as the Higher Education and Training Award Council (HETAC) and Further Education and Training Awards Council (FETAC).

## Relevant Legislation

The legislation which establishes the higher education system in Ireland also sets out some of the aims of this system. The Universities Act 1997, states that the objectives of a university include promoting “learning in its student body and in society generally”, promoting “the cultural and social life of society”, and supporting “national economic and social development”.<sup>614</sup> The Dublin Institute of Technology Act 1992,<sup>615</sup> and the Regional Technical Colleges Act 1992, provide that a principal function of the Institutes

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612 The National University of Ireland (NUI) is unique as a federation which currently comprises of four of these seven Universities as well as encompassing five recognised Colleges and one College of a Constituent University. Each institution within the NUI federation has its own Governing Authority; the overall Governing Authority of the university is the NUI Senate headed by the Chancellor. Under the Universities Act, the Senate of the National University of Ireland has functions and responsibilities in relation to the following: determining basic matriculation requirements; reviewing the content and teaching of courses; appointing external examiners; and awarding degrees and other qualifications.

613 The institutes of technology in Ireland are: Athlone Institute of Technology; Institute of Technology Blanchardstown; Institute of Technology Carlow; Cork Institute of Technology; Dundalk Institute of Technology; Dun Laoghaire Institute of Art, Design & Technology; Galway-Mayo Institute of Technology; Letterkenny Institute of Technology; Limerick Institute of Technology; Institute of Technology Sligo; Institute of Technology Tallaght; Institute of Technology Tralee; Waterford Institute of Technology. See further [www.ioti.ie](http://www.ioti.ie).

614 Universities Act 1997, Part III, Chapter I, *Objects and Functions*, Section 12 (b), (c), (f). The Higher Education Authority has a statutory role under the Act to assist the universities in the achievement of their objectives generally.

615 The Dublin Institute of Technology Act 1992, provided for the formation of the Dublin Institute of Technology by bringing together six colleges of higher education formerly under the City of Dublin Vocational Educational Committee.

is to contribute to “the social and cultural development of the State”.<sup>616</sup> The Institutes of Technology Act 2006, which amended both these Acts and the Universities Act 1997, brought the Institutes of Technology and the Universities within the remit of the Higher Education Authority. In doing so, the legislation created the opportunity for a unified strategic framework for higher education in Ireland.

## Policy and Support Bodies

The establishment of the Taskforce on Active Citizenship was an initiative stated to aim at increasing the nation’s level of ‘social capital’,<sup>617</sup> and one which attempted to realise the role of higher education in contributing to the social and cultural development of the country as outlined in relevant legislation.<sup>618</sup> It was tasked with advising “the Government on the steps that can be taken to ensure that the wealth of civic spirit and active participation already present in Ireland continues to grow and develop.”<sup>619</sup> In its 2007 report to Government, the Taskforce made two recommendations in relation to higher education.<sup>620</sup> The first was to establish a network of higher education institutions to be led by the Higher Education Authority (HEA) to promote, support and link civic engagement activities, including volunteering and service learning. The second recommendation was to develop a national award/certificate system to recognise student volunteering or community activity. The creation of *Campus Engage* with funding from the HEA (which is detailed below) coincided with the publication of these recommendations.

The **Higher Education Authority** (HEA) is the statutory planning and policy development body for higher education and research in Ireland.<sup>621</sup> The HEA has wide advisory powers throughout the whole of the third-level education sector. In addition, it is the funding authority for the universities, institutes of technology and a number of designated higher education institutions. The mission statement of the HEA is:

**To foster the development of a higher education sector which is accessible to all potential students and which is recognised internationally for the high quality of teaching, learning and research and which has the capacity to address the changing needs and challenges in our society.**<sup>622</sup>

In line with this, one of the principal functions of the HEA is to promote the attainment of equality of opportunity in higher education and democratisation of the structure of higher education.<sup>623</sup>

The **Report of the Higher Education Strategy Group: National Strategy on Higher Education to 2030** was published in January 2011. It is of note that there is no specific mention of human rights or human rights education in the Report. The Report does acknowledge the changing nature of Irish society and the workforce as well as that:

616 Dublin Institute of Technology Act 1992, section 5(1); Regional Technical Colleges Act 1992, section 5(1).

617 In the context of civic engagement, social capital has been defined as ‘features of social organization such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit’ see R. Putnam, *Bowling Alone: America’s Declining Social Capital*, *Journal of Democracy* 6:1, Jan 1995, p. 67.

618 L. McClrath and A. Lyons, Foundations for Civic Engagement within Higher Education in Ireland, in *Mapping Civic Engagement within Higher Education in Ireland*, All Ireland Society of Higher Education, Dublin, 2009, p. 20.

619 Department of the Taoiseach, Report of the Taskforce on Active Citizenship Report, 2007.

620 *Ibid.*

621 The HEA was established under the Higher Education Authority Act 1971. For further information see [www.heai.ie](http://www.heai.ie)

622 Mission Statement available online at [www.heai.ie](http://www.heai.ie)

623 Section 3(d) and (e), Higher Education Authority Act, 1971.



**[O]ver the coming decades, Ireland's engagement with higher education will change and the higher education system must change in response. New challenges, changed demographics, different employment patterns and new ways of understanding Ireland's role in the world – these will all change what we expect from higher education, in terms of both intellectual stimulation and more practical skills development.<sup>624</sup>**

The Report also considered that the “undergraduate curriculum needs to place more emphasis on generic skills, especially those required for the workplace and for active citizenship”.<sup>625</sup> In its *Programme for Government* (February 2011) the Government stated that it will review the recommendations of the Report.

## Access to higher education

Participation in higher education has grown significantly over the past forty years, but it has not been enjoyed equally by all members of society.<sup>626</sup> Recognising this, in 2003 a National Office for Equity of Access to Higher Education was established in the HEA to facilitate educational access and opportunity for groups who are under-represented in higher education. It published a Plan of Action in 2008, with specific objectives and measurable targets for improved access to education for all sectors of society.<sup>627</sup>

The National Plan for Equity of Access to Higher Education 2008-2013, articulates a national commitment to equality of access and participation in higher education.<sup>628</sup> The plan was developed by the National Access Office of the HEA, in partnership with the then Department of Education and Science and in consultation with higher education institutions and other stakeholders in the education sector. The plan conceives of higher education as a setting where the power relations and inequalities in wider society are both reproduced, and can be addressed. After outlining the current challenge in terms of low rates of participation in higher education by certain socio-economic groups, the plan sets clear targets to be met over five years to address this problem.<sup>629</sup> It makes the argument for equality in higher education on the grounds of economics, social inclusion, and civic engagement:

**Despite the enormous potential of education for counteracting inequality and poverty, education systems tend towards a reproduction of existing inequalities in the wider society. The inequalities that exist are most apparent in higher education. Countries which successfully address these challenges will have a competitive advantage into the future in terms of economic competitiveness, social inclusion and civic engagement. Ireland aims to be among them.<sup>630</sup>**

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624 Strategy Group on Higher Education, *National Strategy for Higher Education to 2030*, 2011, Dublin: Stationery Office, p. 30.

625 *Ibid.* p. 54.

626 HEA, *Achieving Equity of Access to Higher Education in Ireland, Action Plan 2005-2007*, Dublin, 2005.

627 HEA, *National Plan for Equity of Access to Higher Education, 2008-2013*, HEA, Dublin, 2008.

628 HEA and Department of Education and Science, *The National Plan for Equity of Access to Higher Education 2008-2013*, Dublin, 2008. This follows on from the 2005-2007 Action Plan on Equity of Access to Higher Education and the 2001 Report of the Action Group on Access to Third Level Education.

629 *Ibid.* p. 12.

630 *Ibid.* p. 10.

In pursuing this aim, the plan provides an evaluation of progress, identifies challenges, policy objectives, and sets concrete targets which are compatible with the National Development Plan.<sup>631</sup> While acknowledging that investment at all levels of the education system to address exclusion and educational disadvantage is paying dividends, the plan notes that investment in Irish higher education is modest by international standards, and additional resources for both students and institutions are necessary to achieve equity of access.<sup>632</sup> As a result, a stated policy objective is the allocation of public funds to higher education so that targets of increased participation among all socio-economic groups, ages and sections of the community with disabilities, can be met.<sup>633</sup> At present, over 55% of those of Leaving Certificate age go on to higher education, which is up from 44% a decade ago. The plan sets a target that would see participation rates reach 72% by 2020.<sup>634</sup> There is significant disparity in the level of take-up of higher education places among different socio-economic groups. Based on the principle that no group should have participation rates in higher education that are less than three-quarters of the national average, the plan sets a target that all socio-economic groups will have entry rates of at least 54% by 2020.<sup>635</sup>

The plan notes Ireland's limited success to date in achieving participation in lifelong learning, and calls for a renewed focus on the extent to which the higher education system provides opportunities for adults through the development of a broader range of entry routes, a significant expansion of part-time/flexible courses and measures to address the student support implications of lifelong learning. In line with this renewed emphasis on lifelong learning, the plan aims to ensure that mature students (which are defined as those over 23 years of age) will comprise at least 20% of total full-time entrants and 27% of total overall (full-time and part-time) entrants to higher education by 2013. The number of people with physical and sensory disabilities who benefit from higher education will, according to the plan, be doubled by 2013.<sup>636</sup>

The **Student Support Unit of the Department of Education and Skills** is responsible for the policy, funding and development of student support services to enable students to undertake higher and further education programmes.<sup>637</sup> The student support services are provided through local authorities and the VECs. The Student Support Unit addresses, through the National Office for Equity of Access to Higher Education (National Access Office), under-representation in higher education among particular groups such as students from disadvantaged backgrounds, students with a disability and mature second-chance students. The National Access Office works with higher education institutions to develop and implement a policy and practice framework for effective access programmes.<sup>638</sup> A central element of the policy and practice framework includes a clear statement of the higher education institutes access policy and how it relates to the corporate level strategy.

631 HEA, *National Plan for Equity of Access to Higher Education 2008-2013*, Dublin, 2008, p.10.

632 *Ibid.* p.10.

633 *Ibid.* p.12.

634 *Ibid.* p. 25.

635 *Ibid.* p. 12.

636 *Ibid.* p. 12.

637 Student Support Unit of the Department of Education and Skills, [www.education.ie](http://www.education.ie).

638 For more information see [www.heai.ie](http://www.heai.ie).

In practice, the higher education institutes' access programmes are targeting students in primary and secondary level, adult learners returning to education, learners with a disability, members of the Traveller Community and more recently members of new migrant communities. At pre-entry level, access programmes focus on working with designated disadvantaged schools. The Access Offices of higher education institutions also co-ordinate a programme of post-entry support for students to ensure that having gained access, these students are retained and supported in achieving their full potential.

The provision of funding for student supports, legislative changes and developments in assistive technology mean that many more students with disabilities and specific learning difficulties are able to avail of a greater range of educational opportunities and participate successfully in third level education. Almost all colleges now have a disability policy which outlines the range of services available to students with disabilities, and most third level institutions provide a range of services to students with disabilities through the Disability/Access Service.<sup>639</sup>

### Higher Education Access Route (HEAR)

The Higher Education Access Route (HEAR) is a third level admissions scheme for school leavers from socio-economically disadvantaged backgrounds.<sup>640</sup> HEAR has been established by a number of higher education institutions as clear evidence has shown that socio-economic disadvantage has a negative impact on educational attainment at school, and on progression to higher education. Each of the participating colleges set aside a quota of places for HEAR students each year and students can apply through HEAR for the quota of places in any of these colleges.<sup>641</sup> HEAR was extended from 305 Delivering Equality of Opportunity in Schools in 2008 to 420 schools in 2009, and to all 730 secondary schools in 2010. In 2008, 719 Access Places were filled across the seven universities and the DIT.<sup>642</sup> The HEA National Action Plan for Equity of Access to Higher Education 2008-2013 has set a number of targets relating to improving access to higher education. It states that all socio-economic groups will have entry rates of at least 54% by 2020 ('Non-manual' group at 27% and 'Semi-skilled and unskilled manual' group at 33% in 2004). It also states that non-standard entry routes to higher education will be developed so that they account for 30% of all entrants by 2013 (estimated at 24% in 2006).<sup>643</sup>

The **Disability Access Route to Education (DARE)** is a supplementary admissions scheme for school leavers with disabilities which operates on a reduced points basis.<sup>644</sup> Participating institutions are: Athlone Institute of Technology, Dublin Institute of Technology, University College Dublin, University College Cork, Trinity College Dublin, NUI Maynooth, NUI Galway, DCU, University of Limerick, Mater Dei, and the National College of Ireland.

In the 2009/2010 academic year, 2,386 or 6% of new entrants to higher education indicated that they had one or more disability.<sup>645</sup> While numbers are still low,

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639 HEA, *National Plan for Equity of Access to Higher Education, 2008-2013*, HEA, Dublin, 2008.

640 For more information on the HEAR Programme see [www.accesscollege.ie/hear/index.php](http://www.accesscollege.ie/hear/index.php).

641 Participating institutions are DCU, DIT, NUIG, NUI Maynooth, TCD, UCD, UCC, UL, Coláiste Mhuire Marino Institute of Education, the Church of Ireland College of Education, Mary Immaculate College Limerick, Mater Dei Institute of Education, St. Angela's College Sligo, and St Patrick's College Drumcondra.

642 For more information see [www.accesscollege.ie/hear/facts-and-figures.php](http://www.accesscollege.ie/hear/facts-and-figures.php)

643 HEA, *National Action Plan for Equity of Access to Higher Education 2008-2013*, HEA, Dublin, 2008.

644 For more information on Dare Programme see [www.accesscollege.ie/dare/index.php](http://www.accesscollege.ie/dare/index.php).

645 HEA, *Higher Education, Key Facts and Figures 2009/10*, Dublin, 2010, p. 117.

there has been a significant increase in the participation rates of students with disabilities in recent years due to a higher level of diagnosis and an increased provision of learning supports. Rates have risen from 0.65% in 1993/1994 to 3.2% in 2005/2006,<sup>646</sup> and 6% in 2009/2010.<sup>647</sup> Whilst there has been a rise in the participation rates generally, progress has mainly been made in the increasing numbers of students with Specific Learning Difficulties while the number of students with physical and sensory disabilities has declined. Students who are blind or vision-impaired for example are still 50% less likely to progress from second to third level education.<sup>648</sup>

The National Access Plan for Equity of Access set a number of targets relating to participation rates for people with disabilities in higher education and plans to double the numbers of people with sensory, physical and multiple disabilities in higher education by 2013 (based on the 2006/2007 number of students who are in receipt of supports under the Fund for Students with Disabilities).<sup>649</sup> In 2008, 252 students who were eligible under the DARE scheme accepted places in the participating colleges.

### Supporting access to higher education for non-EU nationals

While the importance of supporting access to higher education for migrants has been identified, there are specific access issues for non-EU nationals. Pobal, the State body working to support communities and local agencies toward achieving social inclusion, reconciliation and equality,<sup>650</sup> carried out research in 2006 on the barriers to access to further and higher education for non-EU nationals in Ireland. The research concluded that there was a lack of coordination of policy between the various bodies controlling the system.<sup>651</sup> It found that the barriers were often complex and service providers were not always in a position to address them comprehensively, and that there was a need for adequate data collection and research and a right-based approach to policy formulation.<sup>652</sup>

646 HEA, *National Plan for Equity of Access to Higher Education 2008-2013*, HEA, Dublin, 2008 p. 29.

647 HEA, *Higher Education, Key Facts and Figures 2009/10*, Dublin, 2010, p. 117.

648 *Seeing Ahead: A Study of Factors Affecting Blind and Vision Impaired Students going on to Higher Education*, 2008. p.8.

649 HEA, *National Plan for Equity of Access to Higher Education 2008- 2013*, Dublin, 2008, p. 65.

650 For further information see [www.pobal.ie](http://www.pobal.ie).

651 Pobal, *Barriers to Access to Further and Higher Education for Non-EU Nationals Resident in Ireland: Executive Summary*, September 2006, at p. 23.

652 *Ibid.* The Pobal report contained a number of recommendations, including the need to develop an educational integration policy, provision of financial support and the mitigation of non-EU fees in some instances, improvement of English language supports in schools, financial support for Unaccompanied Refugees between 17 and 21, anti-discrimination and consultation policies in universities, dissemination of information on entitlements, mainstreaming matters to do with foreign national students in university policies, an agreed standard of English as a second language for access to higher and further education, recognition of prior learning, adequate resourcing of access officers and the need for procedures for assessing qualifications of refugees unable to access documentation. *Ibid.*, pp. 24-28.

# An Overview of Some Human Rights Activities in Higher Education Institutions

## A Note on Methodology

All of the seven Universities in Ireland and all the Institutes of Technology and the Colleges of Education were sent a short questionnaire by the IHRC in 2010. They were asked to provide an account of where human rights is covered in curriculum content, as well as of human rights-based activities and processes that are occurring across all disciplines and areas of college life, and any structures or programmes that promote human rights. The below is primarily a collation of information received from the institutions themselves. This approach accounts for the disparity in the level of detail set out below in relation to various faculties and subjects.

The following section is not intended to provide a comprehensive overview of the extent of human rights education across third level institutions in Ireland. Rather, it presents a snapshot of some of the ways in which human rights are already present in Irish universities and institutes of technology.

## Human Rights Education in Schools and Programmes

### Introduction

As will be seen below, there are two specific **Human Rights Centres** in Ireland, each hosted by its respective Law School. The Centre for Criminal Justice and Human Rights at University College Cork has a strong focus on criminal justice. While the Irish Centre for Human Rights at the National University of Ireland, Galway, has a much broader international focus and has a wide-ranging Masters and Doctoral programme. It works with other schools and faculties across the campus to make human rights a feature of those courses. It has strong links with NGOs and the community and voluntary sectors and offers an internship programme. It also makes a strong contribution to research on human rights in Ireland. It is involved in a cross-border LLM with Queens University, Northern Ireland. The Law School in Queens University hosts a Human Rights Centre. Apart from the cross-border initiative, the Centre offers a LLM in Human Rights and has a strong engagement with the NGO and community and voluntary sector. It also has a PhD and wider research programme.

There are also a number of centres with a strong human rights focus including, *inter alia*, the Centre for Disability Law and Policy at the National University of Ireland, Galway, the Centre for Post-Conflict Justice and the Centre for Gender and Women's Studies at Trinity College Dublin, the Equality Studies Centre, Women's Education and Research Centre and Development Studies Centres at University College Dublin and the Transitional Justice Centre and the UNESCO Centre at the University of Ulster. There is evidence that since the Child and Family Research Centre at the National University of Ireland, Galway, was awarded a UNESCO Chair in Children, Youth and Civic Engagement, its human rights focus is also stronger. The Centre for Criminal Justice at the University of Limerick also features human rights in its programme.

Human rights features in the undergraduate and post graduate courses offered by law schools in the various universities. It is strongest at postgraduate level with six of the seven universities in the Republic offering LLMs in Human Rights and both Queens and University of Ulster in Northern Ireland doing likewise. There are a number

of interdisciplinary initiatives of different characters: there are joint initiatives between different schools and faculties which have developed specific human rights courses and there are thematic interdisciplinary courses that have integrated human rights modules. In University College Dublin, the School of Law has developed an interdisciplinary LLM in Human Rights featuring core courses offered by the School of Politics and International Relations. In the Masters in Equality Studies at University College Dublin there is a compulsory module on Equality and the Law that has a strong human rights component.

Schools and faculties other than law feature human rights to varying degrees in more and less explicit ways. There is evidence of a good relationship between human rights and politics in a number of universities. The relationship between the School of Politics and International Relations and the School of Law at University College Dublin is a very good example of a strong relationship between the two disciplines. In addition to the interdisciplinary LLM in Human Rights being run by the Law School, the School of Politics and International Relations also offers an interdisciplinary M.Sc. in Human Rights featuring core modules offered by the School of Law. Both schools have PHD students as well as faculty members researching topics in human rights. The School of Politics and International Relations is a founding member of the European Inter-University Centre in Human Rights and Democratisation and is a member of the University College Dublin human rights network.

A very welcome trend is the evidence that human rights is being taught in other faculties such as arts, social science, nursing and midwifery, archaeology and geography. It is likely that the human rights content is more explicit and strengthened when such aspects of the course are delivered in collaboration with support from academic staff specialising in human rights and or with the input of human rights NGOs. Schools of nursing and midwifery highlighted the inclusion of human rights to varying degrees in their respective curriculums. In Trinity College Dublin, for example, the School of Nursing and Midwifery is working with Amnesty International-Irish Section to integrate its programme on human rights and community action within its curriculum. Similarly among the institutes of technology human rights are a feature of social care and childcare courses in many of the colleges. The focus of their human rights approach has been on the rights of the people they are caring for and how to ensure their human dignity is safeguarded in the delivery of that care. The application of a human rights approach to professional practice in these professions is welcome and has the potential to be further developed.

Networking between universities and academics and research centres enriches human rights teaching, learning and research. University College Dublin, National University of Ireland, Galway, and Queens University, Belfast, are members of the European Inter-University Centre in Human Rights and Democratisation based in Venice, Italy. There are also bi-lateral relationships between Universities on human rights. As mentioned, National University of Ireland, Galway, and Queens University, Belfast, deliver a cross-border LLM in Human Rights. The School of Ecumenics is a multidisciplinary, cross-border institute with campuses in Dublin and Belfast. In the frame of development education, the Development Education and Research Network (DERN) promotes an interdisciplinary approach to development including human rights. A recent welcome initiative is the development of a human rights network in University College Dublin, bringing academics and researchers together to develop ways and means to progress human rights education and research in the universities. It may be noted that human rights activities in colleges of further education and private institutions were not considered on this occasion. Human rights education in schools or departments of education is considered in chapter 7.



## University College Cork

### Human Rights Law Courses

The information received from University College Cork (UCC) indicated that human rights were being taught explicitly in programmes in the Law School,<sup>653</sup> and in the Centre for Criminal Justice and Human Rights.<sup>654</sup> The Law Faculty offers a range of human rights courses at both undergraduate and postgraduate level. BCL and LLB courses include Human Rights Law (focusing on European Convention on Human Rights law and the UN Human Rights system) while at LLM level, postgraduate courses with strong human rights components include Immigration and Refugee Law, Juvenile Justice, International Criminal Law and Mental Health Law.<sup>655</sup> Examples of initiatives undertaken by the Centre for Criminal Justice and Human Rights include a course on Citizenship and the Law in Cork prison.<sup>656</sup> The Law Faculty also has a LLM in Human Rights Law and Public Policy, which has a core Human Rights module – Human Rights in Practice – and a number of other modules that have human rights dimensions including; Immigration and Refugee Law, the Law of War and International Criminal Law. It is also planning to launch at time of writing the LLM in Child and Family Law, which incorporates a module on Child Law (Clinical) and Children's Rights as compulsory modules as well as Juvenile Justice. The Child Law Clinic was launched in January 2011 to provide student-led research services to lawyers litigating children's issues. It is aimed at improving the quality of representation offered in children's cases, to use the law to advance reform of child law and to improve student understanding of child law and children's rights in practice.

### Human Rights Components in Other Courses

Information from other schools in UCC indicated that human rights form a component of a number of other courses. For example, **the Department of Hispanic Studies** runs a series of modules which contain human rights elements and sections, particularly in relation to Latin America.<sup>657</sup> There is a series of modules that address ethics and human rights in the **School of Nursing and Midwifery's** current undergraduate and postgraduate curricula.<sup>658</sup> The module entitled,

653 Information supplied by UCC Law Faculty in response to IHRC 2010 questionnaire.

654 The Centre for Criminal Justice and Human Rights was established by the Law Faculty UCC in 2006. It undertakes a range of activities in the area of criminal law, criminal justice and human rights while also focusing on the nexus between these issues: Information supplied by the Centre for Criminal Justice and Human Rights at UCC.

655 These include the LLM (Criminal Justice) specialises in criminal justice law, policy and practice which has a core clinical component exposing students to the criminal justice system and bridging the gap between theory and practice. Also offered are the LLM (Intellectual Property and E-Law), LLM (International Human Rights Law and Protection), LLM (Practitioner) and the general LLM, which allows students to choose from a wide range of courses including those with major and minor human rights elements. These include Medical Law and Policy, Information Law and Policy and Cybercrime. The Faculty also offers professional training courses to the legal profession and others. In the past these have focused on subjects including the European Convention on Human Rights and Irish Law.

656 Topics covered included Family Law; the European Convention on Human Rights; EU Law; Immigration and Refugee Law; Criminal Justice and; the Irish Legal system. In 2009, thirteen prisoners completed the short course, delivered by staff of the Law Faculty over a six week period in May/June 2009. In 2008, the Centre hosted a major international conference on youth justice in collaboration with the Children's Acts Advisory Board.

657 Information supplied by the Department of Hispanic Studies in UCC. These include Literature and Politics in Latin America; US Hispanic Writing: Latino Writers in Focus; and Gender, Culture and Power in Mexico. In addition to these complete modules, there are various other components to modules (e.g. Texts and Contexts in the Hispanic World) that deal with human rights issues in Mexico and Central America, particularly Guatemala. These issues also feed into postgraduate diploma courses and Masters Courses.

658 Information supplied by the School of Nursing and Midwifery at UCC. Several modules cover ethics in various contexts. These include Nursing Ethics, Health Care Ethics, Ethics for Midwives, and Ethics for Specialist Practice. These ethics courses aim to develop competence in making moral decisions that are relevant to nursing practice through examining the role of law, society, religion in decision-making; personal moral beliefs and values; nurse as patient advocate; rights and responsibilities; analysis of specific difficulties drawn from nursing practice; and frameworks for moral decision-making in healthcare situations.



“Alternatives Beyond Psychiatry: A Critical Appraisal and Implications for Mental Health Nurses” deals with human rights and humane treatment in its examination of alternative approaches beyond psychiatry in mental health care. The course “Professional Issues in Advanced Practice” examines the ethical frameworks of decision-making, professional codes and protocols of practice and international codes of human rights.<sup>659</sup> In the **Occupational Science and Occupational Therapy Department**, the University identified that human rights principles are covered in non-explicit terms regarding client-centred practice; patient-focused care; autonomy and dignity of the individual especially with regard to community-based practice etc.<sup>660</sup>

Within the **Department of Government** there are a number of modules which provide human rights education. Citizenship and Human Rights at undergraduate level, and Democracy and Rights in a Changing World, at postgraduate level, focus primarily on human rights. Modules which include human rights as a significant element are Citizen Participation and Post-national Politics, both undergraduate modules.<sup>661</sup>

The **School of Education** also offers a number of modules as part of the Postgraduate Diploma in Education within which human rights are explored, including the compulsory modules Inclusion and Multiculturalism and Psychology and Sociology of Education.<sup>662</sup>

## University College Dublin

### Human Rights Law Courses

University College Dublin (UCD) **School of Law**<sup>663</sup> offers a number of modules in human rights in its undergraduate BCL (Bachelor in Civil Law) and degree BBL (Bachelor in Business and Law) programme.<sup>664</sup> A range of human rights modules are also available in the general LLM programme. The School of Law has also developed a new inter-disciplinary LLM in Human Rights which is being run jointly with the UCD School of Politics and International Relations.<sup>665</sup> This course offers students an opportunity to acquire specialised and in-depth knowledge and understanding of international human rights law, political theory of rights and international relations relating to human rights in a single course. The School also participates in teaching Human Rights Law with the School of Law at Queen’s University, Belfast and Fordham University Law School (New York) through the University’s Annual Summer School. In relation to research, UCD School of Law additionally has a strong cohort of Doctoral students working in the human rights field.

659 Issues addressed include autonomy, the professional-patient relationship, intra-professional relationships, everyday ethical situations and life and death questions in healthcare.

660 Information supplied by the Occupational Science & Occupational Therapy Department in UCC. In the BSc (Hons) Occupational Therapy (4 year entry-level professional programme) human rights tends to be subsumed in 3 hour sessions in year 2 under legislation but not explicitly presented under a heading of human rights. Numerous equality rights/disability rights/ and justice issues are looked at in Year 4 in various ways, direct and indirect, formally and informally.

661 Information supplied by the Department of Government at UCC.

662 Information supplied by the School of Education at UCC.

663 Information supplied by UCD School of Law.

664 The core modules in this respect are European Human Rights Law (ECHR Law) as well as International Human Rights Law. The European Convention on Human Rights is also taught as an aspect of undergraduate modules on Administrative Law (Remedies) and Media Law. It also forms a significant portion of the undergraduate course on Constitutional Rights.

665 For further information, see: [www.ucd.ie/law/programmes/llmhumanrights](http://www.ucd.ie/law/programmes/llmhumanrights).

The teaching of and promotion of human rights is a significant component of the **School of Politics and International Relations**.<sup>666</sup> Teaching and learning in the School covers both the theoretical and empirical analysis of human rights and is reflected in research activities and undergraduate<sup>667</sup> and postgraduate teaching.<sup>668</sup> The School also runs a MSc in Human Rights in which students study theoretical, empirical and legal approaches to human rights, as well as taking optional courses in other areas of political science and development studies that relate to their research.<sup>669</sup> The School also has a number of PhD students researching topics in human rights, and human rights figure strongly in the courses of its PhD programme.

### Human Rights Components In Other Courses

In the wider University, a **Human Rights Network** has been established which seeks to bring together academics and researchers in the field of human rights to discuss, amongst other things, ways and means by which human rights education and research in the University can be developed and progressed.<sup>670</sup>

A number of faculty members of the School are engaged in research in human rights in areas such as the politics of compliance with or support for international human rights norms in Europe; migrants' rights, consequentialist theories of rights and human rights education; theory of rights, as well as the relation between rights and cosmopolitanism and rights-based responses to conflict. The School is also a founding member of the European Inter-University Centre in Human Rights and Democratisation, based in Venice, Italy.<sup>671</sup> A number of members of the School are also participants in UCD's Human Rights Network.

The School also houses a **Centre for Development Studies**, a research centre which offers two graduate degrees: the MSc in Development Studies and the Graduate Diploma in Development Studies. Several of the post graduate modules outlined above are offered in these two courses. Other modules with human rights components are Politics of Development,<sup>672</sup> and; Development Management.<sup>673</sup> Human rights are also an element of the module, Europe and Asia Relations.

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666 Information supplied by School of Politics and International Relations.

667 Undergraduate modules with strong human rights components include modules on Law, Politics and Human Rights which examine the philosophy of law and human rights; Ethnicity, Nationality which includes teaching on breaches of human rights as a cause of conflict; International Justice which discusses human rights, including civil and political, economic, social and cultural rights and the right to development, in the context of global distributive justice, war and immigration; Genocide and the International Community, which examines human rights and genocide with reference to international institutions, theories of sovereignty and humanitarian intervention.

668 Postgraduate modules that deal with human rights include: Poverty, Development and Global Justice, which examines human rights-based approaches to development and global poverty; International Political Theory, which examines a number of topics and issues in international politics from a normative perspective, including human rights perspective; Foundations and Key Issues of Human Rights, which offers graduate introduction to the philosophical foundations and key issues of human rights, including the concept and justifications of human rights and the challenges that a theory of human rights has to face; Human Rights and International Action, which examines the leading international human rights instruments and their implementation.

669 Issues of human rights and participation are central for the Institute for British-Irish Studies programme, housed in the School of Politics and International Relations, entitled the 'Patterns of Conflict Resolution' programme.

670 Information supplied by UCD School of Law.

671 The EIUC is a network of forty-one universities throughout the European Union created to promote the teaching of and research into human rights and democratisation. It is the home of the European M.A. degree in Human Rights and Democratisation, which provides intensive training in human rights to ninety students each year from the European Union and beyond. Members of the School teach for a week in Venice in the first semester of the programme and several students from the E.M.A programme spend their second semester at the School each year.

672 This introduces students to key concepts, theories and themes in the political life of developing countries.

673 This explores the integration of a rights-based approach in development management and the processes of appraising, planning, implementing and evaluating development interventions.

The **UCD School of Social Justice**<sup>674</sup> offers a series of interdisciplinary programmes which cover a wide range of equality, feminist, human rights and global justice issues. It conducts teaching and research in **Equality Studies** and **Women's Studies**, both of which cover human rights in a variety of guises.<sup>675</sup> Human rights have a strong presence in the Masters programmes in **Equality Studies** and **Women, Gender and Society**.<sup>676</sup> The School also offers a Certificate in Continuing Professional Development in Equality and Diversity in Higher Education, and outreach programmes in both Equality Studies and Women's Studies, each of which contains human rights elements. Both the Equality Studies and Women's Studies PhD Programmes have a strong focus on human rights as well as on wider equality and social justice issues.

The School hosts the **Egalitarian World Initiative (EWI)**, a university-wide initiative established in UCD in 2004 that aims to make UCD a world leader in research and teaching on equality, social justice and human rights, and integrates research and teaching programmes with outreach activities promoting social inclusion and policy analysis.

Information was also received in relation to human rights in other areas of UCD. Two modules offered by the **School of Psychology** in UCD were identified as potentially relevant to human rights.<sup>677</sup> UCD's **Adult Education Centre** offers a course on Understanding Human Rights.

## National University of Ireland, Galway

### Human Rights Law Courses

National University of Ireland, Galway (NUIG) School of Law hosts the Irish Centre for Human Rights and the Centre for Disability Law and Policy. The **Irish Centre for Human Rights**<sup>678</sup> offers LLM programmes in International Human Rights Law, International Criminal Law, International Peace Support Operations and, since September 2009, Economic, Social and Cultural Rights.<sup>679</sup> The Centre also runs a Cross-Border Programme in Human Rights Law (LLM) and human rights and Criminal Justice (MSSc/LLM), in conjunction with Queens University, Belfast. In addition, the Centre participates in two inter-university Masters programmes.<sup>680</sup>

674 Information available from the UCD School of Social Justice, <http://www.ucd.ie/socialjustice>.

675 At undergraduate level, human rights inform the School's electives in social justice, which include Human Rights and Social Justice; Global Justice; Childhood Inequalities in a Global Context; Gender and Development; Social Justice Movements; Global Health Inequalities; and Men, Masculinities, Gender and Equality.

676 Modules with a particular human rights focus include: Human Rights Law and Equality; and International Human Rights Law. Other modules that have human rights elements include: Global Justice and Development; Egalitarian Theory and Practice; Racism and Anti-Racism; Equality and the Media; and Political Theory of Equality.

677 Information supplied by the School of Psychology in UCD. The first is a module on research ethics that is taken by final year single honours Psychology students, entitled Psychology Project Design and Ethics. The second is a module on disability studies, entitled Introduction to Disability Studies, which is offered as part of the courses run by the UCD Centre for Disability Studies within the School of Psychology. Both modules are of 12 weeks duration and include approximately 20 hours of classroom teaching together with individual student assignments.

678 Information supplied by the Irish Centre for Human Rights, NUIG.

679 The LLM on International Human Rights Law covers civil, political, economic, social and cultural rights, women's rights, minority rights and more. The course equips students to contribute to the advancement of human rights globally. A course entitled Human Rights Education was run in 2008/2009 as part of the LLM. in International Human Rights Law. It was discontinued due to funding constraints.

680 It is one of 39 universities participating in the European Masters Degree in Human Rights and Democratisation (E.MA), which is co-ordinated by the European Inter-University Centre for Human Rights (EIUC) in Venice, Italy and sponsored by the European Commission. In addition, the Centre is one of 19 partners of the Mediterranean Masters in Human Rights and Democratisation, an inter-disciplinary programme co-ordinated by the Faculty of Law, University of Malta.

The Irish Centre for Human Rights houses a research community with in excess of 50 doctoral candidates enrolled on their doctoral programme each year.<sup>681</sup> Doctoral students and staff of the Centre often provide one-off Human Rights classes to, for example, undergraduate students of Nursing, Medicine, or Social Work. The internship programme in NUIG allows students to engage with human rights organisations as well as law firms affiliated with locally-based human rights groups.<sup>682</sup>

Several courses at the **Centre for Disability Law and Policy**<sup>683</sup> engage with human rights in their curriculum content.<sup>684</sup> The Centre launched a LLM in International and Comparative Disability Law and Policy in February 2011 to commence in September 2011.<sup>685</sup> The Masters offers students an innovative and internationally focused programme dealing with the process of law reform and policy in the field of disability. It will take an interdisciplinary approach to disability issues across the lifecycle, which will include a strong human rights element. There is a dedicated PhD programme in the Centre with nine PhD candidates in 2010.<sup>686</sup>

### Human Rights Components In Other Courses

Established in 2001, the **Child and Family Research Centre**<sup>687</sup> is based in the School of Political Science and Sociology. The Centre delivers a Higher Diploma/MA Programme in Family Support Studies which aims to further the education, training and skill enhancement of professionals with a common interest in children and youth. While there is no dedicated human rights module as part of the curriculum of the Masters, in the first year students have a two hour class on Children's Rights as part of their module 'Families and Children in Ireland: Sociological Insights and Policy Perspectives'. In year two the students again have a two hour class dedicated to Children's Rights as part of their module 'Law and Family Support'. The first year module 'Family Support in Child Protection and Alternative Care' also integrates children's rights issues within the context of child protection and alternative care. In October 2008, the Centre was awarded a UNESCO Chair in Children, Youth and Civic Engagement. The Chair commenced delivering a programme of work with the objective of promoting civic engagement for children and youth by providing expertise in research, teaching, policy and good practice. In line with UNESCO's priorities, the Chair is committed to ensuring that

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681 Students from a range of academic backgrounds are engaged in research on a broad spectrum of issues related to international human rights law, international criminal law, international humanitarian law and international relations.

682 The underpinning of this project is twofold: the project allows students to put into practice some of the foundational work provided by the LLM programmes, as well as to provide much needed assistance to both local and international groups working on pressing human rights issues. The results of research undertaken by students have served as the basis for reports for NGOs and also the basis for dissertations. Students have availed of internships with a variety of organisations including: the International Bar Association in The Hague; Social Accountability International in New York; UN Internships in East Timor; Al Haq in the West Bank; the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague; Association des droits de l'homme et l'univers carcéral (ADHUC) in the Congo; the Court of Bosnia and Herzegovina, War Crimes Section in Sarajevo; Informal Sector Service Centre (INSEC) in Nepal, and Public Interest Lawyers in Birmingham (working on the *Baha Mousa* Inquiry).

683 Information supplied by the Centre for Disability Law and Policy, NUIG.

684 These include modules on Comparative Disability Law offered on BCL and LLB courses, a Disability Law Reform Challenges module taught on the LLM in Public Law, and the Disability and International Law module taught on the LLM in Economic, Social and Cultural Rights.

685 See [www.nuigalway.ie/cdlp/llm.html](http://www.nuigalway.ie/cdlp/llm.html)

686 PhD students contribute significantly to the research output of the Centre (through policy briefings, working papers, conference presentations, individual publications, etc.). A monthly seminar series has also been organised, in addition to 4 annual public lectures, covering a variety of issues including human rights. These enable links to be formed across campus on all disability policy research.

687 Information supplied by the Child and Family Research Centre (CFRC), NUIG.

a human rights-based approach underpins all of the activities of the Chair.<sup>688</sup> It is also the intention of the Chair that a human rights-based approach will underpin the development of a new international Masters in Children, Youth and Civic Engagement.

Since 2008, the **Faculty of Arts**<sup>689</sup> has offered a BA in Human Rights. The BA is the only undergraduate course of its kind in Ireland. It is a trans-disciplinary programme which allows students to combine specialist study in human rights law and theory with general Arts subjects, and combines periods of study within NUIG with outside learning opportunities.<sup>690</sup> As well as the BA in Human Rights, several of the other BA CONNECT programmes, such as Childhood Studies and Women's Studies, offer human rights modules in their second year. In addition, BA students taking the Legal Studies module have an option to take courses on European Human Rights Law and International Human Rights Law in their third year. LLB students also have these options, along with a variety of subjects related to specific areas of human rights, such as Immigration Law, Family Law and Disability Law.

The **Development Education and Research Network (DERN)**<sup>691</sup> was established in 2005 to promote development education and enhance networking between researchers and academics interested in development and education issues at NUI Galway. The network aims to enable and enhance the sharing of knowledge and skills relevant to development issues and contribute to capacity building for development education and research at NUI Galway. The network promotes an interdisciplinary approach to development issues (including human rights) in teaching and research, and affirms the University's wider aims and values of knowledge-sharing and civic engagement.<sup>692</sup>

In other areas of the University, there are also courses which touch upon human rights issues. The **School of Archaeology** offers a course on Public Archaeology which includes material on human rights (including cultural rights) of indigenous and other communities in the context of large development projects, war and occupation.<sup>693</sup> The **Geography School** offers an undergraduate course 'War and Representation', which uses the Vietnam War and its environmental and human consequences to explore questions of human rights and environmental citizenship. At graduate level the course Geography and Geo-Graphing is a critique of the marginalisation of human rights in elite political calculation and discourse. The course "Environment and Risk" explores environmental citizenship and human rights,

688 UNESCO Chair in Children, Youth and Civic Engagement, *Strategic Plan 2010-2013*, Galway, 2010.

689 Information supplied by the Irish Centre for Human Rights, NUIG. Human rights features in the following topics: inequality and education; educational disadvantage; the relationship between social class, "race"/ethnicity, gender, and education; policy, and legislation.

690 These opportunities may include: project-based work, educational placement in the community, portfolio preparation, and a period of study abroad at an international university, service learning, or placement within community and voluntary organisations and Non-Governmental Organisations (NGOs). Third year students will also work closely with NUI Galway's Community Knowledge Initiative (CKI), International Affairs Office, and Careers Service. Students on the BA *Connect* with Human Rights receive the majority of their tuition from the staff of the Irish Centre for Human Rights at NUI Galway.

691 Information supplied by the DERN see <http://www.nuigalway.ie/dern>.

692 DERN members come from several disciplines and departments within NUIG, reflecting the cross disciplinary relevance of development education and its potential as a site for human rights-based learning. Departments involved include the Irish Centre for Human Rights, the Department of Political Science and Sociology, the School of Nursing and Midwifery, the Department of Biomedical and Mechanical Engineering, the Environmental Change Unit, and the Department of Health Promotion. Non-Governmental Organisations such as Amnesty International and One World are also members of the network.

693 Information supplied by the School of Archaeology, NUIG. The course deals with frameworks for professional work with communities in such situations including professional ethics, accountability and relevant national and international laws and guidelines.



while “Field-based learning” explores the challenges of implementing human rights discourses and protocols in post-conflict Bosnia and Herzegovina.<sup>694</sup>

## National University of Ireland, Maynooth

### Human Rights Law Courses

The **Law School** covers human rights in their Constitutional Law course offered in the first year of their BA (Law within Arts) and BCL (Law and Arts) undergraduate degrees.<sup>695</sup> At Postgraduate level International Human Rights Law is offered as a module on the LLM Programme.

### Human Rights Components In Other Courses

In other disciplines, most of the BA Sociology and BA Politics degrees offered in Maynooth were identified as having relevance to human rights.<sup>696</sup> At Masters level the most relevant modules are “Globalisation and its Discontents”, and “Power and Inequality”. Two new third year courses were run in late 2010 as part of the BA in Politics, which engage with human rights: Irish Public Policy, and International Policy.<sup>697</sup>

As noted above, the Department of Education also provides human rights components in its initial teacher education courses.

## Trinity College, Dublin

### Human Rights Law Courses

The **Law School**<sup>698</sup> offers undergraduate courses in International Human Rights Law and European Human Rights Law. It also offers a wide range of postgraduate courses as part of both its general LLM programme and, in particular, its LLM (International and Comparative Law) Degree.<sup>699</sup> A number of postgraduate research students are conducting PhD research in areas related to human rights law. The Law School also runs conferences which have a human rights theme.

The **Centre for Post-Conflict Justice**<sup>700</sup> fosters interdisciplinary research that explores how societies come to terms with episodes of extreme violence in war, civil war, and periods of prolonged civil and political unrest. The Centre brings together faculty and graduate students working in the fields of history, law, peace studies, sociology, theology and ethics. Several research projects currently being undertaken in the Centre have significant engagement with human rights. For the academic year 2011/2012 there are thirteen courses that address post-conflict justice and human rights issues offered at undergraduate and postgraduate levels.

### Human Rights Components in other Courses

The **Irish School of Ecumenics (ISE)** is a multi-disciplinary, cross-border institute with campuses in Dublin and Belfast specialising in the study of dialogue, peace

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694 Information supplied by the School of Geography, NUIG.

695 Information supplied by the School of Law, NUI Maynooth.

696 The most relevant modules are those on “Democracy and Active Citizenship”; “Global Society”; “Theories of Politics and Active Citizenship”; “Gender, Nationalism and Armed Conflict”; “International Relations”; “Sociology of Development”, and “Race and Ethnicity”.

697 Information supplied by the Faculty of Social Sciences, NUI Maynooth.

698 Information supplied by the School of Law, TCD.

699 This includes courses in African Human Rights Law, Comparative Civil Rights, International Criminal law, International Humanitarian Law, European Human Rights law, Transitional Justice and Travellers, Human Rights and the Law and Islamic Law.

700 Information supplied by the School of Law, TCD.

and reconciliation.<sup>701</sup> Human rights are a significant theme in the ISE's postgraduate programmes and in the research expertise of ISE staff. In the taught curriculum, human rights feature in the MPhil in International Peace Studies, as an incorporated feature of many programme modules as well as in an optional module focusing explicitly on human rights, entitled "Human Rights in Theory and Practice".<sup>702</sup> A MPhil in Conflict Resolution and Reconciliation is taught at ISE's cross-border site in Belfast. Work in human rights is incorporated in many of the modules, especially: "Post-Conflict Justice and Truth Commissions", and "South Africa: The Ethics of Truth and Reconciliation." A MPhil in Intercultural Theology and Inter-religious Studies covers human rights in many of its modules. ISE Staff have published in a number of areas on human rights or related areas, including a 2007 conference and a 2010 publication with the Northern Ireland Human Rights Commission.<sup>703</sup>

The **School of Nursing and Midwifery** covers human rights in their four year nursing degree programme (BSc Cur.), particularly in relation to intellectual disability nursing,<sup>704</sup> and general nursing. Throughout the Intellectual Disability Nursing modules of the BSc Cur., reference to the Universal Declaration of Human Rights is also made in subject areas.<sup>705</sup> General Nursing undergraduate programmes also cover human rights in the context of the Millennium Development Goals, Determinants of Health, and Pre-requisites for Health. In addition, all of the research modules that incorporate ethics address human rights and underpinning philosophical principles and theories. In the Masters in Nursing programme, the Advancing Theoretical Foundations in nursing module has a strong philosophical basis and whilst human rights per se are not addressed, philosophical theories about 'being human' are directly addressed. In addition, the Theory and Practice of Research Methods for Healthcare (first year MSc module) address ethical considerations which include topics such as protecting basic human rights.<sup>706</sup> Similarly, the Ethics and Law module addresses human rights and significance in healthcare. In the second year MSc Advanced Research Module (Qualitative), the application of the individual's rights when participating in research are a key factor in the development of the students' ethics application and central to their assignment for the module.

In terms of extra-curricular human rights activities, "Right! Let's Speak Up for Ourselves" is a rights-based initiative developed by Trinity College School of Nursing

701 Information supplied by the Irish School of Ecumenics, Trinity College, Dublin.

702 It looks at the theoretical and practical contexts in which the discourse and politics of human rights is situated and includes an annual field trip to the Hague in which students have access to the proceedings of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Court. The trip covers human rights issues in the context of international law.

703 *Rights and Righteousness: Religious Pluralism and Human Rights*, David Tombs (ed.), Northern Ireland Human Rights Commission and Irish School of Ecumenics, Trinity College Dublin, 2009.

704 Intellectual Disability Nursing Junior Freshmen receive an introduction to human rights in the context of people with an intellectual disability in the module "Holistic understanding of care". This is followed by a Junior Sophister module "Addressing the Human Rights of those on the Margins of Irish Society" which looks at human rights issues in an Irish context and in the light of national and international human rights literature and conventions. It uses a workshop approach to developing Human Rights-based campaigns to address the rights of specific groups, and has included representatives of Amnesty International and of various groups whose rights are not always respected. Senior Sophisters receive five hours of in-depth discursive sessions addressing intellectual disability service provision from the perspective of the Universal Declaration on Human Rights, using a Freirean perspective and proposing a Human Rights-based Approach to campaigning and countering the inequities of the Irish approach to people with intellectual disabilities.

705 For example, in relation to a person with an intellectual disability who has mental health issues and/or who may display challenging behaviour (NU2D02), in terms of work, leisure and education (NU2D04), National Rights of the Child as outlined within the National Children's Strategy (NU1D01) and access / barriers to health (NU3D04).

706 For example, informed consent, comprehension, unauthorized research, ethical principles and the nurse as an ethical researcher.



and Midwifery Intellectual Disability Team in association with Amnesty International Irish Section, Inclusion Ireland, self-advocacy groups, persons with intellectual disabilities and many others. It is aimed at developing an awareness of rights among people with an Intellectual Disability and, by supporting them to make their voices heard within Irish society, and developing awareness. The Intellectual Disability Discipline in partnership with Special Olympics Ireland recently developed and piloted the first trainer's manual for Special Olympics Volunteers. Numerous references are made to the rights and responsibilities of athletes, volunteers and coaches in the chapters. The School of Nursing has adapted a FETAC (Further Education and Training Council) module on human rights-based approaches to community development developed by Amnesty International-Irish section, Community Action Network, and the Community Law Centre, Ballymun for use in nursing education.<sup>707</sup>

Human rights features in a number of courses delivered within the School of Natural Sciences. In the **Geography Department** issues of human rights are covered, to varying extents, in modules that address issues of globalization, environmental policy, politics and governance, environmental/biodiversity conflicts and urban development, amongst other areas.<sup>708</sup> The School now offers a Masters in Development, in partnership with UCD. It is delivered in collaboration with the National University of Rwanda, the ethical globalization initiative Realising Rights, Trócaire, Kimmage Development Studies Centre and Earthmind a not-for-profit sustainability network established in Geneva.

Undergraduate programmes in the **School of Music** stress ethical issues such as the importance of honouring an individual's right to freedom of thought, to respect for intellectual property, and to being taken seriously in the event that disagreement arises with ideas or actions.<sup>709</sup> The **School of Religions and Theology** undergraduate degree includes courses on World Religions and Human Rights.<sup>710</sup> The **Department of Political Science** offers a second year undergraduate course on International Relations, which covers as one of its topics, International Human Rights Politics.<sup>711</sup>

## Dublin City University

### Human Rights Law Courses

The Dublin City University (DCU) **School of Law and Government**<sup>712</sup> offers a course in International Human Rights law as part of several undergraduate and graduate degree programmes. These include the BA and MA programmes in International Relations, the MA in International Security and Conflict Studies, and the MA in Development. Human rights also infuse a large number of other modules that form these degree programmes. Related issues are covered in other programmes, such as the BA in Economics, Politics and Law which offers modules on Equality and Discrimination Law, BCL (Law and Society), and the BA in Contemporary Culture and Society.

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707 Information supplied by the School of Nursing, Trinity College Dublin.

708 Information supplied by the School of Geography. Geographers are interested specifically in spatial aspects of human-environment relationships and this links directly with issues of uneven development (and hence human rights issues). For example in "Changing Worlds", a second year module, issues of environmental justice are addressed, including the environmental justice movement and its emergence from and relationship to civil and human rights movements.

709 Information supplied by the School of Music, Trinity College Dublin.

710 Information supplied by the School of Religions and Theology, Trinity College Dublin.

711 Information supplied by the Dept of Political Science, Trinity College Dublin.

712 Information supplied by the School of Law and Government, DCU.

### Human Rights Components In Other Courses

While the majority of DCU's nursing programmes and psychotherapy programmes in the **School of Nursing**<sup>713</sup> do not have specific learning outcomes on human rights on their programme modules, there are some exceptions. A module on the graduate diploma in Nursing/Healthcare Practice "Influencing Recovery in Mental Health" specifies human rights in the indicative syllabus. A second module on the stand-alone professional development "Framework Cooperative Learning: Service Improvement Leadership for Mental Health Service Users, Carers and Service Providers" has a strong human rights focus. Apart from these cases of explicit human rights content, human rights issues are addressed in programmes which deal with the care of vulnerable individuals for example, children, people with intellectual disability and people with mental health issues. The medico-legal and human rights issues pertaining to consent to treatment, care and appropriateness of intervention are critically reviewed within all of the DCU School of Nursing programmes. The Graduate Diploma/MSc in Psycho-oncology offers a module on "Leadership and Management in Psycho-oncology" which addresses the issues of patients' rights and terms of the Charter of Fundamental Rights of the EU.

While human rights education is not specifically mentioned in modules in the Higher Diploma in Children's Nursing or the BSc in Children's General Nursing, students are expected to explore human rights (drawing on national and international policies and legislation) in the context of the delivery of care. Particular emphasis is placed on the UN Convention on the Rights of the Child. In addition, issues of human rights are explored in the context of disability, vulnerable children, disadvantaged and ethnic groups. Children's and parents' input in care and decision-making is also explored in many modules. In addition to the theoretical exploration of this topic, a parent of a child with a life-limiting condition is invited to speak to the students about their experiences of care within the health and social services.

While there is no specific module on Human Rights Education in the **School of Education Studies**<sup>714</sup> programme, many modules do address issues on human rights. At undergraduate level, students take modules on Equality, Access and Inclusion, Values, Identity and Intercultural Learning, Education for Sustainable Development, and the Inclusive Classroom. At Postgraduate level students also have an input on the management of diversity in the workplace, equality in the workplace, and Communities of Practice and the Learning Organisation, all of which have implications for human rights education.

The School is also a member of the Ubuntu Network and two members of staff are on the UN International Committee for Education for Sustainable Development. Much of the research of the School also relates to human rights, including research on Educate Together Schools which are based on principles of human rights, and current work on developing a programme for Ethical Education for Educate Together Schools. Research is also being done on homophobic bullying. The School has also been engaged on a 'Framework 6 Includ-ED' Project looking at the factors that support and the factors that inhibit inclusion in education. This is the largest piece of research undertaken within the EU on this topic and feeds almost immediately back to educational practice. In 2010, the School became partners in two additional EU *Tempus* and *Leonardo* projects which address Education for Sustainable Development and are underpinned by the concept of equity and rights for the global community.

713 Information supplied by the School of Nursing, DCU.

714 Information supplied by the School of Education Studies, DCU.

## University of Limerick

### Human Rights Law Courses

The University of Limerick (UL) **Law School**<sup>715</sup> runs a LLM programme in Human Rights and Criminal Justice, which deals in comprehensive terms with issues arising in human rights, particularly in relation to the area of Criminal Justice. Across the undergraduate programme, the course in Public Law deals with human rights at national level and the impact of international obligations thereon. In total around 180 undergraduate students do these modules each year. A module in Human Rights Law was offered in the past but has not run for the last two years due to budgetary constraints.

The Law School also houses a **Centre for Criminal Justice**, which has human rights as a focus area in its work on criminal justice. While law provides its primary focus, the Centre incorporates a significant inter-disciplinary dimension with inputs from European Studies, Accounting and Finance, Peace and Development Studies and Politics.

### Human Rights Components In Other Courses

The Graduate-Entry Medical Programme in the **School of Medicine**<sup>716</sup> has a problem-based learning (PBL) curriculum. With this approach, each week students are presented with a clinical problem and meet in groups (and with a tutor) to solve this. In the process, they are exposed to a wide range of issues, including human rights issues, which are the focus of defined 'Learning Outcomes'. As part of the 'Health Law and Ethics' stream that goes through all four years of the programme, students are exposed to such issues as autonomy and distributive justice, and concepts of health inequalities at local, national and global levels are also covered.

## National College of Ireland

The **School of Community Studies** currently has one higher level programme that has an implicit link with human rights which is the BA in Active Citizenship for Social Change. One of the overall learning outcomes (in terms of competence-insight) for that programme is that learners should be able to explain the inter-relationship between active citizenship, human rights and participative democracy within contemporary society. The specific module which deals with this issue is: Globalisation and Active Participation.<sup>717</sup>

## Athlone Institute of Technology

The **School of Humanities** Social Care courses look at a range of academic areas that include law and children's rights. In the law modules, students examine Constitutional rights and children's rights, in particular the Convention on the Rights of the Child. The Institute has recently launched a new course entitled the BA in Society and Communications. Year 4 of this programme offers an elective module entitled 'Human Rights Law'. In addition to this new course, the Institute offers a part-time law degree and one of the fourth year modules is 'Human Rights Law'.<sup>718</sup>

## Cork Institute of Technology

Human rights education is part of a series of law modules within the degree programmes for Early Childhood Education and Social Care, BA Early Childhood

715 Information supplied by the School of Law, UL.

716 Information supplied by the School of Medicine, UL.

717 Information submitted by School of Community Studies, National College of Ireland.

718 Information supplied by Athlone Institute of Technology.

Education, and the BA in Social Care. Both degrees aim to provide a human rights foundation for practice in their respective areas of service provision. The law modules for these degrees have both identifiable human rights topics, and an underlying ethos which is rights-based and creates a rights focus within each topic covered. The law modules examine methods of accessing and understanding legal materials so that graduates are confident in recognising legal issues in practice and empowered to engage in critical analysis of the law so as to better secure the rights of their stakeholders. The ethics components of the social care students' professional practice preparation is also human rights-based.<sup>719</sup>

### Sligo Institute of Technology

Sligo Institute of Technology<sup>720</sup> teaches human rights as part of a Higher Certificate in Custodial Care. Human Rights also forms part of an ethics module in Applied Social Studies.

### IADT- Dun Laoghaire

The **School of Business and Humanities** offers a number of modules at undergraduate and postgraduate level where aspects of human rights are dealt with including Human rights in work, Events Management (which covers Health and Safety), Business Social Responsibility, Corporate Governance, Political Economy and Globalisation and Cultural Theory. A Postgraduate MA is offered in Public Culture Studies in which two lectures are delivered specifically on Human Rights.<sup>721</sup>

### Institute of Technology Tralee

The Institute of Technology Tralee does not have a dedicated human rights module on any of its programmes but the subject is covered within modules such as law, social policy, special education, family support, health and social care policy, and early learning in the following degree programmes: BA in Social Care; BA in Early Childhood Care and Education; and the BA in Youth and Community Work Practice.<sup>722</sup>

### Waterford Institute of Technology

The Waterford Institute of Technology BSc in Nursing Programme contains, within the life cycle module, lectures on ethics and law which run in years 1, 2 and 3 of the four year programme. This draws on Kantian thinking around healthcare and ethics, and also addresses legislation on the patient and healthcare, including legislation based on human rights within the Irish context. In year 4, students examine examples of where subversion and violation of human rights can take place within the healthcare system. This is counterpointed with an examination of the importance of practitioners to subscribe in their practice to a set of values and critical self-examination and awareness that is independent of the politics of the State.<sup>723</sup>

719 Information supplied by Cork Institute of Technology.

720 Information supplied by the Institute of Technology, Sligo.

721 Information supplied by the School of Business and Humanities, IADT.

722 Information supplied by the Institute of Technology Tralee.

723 For more information on the Community Knowledge Initiative see [www.nuigalwaycki.ie](http://www.nuigalwaycki.ie)

## Student Participation in Governing Structures

All higher education institutes are required to have a number of student and staff representatives as members of the governing authority of the institution and the academic council.<sup>724</sup>

### University Committees

Universities usually contain a range of committees that manage the institution's affairs. Students are not generally guaranteed representation on these committees, but it is seen as good practice and is a common occurrence that a students' union officer would be a member of any committee dealing with issues which would affect students. In many circumstances, these representatives are members of the course committees and help shape the management of their own course. Class representatives are usually organised into a class representative council or an equivalent body, which often form the basis for the Students' Unions' decision-making processes. Typically there is some sort of system in all higher education institutes for class representatives, who represent their fellow students' interests' to their lecturers or department.

### Student Unions

Within higher education, students are given a voice through Students Unions.<sup>725</sup> The Union of Students in Ireland (USI) is the national representative body for students in Ireland. One of the principal objectives of USI as stated in the Constitution is to defend and protect all democratic and human rights.<sup>726</sup> USI works towards promoting and protecting the right of students to a decent standard of living, with the right to adequate financial support, proper housing and future prospects of employment in Ireland. All higher education institutes in Ireland have their own Student's Union which represents the interests of their student body. As well as representing the rights of students, student unions provide a space for social and political engagement among students.

### Civic Engagement: Service Learning and Volunteering

Many initiatives in higher education institutes embrace elements of civic engagement, whether it is through degree programmes, research units or outreach projects. A prominent example is the **Community Knowledge Initiative**, which was established in NUI Galway in 2001 with the purpose of realising the civic mission of the University. The aims of initiative are "to place Communities at the centre of debate" and "to educate students for civic engagement" through "service learning".<sup>727</sup> The Initiative uses the following definition of service learning:

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724 This was established in legislation for universities in the Universities Act; and for Institutes of Technology, in the Regional Technical Colleges Act 1992, the Dublin Institute of Technology Act 1992, and the Institutes of Technology Act 2006.

725 Information provided by USI.

726 Founded in 1959, USI represents more than 250,000 students. See USI Constitution, 2009. [www.usi.ie](http://www.usi.ie)

727 Community Knowledge Initiative, Strategic Plan, 2001. See [www.nuigalwayckie.ie](http://www.nuigalwayckie.ie)

**An academic strategy that seeks to engage students in activities that enhance academic learning, civic responsibility and the skills of citizenship, while also enhancing community capacity through service.<sup>728</sup>**

CKI established service learning courses and a student volunteering scheme, and facilitated research and knowledge-sharing in areas relevant to its activities (community development, social participation, volunteering and the roles of higher education). Such activities were seen as “integral to the University’s strategic mission and involved a fundamental examination of the role of the university in the social fabric”.<sup>729</sup> The initiative works in partnership with the UNESCO Chair in Children, Youth, and Civic Engagement, which is also housed in NUIG. Students learn from engaging with communities by active participation. Academic staff guide students through this process through structured reflection and the integration of theory and practice. Communities involved in Service Learning can be charities, non-governmental organisations, statutory bodies, community associations or organisations with a focus on social responsibility.

**Campus Engage** was established to develop a national organisation/framework to advise, support, and enable active citizenship and service learning in higher education. The project to establish the network is funded by the Irish Government through the Higher Education Authority Strategic Innovation Fund. The principal objective of the network is to increase opportunities for students to engage with the community while studying at third level. The network shares information and experience on how to embed civic engagement activities in institutions of higher education, and thus increase students’ civic awareness while also opening up the institute to its surrounding community. The current network partners include the University of Limerick, NUI Maynooth, NUI Galway (lead partner), University College Dublin, and Dublin City University. The All Ireland Society for Higher Education, in collaboration with Campus Engage undertook a study on active citizenship in higher education institutions entitled *Mapping Civic Engagement within Higher Education in Ireland*.<sup>730</sup> This revealed that each of these institutions was at a different stage in their civic engagement initiatives.

DCU runs a stand alone module entitled the *Uaneen* module which awards credits to students for extra curricular work in communities on and off campus.<sup>731</sup> DCU developed a Civic Engagement Strategy *Leading Through Challenge 2009-2011*, which outlines a series of objectives and is to “be embedded across DCU and thus mainstreamed”.<sup>732</sup> The University of Limerick undertook an audit of civic engagement activities, which will be followed by a directory of civic engagement opportunities for use by staff and students. To date 95 initiatives have been identified, and over

728 A. Furco and B. Holland, *Institutionalizing Service-Learning in Higher Education: Issues and Strategies for Chief Academic Officers* in M. Langseth and S. Dillon (Eds.), *Public Work and the Academy*, Bolton, MA, Anker Publishing Company 2004, cited in CKI brochure.

A range of service learning modules are available at NUI Galway whereby students undertake accredited activity of specific relevance to their chosen subject for the benefit of the community. Service learning is offered in the following areas of study: College of Arts, Social Sciences & Celtic Studies; College of Business, Public Policy and Law; College of Engineering and Informatics; College of Medicine, Nursing and Health Sciences; College of Science.

729 Community Knowledge Initiative (CKI) *Strategic Plan 2001*, Dublin, 2010. See [www.nuigalwaycki.ie](http://www.nuigalwaycki.ie)

730 L. McIlrath, A. Farrell, J. Hughes, S. Lillis and A. Lyons (ed.s), *Mapping Civic Engagement within Higher Education in Ireland*, AISHE & Campus Engage, 2009.

731 For further information see [www.dcu.ie/uaneen/index.shtml](http://www.dcu.ie/uaneen/index.shtml)

732 *Leading Through Challenge 2009-2011 Civic Engagement Strategy*, DCU 2009.



800 members of the University of Limerick community have been involved in them.<sup>733</sup> NUI Maynooth has developed local community partnerships to provide volunteering opportunities for its students, and has an on campus volunteering co-ordinator. The University's Centre for Teaching and Learning is developing a small grants scheme to support civic engagement activities and research projects.<sup>734</sup> At UCD, a Centre for Service Learning, Civic Engagement, and Volunteering was set up in 2007. It offers a stand alone service learning module, and is currently piloting a volunteering programme.<sup>735</sup>

## Review and Recommendations

It is clear that human rights already form part of higher education in Ireland. In addition to human rights law courses, there are human rights components present in a range of other courses. While the above overview only provides an overview of the extent to which human rights is present, it does indicate that human rights are more pervasive than might first be imagined. However, in comparing the current situation to the policy process identified by the WPHRE, and the other elements (such as learning environment or research) set out in the WPHRE, it is clear that there are opportunities to strengthen human rights education in this sector.

The Second Phase of the WPHRE states that key features for human rights education policymaking in the higher education system may include:

- **Developing policies and legislation** for ensuring the inclusion of human rights, and in particular human rights education, in the higher education system:<sup>736</sup>
- **Ensuring coherence**, links and synergies with related policies:<sup>737</sup>
- **Adopting** a comprehensive human rights **training policy** for teaching personnel including:<sup>738</sup>
- **Fulfilling** international obligations on human rights education.<sup>739</sup>

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733 L. McIlrath, A. Farrell, J. Hughes, S. Lillis and A. Lyons (ed.s), *Mapping Civic Engagement within Higher Education in Ireland*, AISHE & Campus Engage, 2009, p.26.

734 *Ibid.* p.25.

735 The pilot phase was entitled ROVE (Recognition of Voluntary Engagement).

736 These include: (i) Including human rights education in education laws or adopting specific legislation on human rights education; ... (iv) Developing policies and regulations with regard to university governance and management, including all those affecting the university culture and student life, which are consistent with human rights principles; ... (vii) Developing policies to ensure that higher education is made equally accessible to all, on the basis of capacity, ensuring access for vulnerable groups including persons with disabilities and avoiding discrimination; (viii) Making human rights training a criterion for state licensing or certification for relevant professions.

737 This includes: (i) Integrating human rights education in national sectoral plans for higher education; in national plans for Education for All (EFA); in national policy frameworks as part of the Decade on Education for Sustainable Development (2005-2014); and in inclusive education policies.

738 This includes: (i) The training of trainers, pre-service and in-service training of teaching personnel; (ii) Information on the rights, responsibilities and participation of students and teaching personnel in all pre- and in-service teacher-training policies and programmes; ... (iv) Considering human rights education as a criterion for the qualification, accreditation and career development of educational staff and the accreditation of training activities of non-governmental organizations; ... (v) Developing criteria and standards to evaluate human rights training programmes and their implementation.

739 This includes (i) Promoting the ratification of international instruments concerning the right to education and human rights education; ... (iv) Publicizing and implement the recommendations made by the international monitoring mechanisms; (v) Developing and adopting relevant policy implementation measures. Effective educational policy development and reform requires not only explicit policy statements but also a consistent implementation strategy, including clearly defined measures, mechanisms, responsibilities and resources. Such an implementation strategy involving all stakeholders can ensure coherence, monitoring and accountability of policies.



In Ireland, the advancement of human rights education in higher education institutions could be progressed in a number of ways. This could include the promotion of Human Rights Centres, which have a role to play in forging a link between human rights and service or community-based learning, and in promoting human rights across all disciplines and subject areas in higher education. It could also include an increase in the number of courses on human rights, integration of human rights themes across a diversity of courses and interdisciplinary study as well as human rights internships. Investment in research on human rights issues; resources for teaching including written materials, networks, trainings and scholarly publications; and opportunities for two-way learning between universities and NGOs and the community and voluntary sector, are other important factors.

The following are areas where progress can be made in progressing human rights education at higher level:

- Access to quality education is an integral part of human rights education and the progressive investment of resources is required to achieve equity of access to, and participation in, education.
- Policy commitments need to be upheld through the sufficient allocation of resources to implementation bodies, and in particular through the continuation of financial support to those groups experiencing barriers to higher education.
- The relevance of human rights education to all disciplines should be profiled and examples of good practice in human rights education in diverse disciplines highlighted and supported.
- Human rights should also be profiled within existing service learning, volunteering, and civic engagement activities in higher education institutions, and the conceptual link between human rights education and civic learning should be clearly demonstrated.
- There is scope to further develop networking among academics and researchers working on human rights education in the different Institutions.
- Ways to increase resources for research on human rights in Ireland should be explored.
- There is greater scope for two-way learning between higher education institutions and the community and voluntary sector, particularly in relating human rights standards to daily life and in supporting the use of participatory methodologies which are central to achieving holistic human rights education and the development of human rights defenders.
- Research on the impact of human rights education on students' future careers and volunteer activities would also be helpful.
- Engagement with both trade unions and students' unions should be sought to ensure their support for human rights education initiatives.
- Finally, the IHRC hopes to work with the Higher Education Authority and higher education institutions in supporting and promoting human rights education in higher education settings.



# 9

# The Community and Voluntary Sector

# 9 \_\_\_\_\_ The Community and Voluntary Sector

*The active engagement of non-governmental organizations, grassroots organizations and professional associations in the various activities of the Plan of Action is seen as a crucial element for success. (UN High Commissioner for Human Rights, 1996)*

## Introduction

Civil Society and Non-Governmental Organisations, commonly known as the Community and Voluntary Sector, play a vital role in creating a human rights culture in Ireland. However, human rights education as a concept and practice is relatively new in the sector. Human rights education in non-formal education settings is exemplified in Ireland through specific human rights education initiatives, or is delivered as part of youth, or community education (geographic and group based), and aspects of adult education. Human rights and development organisations have influenced the increasing focus on human rights standards within these educational spheres.

The purpose of this Chapter is to set out the evolving role of civil society and NGOs in the promotion and implementation of human rights education at global, European, national and local levels. Its main focus is to map some of the nature and extent to which human rights education is being carried out by the community and voluntary sector in Ireland and the supports that need to be put in place to strengthen their contribution to embedding human rights education in Ireland. The information contained in the present Chapter has been sourced both directly from the community and voluntary sector and through research. This Chapter does not claim to capture every organisation or initiative relevant to human rights education, but rather provide an overview of some of the range and diversity of work being undertaken in the area, using the World Programme for Human Rights Education (WPHRE) as a framework for consideration.

## Human rights education and global and regional civil society

At the international level, NGOs<sup>740</sup> not only deliver human rights education, they have also influenced the human rights education policy and programme of international and regional human rights institutions such as the United Nations and the Council of Europe. In turn, these organisations acknowledge the central role that NGOs play. For example, the UN General Assembly specifically identified civil society and NGOs as crucial to the UN Decade for Human Rights Education's success:

740 Non-Governmental Organisations is the broad term used internationally for the diverse range of civil society organisations which is more commonly known as the community and voluntary sector in Ireland.

**The active engagement of non-governmental organizations, grass-roots organizations and professional associations in the various activities of the Plan of Action is seen as a crucial element for success.<sup>741</sup>**

The First Phase of the WPHRE, which followed from the Decade for Human Rights Education, gave priority to strengthening human rights education in primary and secondary school settings, envisioning a role for NGOs in making that happen.<sup>742</sup> Indeed, NGOs continue to be key actors in implementing the Plan of Action for the First Phase of the WPHRE and delivering human rights education activities in schools.<sup>743</sup> NGOs have also sought practical roles for themselves and other civil society actors, as well as for independent National Human Rights Institutions (NHRI)<sup>744</sup> in the Plan of Action for the Second Phase of the WPHRE including:

- (i) To link with higher education institutions and other training institutions to implement effective human rights education; and
- (ii) To participate in formulating national programmes of human rights training for the target sectors of the second phase.<sup>745</sup>

Civil society and NGOs have in many ways led the way to date in promoting and delivering human rights education. Many NGOs around the world operate at grass-root level and have close links to communities and so even with limited resources, are able to “respond faster to emerging needs on the ground, undertake targeted education, and develop innovative responses to human rights issues”.<sup>746</sup> The types of organisations that carry out human rights education vary from large human rights organisations to small community groups. NGOs actively promoting human rights education vary from national voluntary organisations, faith-based organisations or local community groups, single issue groups, ethnic or minority groups. In the past five years, international, national and regional human rights education networks have emerged in many parts of the world. Democracy and Human Rights Education in Europe and the Human Rights Education Associates (HREA) are prominent examples of such networks.<sup>747</sup>

741 Report of the UN High Commissioner for Human Rights on the Implementation of the Plan of Action for the United Nations Decade for Human Rights Education, UN Doc. A/51/506/Add.1, para. 6, 12 December 1996.

742 The General Assembly and the Commission on Human Rights both called upon international, regional and national non-governmental organisations, in particular those concerned with women, labour, development and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to increase their involvement in formal and non-formal education in human rights and to cooperate with the Centre for Human Rights in carrying out the activities of the United Nations Decade for Human Rights Education. General Assembly resolution 50/177 of 22 December 1995, UN Doc. A/51/506.

743 UN Revised Draft Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights Education, UN Doc. A/59/525/Rev.1 (2 March 2005), para. 5(a).

744 For further information on NHRIs see below, Chapter 11.

745 This statement reflects discussions among NGOs facilitated by the NGO Working Group on Human Rights Education and Learning of the Conference of NGOs in Consultative Relationship with the United Nations (CoNGO), Geneva, and views of civil society actors on various topics related to human rights education expressed through the global network of Human Rights Education Associates (HREA). [http://www.institucionteresiana.org/asp\\_en/eventos/2010/022110/worldProg.pdf](http://www.institucionteresiana.org/asp_en/eventos/2010/022110/worldProg.pdf).

746 European Union Agency for Fundamental Rights, *Human Rights Education Mapping*, 2010, p. 24. Available online at [www.fra.europa.eu](http://www.fra.europa.eu).

747 *Ibid.* p.24.

At the European level, the Council of Europe emphasises the importance of human rights education in non-formal<sup>748</sup> as well as formal settings.<sup>749</sup> It recognises non-formal education as an integral part of the lifelong learning concept and as a setting for education and learning about human rights, and Non-Governmental Organisations (NGOs) involved in community and youth work are important providers of this type of education.<sup>750</sup>

The EU Fundamental Rights Agency has mapped the nature of human rights education in the European Union and carried out an assessment of needs in relation to human rights education. It has recognised the role of civil society and NGOs as providers of human rights education.<sup>751</sup> A survey of 50 NGOs providing human rights education across Europe carried out by the Fundamental Rights Agency in 2010, highlighted the breadth of human rights education activity happening in national contexts. The methods of delivery included a range of classroom-based and new media, information, communication technology and participatory based activities.<sup>752</sup> The groups addressed by the human rights initiatives included activists and advocates, armed forces, civil servants, civil society, constitutional law-makers, families, communities, legal professionals, police, politicians, students, teachers and educators.<sup>753</sup> NGOs have influenced the development of human rights education in formal and non-formal education settings. They have also undertaken human rights education activities aimed at the general public, service providers, policy-makers and professional groups. Trade unions have also played an important role in promoting knowledge and understanding of human rights.<sup>754</sup>

While NGOs have contributed a great deal to human rights education, many of these organisations, particularly at grass-roots level, are under-resourced and limited in their scope to access developmental support or education initiatives.<sup>755</sup> Another challenge faced by NGOs is their ability to engage with professional groups or State bodies because they are viewed as ‘outsiders’, limiting their scope to systematically shape human rights education practice.<sup>756</sup>

## Human Rights Education and the Irish Community and Voluntary Sector

Before considering the role of the community and voluntary sector in promoting and implementing human rights education in Ireland, it is important to clarify what is understood by this term. The *White Paper on Support for Voluntary Activity* found

748 The Council of Europe has stated that non-formal education refers to “any intentional, voluntary and planned programme of personal and social education that aims to convey and practise values and develop a wide range of skills and competencies for democratic life. Non-formal education for children might include out-of-school activities, extra-curricular activities in schools, summer camps and leisure centres. Non-formal education emphasises a participative approach to learning”. *Compasito – Manual on Human Rights Education for Children*, Chapter II.

749 Recommendation 1346 (1997)1 *on human rights education*, adopted by the Parliamentary Assembly on 26 September 1997 (32nd Sitting). Recommendation Rec (2002)12 of the Committee of Ministers to member states on education for democratic citizenship (*Adopted by the Committee of Ministers on 16 October 2002 at the 812th meeting of the Ministers’ Deputies*).

750 Recommendation (2003)8 to member states on the promotion and recognition of non-formal education/ learning of young people.

751 European Union Agency for Fundamental Rights, *Human Rights Education Mapping*, 2010 p. 24

752 *Ibid.* p. 25.

753 *Ibid.* pp. 25-26.

754 *Ibid.* p.25.

755 *Ibid.* p.26.

756 *Ibid.* p.26.

that ‘Community’ and ‘voluntary’ were not so much subsections as the opposite ends of a spectrum and many organisations are considered to combine features of both.<sup>757</sup> Their evolution reflects the historical development of the sector, including distinct philosophical origins.<sup>758</sup> The voluntary sector is the larger of the two, with a focus often on service delivery and a greater reliance on charitable donations and fund raising.<sup>759</sup> Many voluntary sector organisations are also service providers, particularly in the fields of health, disability and services for older people.<sup>760</sup> Community sector groups on the other hand tend to be smaller in scale and focus on responses to issues within a given community (geographical or interest based).<sup>761</sup> There is often a strong emphasis on supporting the empowerment and participation of disadvantaged communities in taking action on their own behalf and contributing to decisions that affect them.<sup>762</sup>

While there appears to be no agreed definition for the sector, the White Paper on Support for Voluntary Activity uses Pauline Faughnan’s description as the working definition. She proposes the following broad classification of Community and Voluntary organisations:<sup>763</sup>

- Mutual support and self-help organisations;
- Local development associations;
- Resource and service providing associations;
- Representative and co-ordinating organisations; and
- Campaigning and advocacy organisations.

There are significant differences in range and size of organisations in the sector, from small community projects on the one hand to large organisations representing particular groups. Nevertheless many have shared values and similar needs.<sup>764</sup>

In terms of the role this sector has played in relation to human rights education in Ireland, it can be seen that for the community and voluntary sector, tackling issues through a human rights lens with the use of human rights education tools is a more recent phenomenon, prompted to a large extent by the World Programme for Human Rights Education and the work of community and voluntary organisations with a human rights focus. Historically in Ireland, promoting human rights through development education has a longer and more established tradition in the sector’s educational programmes.

However, development education organisations have also taken a lead in the promotion and implementation of human rights education in formal and non-formal settings. Trócaire sponsored a Human Rights Education Project in 1997 within the Curriculum Development Unit of the City of Dublin Vocational Education Committee (CDVEC), with the aim of promoting the development of human rights education in the formal education curriculum. The work of the Project informed and helped

757 Government of Ireland (2000) *White Paper on a Framework for Supporting Voluntary Activity and for Developing the Relationship between the State and the Community and Voluntary sector*. Dublin: Government Stationery Office.

758 *Ibid.* p.71.

759 *Ibid.* p.72.

760 *Ibid.*

761 *Ibid.*

762 *Ibid.*

763 P. Faughan, “Voluntary Organisations in the Social Services Field” Paper delivered at Seminar, Partners in Progress, Department of Social Welfare, 1990.

764 *Ibid.* p.81.



to shape the development of the junior cycle subject Civic, Social and Political Education. Trócaire continues to support citizenship and human rights education.

Amongst the community and voluntary sector, it may be said that Human Rights NGOs took the lead in promoting human rights education through awareness, education and training activities for a number of years. Organisations such as Amnesty International, the Irish Council for Civil Liberties (ICCL) the Free Legal Advice Centres (FLAC), and Community Law Centres have had a strong influence in supporting human rights values and practices in education and training, in a range of settings. However, the range of organisations addressing their concerns through a human rights framework with the aid of education and training is increasing, and it is most prevalent among minority, disability and community groups.

## Overview of Activities in 2009/2010

To get a sense of the interest and level of engagement with human rights education and training within the sector, the IHRC asked a large number of organisations to provide information on any human rights education activity they were engaged with in the period 2009/2010 and also to gauge their interest in human rights education and assess what supports they would need to get started where applicable. Responses were received from more than 20 organisations working on a wide range of issues and the responses received form the basis for the following overview.<sup>765</sup>

Using the UN definition of human rights education as a starting point, organisations were asked to describe any human rights education and training being carried out by their organisation, and to specify at whom it was targeted. They were also asked what supports, if available, could help organisations initiate human rights education and training or further enhance existing efforts. Enquiries were also made as to whether human rights were a feature of the organisation's culture.

It is welcome to note that the majority of the organisations that responded indicated that they have either delivered human rights education, or were interested in developing their capacity to do so. It is interesting to note that those who did not state that they operate through a human rights framework, named social justice as the lens through which they viewed their work. The type of human rights education and training delivered ranged from comprehensive human rights education programmes delivered by Amnesty International-Irish Section targeting the community and voluntary sector, local communities, schools and public servants, to short programmes of one-off trainings provided by the European Anti-Poverty Network. Some examples feature below to illustrate some of the activities undertaken in this area.

As discussed in previous Chapters, Amnesty International-Irish Section has led the way in the development of human rights education in the primary curriculum through the *Lift Off* project and through a range of other initiatives at secondary level which have been documented elsewhere. It is notable that a significant number of organisations that replied have availed of Amnesty International's expertise in human rights education and the application of human rights-based approaches (HRBA) either through participating in HRBA training offered by Amnesty or in collaborative

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765 The list of organisations that provided information is included as an appendix to this report.

initiatives. The European Anti-Poverty Network (EAPN) is one such organisation that indicated it had benefited from this training. The network produced a handbook on a rights-based approach to tackling poverty and provided training for its members to adopt such approaches in their organisations. They indicated that, with more resources, EAPN would like to deliver such training to the wider community and voluntary sector and, more particularly, to deliver training on economic, social and cultural rights as it is anxious to engage more fully with the shadow reporting process on the International Covenant on Economic, Social and Cultural Rights.

AkiDwA<sup>766</sup> indicated that it had provided specific human rights-based training for its two 2009 consultations with black and minority ethnic women for the Women's Human Rights Alliance shadow report for the International Covenant on Economic, Social and Cultural Rights (Right to Health) and for its two 2010 consultations with black and minority ethnic women for the NGO Alliance Against Racism's Shadow Report on the UN Convention on the Elimination of all forms of Racial Discrimination. The International Covenant on Economic Social and Cultural Rights consultation was supported by a human rights-based training provided by Amnesty International (through Amnesty's HRBA programme), free to the Women's Human Rights Alliance, which was reported as being extremely helpful in informing both the consultations and other key AkiDwA work.

The Irish Council for Civil Liberties (ICCL) indicated that it has carried out human rights education initiatives with different target groups. It delivered training to Senior Garda Managers in the Garda Síochána, carried out Access to Equality courses and has produced Plain English material on human rights which it has promoted through the Know Your Rights Campaign. More recently it has launched an initiative with CSPE students using film to visualise human rights issues. The Public Interest Law Alliance (PILA), a project of the Free Legal Advice Centres (FLAC) which aims to promote public interest law. It provides human rights education to community and voluntary organisation staff members as requested. PILA provides such training on many areas of the law including human rights.<sup>767</sup>

Organisations such as the Immigrant Council of Ireland, and Inclusion Ireland target their own stakeholders as well as relevant Public Servants. The Immigrant Council of Ireland indicated that it provides training courses on the rights and entitlement of migrants living in Ireland to service providers such as Citizens Information centres, social workers and women's refuge centres. They also provide legal education courses to qualified legal professionals and legal volunteers as well as third level students on immigration and human rights law. Inclusion Ireland is developing training modules on human rights aimed at; people with intellectual disabilities, parents/family members and service providers. It has also produced information resources on human rights. Ireland en Route<sup>768</sup> is involved in training staff in the public sector about human trafficking in Ireland from a human rights perspective. The project delivers a training for trainers programme, and training sessions as well as producing training material.

766 AkiDwA is a network of African and migrant women living in Ireland. For further information, see their website at [www.akidwa.ie](http://www.akidwa.ie).

767 Through a range of seminars on different aspects of human rights law, PILA has aimed to provide the staff of other community and voluntary organisations as well as statutory bodies, academics and students with the tools and know-how to use human rights law and human rights mechanisms to advance their own work.

768 Ireland en Route is a forum comprised of NGOs, academics, intergovernmental and statutory agencies who work separately and jointly to address the problem of trafficking in women and children for sexual exploitation in Ireland. The International Organisation for Migration Ireland currently provides administrative support to Ireland en Route.

The Transgender Equality Network in Ireland (TENI) has incorporated human rights education and training into its work to support people questioning their gender identity and for transgendered people to know their rights. TENI promotes wider recognition of rights of Transgender people among various groups such as counsellors, and psychologists. With the acquisition of additional resources, TENI plans to build on existing human rights education and training for transgender people.

The National Youth Council of Ireland (NYCI) indicated that it considers that the education and training it provides to be human rights based. By this they mean that human rights inform their work. In development education and child protection training, human rights can be considered a core component. The training that NYCI provides is both knowledge and skills based and focuses on developing positive attitudes and behaviours. Human rights education is principally focussed on its development education programme that promotes awareness of international human rights instruments and how they are implemented locally and globally, its intercultural programme<sup>769</sup> – which focuses expressly on developing youth leaders' skills to be fair and promote respect and equality for all—and in the Child Protection Programme which strongly focuses on the rights of the child.

Development organisations identified themselves as deliverers of development education with a human rights perspective as opposed to providers of human rights education. However, they further indicated that while they were not delivering human rights education, they advocated for it and promoted a culture of human rights in their organisations. One of the organisations, Kerry Action for Development Education (KADE) reported that it delivers both development education and human rights education and training to schools, local community and voluntary organisations.

The majority of the organisations who provided information said that human rights values and principles informed the culture of their organisation and their approach to their work. For example, Older and Bolder frames its policy and advocacy goals in terms of human rights. For Cheeverstown House, a human rights plan was indicated as being an important part of the operation of the organisation, which has begun a programme of human rights education and training for people with intellectual disabilities and staff. Human rights are also a core feature of the Community Action Network's (CAN) education and training approach and how they work within the organisation. For CAN a human rights-based approach is in line with community development principles. They are supporting local community groups to understand their rights and to claim their entitlements using such approaches.

In terms of the barriers for community and voluntary organisations in further developing their human rights education and training work, or to extending it within the sector, lack of financial resources followed by time were reported as the biggest barriers. Nevertheless, there was genuine interest indicated in further supports that would enhance their human rights education and training capacity such as collaboration with the IHRC, tailored training, and a trainers' network.

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769 NYCI promotes intercultural understanding through training but also through the development of Access All Areas, a diversity toolkit designed to assist youth leaders to become more inclusive in their practice.

## Case Studies

Below are examples of human rights education activities undertaken by a number of community and voluntary organisations on the island of Ireland:

### Case-Study 1: Human Rights Based Approach Training Programme

As part of its Human Rights Education Programme, Amnesty International-Irish Section launched a three year project on Human Rights Based Approaches (HRBA) in 2006.<sup>770</sup> HRBA use human rights law as the basis on which to develop policy, deliver services and campaign for change and is considered to have the dual function of assisting duty bearers to ensure that human rights are promoted in policy and delivery as well as empowering people who hold those rights to develop the know-how to ensure their rights are upheld.<sup>771</sup>

The project consisted of three strands: to offer training and support to build the capacity of the community and voluntary sector on HRBA; to develop HRBA advocacy and research strategies aimed at engaging the State sector; and communications and campaigning events to influence key social commentators and wider society.

A four-day HRBA Training Programme was the main pillar of the project, which was delivered two to three times per year over a three-year period. The course content focused on de-mystifying human rights law and HRBA. Its goals were to:

- Enhance the capacity of organisations to address human rights violations by applying a HRBA in their work.
- Increased capacity of organisations to use the human rights framework to challenge violations of human rights.

The courses attracted staff and volunteers from a wide range of public sector, and community and voluntary sector organisations. The participants represented a wide range of interests including children and youth, community development, international development, disability, health, housing/homelessness, human rights, legal, refugee/asylum seekers/migrants, policing, health, women, Travellers and local government. Some of the courses were targeted at senior management in organisations in an effort to gather more support for the application of a HRBA. More than 400 people were trained during the life time of the programme. The high level of participation of people who provide services in public sector organisations, such as the HSE and local authorities, indicated an openness towards such training. Overall, it was considered that the programme increased awareness, understanding and engagement on human rights among a wide diversity of organisations and gave participants the tools to apply human rights standards in their work practices.

770 Amnesty International (2009) *Building Ireland's Future: A Human Rights Handbook*. Dublin: Amnesty International p.12.

771 *Ibid.*

## **Case Study 2: Development of a Module *Human Rights and Collective Action***

Following the success of a human rights training course in Ballymun developed and delivered by Amnesty International and the Community Action Network (CAN) in partnership with Ballymun Community Law Centre the possibility of having the course FETAC (Further Education and Training Council) accredited was explored. The training was redesigned and piloted as a FETAC module entitled Human Rights and Collective Action.

The purpose of the module is to introduce the learner to the basic concepts of human rights theory and mechanisms so that they can develop skills to apply human rights based approaches to support the development of their communities.<sup>772</sup> It has been developed as a general studies module and is designed to be used across a range of FETAC certificates and uses a participatory learning approach. The course was piloted with participants from local community development projects in Mayo. The pilot was considered a success and to have resulted in some action projects that led to real change in the local communities.<sup>773</sup>

Amnesty indicated that when the course was initially released they had a large number of requests by FETAC centres to deliver the course, but that they did not have the resources available to deliver every course. The demand however implied there was an absence of capacity to deliver such a course and a need for training for trainers.<sup>774</sup>

## **Case Study 3: Participation and Practice of Rights (PPR) Project**

In Northern Ireland, PPR works in North Belfast with disadvantaged groups and communities to implement standards of participation and accountability in decision making processes that exclude them. The Project uses a 'rights based approach' as a means of challenging the power relationships and structures which determine who makes decisions, whose voice is heard, and what issues are prioritised by the State. A key element of PPR's approach is its distinctive development programme which enables groups to use a HRBA to achieve change. The course includes:

- Introductory information sessions on human rights;
- How to build a group;
- Equipping groups and residents with the skills needed to assert their social and economic rights;
- Practical support in developing campaigns and strategies which seek to advance the implementation of international human rights standards in local communities;
- Training in the use of human rights tools (such as budget analysis, Freedom of Information legislation).

772 National Council for Vocational Awards Consultative Draft Module Descriptor 'Human Rights and Collective Action' Level 5 N 22726. November 2006, p. 3.

773 *Ibid.* pp 3-8.

774 Input by Amnesty International-Irish Section to consultative meeting with IHRC on their human rights education work in March 2009.

**One example of realising rights in a community setting supported by the PPR Project is that of Lower Shankill residents: *Lower Shankill Residents' Voice/Young People & Adults Working in Partnership – Right to Play***

In 2007, the Lower Shankill Community Association (LSCA) and the PPR Project organised a human rights development programme with a group of residents in the Lower Shankill.<sup>775</sup> Adults, many of whom had never been involved in community activism, attended the meetings to learn more about how the challenges in their community related to human rights. The group decided to make a DVD about human rights issues in their community; "The Rise of the Lower Shankill", looking at mental health, housing, regeneration, employment, education and play. At the launch of the DVD, much of the discussion from residents centred around the rights of children in the community and especially on the issue of play. The Lower Shankill Residents Group recognised that children and young people's voices needed to be central to any campaign to improve play in their community. As a result, they began working with a group of children and young people. Through action research – including a questionnaire with members of the community and focus groups with community workers, parents, children with special needs - the group devised seven human rights indicators around the right to play in their community.<sup>776</sup> They developed a monitoring strategy and set benchmarks for change for the government.

These human rights indicators and benchmarks 'When Kids Decide: Realising the Right to Play on the Lower Shankill' were launched on 12 February 2009 in the Shankill Estate.<sup>777</sup> The indicators and benchmarks were monitored at specific periods across twelve months. The group used the evidence produced by the monitoring to build alliances, and put pressure on government to make changes in the community that were in line with international and national commitments, and that would directly impact on those living in the area.

After twelve months the group had made significant improvements across most of their issues. Lights in parks and play areas were now working, the local youth club was open 5 nights a week, cleanliness of the three local play areas had significantly improved, and problems of litter and broken glass were being dealt with in an effective manner.<sup>778</sup>

775 For more information see [www.pprproject.org](http://www.pprproject.org).

776 Indicators were set around: broken glass on the estate; broken or inadequate lighting in parks and play areas; cleanliness of play areas; speed of traffic; access to facilities for teenagers and young adults; access for children with special needs; participation of children and parents in decision-making about play.

777 The event was co-sponsored by Lower Shankill Community Association, PlayBoard NI, the Northern Ireland Commissioner for Children and Young People, and PPR.

778 See [www.pprproject.org](http://www.pprproject.org) or [www.YouTube.com/PPRProject](http://www.YouTube.com/PPRProject) for more information.



## **Case Study 4: Rialto Rights in Action Group – The Right to Adequate Housing**

A consultation process carried out by Community Action Network (CAN) on the regeneration of Dolphin House, Rialto, revealed many problems and concerns about the physical and social regeneration in the area. CAN suggested campaigning for change using a human rights based approach. With community leaders on board, the Rialto Rights in Action Group was established.<sup>779</sup>

### **Approach**

The approach taken to the campaign had a number of key elements. It involved gathering the group of residents to identify the issues of concern and to then linking those issues with human rights standards. The next step was to gather evidence to provide baseline data on the poor housing conditions experienced by residents. Residents then mapped the duty bearers to determine responsibilities. They set indicators and then had rights violations and indicators verified by international human rights experts at a Public Hearing. Follow the public presentation of the findings, the residents met with the duty bearers to present their concerns and the timeline by which they requested improvements be made. The whole process was then monitored and reviewed.

Human rights education and training were integrated throughout each stage of the campaign. Participants became aware that not only had they a moral right to adequate housing they also had a legal right. Many of the concerns identified by the residents related to their right to adequate housing and the health implications of sub-standard accommodation. Because so many residents concerns related to housing issues, one of the exercises was to assess these against the standards set out under the Right to Adequate Housing in the International Covenant on Economic, Social and Cultural Rights.<sup>780</sup>

### **Indicators**

Linking with the concept of the progressive realisation of rights, the residents in Dolphin House, set-out a timetable for progress. The group developed 8 indicators against which progress is to be measured. The indicators measure levels of reporting by residents to Dublin City Council about problems such as damp or sewage, and the response of the Council. These indicators are monitored at four-monthly intervals to ensure the Council is meeting its responsibility and are a means of holding the State and its agencies to account if it is not.

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779 The Group is a collaboration of Rialto Residents, Dolphin House Community Development Association, the Dolphin and Fatima Health Projects, Community Response, Community Action Network and Participation and Practice of Rights Project, Belfast. Rialto Rights in Action is supported by a grant from the Joseph Rowntree Charitable Trust.

780 Information provided by CAN. CAN further indicated a survey was carried out in Dolphin House to determine the extent of these problems and to set a baseline benchmark. It was indicated that the following benchmark has been taken on the situation in Dolphin House in May 2010: 72% of Residents Surveyed Report Dampness in their flat; 64% of Residents Surveyed Report Mould in their flat (mainly in bedrooms and bathrooms); 89% of Residents Surveyed Report Sewerage/Waste Water Invasion; 93% Residents Surveyed Report Odours/Smells; 91% Residents Surveyed Report Sewage/Damp Affecting Their Health; 86% Residents Surveyed Report Dissatisfaction with the local authority response to Sewage/Damp problems; 68% Residents given no information on how issues are to be addressed; 91% Residents given no information /explanation as to why the problem occurs.



### Human Rights Hearing

Part of the campaign for change was to highlight to the wider public that the living conditions in Dolphin House is a violation of human rights, through a Human Rights Hearing. At the Hearing, national and international human rights experts including the IHRC heard the testimony of residents who described the high levels of damp, mould and sewerage that they have to live with on a daily basis. They also presented the stark evidence of the extent of these problems which led them to declare that their human right to housing has been seriously violated. Residents sought immediate action by the Minister for the Environment and the Minister for Housing and Dublin City Council. They presented a timeline and launched a set of indicators of progress towards meeting the human rights standard. These represent signposts of reasonable progress on these issues over four-monthly periods which the RRIAG will monitor over twelve months.<sup>781</sup>

### Follow-up

The Human Rights Hearing received huge publicity. The group met the then Minister for State for Equality and Human Rights soon afterwards. They also presented their case to the Dublin City Manager and his officials. The Monitoring Group met in October 2010 and in March 2011 to review progress against the indicators and publish their findings. While a little progress has taken place to address some of the poor conditions, a lot remains to be done. The group continue to engage with Dublin City Council, to monitor the situation and highlight their findings.

Over the course of the campaign, it began to document the connection between poor housing and poor health and consequently the relationship between the right to housing and the right to health. At the March 2011 Monitoring Hearing, Rialto Rights in Action reported 45% of those units surveyed had adults suffering respiratory problems and 42% had children with same. At time of writing, this aspect is being looked into in more detail.

## Review and Recommendations

Community and voluntary organisations in Ireland play a fundamental role in promoting and defending human rights, in domestic and international contexts. Increasingly, community and voluntary organisations are seeing the benefit of highlighting inequalities and injustices through the lens of human rights. They are also increasingly promoting human rights awareness, education and training in Ireland, not just to the people and groups they work with, but also in the educational, legal and public sectors on a wide variety of issues.

A number of pilot projects have emerged that promote a human rights approach to addressing issues affecting communities living in vulnerable or disadvantaged situations. Through education and training these communities have empowered themselves to engage with the State to hold it to account and achieve changes to improve their quality of life. The Rialto Rights in Action Project and the Participation

<sup>781</sup> The first hearing in October 2010 was well attended including at Ministerial level, by representatives of Government Departments, local TDs (members of the Dáil) and local government officials, the Health Service Executive (HSE), and councillors, residents of Dolphin House and local community and voluntary organisations. It was reported that there were no officials from any Government Department, or Dublin County Council at the second monitoring hearing in March 2011.

and Practice of Rights are two such projects. **The IHRC considers that the learning from these projects can support other such projects in this area.**

Since the information set out above was gathered, there has been increased activism by a wider range of community and voluntary organisations with international human rights bodies in holding Ireland to account in relation to its human rights obligations is also very welcome. Increased understanding of human rights through human rights education and training underpin a stronger engagement with such bodies and there is considerable scope for further engagement throughout the broad community and voluntary sector in this area. **There is also scope for additional support to community and voluntary groups in such engagement.**

Some community and voluntary organisations have engaged particularly successfully with the education sector. The *Lift Off* Project initiated by Amnesty International has had a significant impact in promoting human rights education in primary schools through strategic partnerships, targeted resources and training, as has been seen in previous Chapters. The Yellow Flag Project by the Irish Traveller Movement has also been an innovative way of promoting Traveller rights among children. Trócaire has also made a significant contribution to the development of human rights and citizenship education in the education system. It is also important that innovative courses such as the Human Rights and Collective Action FETAC accredited course developed by Amnesty International in partnership with Ballymun Community Law Centre be rolled out in the Further Education sector.

A significant factor inhibiting the community and voluntary sectors' ability to provide human rights education is resources. There is little evidence of State support for human rights education and training in general. The IHRC considers that there should be increased State support for human rights education and training initiatives evolving in the community and voluntary sectors.

In particular, consideration could be given in the National Action Plan to:

- The promotion of learning from human rights education and training initiatives undertaken in this sector;
- The provision of resources to community and voluntary organisations that deliver human rights education and training;
- Mainstreaming the learning from projects such as *Lift Off* in primary education;
- Support training for trainers to equip educators in the formal and non-formal sectors to deliver human rights education and training to the highest quality;
- Support for the establishment of a trainer's network through which community and voluntary organisations could pool their resources in order to provide human rights education and training. This would provide significant savings for already stretched resources. It could also facilitate organisations to target a wider audience than would otherwise be feasible.

# 10\_\_\_ Continuous Professional Development: The Civil and Public Service and the Legal Profession in Ireland

# 10 \_\_\_\_\_ Continuous Professional Development: The Civil and Public Service and the Legal Profession in Ireland

*The Civil Service is committed to staff development by providing training that is relevant to the strategic objectives of the organisation... In protecting and respecting human rights, Civil Servants are required to reflect these values in their everyday work and to be aware of human rights legislation in performing their statutory duties.*<sup>782</sup>

## Introduction

This Chapter considers human rights education and training in the Civil and Public Service and the legal profession. It examines the role of the State in promoting a human rights framework, and highlights some opportunities to enhance efforts in this regard. While this is the primary focus of the present Chapter, there is also consideration given to the current provision of human rights education and training within the legal profession.

## The Role of the State in Human Rights Training

The State has the primary duty to ensure that human rights are respected, protected and fulfilled. The Irish Government has itself articulated this to mean that it is primarily responsible for creating the conditions in which rights can be realised and for ensuring that those rights are not violated.<sup>783</sup> It follows then that the organs of the State, its bodies, structures, and employees, have a duty to protect and promote human rights on behalf of the State in the way they carry out State business and must be equipped with the requisite knowledge, skills and attitudes. Indeed, the interrelationship between human rights and the role of the public service has come into sharper focus as a result of the European Convention on Human Rights Act 2003, which explicitly requires the State and all its organs to carry out their functions in line with the human rights standards set out in the European Convention on Human Rights.<sup>784</sup>

782 An Introduction to the Irish Civil Service, Department of Finance – Chapter 5 - Career Development and Mobility, 2008.

783 See Irish Aid, Department of Foreign Affairs, [www.irishaid.gov.ie/development\\_rights.asp](http://www.irishaid.gov.ie/development_rights.asp), February 2007, which provides “It is the duty of all states to protect and promote human rights. International human rights standards, as set out in the Universal Declaration of Human Rights and other instruments, apply to both donor and recipient countries. Under these international obligations, governments are primarily responsible both for creating the conditions in which rights can be realised and for ensuring that rights are not violated”.

784 Section 3 (1) European Convention on Human Rights Act 2003.

The State also has the primary responsibility for human rights education and training. The draft Plan of Action for the Second Phase of the World Programme for Human Rights Education (WPHRE) identifies Civil and Public Servants (including Law Enforcement officials and the Military) as having a principal role in this regard:

**Main responsibility for the implementation of this section of the plan of action rests with the ministries responsible for the civil service, law enforcement officials and the military (for instance, depending on arrangements in specific countries, these may be the ministry of public administration, ministry of interior, ministry of justice or ministry of defence), working in cooperation with other relevant departments of the government (for instance, finance ministries) as well as local government.<sup>785</sup>**

A 2007 audit of democracy in Ireland highlighted the need for a human rights framework to permeate all levels of government, public service, and political life in order to fully operationalise human rights legislation.<sup>786</sup> This view is also contained in a report of the National Economic and Social Forum on delivering quality public services, which stated that there is an increasing understanding and awareness in society of human rights and the balance they strike between the interests of each individual and the common good of society. It goes on to say that the embedding of these rights in public sector practice should help the relationship between the citizen and the government.<sup>787</sup> The National Economic and Social Council (NESC)<sup>788</sup> suggests that full participation in society is dependent on access to citizenship rights including social and economic rights that guarantee equal opportunity and access to education, employment, health, housing and social services. The NESC report endorses the link between rights and standards of service.<sup>789</sup> It outlines the need for detailed standards, monitoring mechanisms, benchmarks to measure performance and accessible, effective and transparent accountability tools. Furthermore, the NESC identifies the need to raise awareness among members of society, of their rights and the standards that they should therefore expect.

Traditionally, human rights in public services have been perceived as a legal issue and have remained in the domain of lawyers.<sup>790</sup> An understanding of human rights law is indeed essential for public bodies to avoid breaches of their legal obligations, and defend themselves against any claim formulated in terms of a human rights violation. In terms of practical self-interest, proactive education and training on human rights serves as a preventive measure against litigation.<sup>791</sup> Express reference

785 UN, Draft Plan of Action for the Second Phase (2010-2014) of the World Programme for Human Rights Education, July 2010, UN Doc. A/HRC/15/28, para.46.

786 I. Hughes, P. Clancy, C. Harris and D. Beetham "Power to the People?: Assessing Democracy in Ireland", TASC, 2007. TASC describes itself as "an independent think-tank dedicated to combating Ireland's high level of economic inequality and ensuring that public policy has equality at its core". See [www.tascnet.ie](http://www.tascnet.ie).

787 National Economic and Social Forum, "Improving the Delivery of Quality Public Services", December 2006.

788 The NESC is one of the three constituent bodies of the National Economic and Social Development Office (NESDO) which has been established under the terms of the National Economic and Social Development Act 2006.

789 National Economic and Social Council (NESC) - *An Investment in Quality: Services, Inclusion and Enterprise*, 2002.

790 See foreword to The British Institute of Human Rights and the Department of Health, *Human Rights in Healthcare - A Framework for Local Action*, p3.

791 See for example, the Address by Ms Emily O'Reilly, Ombudsman, 27 April 2007 at the Biennial Conference at the British and Irish Ombudsman Association, England. The Ombudsman made the case for pro-active human rights based approach, saying: "Rather than explore the potential for added-value through litigation when the damage is done (or allegedly done) I think it might be worth considering the value of avoiding damage – or even damages!- by a more proactive, human rights-based approach on the part of organs of the State covered by the ECHR Act".

to human rights in law and policy– and effective remedies and sanctions for their breach–constitutes an essential part of a human rights culture. However, this must be combined with education and training to be fully realised.

Legal training on human rights needs to be supported by education to promote awareness of and respect for human rights by those charged with implementing these laws and policies.<sup>792</sup> Using “human rights law and international standards as a basis on which to develop policy, [and] deliver services [...] is about working with people affected by decisions to find alternatives. It is about transparency and accountability from the State”.<sup>793</sup>

Such an approach can be applied in a broader sense in order to effect a cultural and operational change in the creation and implementation of policy and organisational practice internally and externally. The added value of building a culture that promotes and respects human rights across the public service has been shown through an improvement in the quality of those services in the United Kingdom.<sup>794</sup> In other jurisdictions, increasing attention is being focused on the practical value of embedding human rights into the design and delivery of public services, which will improve both the quality of service provision and the employee’s workplace experience.<sup>795</sup>

At an operational level, education and awareness programmes directed at the general public should occur in tandem with all public bodies making human rights an integral part of the design and delivery of policy, legislation, and public services.<sup>796</sup> In addition, education, training and the dissemination of information about human rights to legislators and other officials is essential so that national remedies are available and effective. Government awareness and information programmes are crucial to allow effective access to international human rights protection mechanisms such as to the European Court of Human Rights.<sup>797</sup>

## **National and International Legislative and Policy Basis**

### **Irish legislation**

The following section outlines some of the legal basis that underlies the State’s duty to provide human rights education and training for the Civil and Public Service.

### **The Constitution of Ireland**

Certain human rights are explicitly provided for under the Irish Constitution. Articles 38 to 44 of the Constitution protect personal rights of the citizens of the State

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792 Amnesty International - Irish Section, “Mind the Gap: Human rights and human dignity in Ireland”, 2007, p.157.

793 Amnesty International - Irish Section *Building Ireland's Future: A Human Rights Handbook*, Dublin, 2009.

794 *Human Rights Insight Project*, Ministry of Justice Research Series 1/08, January 2008.

795 The British Institute of Human Rights has been delivering training in this area in Great Britain for some years with the aim of building the capacity of the public sector to make human rights part and parcel of the design and delivery of policy, legislation and public services. See [www.bihhr.co.uk](http://www.bihhr.co.uk).

796 The British Institute of Human Rights, *The Human Rights Act – Changing Lives*, p.5. December 2008.

797 G. Alfredsson, ‘The Right to Human Rights Education’, in A. Eide, A. Krause and A. Rosas (ed.s), *Economic, Social, and Cultural Rights, A Text Book* 2nd Revised Edition, p.273.

including the right to a fair trial, the right to liberty, and the right to freedom of expression, assembly and association. In addition to the rights specified in Article 40, Article 40.3.1 of the Constitution places a positive obligation on the State to “defend and vindicate the personal rights of the citizen” through its laws. The Irish Courts have interpreted this provision to incorporate unspecified rights, such as the right to privacy, the right to freedom from torture and inhuman or degrading treatment or punishment, and the right to bodily integrity.<sup>798</sup> The State is obliged to conduct its business in a manner at all times compatible with the Constitution, and if any of the States’ apparatus fails to do so a case can be brought before the Courts.

## European Convention on Human Rights Act 2003

Since 2003, the public service has also been explicitly required to comply with the European Convention on Human Rights by virtue of the European Convention on Human Rights Act 2003 (ECHR). It provides that:

**[e]very organ of the State shall perform its functions in a manner compatible with the State’s obligations under the Convention provisions.<sup>799</sup>**

Thus, all public bodies and officials in Ireland have a statutory duty to take account of the provisions of the ECHR in carrying out their duties.

## The Court and Court Officers Act 1995

Judicial Studies is a relatively new area in Ireland. The Court and Court Officers Act 1995 places an obligation on the Irish judiciary to engage in further education once they take up office:

**A person who wishes to be considered for appointment to judicial office shall undertake in writing to the Board his or her agreement, if appointed to judicial office, to take such course or courses of training or education, or both, as may be required by the Chief Justice or President of the court to which that person is appointed.<sup>800</sup>**

## Garda Síochána Act 2005 and Garda Síochána Ombudsman Commission

The Garda Síochána Act 2005 introduced some of the most fundamental human rights reforms to date in relation to the Garda Síochána. For example, the Act established new oversight bodies such as the Garda Síochána Inspectorate<sup>801</sup> and the Garda Síochána Ombudsman Commission (GSOC).<sup>802</sup> Within the Garda Síochána itself, the Act introduced initiatives such as the Professional Standards Unit and Joint Policing Committees.<sup>803</sup> Since 2005, the Department of Justice has introduced further important measures including a new set of Garda Disciplinary

798 See *Kennedy v Ireland* [1987] IR 587; *The State (C) v Frawley* [1976] IR 365, at para. 374; *Ryan v The Attorney General* [1965] IR 294.

799 Section 3 (1) European Convention on Human Rights Act 2003.

800 The Court and Court Officers Act 1995, section 19.

801 Section 114, Garda Síochána Act 2005.

802 Section 67, Garda Síochána Act 2005.

803 Sections 24 and 36, Garda Síochána Act 2005.



Regulations enacted in May 2007,<sup>804</sup> and the Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007. In addition, and in accordance with section 17 of the Garda Síochána Act 2005, a Code of Ethics is being developed at time of writing that includes human rights standards of conduct for members of the Garda Síochána.<sup>805</sup>

## International Standards

The UN has clearly stated that in the application of standards in international human rights law, civil and public servants including police,<sup>806</sup> prison officers,<sup>807</sup> education,<sup>808</sup> and health personnel among others, should receive training so that the standards, where they have been developed, are fully implemented. The Council of Europe has also recommended development of human rights education and initial in-service training programmes for teachers, public officials and particularly police officers, prison staff and those responsible for refugees and asylum seekers.<sup>809</sup>

## Law enforcement

In relation to law enforcement officers, the European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights (ICCPR) and Convention Against Torture (CAT) place a positive obligation on the State to proactively prevent human rights violations from occurring.<sup>810</sup> Appropriate training and instruction of law enforcement officials in human rights is considered to be an effective preventive measure in compliance with this obligation.<sup>811</sup> The Committee on the Elimination of Racial Discrimination in its General Comment 13 has stated that:

**[I]aw enforcement officials should receive intensive training to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.<sup>812</sup>**

As noted in Chapter 3, the European Code of Police Ethics embraces the concept that police training should be based on the values of democracy, the rule of law and the protection of human rights.<sup>813</sup> The European Code identifies a number of fundamental

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804 Garda Síochána (Discipline) Regulations 2007.

805 These Standards should contribute to developing a culture of Rights. See further generally IHRC Policy Statement: Human Rights compliance of An Garda Síochána, 2009

806 Article 10.1 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; UN Code of Conduct for Law Enforcement Officials (1979); CERD General Recommendation No. 13: *Training of law enforcement officials in the protection of human rights*: 21 March 1993.

807 *Ibid.*

808 For example, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (Rule 6 (6) (c)) call on States to provide ongoing teacher training and support teachers to ensure that the education of persons with disabilities is an integral part of the educational system.

809 Parliamentary Assembly Recommendation 1401 (1999) 1 "Education in the responsibilities of the individual" p.1.

810 Article 2 of the ECHR and see also *McCann and Others v. The United Kingdom*, Judgment of 5 September 1995, (1996) 21 EHRR 97, at para. 151; Article 2 of the ICCPR; Article 2 of UNCAT and General Comment 2 of the UN Committee Against Torture concerning the implementation of Article 2 by State Parties, (January 2008), at para. 4.

811 Article 10 of CAT. See also General Comment 2 of the UN Committee Against Torture concerning the implementation of Article 2 by State Parties, January 2008, at para. 25; and General Comment 20 of the UN Human Rights Committee concerning the prohibition of torture and cruel treatment and punishment, 1992, at para. 10.

812 General Recommendation No. 13: *Training of law enforcement officials in the protection of human rights*, (1993), para. 2.

813 Article 26, European Code of Police Ethics.

principles which should underpin the training of police personnel, including openness and transparency in the training of staff and that initial recruit training should be followed by regular in-service training.<sup>814</sup> The Code highlights the importance of training on the use of force and its limits, with particular reference to the ECHR, and the importance of training on the need to challenge and combat racism and xenophobia.<sup>815</sup>

Furthermore, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in its framework of standards, attaches crucial importance to ensuring that law enforcement personnel and others (including immigration officers, prison officers, healthcare personnel for detained medical inpatients etc) are sufficiently trained on applicable law, human rights standards and approaches to execute their duties in a rights-respecting manner, so as to minimise any possibility of ill-treatment.<sup>816</sup>

### The Judiciary

As judges and other persons carrying out quasi-judicial functions need to ensure the protection of human rights and fundamental freedoms, the Council of Europe's Committee of Ministers considered that judges have a responsibility "[to] undergo any necessary training in order to carry out their duties in an efficient and proper manner."<sup>817</sup>

The Committee for Judicial Studies in Ireland is a member of the Lisbon Network, set up under the Council of Europe to liaise and learn from judicial training bodies in Europe.<sup>818</sup> The Lisbon Network has stated that:

**The Council of Europe attaches special importance to the legal profession's role – and in particular magistrates – taking into account the fact that unless the right training is provided for legal professions, judicial systems cannot function effectively and will forfeit public trust. The appropriate training of the judge partakes of its independence and its efficiency.<sup>819</sup>**

The Network adopted a document on the *Minimum Corpus of the Council of Europe Standards* in order to provide training institutions with a framework programme for the curriculum of initial or in-service training of judges and prosecutors. The context for such training is the growing relevance of international legal standards to national legal systems, as societies evolve and Europe's legal and judicial systems become more integrated. The Consultative Council of European Judges has noted that:

**National legal systems have, increasingly, to deal with legal issues of an international nature, as a result both of globalisation and**

814 Articles 27 and 28, European Code of Police Ethics.

815 Articles 29 and 30, European Code of Police Ethics.

816 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Standards, CPT/Inf/E (2002) 1 – Rev. 2010.

817 Council of Europe Recommendation No. R (94) 12 on the Independence, Efficiency and Role of Judges (adopted by the Committee of Ministers on 13 October 1994 at the 518th meeting of the Ministers' Deputies) p. 5.

818 The Lisbon Network also interacts with the European Judicial Training Network established at European Union level.

819 See website of the Lisbon Network, "Missions". See also European Commission for the Efficiency of Justice (CEPEJ), Note on possible integration of the Lisbon Network within the CEPEJ's activity programme, CEPEJ(2009)12 Strasbourg, 9 November 2009.

**of the increasing focus of international and European law on relations between persons rather than states. This development necessitates changes in judicial training, practice and even culture, if national judges are to administer justice meeting the needs and aspirations of the modern world and respecting the legal principles recognised by democratic states.<sup>820</sup>**

The Council of Europe considers that one of the consequences of this is that “national courts have become the guarantors of compliance with, and proper implementation of, the international and European treaties to which their countries are a party.”<sup>821</sup> Thus national judges should be provided with quality information and training on the corpus of Council of Europe law and dialogue should be encouraged “between national and European judicial organs amongst institutions responsible for judicial training and amongst judges and prosecutors.”<sup>822</sup>

### General Civil and Public Service

The United Nations has adopted an International Code of Conduct for Public Officials, which underlines that the “ultimate loyalty of public officials shall be to the public interests of their country as expressed through the democratic institutions of government.”<sup>823</sup> The Code demonstrates an international consensus that public servants should be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public.

### National Policy Documents

As noted above, the State has a positive obligation through law to secure the effective enjoyment of human rights, as opposed to merely abstaining from human rights violations. This means in practice that the Government has the responsibility to ensure the highest level of competence among its staff in order to ensure the delivery of quality service that respects the rights of all. In all Government Departments, professional development mechanisms exist for initial and on-going training in a wide range of areas relevant to the job.<sup>824</sup>

With the introduction of the Strategic Management Initiative (SMI), a modernisation programme for the civil service in the early 1990s, there was renewed emphasis on training and development to deliver quality customer services.<sup>825</sup> Under the SMI

820 Opinion No. 9 (2006) of the Consultative Council of European Judges, on the “The role of national judges in ensuring an effective application of international and European law”, Introduction para. 2.

821 Directorate General of Human Rights and Legal Affairs, Council of Europe, Minimum Corpus of the Council of Europe Standards – Document prepared for the European Network for the exchange of information between persons and entities responsible for the training of judges and public prosecutors (Lisbon Network), 10th Plenary Meeting, Strasbourg, 30-31 October 2008, p.2.

822 *Ibid.* p. 3.

823 International Code of Conduct for Public Officials, Annex to General Assembly Resolution 51/59 Action against Corruption, UN Doc. A/RES/51/59, 12 December 1996.

824 Department of Finance, *Framework for Civil Service Training and Development*, 2004, Dublin.

825 The Strategic Management Initiative (SMI) was launched in 1994 with the stated objective of presenting public service management with an opportunity to make a substantial contribution to national development, through the provision of services to the public which were both excellent in quality and effective in delivery. In 1996, Delivering Better Government expanded on the framework set out in SMI and presented a vision for the civil service built around six key organisational themes. These included a greater openness and accountability, a mission of quality customer service, and the efficient and fair operation of simplified regulations. Within Government Departments, these developments were to be underpinned by organisational improvements in human resource management, financial management and enhanced information systems management. Further support for the implementation of these initiatives was set out in the Programme for Prosperity and Fairness in 1999.

process, Departments were required to set out their needs and objectives in strategy statements and annual business plans, in which training and development was a component part.<sup>826</sup> The emphasis on training and development was also highlighted in the 1996 report *Delivering Better Government*.<sup>827</sup> The Comptroller and Auditor General published *Training and Development in the Civil Service* in 2000. The report outlined that each Government Department is responsible for the training and development of its staff through in-house or external training, while the Centre for Management and Organisation Development (CMOD)<sup>828</sup> had responsibility for training and development at the general civil service level.<sup>829</sup> The Comptroller and Auditor General concluded that training and development should be seen as an investment and not a cost.<sup>830</sup> He recommended the development of a central policy on civil service training and development.<sup>831</sup> The introduction of the Performance Management and Development System (PMDS) strengthened the focus on staff training and development so as to better meet the needs and objectives of the civil service.

### Framework for Civil Service Training and Development 2004 -2008

The central policy on civil service training and development is the *Framework for Civil Service Training and Development 2004-2008*.<sup>832</sup> It highlights the importance of a learning culture that supports the provision of high quality services.<sup>833</sup> Furthermore, it has as a stated objective, the promotion of awareness of and commitment to equality and diversity.<sup>834</sup>

### Transforming the Public Service

A Task Force on the Public Service was put in place in 2008 to develop an action plan in response to the OECD's review of the *Irish Public Service – Towards an Integrated Public Service* and to build on the work of the Strategic Management Initiative and *Delivering Better Government*.<sup>835</sup> The OECD concluded that there was much more scope for achieving better quality and more efficient services, and better approaches to tackling complex societal goals which must keep the citizen at the core of the solution, for example in infrastructure development, energy, climate change, poverty, gender and health.<sup>836</sup>

According to the Task Force, the purpose of the Irish Civil Service is to achieve valued outcomes for the citizen which, when taken together, make Ireland a more “successful society”<sup>837</sup> by facilitating individuals, families and communities to achieve their full potential through a combination of quality service delivery, income supports and developmental/activation measures appropriate to each stage of the lifecycle.<sup>838</sup>

826 See further Department of Finance website [www.finance.gov.ie](http://www.finance.gov.ie) and a Department of the Taoiseach website [www.bettergov.ie](http://www.bettergov.ie).

827 *Delivering Better Government*, Second Report to Government of the Co-ordinating Group of Secretaries - A Programme of Change for the Irish Civil Service, May 1996.

828 CMOD is now known as the Civil Service Training and Development Centre (CSTDC).

829 Comptroller and Auditor General Report on Value for Money Examination, Department of Finance, Training and Development in the Civil Service, Report No. 38, 2000.

830 *Ibid.* p. iv.

831 *Ibid.*

832 Department of Finance *Framework for Civil Service Training and Development 2004-2008*, Dublin.

833 *Ibid.* Chapter 13.

834 *Ibid.* p. 8.

835 See Department of the Taoiseach, *Transforming Public Services* [www.taoiseach.gov.ie](http://www.taoiseach.gov.ie) and [www.onegov.ie](http://www.onegov.ie).

836 OECD Public Management Review *Ireland – Towards an Integrated Public Service*, Paris, 2008.

837 As defined by the 1999 NESC Report, *Opportunities, Challenges and Capacities for Choice* and expressed in *Towards 2016*.

838 Department of the Taoiseach, Report of the Task Force on the Public Service *Transforming the Public Service: Citizen-centred – performance focused*, Department of the Taoiseach, Dublin 2008.

## Audit of Democracy in Ireland

As noted above, an audit of democracy in Ireland highlighted the need for a human rights framework to permeate all levels of government, public service, and political life, in order to fully operationalise human rights legislation. It stated:

**While internationally committed to the provision of social and economic rights, the absence in Ireland of a human-rights orientation in the framing of, and access to, public services exacerbates the inequities which arise from inequality, which is itself an outcome of political decisions that limit distribution. Many politicians are wary of enforcing and protecting through law those rights to public services such as health, education, housing or disability services.<sup>839</sup>**

Thus, embedding human rights into the design and delivery of public services is widely recognised as a means of improving the quality of service provision and of achieving social change more generally.<sup>840</sup> Human rights training may be considered as key to ensuring that service delivery complies with human rights standards.<sup>841</sup>

## Towards 2016

*Towards 2016*,<sup>842</sup> the ten year national partnership agreement and successor to *Sustaining Progress*, was launched in 2006. An innovative feature of the Agreement is the lifestyle approach which was first set out by NESC in its report, the *Developmental Welfare State*,<sup>843</sup> which places the individual at the centre of policy development and delivery.<sup>844</sup> The Agreement sets out priority actions, governance frameworks and monitoring mechanisms.<sup>845</sup>

## Quality Customer Service Initiative and the Customer Charter

Within the SMI the provision of high quality service to the public was identified as a priority. *Delivering Better Government* recommended the introduction of a Quality Service Initiative for customers and clients of the Civil Service, it was launched in 1997.<sup>846</sup> The Quality Customer Service Officers Network was established in 2000 with the aim of sharing best practice and implement the Customer Charter Initiative.<sup>847</sup> Under the initiative, all Departments and Offices are required to publish Charters. The role of the Customer Charter is to describe the level of service a customer can expect from a Public Service organisation. A 2007 Report on the Evaluation of Customer Charters, stressed that services meeting the needs of the general public rather than being exclusively pre-

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839 I. Hughes, P. Clancy, C. Harris and D. Beetham "Power to the People?: Assessing Democracy in Ireland", TASC, 2007.

840 The British Institute of Human Rights has long argued that human rights are a powerful tool for improving the delivery of public services and for achieving social change more generally. See The British Institute of Human Rights, *The Human Rights Act – Changing Lives*, p.3.

841 *Human Rights Insight Project*, Ministry of Justice Research Series 1/08 January 2008, piii.

842 Department of the Taoiseach (2006) *Towards 2016 – Ten-Year Framework Social Partnership Agreement 2006-2015* Dublin, Stationery Office.

843 NESC *Developmental Welfare State Dublin*, 2005.

844 The key life cycle stages identified include: Children; People of Working Age; Older People; and People with Disabilities.

845 It also outlines a role for the community and voluntary sector in the implementation of the Life Cycle Approach. Arising from the work of the *Task Force on Active Citizenship*, the Agreement indicates that consideration will be given to 'future approaches' to citizenship education.

846 *Delivering Better Government, Second Report to Government of the Coordinating Group of Secretaries – A Programme of Change for the Irish Civil Service*, May 1996.

847 Further information available on [www.onegov.ie](http://www.onegov.ie).

determined by the service provider were at the heart of quality public services. Maintaining levels of commitment by public servants to the charter requires that the basics of quality public service should be “constantly inculcated into public services, and training and awareness raising on an ongoing basis is central to this.”<sup>848</sup> The results of measuring and monitoring should be widely reported and should feed into annual Business Plans and into the PMDS, for example, as objectives of individual role profile forms.<sup>849</sup> The evaluation observed that for Quality Customer Service and Customer Charters to achieve their full potential, they:

**cannot work alone or in the absence of appropriate pre-conditions. These enablers include leadership, strong partnership, a well-disposed corporate culture within the organisation, clarity about customers and services, networking and sharing of good practice...and the necessary internal systems to maintain high quality customer services.**<sup>850</sup>

### Customer Charter Principles

Of particular relevance to consideration of the existing policy and other structures that support human rights as a core part of the work of the civil and public service, are the principles governing Customer Charters. Every Customer Charter should state the organisation’s commitment to providing quality public services to its customers in accordance with the 12 Quality Customer Service Guiding Principles.<sup>851</sup> The principles include:

- **Quality Service Standards:** Publish a Customer Service Charter that outlines the nature and quality of service which customers can expect, and display it prominently at the point of service delivery;
- **Equality/Diversity:** Ensure the right to equal treatment established under Equality legislation. Identify and work to eliminate barriers to access to services for people experiencing poverty and social exclusion, and for those facing geographic barriers to services;
- **Physical Access:** Provide clean, accessible offices that comply with occupational standards and, as part of this, facilitate access for people with disabilities and others with special needs;
- **Information:** Take a proactive approach to providing information that is clear, timely, accurate and widely available;
- **Timelines and Courtesy:** Delivery of quality services with courtesy, sensitivity and the minimum delay fostering mutual respect between provider and customer;
- **Appeals:** Maintain a formalised, well-publicised, accessible, transparent and simple-to-use system of appeal/review for customers which are dissatisfied with decisions taken;
- **Consultation and Evaluation:** Provide a structured approach to meaningful consultation with, and participation in the development, delivery and review of services. Ensure meaningful evaluation of service delivery;
- **Choice:** Provide choice where feasible in service delivery;

848 Department of the Taoiseach, Evaluation of Customer Charters, Final Report, 2007.

849 *Ibid.*

850 *Ibid.* p.12.

851 Department of the Taoiseach *Guidelines for the Preparation of Customer Charters and Customer Action Plans*, Dublin, 2008.



- **Official languages:** Provide quality services through Irish and/or bilingually and inform customers of their right to be dealt with through either of the official languages;
- **Better co-ordination:** Foster a more co-ordinated and integrated approach to service delivery;
- **Internal customer:** Ensure staff are recognised as internal customers and that they are properly supported and consulted with regard to service delivery issues; and
- **Comments/complaints procedures:** Maintain a well-publicised, accessible, transparent and simple-to-use system dealing with complaints about the quality of service provided. The Customer Charter Initiative is based on a 4 step cycle of consultation with customers/stakeholders; a commitment to service standards; evaluation of performance; and reporting on results.

As can be seen, these reflect many core human rights principles.

## Implementation

Human Rights training for the civil and public service has not taken place in any systematic manner in Ireland. However, certain specific courses that are rooted in human rights principles have been developed. In addition, some parts of the civil and public service have undertaken human rights training.

## An Garda Síochána

### Policing and Human Rights: Promoting Best Practice

In 1997 the Council of Europe launched the *Police and Human Rights 1997-2000 Programme*. Its central aim was to raise awareness of human rights standards in policing throughout police organisations in Europe.<sup>852</sup> The programme encouraged the Garda Síochána to launch its own Human Rights Initiative in 1999, entitled *Policing and Human Rights: Promoting Best Practice*. An awareness of and commitment to developing a more human rights compliant police service has progressed steadily within the Garda Síochána since the launch of this initiative.

### Ionann Report

A Human Rights Working Group, comprising members of the Gardaí as well as three external members, was formed in 2000 to develop the aims of the Garda human rights initiative.<sup>853</sup> Of particular significance, the Garda Human Rights Working Group, on behalf of the Garda Commissioner, commissioned Ionann Management Consultants to carry out an external human rights audit of Garda policies and procedures. Its objectives included, *inter alia*:

- to examine Garda policies and strategies to assess the extent to which they comply with the values enshrined in international human rights standards, with particular reference to the basic values set out in the Council of Europe's 'Policing in a Democratic Society';

852 Council of Europe, *Police and Human Rights 1997-2000*.

853 The Working Group is no longer in operation; however, at the time it focused on engaging in consultation with relevant stakeholders and on raising awareness and promoting the protection of human rights. In addition, it developed education and training interventions designed to inculcate respect for human rights and personal dignity in all Gardaí.



- to identify gaps in compliance with these values;
- to make recommendations for future compliance.<sup>854</sup>

The 2004 Ionann Report recommended that to effectively embed a human rights culture in the organisation, the Garda Síochána, needed to place human rights at the heart of service. Its recommendations included strengthening the role of the Garda Human Rights Office and the Racial and Intercultural Office; establishing a high level strategic advisory committee to drive forward the implementation of the human rights initiative; better mechanisms for consultation, promotion and dissemination of human rights information; dealing robustly with racial crime and protecting vulnerable communities as well as protecting the rights of its staff. It especially recommended that the provision of human rights, race and diversity training for all staff should be one of the priority action areas. It outlined that such training and development should address the protection of the human rights of staff and encourage the recruitment, retention and progression of a more diverse police service.<sup>855</sup>

### Garda Human Rights Action Plan

In response to the Ionann Report, the Garda Síochána developed a Garda Human Rights Action Plan with specified targets and timeframes for the implementation of the recommendations arising from the Ionann Report.<sup>856</sup> Since the publication of the Action Plan, the Garda Síochána has produced a number of Status Reports on the implementation of the Garda Human Rights Action Plan. These Status Reports contain much for the Garda Síochána to be proud of. It is evident from the Status Reports that definite progress has been made in meeting the recommendations in the Ionann Report.<sup>857</sup> A noteworthy example has been the establishment of a Strategic Human Rights Advisory Committee, on which Statutory Bodies (the IHRC, the Equality Authority), and NGOs (Amnesty International-Irish Section, the Irish Council for Civil Liberties) are represented as external contributors.

The publication of the Ionann Report, the Garda Human Rights Action Plan and the subsequent Status Reports also demonstrated an improved level of transparency within the Gardaí.

### Gardaí Declaration of Professional and Ethical Values

The Declaration of Professional and Ethical Values, adopted in 2003, provides a non-statutory human rights based framework within which all Gardaí are expected to operate. In accordance with Section 17 of the Garda Síochána Act 2005, a Code of Ethics is currently being developed that includes standards of conduct and practice for members of the Garda Síochána.<sup>858</sup> It is expected that a breach of the new Code of Ethics will trigger disciplinary proceedings.<sup>859</sup>

854 Ionann Management Consultants Ltd, *An Garda Síochána Human Rights Audit*, June 2004, p. 1.

855 *Ibid.*

856 An Garda Síochána, *Garda Action Plan for the Implementation of the Garda Human Rights Audit Report*, April 2005.

857 See for example An Garda Síochána, *Action Plan for the Implementation of the Recommendations of the Garda Human Rights Audit Report, Status Report as at 31 December 2007*.

858 It is reported that the Code of Ethics has been finalised and following consideration by the Garda Commissioner it will be forwarded to the Minister for Justice for his approval and the making of a Statutory Instrument.

859 The most recent Status Report on the Implementation of the Garda Human Rights Action Plan provides that a submission to include the Garda Code of Ethics as a schedule to the new Disciplinary Regulations has been approved. An Garda Síochána, *Action Plan for the Implementation of the Recommendations of the Garda Human Rights Audit Report, Status Report as at 31 December 2007*, at 3.1.

In 2009, the IHRC published *Human Rights Compliance of An Garda Síochána*, a policy statement intended to support the work of members of the Garda Síochána and to assist those involved in the policy and practice of policing in Ireland by providing guidance on human rights standards in policing in a number of key areas. The Policy Statement provides an overview of the applicable national and international law and best practice in the field of human rights and policing. It identified some key challenges and priorities ahead for developing a more human rights compliant police service and in light of these sets out the IHRC's legislative and policy recommendations.<sup>860</sup>

## Human Rights Education and the Legal Profession

The Office for the High Commissioner for Human Rights outlines the importance of human rights education to the legal profession:

**In recent decades, international human rights law has had an ever-growing impact on domestic legal systems throughout the world, and thereby also on the daily work of domestic judges, prosecutors and lawyers. This evolving legal situation, the true dimensions of which could hardly have been foreseen half a century ago, requires each State concerned, and also the relevant legal professions, carefully to consider ways in which effective implementation of the State's legal human rights obligations can best be secured. This may in many instances constitute a challenge to legal practitioners, owing to the conflicting requirements of different laws, lack of access to information, and the need for further training.**<sup>861</sup>

This section briefly considers some of the current provisions of human rights education in the education and professional development of barristers and solicitors.

### Human Rights Education in the King's Inns

The Honourable Society of King's Inns comprises benchers, barristers and students. The benchers include all the judges of the Supreme and High Courts and a number of elected barristers. The School of Law is the oldest institution of professional legal education in Ireland with a primary focus on the training of barristers.<sup>862</sup>

The King's Inns runs two types of courses:

- Diploma in Legal Studies for students which degrees in areas other than in law;
- Barrister-at-Law Degree Course, for those students with either law degrees or with the Diploma.<sup>863</sup>

The Diploma course is essentially an academic course while the Degree course is skills-based and vocational.

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860 IHRC Policy Statement: Human Rights Compliance of An Garda Síochána, 2009.

861 OHCHR *International Human Rights Law and the Role of the Legal Professions: A General Introduction*, p.2.

862 For further information on the King's Inns see [www.kingsinns.ie](http://www.kingsinns.ie).

863 To enter this course, all students, no matter their academic background, must pass the Entrance Exam in five subjects; Contract, Tort, Criminal, Evidence and Constitutional Law.

### **Diploma Course**

The Diploma is a two year evening course. First year consists of Legal Systems, Land, Tort, Public Law I, Contract Law and Criminal law. The second year of Diploma consists of Equity, Company, Evidence, EU Law, Jurisprudence and Public Law II. Public Law II consists of two modules of particular relevance to human rights education, Human Rights and Administrative Law. These break down to class teaching time (October to April) of Public Law II (Human Rights) – 20 hours class time and Public Law II (Administrative Law) – 26 hours class time.

### **Degree Course**

The Degree course consists of Advocacy, Consultation, Negotiation, Drafting, Criminal MCT, Civil MCT, Legal Research, Opinion Writing, and Ethics. This is a one-year course and can be completed on either a full-time basis during the week, or else on a part-time basis at weekends. The emphasis of this course is very much vocational, and it is taken as a given that students know the substantive law in an area, but are trained in how to prepare and run a case. The Ethics course looks specifically at the Code of Conduct of the Bar of Ireland.

## **Human Rights Education and the Law Society of Ireland**

The Law Society of Ireland is the professional body for solicitors and exercises statutory functions under the Solicitors Acts 1954 to 2008, in relation to the education, admission, enrolment, discipline and regulation of the solicitors' profession.

The Law Society of Ireland runs two full-time courses for trainee solicitors; the Professional Practice Course I and the Professional Practice Course II (PPC I and PPC II). The Law Society of Ireland has incorporated some form of human rights education since the early 1990s, however in more recent years the emphasis on human rights is less explicit within the compulsory courses.

### **Human Rights in PPCI and PPCII**

Human rights law had been part of the compulsory Private Client subject in PPCI (which is no longer part of PPCI). In the module, there were five lectures and three tutorials on human rights which were supplemented by a human rights law manual. Following a review of programmes offered by the Law Society, which revealed a low uptake of human rights courses, it was decided to change the human rights element of the Professional Practice Course and it is no longer an examinable subject. Instead human rights is taught in an integrated way within the course and the mode in which it is taught has changed. The explicit promotion of human rights in the Law Society's education programme now occurs in a one and a half days module as part of the two week foundation course at the beginning of PPCI, and in an elective certificate on human rights.

In PPCII in previous years there was a separate elective course offered on human rights, which built on the human rights element in PPCI's Private Client Course. Due to the small uptake of the human rights elective, it is no longer offered, and there is no explicit human rights element in PPCII.

### **Certificate on Human Rights**

The certificate on human rights is a blended-learning course comprising of a mixture of best practice in online learning (this includes a weekly release of online lecture papers, the completion of online tasks and quizzes and participation in online

tutorials and on-line lectures and workshops). The certificate introduced participants to the international, regional and national human rights frameworks. The course also provided practical guidance on enforcing human rights in the legal arena. The overall objective was to encourage participants to develop skills necessary for pursuing human rights based arguments including practice and procedure, using human rights legal databases and issue identification. A very positive aspect of the programme is the fact that lecturers come from diverse background including practicing solicitors and solicitors who work for a wide variety of community and voluntary organisations. The Human Rights Committee of the Law Society is a driving force behind the development and delivery of the programme.

### **Human Rights Committee**

The Human Rights Committee of the Law Society has an important role in promoting human rights. Apart from its involvement in the certificate programme, the Committee holds a series of events each year that may count as part of the required CPD quota of hours. These include an annual human rights lecture, an annual human rights conference organised jointly with the IHRC, and an essay competition.

### **Comment**

The teaching of human rights within the Public Law II module at Diploma level in King's Inns, and its integration into the teaching of other law subjects, are very welcome. While the Degree course in the King's Inns is a practical, skills-based, vocational course, a specific module on human rights in practice could be an important addition to the course.

Human rights law and jurisprudence is also critical to the work of solicitors in defending the rights of clients in a range of areas. The establishment and activity of the Human Rights Committee of the Law Society is welcome as is the integration of human rights across a range of courses. Increasingly human rights law and jurisprudence informs judgements in the Courts therefore it is important, in addition to the presence of human rights principles in a range of courses, that human rights have an explicit focus in the training and continuous professional development of solicitors. A full subject on human rights in PPC I would assist newly qualified solicitors to carry out their work from a human rights perspective.

## **Case Studies : Human Rights Education and Training in the Civil and Public Service in the United Kingdom**

### **Case Study 1 - United Kingdom, Human Rights Act 1998**

The United Kingdom (UK) Ministry of Justice (MoJ) has implemented a programme of awareness-raising around the Human Rights Act—the equivalent to Ireland's European Convention on Human Rights Act 2003.

#### **Awareness and application of the Human Rights Act**

In response to concerns that the potential of the Human Rights Act 1998 (HRA)<sup>864</sup> to improve the lives of people in the UK had not yet been realised, a report was commissioned by the then UK Department of Constitutional Affairs (now the MoJ). The report was to provide an evidence base for human rights policy development to establish whether human rights can be used as a tool

864 The Human Rights Act 1998 (HRA) gives legal effect to the European Convention on Human Rights in UK domestic law.

to improve the public's experience of public services, or the quality of life in the UK more generally. Some of the key findings from this report, entitled the Human Rights Insight Project, were:

- The term 'human rights' has mainly positive associations but there is little understanding of the application of human rights/the Human Rights Act to normal life/public service delivery;
- Key human rights principles such as respect, dignity, equality and fairness are highly valued, both in relation to public service delivery and more widely, but are not generally associated with human rights/ the Human Rights Act ;
- Vulnerable, frequent users are particularly exposed to service delivery that fails to respect their human rights;
- 'Customer care' policies founded on human rights values assist in ensuring that key human rights principles are respected in the delivery of services and reduce the risk of breaches and challenges; and
- Appropriate human rights training for managers and decision makers in public authorities is key to ensuring that service delivery complies with human rights standards.<sup>865</sup>

Conclusions from the findings were that efforts should be made to co-ordinate, encourage and monitor the progress of Government Departments in adopting human rights strategies of their own, based on standards and values in the Human Rights Act together with making customer care, based on human rights values, central to service design and delivery. The adoption of such human rights strategies in public authorities generally should also be facilitated. After the report was produced the Ministry of Justice in the UK took the following actions:

- Increased human rights awareness raising initiatives;
- Carried out an audit of training needs to inform future training provision;
- Encouraged a culture where human rights are seen as key to the design and delivery of policy, legislation and front line services by producing three human rights resources to guide and assist officials in implementing the Human Rights Act effectively, as follows:
  - 'Human rights: human lives' handbook;
  - 'Making sense of human rights: a short introduction' with a DVD consisting of human rights case studies; and
  - Third Edition of the 'Guide to the Human Rights Act 1998'.<sup>866</sup>

865 *Human Rights Insight Project*, Ministry of Justice Research Series 1/08 January 2008, p.iii.

866 Department for Constitutional Affairs, 'A Guide to the Human Rights Act, 1998', UK, 2006.

## Case Study 2 – Northern Ireland, Policing

Although implemented in the context of the Northern Ireland Peace Process, the Patten Report is a particularly interesting example of how human rights can be integrated into policing. The Patten Report considered the training, education and development of police officers to be of critical importance in achieving the human rights-based objectives central to the Report.<sup>867</sup> It emphasised the importance of providing human rights-based training to all members of the police service, at the recruitment and in-service training levels.<sup>868</sup>

The Police Service of Northern Ireland (PSNI) has undertaken most of the activities required to achieve compliance with the Patten Recommendation 4: Training in Human Rights.<sup>869</sup> A new curriculum integrating human rights into programmes of instruction for recruits as well as in-service personnel has been developed; course content is being audited to ensure instructors have relevant human rights materials; and a system for observing and evaluating human rights teaching has been developed.<sup>870</sup>

The PSNI devised and delivered a short human rights course for all police officers and 'front line' support staff in 2002/2003<sup>871</sup> and since then has sought to integrate human rights into all training on an ongoing basis. A series of human rights consultants were appointed to assist the PSNI in implementing the recommendations of the Policing Board.<sup>872</sup> Led by a Human Rights Training Advisor they were tasked with monitoring and evaluating how well human rights have been integrated into every level of training to ensure consistency in standards and approach, and to audit all PSNI training materials.

Since 2000, the Northern Ireland Human Rights Commission (NIHRC) has carried out extensive work in monitoring the human rights training of police officers,<sup>873</sup> reviewing curricula, observing training in action and working with the PSNI to secure improvements in its training. The NIHRC has commended the PSNI on its openness in allowing it to evaluate the human rights components of the third and final stage of the Recruit Training Programme: the Tutorship Stage and the Course for All.<sup>874</sup>

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867 Christopher Patten, *A New Beginning: Policing in Northern Ireland, the Report of the Independent Commission on Policing for Northern Ireland*, 1999, p. 91.

868 *Ibid.* Chapter 16 of the Patten Report sets out a number of specific recommendations on human rights based training, education and development in the police service.

869 The Office of the Oversight Commissioner *Overseeing the Proposed Revisions for the Policing Services of Northern Ireland - Report 13*, June 2005, p.18. The Office of the Oversight Commissioner is tasked with ensuring that the recommendations of the Patten Report are implemented comprehensively and faithfully.

870 In 2007/2008 the International Human Rights Network (IHRN) was commissioned to provide an independent human rights training evaluation service to the Police Service of Northern Ireland (PSNI). The evaluation follows from Recommendation 12 of the Northern Ireland Policing Board's 2006 Human Rights Annual Report, that: "The PSNI should put in place a scheme for the expert and comprehensive evaluation of the delivery of PSNI training on human rights". The evaluation seeks to establish the extent to which the training delivered by PSNI incorporates human rights principles and standards and aims to enhance PSNI's planning, monitoring and evaluation framework for its training. [www.ihrnetwork.org/police-northern-ireland\\_191.htm](http://www.ihrnetwork.org/police-northern-ireland_191.htm).

871 PSNI Course for All delivered between November 2002 and April 2003.

872 The Policing Board's Human Rights Advisors monitor the PSNI's compliance with the Human Rights Act 1998. The PSNI's *Human Rights Programme of Action* outlines the measures it will take to implement the Human Rights Advisors' recommendations.

873 The NIHRC has produced a series of five reports documenting human rights monitoring work in this area: "Parades, Protests and Policing: A Human Rights Framework," March 2001; "The Recording of the Use of Plastic Bullets in Northern Ireland", May 2001; "An Evaluation of Human Rights Training for Student Police Officers in the Police Service of Northern Ireland", November 2002; "Human Rights in Police Training, Report Three: Probationer Constables and Student Officers", March 2004; "Human Rights in Police Training, Report Four: Course for All", April 2004; "Human Rights in Police Training. Report Five, Tutor Constables Scheme," April 2006.

874 The NIHRC was invited by the PSNI to look at training materials and to observe training sessions at various locations across Northern Ireland as part of this evaluation. See Northern Ireland Human Rights Commission "Annual Report and Accounts 2006-2007" p.25.

## Human Rights Education and Training Opportunities

There is a framework and clearly identifiable opportunities to enhance the focus on human rights education and training across the civil and public service. Moreover, in this challenging socio-economic climate there is even further reason for Government to proactively pursue opportunities to ensure service delivery is to the highest possible standard, with customer care and citizens rights at the core.

Aside from the various professional development frameworks within which human rights education and training components could constructively fit in, the following are notable existing bodies with a mandate to ensure human rights law is implemented in practice either directly or indirectly through their work.



## Education and Training Bodies and Opportunities for engagement

### Civil Service Training and Development Centre

#### Overview:

The Civil Service Training and Development Centre (CSTDC) is the main training provider for the Civil Service. It operates under the *Framework for Civil Service Training and Development, 2004-2008* guided by a cross-departmental training and development committee comprising senior civil servants. The CSTDC provides professional and technical training and development tailored to the individual operational needs of particular departments. It has the stated objective of promoting awareness of and commitment to equality and diversity across the civil service.<sup>875</sup>

#### Opportunities:

In light of the need to ensure that legislation meets human rights standards, of particular interest are a series of technical and knowledge-based programmes offered by the CSTDC, including training on the legislative process, on regulatory impact analysis, and on the preparation of statutory instruments.

The training course on the legislative process targets departmental officials involved in the preparation of legislation or whose work requires knowledge of the legislative process. The main contributors to the course are representatives of the Office of the Parliamentary Counsel to the Government and the Public Bills Office in the Houses of the Oireachtas. The course takes place over two days. It has a module on the Constitutional Framework, where the focus is on Article 15 on the role of the Executive. As there is no explicit or implicit reference to human rights law, including the ECHR, there is scope to improve the overall value and effectiveness of this course by including a deeper focus on human rights.

The only course at time off writing that provides explicit human rights education and training is that on Administrative law.<sup>876</sup> The one day course is delivered by the Advisory Counsel at the Attorney General's Office and is targeted at officials whose work would require knowledge of administrative law. The course has seven modules, one of which is dedicated to the ECHR. Other modules on Judicial Review have the potential to be human rights oriented. In fact there is potential to make human rights a feature of all modules on the course.

Other training offered relates to the legislative process on regulatory impact analysis (RIA).<sup>877</sup> However, RIA is a tool to assess the impact of a regulatory proposal on socially excluded or vulnerable groups. In conducting a RIA, policy makers have recently been asked to carry out a Poverty Impact Assessment<sup>878</sup> as part of the RIA process. Including training on Poverty Impact Assessment would provide those involved in RIA with more precise tools to assess the implications of regulations on vulnerable groups and would have the potential to make the RIA training more human rights-based.

While there is currently a low level of human rights education and training within the programme offered by the CSTDC there has been a clear openness to work with the Irish Human Rights Commission to identify opportunities.

875 Framework for Civil Service Training and Development 2004-2008.

876 Civil Service Training and Development Centre's Course on Administrative Law.

877 Regulatory Impact Analysis (RIA) must be applied to all proposals for primary legislation involving changes to the regulatory framework, significant Statutory Instruments, draft EU Directives and significant EU Regulations.

878 Poverty Impact Assessment (PIA) is defined as: *The process by which government departments, local authorities and State agencies assess policies and programmes at design, implementation and review stages in relation to the likely impact that they will have or have had on poverty and on inequalities which are likely to lead to poverty, with a view to poverty reduction.* The primary aim of the process is to identify the impact of the policy proposal on those experiencing poverty or at risk of falling into poverty so that this can be given proper consideration in designing or reviewing the policy or programme. See Guidelines for Poverty Impact Assessment Office for Social Inclusion, March 2008.

### Departmental Training Officers Network

Each Government Department is responsible for the training and development of its staff and has an annual training budget which is used to provide in-house training and/or to procure it externally. Departments appoint departmental Training Officers who have specific responsibility for staff training. The programme of training is influenced by the strategic objectives and needs of the department and the developmental needs of individual staff as ascertained through the PMDS process.

#### Opportunities:

##### Training to deliver Quality Customer Services

Training is central to imbedding and operationalising the principles of the Customer Service Charter. In the Guidelines for the Preparation of Customer Service Charters and Customer Service Action Plans the need for training that provides staff with the skills that they require to fulfil these principles is identified. However, at time of writing a considerable time had elapsed since the last formal training course in Customer Charter implementation/Quality Customer Service (QCS). A QCS course was developed had been developed and was delivered by the Department of the Taoiseach in conjunction with the CSTDC, but was mainly for each Departmental QCS Officer to attend and it has not been repeated since. A number of Departments and Offices encompass the QCS Principles and Charter training into their induction training, and the Department of the Taoiseach have encouraged this at regular QCS Officer's meetings, and while there have also been discussions about the possibility of drafting a new course which can be ran and adapted accordingly across the civil service, no further progress has been made at time of writing due to mainly financial constraints.

### Committee for Judicial Studies

#### Overview:

The Judicial Studies Institute (JSI) which became known as the Committee for Judicial Studies in January 2011 was established in 1996 to provide for the ongoing education of the Judiciary. This is achieved by preparing and organising seminars and conferences for the further and continuing education of judges. The Committee also concerns itself with giving assistance and guidance to newly appointed Judges by issuing Bench Books.<sup>879</sup> The publication of a journal containing Conference papers and articles on legal topics of current interest is being planned.

The *Judicial Studies Journal (JSI Journal)* is a learned legal publication aimed at the Irish judiciary. The primary purpose of the Journal is to provide Irish judges with information and opinions that are relevant and useful to them in their work.

#### Opportunities:

As noted above, Judicial Studies is a relatively new area in Ireland. The Committee for Judicial Studies was established to oversee the planning and expenditure for judicial education and training. The Committee for Judicial Studies has organised, or facilitated attendance by judges at a number of events on international human rights in the past. Most of the human rights events organised by the Committee for Judicial Studies focus on the ECHR and its jurisprudence because it is part of Irish law. There has been less of a focus on international human rights instruments. However, the Committee for Judicial Studies is under-resourced, having only one person working as a co-ordinator. It does not have a dedicated building or a Dean of Judicial Studies or equivalent resource. There are also no resources available to devise full learning and development programmes or to carry out individual needs assessments. This has also meant that, with the exception of the District Court, no formal induction for any other level of the judiciary exists at present. In practice, it was reported that newly appointed Judges often take part in induction programmes provided by the Scottish Judicial Studies Committee.

879 Courts and Court Officers Act 1995.

## Institute of Public Administration

### Overview:

In relation to the wider public service, the Institute for Public Administration (IPA) is the leading provider of training, learning and development to civil and public servants, local government, State agencies and health service sectors in Ireland. The IPA offers its programme of activity through two streams: an education programme at both undergraduate and postgraduate level; and a short-term training programme of more skills-based courses. The courses are taught through a combination of distance learning and weekend seminars. The training programme offers courses of general interest such as people management and courses for specific sectors such as the health services and local government.

### Opportunities:

The Education Programme<sup>880</sup> does have some evidence of human rights but it is not brought to the fore. A suite of certificate and diploma courses are offered to public servants working in local government and the health services. One area where there is an implicit reference to human rights is in local government studies, which address the role of local government in promoting social inclusion and stems from pilot work carried out by the now closed statutory Combat Poverty Agency in the area. The Certificate in Public Management which can lead to a Degree in Public Administration has a law module in first year. The distance learning manual for the course contains two Chapters on human rights: one on the Irish Constitution and Fundamental Rights; and the other on the International Human Rights Law with a specific focus on the ECHR and the ECHR Act 2003. This Chapter was developed on the initiative of the Irish Human Rights Commission and now forms an integral examinable element of the course. It serves as a very positive example of the kind of cooperation and support which the IHRC can provide to training providers who wish to develop their Human Rights Education and Training capacities.

Many of the IPA courses have the possibility to include a stronger human rights focus. There is great potential for example in the Diploma in European Union Studies to increase its human rights content particularly in light of the passing of the Lisbon Treaty which includes the Charter of Fundamental Rights and which will lead to the European Union acceding to the European Convention of Human Rights. The BA in Administrative Justice and the MA in Criminal Justice could also include a focus on human rights and the criminal justice system, including human rights standards in relation to policing policies and procedures, places of detention and due process rights for example.

## An Garda Síochána

### Overview:

An Garda Síochána is an example within the public service where there is a more systematic approach being developed to integrate human rights across the whole organisation, in its policies and practices and in its approach to learning and development.

As noted above, over the past decade, progress has been made in improving and developing the training programmes in the Garda Síochána. From a human rights perspective, training and education initiatives have been introduced that seek to promote respect and protection of human rights. Indeed, there is a commitment in Templemore Garda College to integrate human rights awareness in all their courses.<sup>881</sup>

### Opportunities:

Garda Síochána Student/Probationer Training - Human Rights Education in compliance with human rights standards forms part of the syllabus for Garda students at the Garda College and during their work placements and assignments. In particular, students receive direction on:

- Promotion and Protection of Human Dignity and Rights;
- Policing in Democracies;
- Policing and the rule of law/discretion;
- Use of force - Police holds and self-defence aimed at a proportional use of force;
- Treatment of Persons in Custody (Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Stations Regulations) 1987;
- Training in the custody record (Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987;
- Fundamental rights under Articles 40 to 44 of the Irish Constitution.<sup>882</sup>

### 'Training Strategy for Human Rights and Diversity'

A Status Report on the implementation of the Garda Human Rights Action Plan provides some indication of the measures introduced to provide diversity and human rights awareness training to all members of the Gardaí in compliance with the recommendations of the Ionann Report.<sup>883</sup> A positive initiative by the Human Rights Office has been the preparation of a 'Training Strategy for Human Rights and Diversity' to mainstream human rights across Garda training programmes. The strategy provides the template in accordance with which all human rights and diversity training programmes must be developed.<sup>884</sup>

Some initiatives which have been initiated or concluded include a comprehensive training programme for immigration staff on human rights, diversity and refugee law; a 'Diversity Works' one-day training programme for delivery by Continuous Professional Trainers; the delivery of a training programme with a strong human rights focus to senior managers of Commissioner and Chief Superintendent rank; and the inclusion of content on human rights issues in the Sergeants' and Inspectors' promotion examinations.<sup>885</sup>

881 See for example, Dáil Debates, Vol. 563, (12 March 2003).

882 Government of Ireland United Nations International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment First National Report by Ireland as required under Article 19 of the Convention on the measures taken to give effect to the undertakings under the Convention, July 2009.

883 At the time of the Ionann Audit, Gardaí were not likely to have received human rights training unless they attended a special course or were recent recruits. No training had been provided to senior managers. Ionann Management Consultants Ltd, An Garda Síochána Human Rights Audit, June 2004, p. 99.

884 An Garda Síochána, Action Plan for the Implementation of the Recommendations of the Garda Human Rights Audit Report, Status Report as at 31 December 2007, at 2.3.

885 Further details on these initiatives and other Garda training initiatives can be found at An Garda Síochána, Action Plan for the Implementation of the Recommendations of the Garda Human Rights Audit Report, Status Report as at 31 December 2007. See also Dermot P.J. Walsh, Human Rights and Policing in Ireland: Law, Policy and Practice, 1st ed, Clarus Press, Dublin, 2009, pp. 425-429.

## Continuing Professional Development for Senior Gardaí

All supervisory and managerial development courses contain dedicated human rights, anti-racism and ethics training. Public Order Commanders receive lectures on the key principles underpinning the ECHR. They also receive lectures on the UDHR and ICCPR.

The Garda Síochána Inspectorate recommends that there should be a continual professional development (CPD) programme in place for each rank and civilian grade in the organisation.<sup>886</sup> It is widely acknowledged in the public and private sector that up-skilling on a regular basis through participation in CPD programmes is of primary importance.<sup>887</sup> In highlighting the importance of revamping the current CPD programmes in the Garda Síochána, Professor Dermot Walsh notes that “the value of human rights based training for new recruits will be severely undermined if it is not also extended to the existing body of members”.<sup>888</sup> It would be of benefit to the professional development of the Garda Síochána if existing members were provided with continual guidance and supported in their job through ongoing training with adequate human rights components.

Since 2004 a five day human rights programme the Garda Síochána *First Steps Generic Human Rights Training Programme for Trainers* has been delivered to approximately 50% of all Garda Trainers. An evaluation of the programme conducted in January 2005 indicates that the programme has been successful in providing Garda Trainers with sufficient knowledge to identify areas in their own training where human rights issues can be addressed.

To meet its legal obligations as an organ of the State, a Training Review Group was set up in 2008 by the Garda Commissioner. It delivered its report in February 2010. The Report proposes that “learning and training should be underpinned by a fundamental commitment to human rights and the principles of the European Convention on Human Rights.”<sup>889</sup>

### Solicitors and Barristers Professional Regulatory Bodies

#### Overview:

The Law Society of Ireland runs two full-time courses for trainees - the Professional Practice Course I and the Professional Practice Course II (PPC I and PPC II). The Law Society has incorporated some form of human rights education since the early 1990s. The Honourable Society of the Kings Inns does not provide a separate human rights subject for trainee Barristers.

#### Opportunities:

##### 1. Law Society of Ireland

An explicit focus on human rights in the training and continuous professional development of solicitors would be welcome.

##### 2. Honourable Society of the Kings Inns

A specific module in the Degree course on human rights in practice could be an important addition to the course.

886 *Ibid.*, p. 20.

887 The Department of Spatial Information Sciences in the Dublin Institute of Technology defines CPD as “the systematic updating and enhancement of skills, knowledge and competence which takes place throughout working life. Most professionals recognise the need for professional updating but CPD’s emphasis on systematic development and the comprehensive identification of learning opportunities now provides a framework within which both formal and informal learning activities can be set. Learning and development becomes planned, rather than accidental.”

888 Dermot P.J. Walsh, *Human Rights and Policing in Ireland: Law, Policy and Practice*, 1st ed, Clarus Press, Dublin, 2009, p. 783.

889 Report of the Training Review Group, February 2010, Section 1.8, p. 24.

### Assistant Secretaries Network

The Assistant Secretaries Network plays a strategic role in helping to set the reform agenda within the civil service. In addition, Secretary Generals attend regular meetings of the SMI Implementation Group of Secretary Generals and have an annual conference.

## Review and Recommendations

Ensuring the highest quality of human rights training for staff across the civil and public service enhances staff morale and quality of service delivery. Despite this, the State and its organs do not provide systematic training on human rights for civil and public servants. There is little guidance tailored to service providers in applying human rights principles in their work. However, key training providers for the civil and public service in Ireland are receptive to enhancing the human rights capacity of the organisations they train. In addition, there exists an openness to increasing the profile of human rights across the sector.

The IHRC has identified a number of short, medium, and long term opportunities in this area, where there is clearly scope to research, develop and potentially deliver human rights education and training courses tailor-made to the needs of Departments and services. A key requirement for this to come to fruition is the willingness and commitment of managers to see the value in human rights education and training.

The civil and public service is of fundamental importance to ensuring a viable, prosperous and sustainable democratic state that operates on the basis of the rule of law and ensuring the protection of human rights. Thus, all avenues to support their continued professional development vis-à-vis human rights education and training should receive prioritisation. Training priorities are created and shaped by each respective Department and guided by the Minister and senior civil servants responsible for that Department. Initial and continuous professional development programmes have become commonplace within the whole of the State's apparatus, to ensure staff are furnished with the required competencies to carry out their roles professionally.

As will be set out further in the next Chapter, the IHRC has undertaken a project to support the Government and Departments to address this need, and thus lead the way in providing human rights education and training to the civic and public sector. The aim is to support the State to meet its human rights commitments and support the delivery of effective quality public services, through continued professional development trainings.





# 11\_\_\_\_\_

# The Irish Human Rights Commission

# 11 \_\_\_\_\_ The Irish Human Rights Commission

The Irish Human Rights Commission (IHRC) is an independent statutory body with a mandate under the Human Rights Commission Act 2000 to promote and protect human rights in Ireland. Established pursuant to the Belfast/Good Friday Agreement, the composition, functions and powers of the IHRC are set out in the Human Rights Commission Acts 2000 and 2001. Pursuant to these acts the IHRC has a statutory remit to ensure that the human rights of all people in Ireland which derive from the Constitution, and the international treaties to which Ireland is a party, are promoted and protected in law, policy and practice.

The core functions of the IHRC are: providing recommendations and observations on the human rights implications of key legislative and policy questions, monitoring compliance with international and Constitutional human rights standards, promoting awareness, education and training on human rights, conducting enquiries into human rights issues and acting as *amicus curiae* (or 'friend of the court') before the Courts in individual cases. The IHRC is specifically mandated to work in the area of human rights education and awareness-raising. Section 8(e) of the Human Rights Commission Act 2000 provides that one of the functions of the Commission is:

**to promote understanding and awareness of the importance of human rights in the State and, for those purposes, to undertake, sponsor or commission, or provide financial or other assistance for, research and educational activities.**

The IHRC is also Ireland's National Human Rights Institution (NHRI), and it is recognised as such by the United Nations. The role and functions of the IHRC derive from international standards for national institutions for the promotion and protection of human rights; the United Nations Principles relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights—the 'Paris Principles'.<sup>890</sup> The Paris Principles specifically task NHRIs with awareness raising and education functions, including promoting information on and ratification of human rights instruments, and:

**(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;**

**(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.<sup>891</sup>**

NHRIs globally have a strong network at the international level; the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). This body comprises 67 NHRIs from around the world that

890 *Principles relating to the Status of National Institutions* (The Paris Principles) Adopted by General Assembly resolution 48/134 of 20 December 1993.

891 *Ibid.*

are fully in compliance with the Paris Principles. The ICC is supported by the Office of the High Commissioner for Human Rights (OHCHR), which actively promotes the role of NHRIs and their engagement at the regional and international levels. NHRIs that are in compliance with the Paris Principles ('A' Status institutions, such as the IHRC), are entitled to make statements before the Human Rights Council and actively engage with UN Treaty Bodies, among other roles.<sup>892</sup> The position of NHRIs at the international level, allows the IHRC to have a role in the development of human rights education initiatives at the international and regional level, as well as to engage with international and regional actors working in the area, and to learn from NHRIs in other countries.

## The IHRC Human Rights Education and Training Project

### Overview

The IHRC, in accordance with its statutory mandate, has developed a Human Rights Education and Training Project specifically for the Irish civil and public service. This represents the first dedicated and systematic multi-service programme of human rights training for the wider Irish civil and public service.

The project has been developed within the context of the UN World Programme for Human Rights Education (2005-ongoing), which set out to advance the implementation of human rights education programmes in all sectors but particularly the civil service. The focus of the Second Phase of the World Programme for Human Rights Education (WPHRE) 2010-2014 is “[h]uman rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel at all levels.”

### Human Rights Training

The IHRC recognises that the Irish civil and public service are committed to human rights through their core organisational principles and values that place an emphasis on respect for persons, impartiality, respect for the law, accountability, honesty/integrity, diligence and transparency at the heart of their operations.<sup>893</sup> A deeper understanding of the foundations of international human rights obligations can consolidate understanding and application of these values through their work.

As noted in previous chapters, human rights obligations are set out through international, domestic and local legislation and regulations. The legal responsibility to respect human rights applies to all State actors. As the civil and public service are the interface between the Government, its policies, law and the people, human

<sup>892</sup> For further information on NHRIs see European Union Fundamental Rights Agency, *National Human Rights Institutions in the EU Member States*, 2010; E. Mac Aodha and K. Roberts *National Human Rights Institutions in Europe*, *European Yearbook on Human Rights* 2011; K. Roberts, *National Human Rights Institutions as Diplomacy Actors* in Michael O’Flaherty, George Ulrich, Zdzislaw Kedzia and, Amrei Muller (eds), *Human Rights Diplomacy - Contemporary Perspectives*, Dordrecht 2011, Chapter 14. See also, A. E. Pohjola, *The Evolution of National Human Rights Institutions – The Role of the United Nations*, Copenhagen 2006.

<sup>893</sup> *Civil Service Values, An Introduction to Irish Civil Service*, p. 23.

rights concerns are relevant from management to front-line, and everywhere in between. At a senior level, the responsibility to ensure human rights may lie within the areas of development of strategic direction and departmental policy formation; whereas at certain other levels understanding and applying human rights might be more relevant in terms of service-delivery. For these reasons, the human rights training for the civil and public service project needed to be bespoke and far-reaching in terms of scope and outreach.

## Aims of the Project

The Human Rights Education and Training Project was developed in order to provide targeted human rights education and training to the civil and public service. As such, in the short term it aimed to:

- Provide increased **awareness** of applicable human rights standards; and
- Increase the **capacity** of civil and public service bodies to conduct internal training related to human rights.

In the longer term the aims include:

- Providing an **ongoing resource** of the applicable human rights standards;
- Promoting a **policy shift** towards better integration of human rights standards across the sector and into Irish law and policy; and
- Effecting a more positive view of the **benefits** of incorporating human rights training.

## Methodology

The project adopted the pedagogy of human rights education from its inception. In order for training to be effective the project adopted a three dimensional approach to training which focuses on not only the provision of information to develop **knowledge**, but also addresses **values, attitudes** and **approaches** towards incorporating human rights through the everyday work of the civil and public service.

## Phase 1

The project was launched in 2010, at a time when Government Departments and public service bodies were being faced with considerable pressure through reduced resources and increased performance expectations. In light of this, the project sought to ensure it could best serve these groups and complement the progress already made within the existing structures.

Research was conducted on existing structures, standards, experiences and reports of the civil and public service including standards of behaviour, customer charters, guiding principles, dignity and equality guidelines.<sup>894</sup> This process also involved a range of consultations with key stakeholders in the civil and public service to allow for a full understanding of context and needs, and subsequently to devise a plan for engagement.

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894 Among those core documents identified include the Civil Service Code of Standards and Behaviour (2008); Training and Development in the Civil Service (2000); A Guide to Competency Development in the Civil Service, Centre for Management and Organisation Development; Framework for Training and Development 2004 – 2008; Departmental and Service Customer Service Charters and Customer Charters.

One key issue was the decentralised nature of Departments and public services throughout the country, which could have presented an obstacle to access to training. To counteract this, the project created a universally accessible website/microsite to serve as an educational resource for all interested members of the civil or public service. Moreover, the IHRC planned to ensure trainings would be held throughout the country as needed, minimising staff release time.

### Microsite

The project website ([www.ihrc.ie/training](http://www.ihrc.ie/training)) was launched in September 2010 and contains a wide range of useful information and interactive functions to help ensure the user's learning experience is interesting, dynamic and engaging.

There are also options and links to more information for further learning. The website is a primary learning tool which complements face-to-face trainings, by allowing for the possibility of on-line learning, and will allow for group discussions and further interactive tools going forward. In the first six months of the site going live, statistics have shown that there has been considerable interest in the site from throughout Ireland, and further afield, as it is now being accessed in almost 100 countries across the world.

### Human Rights Guide for the Civil and Public Service

Stakeholder consultations carried out by the project showed that there was interest in the project's initiative to develop a *Human Rights Guide for the Civil and Public Service*, to serve as a quick reference on the key principles of International, European and domestic human rights law. As the project aims to develop useful resources to support the training, this publication was prepared and published at an early stage specifically for the target audience.

The Guide was published in September 2010 and is circulated throughout the civil and public service by the project. By June 2011, approximately 4,000 guides had been distributed to, for example Government Departments, An Garda Síochána, the Defence Forces, Local Authorities (City and County Councils) and libraries, amongst other locations. The Guide is available in both Irish and English.

### Pilot Training and Training Rollout

In Phase 1 the first face-to-face human rights training sessions were held for interested organisations within the civil and public service. These sessions focused on the fundamentals of human rights such as key concepts, principles and the core basis of human rights in domestic and international law. All courses however have specific references and examples relevant to the particular civil and public service.

Organisations throughout the civil and public service have made contact or have been contacted directly by the project as part of an initial needs assessment discussion. On the basis of these discussions, the organisations are presented with a draft outline of training tailored to their needs, for their consideration. Once agreement is reached on the outline, the project then undertakes extensive research and develops the training.

At June 2011, 250 individuals throughout the civil and public service had received face-to-face training with an anticipated further 120 by the end of Phase 1 (August 2011). Face-to-face training will continue to form part of the core work of the

project until such time as capacity within organisations is built up to conduct in-house human rights training.

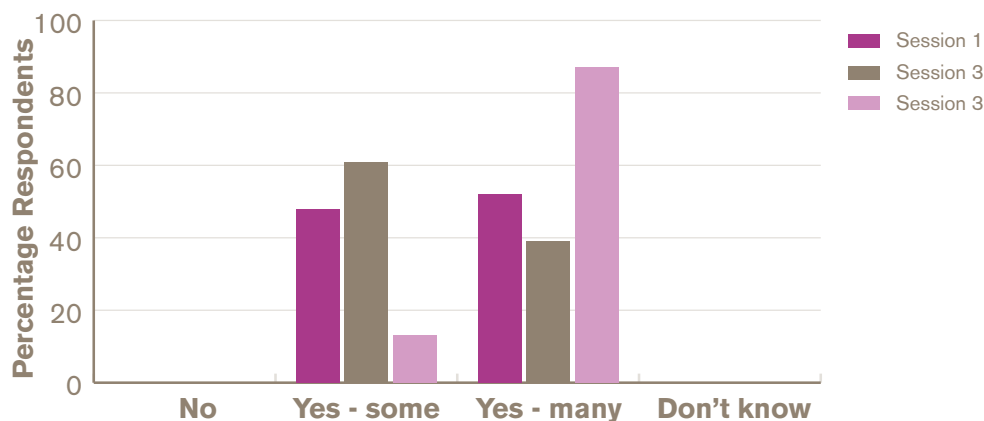
### Training for Trainers

One of the key rationales behind the project is to promote a policy shift towards better integration of human rights standards across the sector and into Irish law, policy and practice. In order to achieve this in the long term, the project is focusing efforts on developing a Training for Trainers package which will build the capacity of Training Officers within the civil and public service to carry out human rights training from within, and to connect staff training needs, through the Performance Management Development System (PMDS), with human rights training. This aspect of the project will be developed in Phase 1 and expanded through subsequent project phases.

### Evaluation and Feedback

The project is being independently evaluated for the quality and effectiveness of its activities and progress. The outcome of the Mid-Term evaluation report in February 2011 concluded that feedback from the first series of training sessions being held was “extremely positive”, in terms of training materials and quality of trainings themselves. These conclusions are drawn from the direct feedback of the civil and public service staff who participated in training.

One of the questions participants are asked by means of independent evaluation is: **“Do you think that colleagues from your place of work would benefit from participating in this training?”** The results are displayed by means of a graph below.<sup>895</sup>



The chart indicates that all participants see value in the training, with a majority over the three sessions believing that “many” of their colleagues would benefit from it if given the opportunity to participate in it. Participants of trainings are also asked to rate the project in greater detail around a series of key indicators. The results, from a sample of three training sessions, are displayed in the table below.

895 Human Rights Education and Training Project, Mid-Term Evaluation Report for the IHRC, February 2011.

Session Component	Average Score out of 10		
	Training 1	Training 2	Training 3
Materials	8.3	7.6	7.0
Trainer Knowledge	9.3	8.4	7.4
Trainer Style	9.3	8.4	7.8
Met Your Needs/Expectations?	8.5	7.9	7.5

Again, the chart suggests that by and large the training is rating in the upper-quarter percentiles of all categories.

The Project is also being closely followed by various international organisations including the United Nations Committee on the Elimination of Racial Discrimination (CERD) and other National Human Rights Institutions around the world. The CERD Committee in its 2011 *Concluding Observations on Ireland*, expressed concern that human rights training had not been mainstreamed in the civil service. It recommended that the “the State party strengthens its efforts to sensitise relevant civil servants on human rights issues particularly against racism and intolerance by ensuring that human rights training is mainstreamed”.<sup>896</sup> To this end, the Committee went on to invite the authorities to:

**develop a coordinated work plan with the Irish Human Rights Commission (IHRC) that allows the IHRC to rais[e] awareness and provide human rights training to all civil servants including the Garda Síochána (Police) and the judiciary.<sup>897</sup>**

Separately, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, in a letter to the President of the IHRC praised the project activities, noting that it is “essential to mainstream human rights implementation across government departments and to become aware of the human rights implication of government policies more generally”. Commissioner Hammarberg also expressed his conviction that the project can serve to inspire similar initiatives elsewhere in Europe.

By proactively applying a human rights framework through training and development, the civil and public service will be seen as a global champion of human rights and will have set the standard for other countries to follow. It is especially important for human rights to be prioritised at times when society is facing increased pressures such as unemployment and high debt burdens. This may be achieved by proactive incorporation and application of human rights into organisational processes. The value attained from doing so is not only for the benefit of the general public, but also for the benefit of the civil and public service themselves.

<sup>896</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination - Ireland, UN Doc. CERD/C/IRL/CO/3-4, 10 March 2011, para 24.

<sup>897</sup> *Ibid.*





12\_\_\_\_

# Developing a National Action Plan for Human Rights Education and Training in Ireland

# 12 \_\_\_\_\_ Developing a National Action Plan for Human Rights Education and Training in Ireland

This report has aimed to map the scope and extent of human rights education and training in a variety of contexts, including formal and non-formal education, and continuous professional development. It is clear from the consideration, that human rights education and training is most evident in the formal education sector. It is also clear that it is evolving in the non-formal education sector. Finally, it is clear that there are serious gaps in the provision of human rights education and training in the civil and public service. However, what is also evident is that there is a genuine openness to strengthen human rights education and training across all sectors. To achieve coherence in the development and delivery of human rights education and training, and for Ireland to meet its obligations in this area, a Human Rights Education and Training Action Plan with the necessary resources allocated for its implementation is required.

## Steps to be taken

A National Action Plan for Human Rights Education and Training does not need to be a lengthy document or resource-intensive. The OHCHR has set out five steps that States should take towards establishing a National Action Plan. On the basis of the analysis in this report and the steps identified by the OHCHR, the IHRC considers that the following steps should be taken to establish a National Action Plan in Ireland:

### **Step 1: Establishing a National Committee for Human Rights Education and Training**

The IHRC considers that a committee on human rights education and training should be formed comprising representatives from across Government Departments, statutory bodies, educational bodies and civil society under the stewardship of the Minister for Education and Skills and the Minister for Public Expenditure and Reform. As a National Action Plan should cover human rights education and training in primary, secondary and third level education, as well as in the civil and public service, it should be ensured that the committee includes Departmental representatives relevant to those areas. The committee should also include relevant statutory bodies, and the IHRC considers that it should have a prominent role in any such committee.

This committee should be responsible for the development, implementation, monitoring and evaluation of a National Action Plan. The process of developing the plan should be a consultative one and the committee must be required to seek the views of civil society including Trade Unions and other groups in its work.

### **Step 2: Conducting a Baseline Study**

It is important that a National Action Plan is based on knowledge of the current state of affairs of human rights education and training in Ireland. The present report

aims to provide information relevant for a baseline assessment of the current provision of human rights education and training, across the formal and non-formal sectors. The IHRC considers that the present report should provide sufficient information to act as a basis for the identification of priorities for the National Action Plan. The priorities set should also be informed by the priority areas identified by the OHCHR for the Second Phase of the World Programme for Human Rights Education. The sectors identified by the OHCHR include the education of teachers/educators in primary and post-primary settings, third level institutions, civil servants, law enforcement officials and the military.

### Step 3: Setting Priorities

Priorities in human rights education and training need to be established for the short, medium, and long term on the basis of the findings of the baseline study. These priorities may be set on the basis of the most pressing needs, and on the basis of opportunity. In this regard, the baseline study provides information to assist in setting priorities in the different areas to be covered by such a plan. A National Action Plan should not merely be a 'wish list'; prioritisation is essential to ensure that a strategic approach is taken, and opportunities capitalised upon.

### Step 4: Developing the National Plan

In response to the needs identified in the baseline study, the National Action Plan should identify priority areas and the challenges and opportunities that exist in those areas, specify the actions to be taken and set out specific objectives and measurable performance indicators. It should also specify who is responsible, the allocation of resources where necessary, and it should set a timeframe. The Plan should also specify responsibility for monitoring and evaluation.

National Action Plans are usually developed over a fixed period, for example five years. Development of the plan should be based on a number of general principles including: promoting human rights education and training for all, empowering communities and individuals to identify human rights and to ensure that they are being protected, and fostering knowledge of and skills to use global, regional, national, and local instruments and mechanisms for the protection of those rights.

The draft Plan of Action for the Second Phase of the WPHRE could be a guide on how such a plan can be structured, particularly where the promotion of human rights education and training with more than one sector is prioritised. The WPHRE Action Plan sets out the context and definition of human rights education, the objectives of the WPHRE and the principles for human rights education activities. As the Second Phase prioritises human rights education in higher education and human rights training for civil servants, law enforcement officials and the military, the overall plan encompasses a specific action plan for each sector. The IHRC considers that such an approach should be used in the development of the National Action Plan for Ireland, as, for example, the needs of higher education are distinct from those of the civil service.

A comparative consideration of National Action Plans from other jurisdictions would also be helpful in the development of the Irish plan, particularly those that have already been undertaken in relation to human rights education in primary and post-primary settings under the First Phase of the WPHRE.

As Ireland's National Human Rights Institution, the IHRC considers that it has a key role to play in the development and monitoring of a National Action Plan.

## **Step 5: Implementing the National Action Plan**

Effective implementation is essential for the credibility of the national plan. It is vital that the plan is created in a consultative manner so as to ensure 'buy-in' from those who will be responsible for implementing the plan. It is also vital that responsibilities are clearly assigned, that there are set objectives and targets, and clear, realistic timeframes for the outcomes.

## **Step 6: Reviewing and Revising the National Action Plan**

The National Action Plan should allow enough flexibility to ensure that it can be modified as needed. It should be periodically reviewed and revised as necessary to ensure effective responses to the needs identified by the baseline study. In particular, there should be periodic evaluations of the plan.

Ensuring implementation also requires monitoring. A clear monitoring structure should be put in place. Regular consultations should take place with those involved in the implementation of the plan, and recipients of the education and training provided under it, to monitor and assess its progress.

## **What areas will be covered by a National Action Plan?**

The World Programme for Human Rights Education (WPHRE) envisages five elements for national action plans. These elements have been used in the present report to structure the consideration of human rights education and training in Ireland. The Plan of Action for the Second Phase (2010-2014) of the WPHRE targets different sectors, highlighted above, which could also be the case in an Irish context. Within an overall human rights action plan, each sector will require its own plan but the elements for each are the same. Elaborated, these elements are:

### **Policies**

Policies are understood as statements of commitment on the part of a government. Policies in the context of a National Action Plan include legislation, plans of action, curricula and training policies. These policies should explicitly promote human rights in education and training. Policies should also be developed in a consultative and participatory manner in cooperation with all relevant stakeholders and fulfil international treaty obligations to provide and promote quality education, and awareness of, and education in, human rights.

### **Policy Implementation**

To be effective, policies need a consistent implementation strategy, including measures such as the allocation of adequate resources and the setting-up of coordination mechanisms that ensure coherence, monitoring and accountability. Any policy implementation strategy should take into account the range of implementers

and stakeholders at the national level (such as the relevant Government Departments, independent statutory bodies, teacher and civil and public service unions, research bodies, civil society organisations) and the local level (such as local government), and involve them in putting the policies into practice.

## Teaching and Learning: Process and Tools

In the context of formal education for example, this would include ensuring that all elements of curriculum content and objectives are human rights-based, that educational methodologies are democratic and participatory, and that all materials and textbooks are consistent with human rights values. In the context of the civil and public service, it would seek to ensure that policies for training and development are based on human rights principles. Examples of such approaches in Ireland are referred to in this report.

## Learning and Working Environment

A central tenet of human rights education is to build a culture of human rights. The National Action Plan should consider the whole environment: the workplace and the learning space. A rights-based environment respects and promotes the human rights of everyone and is characterised by mutual understanding, respect and the practice of rights by all in any context.

## Education, training and professional development

Introducing or improving human rights education requires the adoption of a holistic approach to teaching and learning. Strategies to ensure the effectiveness of human rights training for adult audiences such as the civil and public service include training methodologies and practices that are audience specific, have relevant and practical content, are participatory and sensitising, provide for peer-learning and enhance self-esteem. The learning outcomes should have a focus on not only knowledge, but skills to tackle human rights issues and foster attitudes and behaviours that promote and defend human rights in practice.

## Examples of National Plans of Action from other Countries

As noted above, the Plan of Action for the WPHRE identifies five key components for a successful national programme of human rights education. These components, listed below, should be addressed in National Action Plans:-

- Legislation and Policies;
- Policy Implementation;
- Teaching and Learning: Process and Tools;
- Learning and Working Environment;
- Education and Professional Development.

National Action Plans should include a comprehensive set of objectives, strategies and programmes for human rights education, together with evaluation mechanisms.<sup>898</sup>

898 OHCHR, "Guidelines for National Plans of Action for Human Rights Education", p.14.

National Action Plans do not need to be long, as evidenced by the Plans submitted by various States to the United Nations pursuant to the First Phase of the WPHRE.<sup>899</sup> These documents vary from between 3 and 66 pages, though averaging between 20 and 30 pages. The documents do not necessarily address the five components of a successful Human Rights Education Programme in neat categories. Most of the Plans do not address evaluation mechanisms. In order to implement a National Action Plan in Ireland, it may be useful to consider the National Action Plans in other countries. The following examples are not exhaustive of the Action Plan of the State in question; they are included in order to provide examples of what National Action Plans contain, and how States have implemented their Plans. In addition, it must be noted that these Plans were for the implementation of the First Phase of the WPHRE, and therefore focus on the formal education sector.

The National Action Plan of **Portugal** is divided into nine sections, which primarily deal with the dissemination of information on Human Rights Education to the public, through seminars, conferences and via the mass media.<sup>900</sup> The plan states the actions required to be undertaken nationally by State organs in order to further human rights education. One of these activities is to stimulate the ratification of international human rights treaties which had not yet been ratified at the time of writing. Educating teachers is also addressed in the Plan, which states that teacher education on human rights will be provided and that all schools in the country will receive a human rights kit. The kit is to contain, inter alia, a Handbook on Human Rights, posters promoting human rights, the Diary of Anne Frank and lists of books and movies on Human Rights.

The National Action Plan of **Greece** sets out the priorities for the State including: the right of education for all; the provision for children's specific educational needs; and combating educational exclusion.<sup>901</sup> Recognising the diversity of the student population in Greece, the Plan primarily discusses policies implemented to prevent educational exclusion. An interesting action implemented by Greece is the establishment of a Parliament of Adolescents, which is a programme run by the Greek Parliament. The aims of the programme are:

- the cultivation of a positive attitude towards the value of participating in 'communal life'; and
- induction in the values, rules and practices of democracy.

The Parliament provides young people with a forum where they can discuss issues of importance to them, and where they can provide their visions for the future.

The Swedish National Plan states that education policies and legislation in Sweden are explicitly based on human rights principles.<sup>902</sup> The compulsory curricula for social subjects require that Swedish Law and international fundamental rights and freedoms, such as those contained in the Universal Declaration of Human Rights, be reflected.

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899 Plans are available on the OHCHR website. See <http://www2.ohchr.org/english/issues/education/training/national-actions-plans.htm>.

900 Portugal, "Plan of Action for the UN Decade for Human Rights Education", Lisbon, 1999.

901 Greek Ministry of National, Educational and Religious Affairs, "Human Rights Education Action Plan", 2008.

902 Government of Sweden, Sweden's National Plan of Action for Human Rights, (excerpt on Human Rights Education) 2001/02, at P. 53 see <http://www2.ohchr.org/english/issues/education/training/docs/actions-plans/Sweden.pdf>.



As regards the promotion of human rights educational materials, a survey was conducted in Sweden in 2001 to ascertain the types and amount of human rights material available to educators.<sup>903</sup> The survey revealed that there was sufficient material available but that it was not available in a consolidated form.

The Plan states that the Government intended gathering all the material and then commissioning a reference pack which could be used in schools. In addition, the Government intended to review this material to ascertain whether it needed to be supplemented in particular areas.

## Evaluation of National Action Plans

The United Nations undertook an Evaluation on the Implementation of National Action Plans under the First Phase of the World Programme for Human Rights Education in 2010. 76 States provided information for the evaluation on the progress of the implementation of human rights education in schools.<sup>904</sup>

The Evaluation considers the Plans under the five components of a successful Action Plan. Overall, the major findings of the Evaluation were the “absence of explicit policies and detailed implementation strategies for human rights education and the lack of systematic approaches to the production of materials, the training of teachers and the promotion of a learning environment which fosters human rights values”.<sup>905</sup> **The critiques identified in the Evaluation should be taken on board by Ireland when formulating its National Action Plan.**

## Examples of Priority Areas for the National Action Plan in Ireland

As noted above, setting priorities is identified by OHCHR as a key step in establishing a National Action Plan. On the basis of the present Report, the IHRC considers that the following areas could be among those considered for prioritisation in the development of a National Action Plan.

### Legal Framework

The National Action Plan should clearly set out Ireland’s commitment to human rights education and training, as set out in the WPHRE.

It should be ensured that all legislation and policies in development, or that will be developed in the future are compliant with Ireland’s obligations to human rights education.

### Learning Environment

A human rights course for all Colleges of Education should be developed, in consultation with the Colleges, taking into account good practice models.

903 *Ibid.* at p. 63.

904 Ireland was not included in the Evaluation as the State has not yet prepared a National Action Plan.

905 UN, Final Evaluation of the First Phase of the World Programme for Human Rights Education, 24 August 2010, A/65/322, at para. 65.

Initial teacher education and continuous professional development for teachers and educators should include human rights education. Human rights and a human rights approach to education should be a core aspect of teacher education.

Primary education teacher colleges should be encouraged and supported by the Department of Education and Skills to make human rights education a mandatory component of and cross-cutting approach in the Bachelor of Education. Post-primary higher education institutions that deliver the PGDE should be encouraged and supported by the Department of Education and Skills elevate human rights education as a core component of the course and make CSPE a mandatory component and a building block for Politics and Society.

## **Primary School Curriculum**

Opportunities to embed human rights across the curriculum should be supported and advanced.

Within the primary school curriculum, SPHE has the most potential for human rights education. The time allocated for SPHE should be increased and the time and space given to human rights education within SPHE also increased.

The learning from projects such as *Lift Off* should be mainstreamed in primary education.

## **Post-Primary School Curriculum**

The Plan should support the CSPE programme including reintroducing dedicated support structures.

The status of CSPE within the curriculum should be increased and CSPE should be mandatory, particularly as there is no equivalent primary degree in the subject.

A human rights unit within the Transition Year Programme should be developed.

A working group should be set up by the NCCA to integrate human rights in the curricula of such subjects, linking such an initiative to whole-school planning.

Human rights education resources and supports should be developed to support the roll-out of Politics and Society.

## **Third Level Education**

The relevance of human rights education to all disciplines should be profiled and examples of good practice in human rights education in diverse disciplines highlighted and supported, including through networks across disciplines to promote human rights education.

## **Community and Voluntary Sector**

The Plan should make a clear statement of support for initiatives undertaken in this sector and identify resources to be provided to the sector to deliver human rights education and training, particularly at local and community level.

The Plan should also support the establishment of a trainer's network through which community and voluntary organisations could pool their resources together in order to provide human rights education. This would provide significant savings for already stretched resources and could also facilitate organisations to target a wider audience than would otherwise have been feasible.

## **Civil and Public Service**

The Plan should provide a clear statement of commitment to implementing the requirement set out in Section 3 of the ECHR Act by ensuring that all members of the Civil and Public Service in Ireland will receive human rights education and training and such training should be a core aspect of the training and development programme.

The Plan should identify target groups who should receive education and training in the first phase of the plan: the Garda Síochána, Defence Forces, and Senior Management in Government Departments.

The Plan should prioritise the provision of training to these groups. The training provided should be developed in light of good practice models. In this regard, the IHRC notes that it has been developing and implementing a human rights education and training project with the Civil and Public Service since 2010, and that the learning from this project would be particularly useful in initiating a national programme of training. Human rights education training programmes should be developed having regard for and building on the work of the IHRC's Human Rights Education and Training Project with the civil and public service.

The professional bodies of solicitors and barristers should be encouraged to give more explicit attention to human rights in their education and continuous professional development programmes.



# Appendices

**List of Community and Voluntary Organisations who provided information to IHRC on their Human Rights Education Work in response to IHRC request for information:**

1. **AkiDwA** [www.akidwa.ie](http://www.akidwa.ie)
2. **Amnesty International - Irish section** [www.amnesty.ie](http://www.amnesty.ie)
3. **Community Action Network** [www.canaction.ie](http://www.canaction.ie)
4. **Cheeverstown House** [www.cheeverstown.ie](http://www.cheeverstown.ie)
5. **Comhlamh** [www.comhlamh.org](http://www.comhlamh.org)
6. **Dochas** [www.dochas.ie](http://www.dochas.ie)
7. **European Anti-Poverty Network** [www.eapn.ie](http://www.eapn.ie)
8. **Irish Council for Civil Liberties** [www.iccl.ie](http://www.iccl.ie)
9. **Immigrant Council of Ireland** [www.immigrantcouncil.ie](http://www.immigrantcouncil.ie)
10. **Inclusion Ireland** [www.inclusionireland.ie](http://www.inclusionireland.ie)
11. **Ireland-En-Route** [www.iomdublin.org/irelandenroute.html](http://www.iomdublin.org/irelandenroute.html)
12. **Irish Traveller Movement** [www.itm.ie](http://www.itm.ie)
13. **Kerry Action for Development Education** [www.kade.ie](http://www.kade.ie)
14. **Marriage Equality** [www.marriagequality.ie](http://www.marriagequality.ie)
15. **National Youth Council of Ireland** [www.youth.ie](http://www.youth.ie)
16. **Public Interest Law Alliance** (Project of FLAC – Free Legal Advice Centres) [www.pila.ie](http://www.pila.ie)
17. **Older & Bolder** [www.olderandbolder.ie](http://www.olderandbolder.ie)
18. **Older Women's Network** [www.ownireland.ie](http://www.ownireland.ie)
19. **Society of St Vincent De Paul** [www.svp.ie](http://www.svp.ie)
20. **The Wheel** [www.wheel.ie](http://www.wheel.ie)
21. **Transgender Equality Network Ireland** [www.teni.ie](http://www.teni.ie)
22. **Voluntary Services Overseas** [www.vso.ie](http://www.vso.ie)
23. **Women's Aid** [www.womensaid.ie](http://www.womensaid.ie)





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