

Committee on the Administration of Justice
Affiliated to the International Federation for Human Rights

**Submission to the Committee on
Economic, Social and Cultural Rights**

**For consideration during the Committee's scrutiny of the United
Kingdom Government's Report.**

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SUGGESTED QUESTIONS FOR THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS TO PUT TO THE UNITED KINGDOM GOVERNMENT

1. How has the government responded to the recommendations and issues raised by the Standing Advisory Commission on Human Rights concerning educational inequalities in Northern Ireland? In particular how will the role of secondary schools be better defined and supported to ensure improved effectiveness; what measures are being taken to focus resources and support on primary schools in areas of disadvantage; how is the underspend in the recurrent expenditure in maintained schools prior to the introduction of Local Management of Schools being addressed?
2. What value does the government place on the consultative process of domestic review, intended to precede the submission of periodic reports to the United Nations, and has any such process begun with regard to the global report on the ESCR Covenant due from the United Kingdom.
3. Why is there such delay in responding to the responding to the government's consultative paper issued in December 1992 on the introduction of Race Relations legislation in Northern Ireland? Can a realistic target date for the introduction of legislation now be given? Will any new legislation make provision for the specific support services related to education for minority groups?
4. What plans does the government have to introduce free child care facilities to colleges of further and continuing education to ensure that women have equal access to training and education?
5. Does the government plan to expand the Irish medium in broadcasting in both radio and television?
6. How does the government ensure parity of support to schools in the Irish medium with support to the other three sectors, controlled, maintained and integrated?

1. COMMITTEE ON THE ADMINISTRATION OF JUSTICE

The Committee on the Administration of Justice (CAJ) is an independent civil liberties organisation formed in 1981 to work for the highest standards in the administration of justice in Northern Ireland. CAJ is affiliated to the International Federation for Human Rights which has consultative status at the United Nations.

The CAJ is opposed to the use of violence to achieve political goals in Northern Ireland, and draws its membership from all sections of the community. In the Committee's view, the protection of civil liberties is an important element in the establishment of a just and peaceful society. Given the recent ceasefires in Northern Ireland and the prospect of a negotiated settlement to the conflict it is particularly important to ensure that minimum standards of rights and protections are integral to whatever constitutional arrangements pertain.

2. NORTHERN IRELAND

Northern Ireland is a divided society segregated in where people live, work, socialize, play sport and are educated. Northern Ireland is the most disadvantaged of the regions of the United Kingdom: there are higher levels of unemployment, benefit dependency, disability, income variability and lower household income levels. Within Europe it is classified as a poor region and within Northern Ireland itself severe pockets of deprivation are found. In 1991 childcare agencies noted that one third of all children in Northern Ireland were living in poverty. Research shows that male Catholics are more than twice as likely to be unemployed than male Protestants. Although religious discrimination in employment is illegal, a leaked government document indicates that the government do not expect current fair employment legislation will rectify this longstanding problem.

3. THE NORTHERN IRELAND EDUCATION SYSTEM

3.1 Education in Northern Ireland is covered by different legislation and administrative practices than in the rest of the UK. While the school system in England and Wales has moved from being selective to comprehensive, the system in Northern Ireland has not. Testing at the age of 11 divides children into grammar school and secondary school pupils; the grammar schools produce some of the highest achievement results in the UK whilst in 1989 28.6% of boys left Catholic secondary schools without any formal qualifications. How the system manages to produce both the best and the worst levels of attainment is a complex interaction of several factors including religion, social class, gender, geographical location and differential funding.

3.2 Children start school at the age of four in Northern Ireland, a year earlier than children in the rest of the UK. Despite this nursery places are available for less than a third of children aged three - the lowest level of provision in the UK. There is no mandatory requirement to provide nursery places. The 1994 Report of the Chief

Inspector of the Social Services Inspectorate states: "Provision of day care in Northern Ireland is piecemeal and is lower than in other European countries... total provision is negligible relative to demand."

3.3 Catholic and Protestant schools, which are known as maintained and controlled sectors, operate two separate systems of administration. This system results in over 98% of children and young people being educated separately. A third category, namely integrated schools were developed during the 1980s and provide education in the same school for both Catholics and Protestants. Education in the Irish medium is also a growing sector although has little government support and is not acknowledged in the legislation.

3.4 The main education legislation for Northern Ireland is the Education and Libraries (NI) Order 1986 as amended by the Education (NI) Order 1987 and the Education (Corporal Punishment) (NI) Order 1987. The Education Reform (NI) Order 1989 amends rather than replaces the 1986 Order.

3.5 Central government control over the administration of education in Northern Ireland is through the Department of Education (DENI), as directed by the 1989 Order. This is achieved in the main by DENI's control over the educational budget and its administrative relationships with the various managing bodies - the five Area Education and Library Boards, the Council for Catholic Maintained Schools and trustees of other voluntary schools.

3.6 There are various forms of school management structures in Northern Ireland which are identified as two religious systems. Controlled schools have a largely Protestant enrolment and teaching staff, and voluntary maintained schools have a largely Catholic enrolment and teaching staff. Since 1993 most voluntary grammar schools receive all their running costs and 100% of capital costs from the state - this is a new development in the light of recent research criticism that the maintained sector was not as well resourced as the controlled in terms of buildings and equipment. Previously, approved capital expenditure was grant-aided up to a maximum of 85% in the maintained sector.

3.7 Controlled schools are owned and managed by the Education and Library Boards and include also nursery and special schools for children with disabilities. The management committees or Boards of Governors of most controlled schools have strong representation from the main Protestant churches, and whilst termed state schools, are in effect perceived as Protestant schools. The governing bodies of maintained schools are made up of mainly Catholic Church representatives and although in law no child can be refused enrolment on religious grounds, the pupils and staff would be almost exclusively Catholic.

3.8 Integrated schools make up just over 1% of the pupil enrolment in Northern Ireland. The Education Reform (NI) Order 1989 imposes a duty on the Department of Education to "encourage and facilitate the development of integrated education." (These are schools established to educate Protestant and Catholic children together.) The continued existence of the selective grammar school system with its strong academic focus, limits the opportunity for integrated comprehensive schools to gain

popular support. Initially these schools were run as independent schools funded privately, by parents' groups and by raising money from charitable trusts, but the 1989 Order created a new category of Grant Maintained Integrated Schools, receiving 100% grant-aid, capital and revenue, as well as controlled integrated schools where the Education and Library Boards own the school which is again fully funded. Procedures to change the status of the school to integrated can be instigated by the parents whereas previously this procedure could only be initiated by the trustees of a school.

3.9 In response to the research and reports produced by the Standing Advisory Commission on Human Rights which indicated serious underfunding of the Catholic (Maintained) sector, the Department of Education has put into place a comprehensive monitoring programme of schools recurrent and capital expenditure. This was introduced in 1993, and it remains to be seen how effective or widely disseminated the monitoring reports will be.

3.10 The Local Management of Schools (LMS) initiative came into effect in April 1991 which formulates the Department's budget allocation to each school and delegates responsibility for its management to the school. This is designed to avoid reinforcing the elite schools at the expense of those where real need lies. LMS budgets are intended to be weighted according to the level of need in the area, for example the need for extra tuition in English for children who do not have English as a first language, or special needs for children with disabilities. However close monitoring is required to ensure that any such allowances are not subsumed into the school's overall budget and lost to the target group for which they were intended.

3.11 Monitoring the effect of changes to the funding arrangements on existing differentials will be important. The Department now conducts an annual School Leavers Survey which incorporates information on vocational and academic qualifications attained. This survey has shown disturbing statistics on attainment differentials between Catholic and Protestant school leavers and on gender differences and geographical variations.

4. THE PROCESS OF REPORTING

4.1 The government of the United Kingdom signed the International Covenant on Economic, Social and Cultural Rights on 16 September 1968, and ratified it on 20 May 1976. As one of the early signatories, the UK is now completing its second cycle of periodic reports, prior to implementing the new five-yearly global reporting procedure. The first periodic report on articles 13-15 was drawn up in 1982, and although the second was due in September 1989, it is now 12 years since a comprehensive review of the UK's compliance with the requirements of the Covenant as described in articles 13-15.

4.2 The streamlining of the reporting procedure in 1988 had as one of its objectives "...to make the nature and periodicity of the reporting process more readily understood by all concerned and in particular, to enhance the effectiveness of the overall monitoring system." With the system so far behind schedule from a country relatively well equipped

to respond to the requirements, the anticipated benefits may have been lost in the quest for an administratively more friendly process. Reporting from the UK continues to be regarded as a routine task for civil servants as opposed to the intended opportunity for a comprehensive domestic review of current policies and practices.

4.3 There would be little public awareness in Northern Ireland of the system of member states reporting to the UN on their compliance with the various international covenants to which the UK is signatory. It is disappointing that the UK government has not sought to develop any internal debate on this current submission and the opportunity for NGOs to contact the Committee on Economic, Social and Cultural Rights and inform its response is very welcome.

4.4 In its General Comment of 1989 the ESCR Committee laid out clearly the objectives of the reports, much of which appears to have been lost on the UK government.

4.4.1 There is no evidence of a national review or an examination of regional variations, nor of any process of open debate and consultation with relevant agencies.

4.4.2 The experiences of individuals have not been examined nor has any attention been paid to "any worse-off groups or sub-groups which appear to be particularly vulnerable or disadvantaged." (ESCR Committee, General Comment No.1, 1989).

4.4.3 The UK report has not been disseminated generally in Northern Ireland at any stage in its production.

4.4.4 There is no evidence of any specific targets being set by which the progressive realisation of the articles of the Covenant could be evaluated, nor of the development of locally established and therefore meaningful indicators.

4.4.6 Any difficulties experienced in compiling the report or in meeting the requirements of the Covenant are not addressed.

4.5 It seems clear that if the UK government is aware of these guidelines contained in the General Comment, they have largely been ignored. Far from elevating the report to providing policy targets and directions towards achieving the ideals of the Covenant, it has been produced for Northern Ireland at least, with minimal discussion or consultation.

5. ARTICLE 13.1

5.1 Race Relations legislation does not apply in Northern Ireland. A consultative document was issued in December 1992 on its proposed introduction, since when no

further developments have occurred. Government has not responded officially to the many submissions made at that time and there is no immediate prospect of new legislation. Overt and institutional racism and discrimination continue without any means of redress for ethnic minority groups.

5.2 Government policy should be more directive in respect of its declared policy of promoting pluralism and diversity in schools. Particularly in Northern Ireland where no legal protection is offered to racial or ethnic minority groups, school management budgets should be adjusted according to need to ensure that a multi-cultural approach to learning is valued and promoted.

5.3 A significant number of people in Northern Ireland feel that their educational opportunities are not "directed to the full development of the human personality and the sense of its dignity". The normal experience of children of minority groups is to be put into a remedial class for extra tuition, regardless of how bright the child might be. Schools are not adequately resourced to provide separate language tuition. Voluntary support organisations such as the Chinese Welfare Association run English classes for parents and children, but this is outside school and based in the city only. Although the Department of Education has now produced a policy document on the education of Travellers, an indigenous minority ethnic group, this has not made any obvious impact on individual school's practice. Ethnic minority groups and those who wish to have their children educated in Irish as a first language do not have an equal opportunity to do so.

5.4 Students with disabilities cannot always access mainstream provision which not only denies them equal opportunities to attain qualifications, but further distances them from society by removing them from the every day experience of other students.

5.5 The promotion of "...understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups..." is also far from realised within the current national curriculum. Despite an extensive Education for Mutual Understanding programme operating between Catholic and Protestant primary schools, nothing has been done to develop a more global perspective or to introduce human rights education into schools. The Department of Education core syllabus in Religious Education is completely Christian centred and leaves no room for a creative approach to teaching and the exploration of other world religions. Pupils encounter problems in school assembly, in Holy Day observations and with Christmas celebrations. No meaningful alternative activity is provided if pupils withdraw from Religious Education, and an opportunity is being lost in applying this narrow approach, to promote a climate of understanding and acceptance of difference which would be particularly beneficial in Northern Ireland.

5.6 It is argued that the numbers of minority groups are too low to warrant special programmes. Exact numbers are not known as the last census did not take account of ethnic groups, however it is estimated that in the region of 14,000 people are living throughout Northern Ireland, mainly Chinese with Indian, Travellers and Asian groups also in significant numbers. Their very isolation makes support all the more important.

6. ARTICLE 13.2

6.1 Government funded research which identifies serious differentials in attainment levels highlights the problems of access to opportunity experienced by many young people in Northern Ireland. The attainment of certain standards of academic or vocational training is a useful indicator of the contribution the school system is making to a particular group. The centrality of education in society creates a vital opportunity for social mobility and community development for everyone, not only the materially advantaged and physically and intellectually elite.

6.2 The Standing Advisory Commission on Human Rights was established under section 20 of the Northern Ireland Constitution Act of 1973 to advise the Secretary of State on the adequacy and effectiveness of current and proposed legislation in preventing discrimination on the grounds of religious belief or political opinion. The Commission is an independent statutory body which advises the Secretary of State on the full range of human rights safeguards in Northern Ireland, its remit in practice being broader than that prescribed by statute.

6.3 The Commission had been concerned for some time about the significant employment differentials which exist in Northern Ireland between the Catholic and Protestant communities. Lower levels of attainment in the Catholic community were considered a possible factor in the higher levels of unemployment experienced (more than twice as high among Catholic men than Protestants) and in the disadvantages recorded within the labour market. In 1988 the Commission embarked on a three-year programme of research into the human rights implications of education policies and structures in Northern Ireland. It is remarkable that the UK government report makes no reference to the extensive work carried out by its own watchdog agency.

6.4 The research findings show disturbing differences in effectiveness of the system with regard to factors such as gender, religion, social class and geographical location, and most beg further exploration. However a range of recommendations were put forward to the Secretary of State, and it is disappointing that these are not reported.

6.5 In disadvantaged areas throughout Northern Ireland, in urban ghettos and isolated rural communities, expectations and attainment levels are low. Pupils are often poorly served in primary school and many are not even entered for the 11+ selection test. Others who do "qualify" do not have the resources either to travel long distances (in the case of many Catholic grammar schools) or to keep up with the extra costs associated with uniform and school activities, and are therefore unable to take up a grammar school place. Such young people are perhaps second or third generation unemployed with no family experience of higher education, and therefore understandably little parental support and motivation.

6.6 Catholic boys attending secondary schools appear to be worst served by the system. While grammar schools have a clear remit of academic advancement, the role of the secondary school is less well defined. Large injections of money to the Catholic grammar schools will do little to address this problem. The issues around disadvantage, low expectations and a cycle of under-achievement should be further examined looking not only at religious differences but using social and economic indicators.

6.7 Curriculum differences between Catholic and Protestant schools show a bias towards arts and the humanities in Catholic schools and towards science and technology in Protestant schools. Recent capital grants to Catholic grammar schools to improve facilities are an effort to address this, but there is also an overall lesser interest in science in Northern Ireland than in the rest of the UK, as well as a clear gender difference with girls under-represented in science and technology, particularly after the third year.

6.8 Throughout the studies produced by the Standing Advisory Commission the difference in curriculum, teachers and attainment levels between secondary and grammar schools is remarkable. Many more Catholic children are educated in the secondary system than at grammar schools and it is therefore unlikely given the benefits associated with grammar school education, that the differential between Catholic and Protestant pupils will be corrected while this system pertains.

6.9 The abolition of student living grants and poorly resourced childcare facilities at third level institutions mitigate against admirable policy intentions to encourage participation. The introduction of the student loan system effectively abolishes living grants and in an area of high unemployment, puts unacceptable stress on students. The inhibiting effect on potential college students is difficult to monitor, but in a qualitative study of life in disadvantaged areas it was mentioned as a significant factor in decision making.

7. ARTICLE 13.3

7.1 The selective test at age 11 is extremely stressful for pupils, parents and teachers, and is unnecessarily divisive. From that stage, effectively two separate institutions exist (sub-divided again into Catholic, Protestant and Integrated), the grammar stream which focusses on academic achievement and has the highest regional attainment levels in the UK, and the secondary schools, which do not have a clear focus and which are characterised by very poor attainment levels. The emphasis placed on achieving the highest grade in the selection exams as the critical criterion for acceptance into grammar school severely limits parental and pupil choice of school and significantly curtails the development of a multi-cultural enrolment.

7.2 Under Article 13.3 of the Covenant, parents are entitled to have their children educated in schools established independently from the state. There is a growing body of Irish language schools throughout Northern Ireland. These tend to be located in inner-city areas of social and economic disadvantage and in Catholic areas, although the enrolment would not be exclusively Catholic. Nursery schools are most common and these often have after-school clubs, parent and toddler groups and Irish classes for parents and others in the community. None of these nursery schools receives funding from the state; there are two primary schools in receipt of grant-aid and one un-funded secondary school operating in the Irish medium. These have been supported for many years by the voluntary contributions of parents and the local community where the school often takes on a broad developmental role in addition to its educational function.

7.3 The lack of legislative recognition of Irish medium education similar to that given to integrated schools is a serious concern. Irish medium schools disappeared in Northern Ireland during the 1920s and re-emerged in 1971, funded independently. It is suggested that under Article 13.3 and also Article 8 of the European Charter for Regional or Minority Languages, education in Irish should be supported and promoted under the 1989 Order equally with other sectors.

8. ARTICLE 14

8.1 The provision of school places free of charge does not necessarily fully meet the obligations contained within the Covenant. Implementing rights is not simply a matter of whether or not people are starving or whether people can attend a school. In well developed countries such as the UK many people are not having their needs met or else have them met at a level that is unacceptably low by the standards of that society. It is therefore possible to pursue international objectives which do not make any impact on the sections of society for which they were designed. In any monitoring programme the desegregation of information into race, religion, income group, sex, age, is necessary in developed countries to ensure the protection of the most vulnerable groups within that society.

9. ARTICLE 15

9.1 The Arts Council in Northern Ireland has recently undertaken a major review of its role and priorities, contained in the Priestley Report and the Council's subsequent strategy document. Whilst the NI Arts Council has welcome aspirations to support community initiatives and projects involving people with special needs and disabilities, such priorities are not yet fully reflected in its resource allocation. It is important, particularly with the imminent advent of substantial National Lottery funds, that criteria for disbursement are developed which give equal priority to these groups as to the more established and traditional arts. Lottery finance in particular ought to be focussed on the disadvantaged communities from which in the main it will be raised.

9.2 Approximately 10 percent of the population in Northern Ireland actively uses the Irish language, and it is important that the media reflects this interest. There has in recent years been a substantial improvement in the use of Irish in the media, and it is recommended that this is further developed by creating one radio station and one television channel in Irish, possibly as a joint venture with the Republic of Ireland.

10. CONCLUSION

The Covenant makes no distinction between those who are and those who are less entitled to full access to education; the ideal of equal status schools in Northern Ireland - Catholic, Protestant, integrated and Irish speaking - equally resourced and optional for parents to choose for their children, with a multi-cultural curriculum fully supported by a range of appropriate agencies, would surely make a positive impact on society.