



Submission to:	Department of Education and Skills
Re:	Consultation on the role of denominational religion in the school admission process
Date:	March 16 th 2017

Introduction

The Migrant Rights Centre Ireland (MRCI) welcomes the opportunity to make a submission to the Department of Education and Skills consultation on the role of denominational religion in the school admission process and possible approaches for making changes.

MRCI established in 2001, is a non-governmental organisation working with migrant workers and their families in low paid employment and at risk of poverty, social exclusion and exploitation. MRCI provides a free and confidential Drop-in Service to migrant workers and has established a number of action groups to support vulnerable migrants. The Drop-in Centre provides information and advocacy to migrant workers on immigration, employment, housing, education and health issues. In 2016, the service deals with over 1,900 cases of migrants working and living in Ireland. MRCI worked with migrants for 125 different countries and include people of various faiths and none; including of Muslim, Jewish, Catholic, Buddhist, Protestant, Hindu and Sikh faiths.

Migrant Children in Ireland

According to the 2011 Census, there were 110,008 children living in Ireland with a foreign nationality, migrant children represent 14.7% of all children. Among them 33,716, or 30.6% indicated having a non-European nationality. Publically available data on migration and disaggregated by age is limited, with the Census remaining the most reliable source of information. Since the last Census, on average more than 9,000 PPS numbers were allocated annually to children under the age of 15 with a foreign nationality. The proportion of migrant children among the overall migrant population stood at 18.6%, significantly higher than the EU average of 11%.

Submission

This submission reflects the concerns of a cross section of people accessing our services and the situation their children find themselves in when trying to access schools. Our concerns, reflect the United Nations Committee on the Rights of the Child¹, the Ombudsman for Children², the

¹ Committee on the Rights of the Child Concluding observations on the combined third and fourth periodic reports of Ireland

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRL%2fCO%2f3-4&Lang=en

² Education in focus report OCO <https://www.oco.ie/wp-content/uploads/2016/11/Education-In-Focus.pdf> p4

Irish Human Rights and Equality Commission³ and the Children's Rights Alliance⁴ to name but a few.

This submission is structured in the framework set by the consultation document with our initial option being set out and then answers to the specific issues A – D answered.

Option 4

In this submission, we identify option 4 (i) from the six options suggested.

Please indicate clearly in your response what your preferred approach is, whether 1,2, 3 or 4 (and, in the case of approach 4, what your preferred 'sub-option' is).

MRCI choose option: 4 (i) Outright repeal of section 7(3)(c) of the Equal Status Act in respect of publicly-funded primary schools

MRCI is very concerned that in a modern, diverse and pluralist society that people from minority ethnic backgrounds should not have to choose to baptise their child into the Catholic Faith to ensure access to a publicly funded school. For many this goes against their religious beliefs and therefore is not an option. This in turn forces people to seek private education and put undue financial burden on families, many who maybe already struggling to survive.

The United Nations Committee on the Rights of the Child, The Ombudsman for Children, The Irish Human Rights and Equality Commission, The Special Rapporteur on Child Protection, The Children's Rights Alliance have all confirmed that Section 7(3)(c) denies children their full rights. Every child should have a right to a state funded school place regardless of their religion or non-religion.

Recent research of parents' views from EQUATE⁵ has shown that:

- 24% agree that they personally would not have baptised their child, if they didn't need it to gain entry to school.
- 72% agree the law should be changed so that baptism can no longer be a requirement for school admission in state funded schools.

MRCI agrees with the constitutional opinion written by Dr. Conor O'Mahony (UCC), Dr. Eoin Daly (NUIG) and Dr. David Kenny (TCD), which shows that the Oireachtas has the power to eliminate the baptism barrier and can be done so immediately.

The Opinion considers the possibility of amending Section 7(3)(c) of the Equal Status Act 2000 (Act) so that schools in receipt of public funding would not be permitted to discriminate on grounds of religion in their admission policies.

It finds that the Oireachtas has the power to impose reasonable conditions on the provision of funding to educational institutions, and this includes requiring that all publicly funded schools must accept all children of all religions and none on an equal basis.

³ Irish Human Rights and Equality Commission Observations on the Education (Admission to Schools) Bill 2016 p2 <https://www.ihrec.ie/app/uploads/2016/11/Observations-on-Education-Admission-to-Schools-Bill-2016.pdf>

⁴ Children's Rights Alliance Report Card 2017 - <http://childrensrights.ie/resources/report-card-2017>, p58

⁵ <https://www.equateireland.ie/educationandresearch>

MRCI strongly recommends that the Minister takes this opportunity to remove all religious barriers from school admission policies.

Specific issues in Consultation Paper

In relation to the specific issues cited in the Consultation Paper:

A.

The removal of the Baptism Barrier would benefit families and children of many minority religions as it would increase their ability to gain entry to their local publicly-funded school regardless of its denomination. This option would revert to the situation pre-the enactment of the Equal Status Act 2000 and would mean greater access for minority religious groups.

B.

As referenced above MRCI have seen strong constitutional advice from three leading constitutional experts that shows it is completely possible to remove the Baptism Barrier within constitutional parameters.

D.

Option 4 (i) is the simplest approach as it does not impact upon any of the issues outlined in the consultation paper.

Conclusion

MRCI believes that Section 7(3)(c) allows for discrimination in admission to state-funded schools. There is an opportunity now with this consultation to end this discrimination and remove religion as a criterion for school admission for all children.

Even one child being denied a place in their local state-funded because of religion or beliefs is a denial of their fundamental human rights and cannot be acceptable in a modern pluralist democracy.