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**M**uch has changed in Ireland and internationally since John Marcus O'Sullivan was framing the 1930 Vocational Education Act. In particular, thinking about children, their needs and rights, has progressed significantly. This is especially evident in the United Nations Convention on the Rights of the Child (UNCRC) (1989). The ramifications of ratifying the Convention are far reaching. This paper links the UNCRC with schooling, proposing that the Convention is a useful lens through which to re-imagine schools. The UNCRC is also put forward as an ethical framework for engaging with a growing intercultural and multidenominational society. Secondly, some of the issues associated with terms like 'multi-denominational' and 'interdenominational' are explored. Finally, the concept of 'curricular justice' is proposed as arising from the UNCRC. Curricular justice, when linked to school size, is seen as presenting uncomfortable challenges.

The UNCRC, origins and development

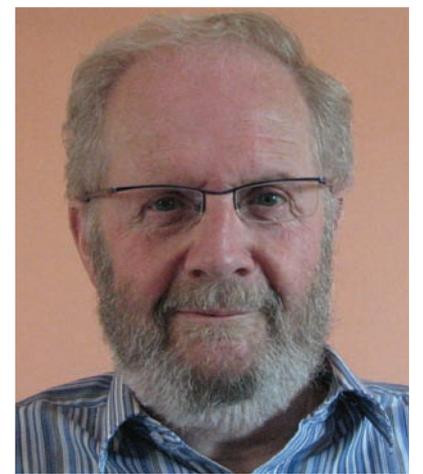
Eglantyne Jebb (1876-1928), an Englishwoman and contemporary of John Marcus O'Sullivan, was so horrified by the impact of World War I on children that, in 1919, she founded the Save the Children Fund, an organisation that still thrives. Furthermore, she approached the International Union in 1923 to get them to adopt a Children's Charter. The result was the Declaration on the Rights of the Child or the Geneva Declaration, drafted mainly by Jebb and adopted the following year by the League of Nations. (Harrison, 2004). That Declaration sets out five basic rights.

- The child must be given the means requisite for its normal development, both materially and spiritually.
- The child that is hungry must be fed, the child that is sick must be nursed, the child that is backward must be helped, the delinquent child must be reclaimed, and the orphan and the waif must be sheltered and succoured.
- The child must be the first to receive relief in times of distress.
- The child must be put in a position

to earn a livelihood, and must be protected against every form of exploitation.

- The child must be brought up in the consciousness that its talents must be devoted to the service of its fellow men. (League of Nations, 1924)

Within these focused concerns are the seeds of ideas that germinate in the Universal Declaration of Human



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Rights (UN, 1948), the Declaration of the Rights of the Child (UN, 1959) and, most dramatically, in the Convention on the Rights of the Child (UN, 1989).

## THE CONVENTION

Since Ireland ratified the Convention in 1992, its impact on public policy has been pronounced. Four key values underpin the Convention. They are:

- Non-discrimination
- Commitment to the best interests of the child
- The right to life, survival and development
- Respect for the views of the child.

The various articles can be grouped into four categories:

**Survival rights:** include the child's right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services.

**Protection rights:** ensure children are safeguarded against all forms of abuse, neglect and exploitation.

**Development rights:** include the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.

**Participation rights:** encompass children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully. As their abilities develop, children are to have increasing opportunities to participate in the activities of their society, in preparation for responsible adulthood. (UN, 1989)

## IMPACT ON IRISH PUBLIC POLICY

The Convention's understanding and articulation of children as active participants rather than as passive recipients is seen, in varying ways, in such initiatives as the National

Children's Strategy 2000, the Children Act 2001, the Ombudsman for Children Act 2002, the establishment of the Department of Children and Youth Affairs 2011 and, more recently, in the passing of the Children's Referendum in 2012. Within the education sphere, we can catch glimpses of its impact, for example, in the Education Act 1998, the Education (Welfare) Act 2000, and the Education for Person with Special Education Needs (EPSEN) Act 2004.

In the Irish context, these developments have to be placed against the disturbing evidence in reports like the Ryan Report (2009) and the recent RTÉ programme on child care, *In Breach of Trust*.

Some of our traditions of dealing with children and young people are strongly authoritarian and very much at variance with the spirit of the UNCRC. I suspect that many of the more contentious debates at school staff meetings hinge of a clash of an authoritarian view with a rights-based one.

## AN EMERGING QUESTION FROM THE UNCRC

From a children's rights perspective, an examination of the UNCRC prompts a key question for educators:

## HOW CAN SCHOOLS BE RE-CONFIGURED AS SITES FOR THE GREATER REALISATION OF YOUNG PEOPLE'S RIGHTS, ESPECIALLY THEIR DEVELOPMENTAL AND PARTICIPATION RIGHTS?

Elsewhere, I have suggested that the UNCRC lens might usefully look at the following topics: relationships, curriculum, school governance, school leadership, teacher education, admissions policies, architecture, care (Jeffers, 2013, in press).

In addition, the UNCRC can provide

a rigorous framework for any school engaging in self-evaluation. Other manifestations of a rights-based perspective can be seen, for example, in *The Yellow Flag* project, an initiative pioneered by the Irish Traveller Movement and aimed at schools wishing to respond to our increasingly intercultural society.

## SOME SPECIFIC UNCRC ARTICLES OF RELEVANCE TO SCHOOLS

Working with teachers following post-graduate programmes in NUI Maynooth has taught me that they consistently identify about seven UNCRC articles as having particular relevance to schools. These are

**Article 2.** '... without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status'

**Article 3.** 'In all actions concerning children... the best interests of the child shall be a primary consideration'.

**Article 12.** '... the child who is capable of forming his or her own views (has) the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child'.

**Article 23.** '...a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community'.

**Article 28.** 'the right of the child to education', progressively and on the basis of equal opportunity...

**Article 29.** Education to be directed to:  
(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles

enshrined in the Charter of the United Nations;

- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

**Article 42.** States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Furthermore, these students – all experienced practising teachers – can at times be disarmingly frank in their contributions in class and in their written assignments. Few believe, for example, that schools do enough to listen to young people's voices or to promote democratic classrooms. Student Councils are often seen as tokenistic. Some state that school rules are often framed in negative and disempowering language. One student recently surveyed staffroom colleagues and found that more than half were not familiar with the contents of the UNCRC!

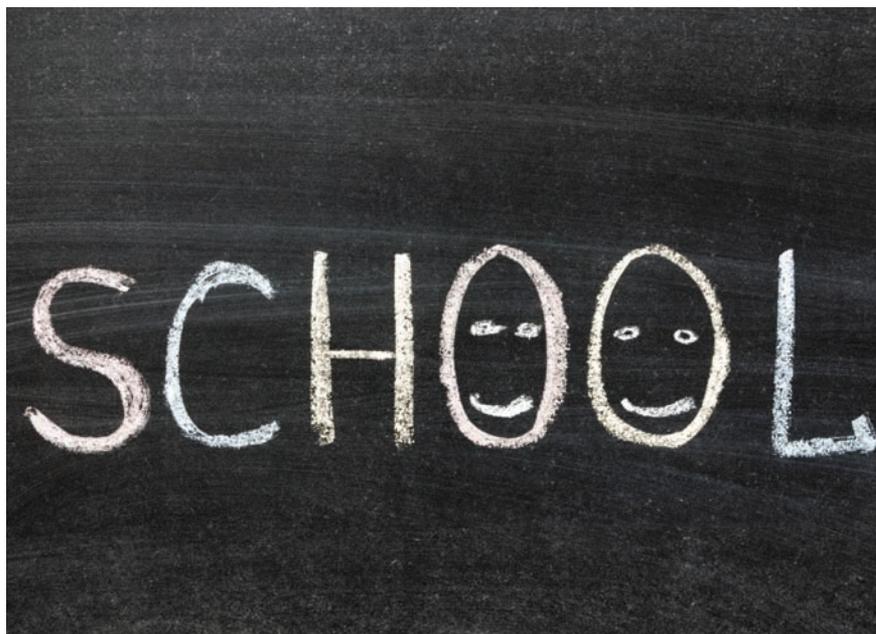
### THE CHILD: RELIGION, CONSCIENCE, FREEDOM

Article 14 of the UNCRC obliges States to '....respect the right of the child to freedom of thought, conscience and religion'. As with article 12 regarding children's views and opinions, the concept of the 'evolving capacities of the child' is invoked. This presents children, their parents and schools with special challenges, particularly in our new, emerging intercultural society.

Earlier this year, I facilitated a series of public meetings with parents about their wishes for their children's second-level schooling. These parents wish their children to attend schools that are safe, happy, caring places. They expect such schools to be staffed by committed and competent teachers, led by visionary leaders and to support their children in identifying and realising their varied potential. For many, the school as a community focal point, a site where children learn to mix with children and young people from different ethnic, cultural and religious backgrounds is important. This aspiration to an inclusive school environment led to some particularly interesting exchanges concerning the denominational character of schools.

The views expressed covered a rich spectrum. Broadly speaking, there was a rejection of two extremes, one of a somewhat caricatured view of Catholic schooling where the focus seemed to be primarily on moral prohibitions, the other of a secular school where religion was totally absent. A majority appear to favour a school where different religious traditions are respected in word and in practice, where religious education is available and where those who wish to 'opt out' are facilitated with sensitivity.

Most parents seemed to be of the opinion that 'multi-denominational' is an appropriate term to cover the ethos of such a school. (The Department of Education and Skills website [www.education.ie](http://www.education.ie) currently appears to prefer the term 'inter-denominational'). In general, parents displayed some confusion - or at least vagueness - about the denominational status of a school; it did not seem to be a burning issue, compared to, for example, the community focus, the concern for facilities, the quality of teaching and care or a visionary leadership. Sometimes in these discussions it seemed that 'multi-denominational' was being embraced because it resonates more with the multiculturalism or interculturalism we see and hear all around us. At times I wondered whether a 'multi-denominational' ethos was being imagined as, in essence, a Catholic one 'with a small c', a kind of 'catholic-lite', a somewhat religiously diluted version of the schooling that many of these parents had received. How 'multi-denominational' or 'inter-denominational' practices might manifest themselves was not particularly well articulated. The overarching point is that much clarification is needed on what schools mean when they describe themselves as 'multi-denominational' or 'inter-denominational'.



Now this territory is even a controversial one for Catholic schools within the voluntary sector as they struggle to re-imagine themselves in the radically changed environments of religious practice and belief that characterise students, their parents and their teachers in 2013. There are widely diverging views about what a 'Catholic school is. A recent article in the international Catholic weekly, *The Tablet*, by James Arthur (Arthur, 2013, p.s6), albeit referring to the UK, stoked heated debate on the topic.

Here in Ireland the Community school model from the 1970s and the Community College one from the 1980s, especially the Model Agreement between Co Dublin VEC (Co Dublin VEC, 1981) and the Archdiocese of Dublin offer a unique framework to build on. This leads to the second key question:

**How is a multid denominational/ interdenominational school environment best nurtured?**

## CURRICULAR JUSTICE

Finally, the idea of 'curricular justice' emerges from reflection through three particular lenses of my own

professional experience. Firstly, there was the annual challenge of constructing school timetables. Later, when working on the support service for Transition Year, there were many conversations with school principals who could not offer TY because of the school was 'too small'. More recently, as a teacher-educator, I have visited a range of schools observing students on teaching practice.

A children's rights perspective suggests that every child should have the possibility of access to all school programmes, for example, at senior cycle Transition Year, Leaving Certificate Vocational Programme and the Leaving Certificate Applied. Furthermore, each child should have access to a wide range of subject choices, particularly minority subjects such as Music, Physics, Chemistry, Design and Communications Graphics and Latin. If schools don't offer such programmes or subjects, it may also be instructive to examine their justification for denying children 'curricular justice'. This may become more pronounced with the emerging - and potentially very

enriching - short courses proposed for the new Junior Cycle.

Perhaps we focus too much on the school as an institution and not enough on the child's rights. Greater inter-school co-operation is in the best interests of the child while inter-school competition favours the already advantaged.

Currently there are 722 Post Primary Schools with a total enrolment of 360,339 students, giving an average school size of 499. But the range of school size, set out in Figure 1 below, prompts some uncomfortable questions.

These include: How important is 'curricular justice' as a concept? How different are the school experiences of young people who attend the 110 schools represented in the two end categories (both of which include a majority of VEC schools)?

These questions lead to the third key question in this paper:

**Is there a minimum size a school should be in order to ensure that each child can receive 'curricular justice'?**

**Figure 1.** Number of schools grouped by school size (Source www.education.ie)

1-199	200-399	400-599	600-799	800-999	1000+
80	201	208	149	54	30

Arthur, J (2013) 'What is the point of a Catholic school?' in *The Tablet*, 1 June 2013, Supplement on Education.

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Harrison, B (2004) 'Jebb, Eglantyne (1876-1928)' in *Oxford Dictionary of National Biography*, Oxford University Press.

Jeffers, G (2013, in press) 'Re-thinking schooling in an era of human rights' in M. Thomas (editor), *A Child's World - Working Together for a Better Future*, proceedings of Conference at Aberystwyth University, 27-29th June 2012.

League of Nations (1924) *Geneva Declaration on the Rights of the Child* available at <http://www.un-documents.net/gdrc1924.htm>

United Nations (1989) *Convention on the Rights of the Child*, New York: United Nations.

### Websites

Yellow Flag <http://www.yellowflag.ie/home>

### TV programmes

*In Breach of Trust*, RTÉ, broadcast 28th May 2013.

This is an edited version of the keynote address given at the John Marcus O'Sullivan Education Summer School held in the University of Limerick on 20th/21st June, 2013. The conference theme was Religion, Diversity & Publicly Managed Schools: Democracy, Empowerment and Student/Teacher Responsibility. The full paper is available on request from the author at [gerard.jeffers@nuim.ie](mailto:gerard.jeffers@nuim.ie)