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المجلس الاقتصادي والاجتماعي



لجنة حقوق الإنسان

الدورة التاسعة والخمسون

البند ١٠ من جدول الأعمال

الحقوق الاقتصادية والاجتماعية والثقافية

رسالة مؤرخة ٣١ آذار/مارس ٢٠٠٣ موجهة من الممثلة الدائمة

للمملكة المتحدة لبريطانيا العظمى وآيرلندا الشمالية لدى مكتب

الأمم المتحدة بجنيف إلى رئيسة لجنة حقوق الإنسان

تجدون طيه تعليقات حكومة المملكة المتحدة على تقرير الأستاذة الجامعية كاتارينا توماشفسكي، المقررة الخاصة المعنية بالحق في التعليم، عن البعثة التي قامت بها إلى آيرلندا الشمالية في الفترة من ٢٤ تشرين الثاني/نوفمبر إلى ١ كانون الأول/ديسمبر ٢٠٠٢. ويرجى التكرم بتعميم هذه الرسالة وضميمتها* كوثيقة من وثائق لجنة حقوق الإنسان.

توقيع: أودري غلوفر

السفيرة

الممثلة الدائمة

* مستنسخة في المرفق كما وردت، وباللغة التي قدمت بها فقط.

Annex

**ECONOMIC, SOCIAL AND CULTURAL RIGHTS: REPORT OF THE UN
SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION, PROFESSOR
KATARINA TOMAŠEVSKI: ADDENDUM ON HER MISSION TO
NORTHERN IRELAND 24 NOVEMBER – 1 DECEMBER 2002**

**RESPONSE BY THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND**

Introduction

1. The United Kingdom Government welcomes the report of the Special Rapporteur on the right to education on her mission to Northern Ireland and the opportunity to respond.
2. The United Kingdom Government recognises Professor Tomaševski's analysis of the social, political and economic circumstances of Northern Ireland in which schools operate, and the human rights and legal obligations incumbent upon the Government, and particularly upon the Department of Education, which have been fairly presented. The Department is very conscious of the key role which education must play in securing human rights and equality for all, and, more specifically, in helping to tackle both prejudice and conflict and their underlying causes, and works to these ends in the development and implementation of its policies.

I. THE CONTEXT

Integrated Education

3. Professor Tomaševski's report makes a number of references to integrated education (the education together of Protestant and Catholic children), the first in paragraph 7, and often observing that the demand for integrated education exceeds its supply. In paragraph 33 the report observes that "*the pledge of the 1998 Agreement to facilitate integrated education has not led to a statistically visible dent in segregation*". Integrated education is a steadily growing sector in Northern Ireland. Although it is correct to state that only 5% of all pupils attend integrated schools (while the rest attend schools which are either under Catholic or Protestant management or predominantly attended by children from Protestant or Catholic families) the sector has grown considerably since the 1998

Agreement was signed. Prior to 1998 there were 8,100 pupils enrolled in 33 integrated schools. At present there are 15,300 pupils enrolled in 47 integrated schools: this represents an 88% increase in pupil numbers. By September 2003 there will be 50 such schools. The Department has a statutory duty to encourage and facilitate the development of integrated education; it funds the Northern Ireland Council for Integrated Education, which is the promotional body for the integrated sector; and it is publicly committed to supporting the target set by the integrated sector itself of an expected average annual 10% growth in enrolments in integrated schools.

4. In Northern Ireland the education system is based upon the fundamental precept, enshrined in law, that children shall be educated in accordance with the wishes of their parents; this is consistent with Article 2 of the first Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms which provides that in the exercise of its functions in relation to education the State must respect the right of parents to have their own religious and philosophical convictions respected. That 95% of schools are either denominational or perceived to be such derives from the historic wishes of parents in Northern Ireland to send their children to a Catholic or a Protestant school.

5. The report points to the fact that demand for integrated education exceeds supply. It is true that most integrated schools are over-subscribed, but so are virtually all grammar schools. Many parents have chosen an integrated school for their child for reasons which are little to do with educating Catholic and Protestant children together, such as the school's pupil:teacher ratio or its new buildings; the Department is also aware of a widely-held view among parents, irrespective of religious persuasion, that an integrated post-primary school is the next best option for those who have failed to gain a grammar place.

6. In paragraph 11, and again in paragraph 42, the establishment of a Children's Commissioner for Northern Ireland is touched on. This development is to be supported by a cross-Governmental overarching Strategy for children and young people, which has just completed its informal consultation stage. The issue of integrated education and the role of education in addressing sectarianism and promoting peace-building was raised in many of the responses to that consultation, and an interdepartmental group is currently considering how best to take these, and the other issues identified, forward. The Strategy should offer an

appropriate vehicle for considering and addressing a number of the issues raised in the Special Rapporteur's report.

II INTERFACE BETWEEN SCHOOL AND SOCIETY

A: Holy Cross Girls' School

7. The Government's initial response to the situation at Holy Cross was to make available additional funding to support measures that the school had identified as necessary to meet the needs of their staff and pupils and to assist an initiative of diversionary activities for young people in the area.

8. As a direct result of the difficulties emanating from the Holy Cross dispute, significant additional funding was provided to support measures to address the immediate needs of schools in North Belfast to spend on additional support for their pupils, to support post-primary schools and youth clubs in the area and to employ additional temporary teaching staff and classroom assistants.

9. The Department of Education will continue to support schools and their employing authorities in providing all pupils and schools with a safe and secure environment that is conducive to learning. The Department will be taking forward work to develop a longer-term strategic approach to support schools directly affected by ongoing community tensions. This will consider the increasing need for intervention to support schools and pupils and will examine the wider issues impacting on pupils with the aim of providing assistance for pupils, schools and the communities they serve.

B: St Mary's Primary School – Traveller Education

10. The Department of Education certainly recognises, and has helped the school to celebrate, the excellent work done by St Mary's Primary School, and its predecessor St Paul's Primary School, to improve the educational achievements of Traveller children. Indeed the Department, together with the Belfast Education and Library Board and the Council for Catholic Maintained Schools, has for several years targeted human and financial resources at improving Traveller children's attendance at school, at both primary and post-primary levels, the relevance of the curriculum through the production of multi-ethnic

curriculum materials which reflect the Traveller way of life, and the attainment of Traveller children. As the report mentions, there have been suggestions from some quarters that St Mary's Primary School should close because it is attended, currently, solely by Traveller children. Recognising that this position reflects the wishes of the Traveller parents, the Department has resisted these suggestions, and will continue to do so while it remains a viable school through parental choice.

III: ON-GOING POST-PRIMARY REFORM

A: Teenage Pregnancy

11. Paragraph 23 discusses sex education in schools, indicating that it is 'unregulated'. This is not strictly true: elements of Sex Education are taught through both the science programme of study (eg the changes of puberty, the basic biology of reproduction, sexually transmitted infections) and the Health Education cross-curricular theme (eg healthy lifestyles, the processes of human conception and birth), both of which are compulsory aspects of the curriculum. Schools' Personal and Social Education programmes also deal with aspects such as self-esteem and making informed and healthy life choices. Following wide consultation carried out by the Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA), the Department issued in August 2001 a Circular of guidance to schools, accompanied by comprehensive guidance prepared by CCEA on Relationships and Sexuality Education. Working with the charity Save the Children, the Department has also instituted pilot schemes across Northern Ireland whereby pregnant girls and young mothers are supported to complete their education.

IV: DEFINING HUMAN RIGHTS PARAMETERS FOR EDUCATION

A: Exclusion versus inclusion - Special Education

12. Paragraph 29 touches on the education of children with disabilities together with all others, observing that the criterion for placement of 'the efficient use of resources' "... results in their neglect in mainstream schools or continued segregation unless human rights correctives are in place". There are in

fact three conditions which must be met if a child with special educational needs is to be educated in a mainstream school: first and foremost, that the placement can meet his or her needs; secondly, that it will not adversely affect the efficient education of the children with whom the child with special educational needs will be educated; and thirdly, that it represents an efficient use of resources. The Department is not aware of any single case where a child was not placed at a mainstream school purely on cost grounds. On the contrary, there have been many hundreds of instances where significant costs have been incurred (for example, installation of a lift and other physical alterations, or provision of classroom assistance) to facilitate the attendance at a mainstream school of a single child with a disability. The primary considerations for the Education and Library Boards in the assessment and placement of a child are whether the placement will meet that child's needs and the efficient education of the other children in the class. Approximately 35% of children with statements of special educational need in Northern Ireland are placed in mainstream classes in mainstream schools: this proportion has been increasing steadily in recent years and now is more than double that of 10 years ago. If pupils with statements in special units attached to mainstream schools are included, this figure becomes 53%.

13. It must also be remembered that many parents choose a special school placement over a mainstream placement for their child because of the concentration of specialist skills, the range of equipment and resources and the adapted environment.

14. The Department has recently completed a consultation exercise on proposals for legislation aimed at enhancing the educational opportunities for children and young people with special educational needs and disabilities. It is expected that draft legislation will be introduced into the Northern Ireland Assembly, or Westminster Parliament as the case may be, later this year.

V: A PEACE-BUILDING ROLE FOR EDUCATION

15. Paragraph 44 of the report discusses the differences in perspectives on a shared history, people and events. It points out that although there is a common curriculum for history, *"few schoolchildren learn contradictory versions of history, reasons for divergent facts and conflicting interpretations"*.

Understanding the ways in which historical developments can be the subject of

differing interpretations and reinterpretations, and learning the skills of historical inquiry and how to interpret, analyse and evaluate historical accounts from different perspectives, have for over a decade been part of the programme of study for history at Key Stage 4 (age 14-16) and part of the GCSE History syllabus. All pupils except those who have opted not to study history in Key Stage 4 are taught these skills.

16. Moreover, the Government is introducing Citizenship as part of the curriculum for pupils in all year groups in all schools, and the new programme is being piloted in each year group on a rolling implementation basis, starting in Year 8 (first year of post-primary school). The pilot is now in its fourth year and involves 75 of Northern Ireland's 235 post-primary schools. The programme, called Local and Global Citizenship, aims to develop the capacity of young people to participate positively and effectively in society, to influence democratic processes, and to make informed and responsible decisions as local and global citizens throughout their lives. The course also provides an opportunity for schools to help young people find ways to contribute to democracy.

17. Local and Global Citizenship is based around investigation of the following core concepts:

- diversity and inclusion, including issues of identity;
- equality and social justice, including the principles of equality and justice enshrined in law and instruments such as the United Nations Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the planned Northern Ireland Bill of Rights;
- democracy and active participation, including how young people may act in a democratic way to respond positively to social, economic, environmental and political challenges; and, underpinning all these,
- human rights and social responsibility.

18. Pupils have opportunities to investigate all the core concepts through a number of issues, some of which relate directly to Northern Ireland: real-life examples and case studies provide a challenging and relevant basis to engage young people with important issues which affect their lives, and to help them clarify their own values against a moral framework. It is planned that the programme will be introduced into all post-primary schools by 2006. A complementary programme for the primary sector will be developed.