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Education for children's rights in Ireland before, during and after the pandemic

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This paper analyses the impact of the Covid-19 pandemic on the 'education rights' of children in the Irish context, with a particular focus on children's/human rights education (C/HRE). C/HRE can support children and young people to understand and explore the issues which limit people's lives and consider actions to uphold their own rights and the rights of others. The breadth and depth of the provision of HRE can be considered across 'education about rights' (including knowledge and understanding of human rights values, norms and frameworks), 'education through rights' (rights respecting educational approaches) and 'education for rights' (empowerment to realising and upholding rights) (UN 2011). The paper situates this framework against three additional dimensions. Firstly, it considers the children's rights issues within a historical national context. Secondly, it explores the impact of the Covid-19 pandemic on the education rights of children in Ireland. Finally, with a future orientation, the paper considers how C/HRE can strengthen education, meeting the challenges of the Covid-19 pandemic, the legacies of longstanding children's rights issues, and future human rights challenges.

Keywords: Children's rights; human rights education; children's rights education; pandemic; futures

Children's and Human Rights Education

Human Rights Education (HRE) is promoted as a means by which people may understand and explore issues which limit people's lives and consider actions to uphold their own rights and the rights of others (Lundy and Martinez Sainz 2018; Waldron and Oberman 2016). HRE provision can be considered as 'education about rights' (knowledge and understanding of rights values and frameworks), 'education through rights' (rights respecting educational approaches) and 'education for rights' (empowerment to uphold rights) (UN 2011). From a critical perspective, HRE should be historically and contextually framed, rooted in people's everyday experiences, concerns and needs, with a transformative goal (Bajaj, Cislighi, and Mackie 2016; Martinez Sainz 2018). Oberman and Waldron (2017) argue for a critical

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HRE which ‘does not conceal historic and persistent asymmetrical power relations’ (13), and which engages with learners lives as an ongoing project. Bajaj, Cislighi, and Mackie (2016) emphasise the empowering role of HRE and its role in helping individuals and communities to identify social problems affecting them as well as collaborating in their solutions. Similarly forward facing, Hicks (2001) argues for critical and creative exploration of ideas about the future of rights, to consider, what is possible, probable or preferable.

Children Rights Education (CRE) shares the objective of promoting a more just, peaceful and sustainable society through the teaching and learning of rights (Thelander 2016). Jerome et al. (2015) recognise that CRE is embedded within a framework of HRE, yet is deeply connected to the United Nations Convention on the Rights of the Child (UN 1989). It is this convention that states children’s right to both basic education (Article 28) and wider holistic educational provisions (Article 29). However, these Articles cannot be divorced from the wider framework. Lundy, Orr, and Shier (2017) suggest that a more apt conceptualisation should be ‘education rights’.

This paper provides an analysis of children’s rights (and specifically education rights) within the Irish context, firstly by considering historical breaches of children’s education rights, secondly exploring how these rights have been affected by the pandemic. Finally, this paper considers how children’s and human rights education (C/HRE) may protect against the emerging breaches of rights due to the Covid-19 pandemic, overcome the legacies of longstanding children’s rights issues, and meet the future human rights challenges.

Committee on the rights of the child and education rights in Ireland

Article 44 of the UNCRC, ratified by Ireland in 1992, requires states to make five-yearly submissions to the Committee on the Rights of the Child (hereafter the Committee), identifying progress made on children’s rights. This reporting process can offer governments and non-governmental organisations, children and young people, the opportunity to review and contribute to the discussion on the state of children’s rights (Woll 2000). Within the three existing Irish reports, the persistence of number areas of concern is apparent.

Access to and exclusion from education

In their first concluding observations on Ireland (UN 1998), the Committee noted positive developments in welfare, education and healthcare. However, the Committee recognised significant barriers to education faced by ‘children from vulnerable and disadvantaged groups, including children belonging to the Traveller community, children from poor families and refugee children’ (3). These educational inequities are clearly described by Lodge and Lynch (2004), who called for the systematic integration of processes and practices supporting equality, human rights and social justice across the Irish education system. The 2006 report reiterated concerns about access and exclusion (UN 2006). Discrimination in school admissions was recognised, leading to the call for non-denominational or multi denominational schools. The ‘cost of education and materials in public primary schools [was] in some instances the responsibility of parents’ (12), placing some children at further disadvantage. Again, the Committee recognised educational exclusion as prevalent,

noting that ‘high dropout rates exist among children belonging to the Traveller community and children with disabilities’ (12). In the concluding observations on the combined third and fourth periodic reports in 2016 (UN 2016), discriminatory practices in relation to school admissions were again recognised as problematic. The need for improved provision of educational support to children with special education needs and children living in Direct Provision was reiterated.

Children’s rights across the curricula

After requesting the inclusion of children’s rights within all educational curricula, alongside comprehensive educational programmes, the Committee recognised developments in 2006, but encouraged further awareness raising within schools. By 2016, the Committee had welcomed the ‘inclusion of the rights of the child and human rights in both the primary and secondary school curriculums’ (5). Indeed, the Irish Human Right and Equality Commission (2011) identifies the strong potential for HRE within the Irish school system with Social Personal and Health Education (SPHE) and Social, Environmental and Scientific Education (SESE) recognised as potential areas for CRE at primary level, Civic, Social and Political Education (CSPE) at post-primary level, with Transition Year programmes and Leaving Certificate Politics and Society spaces at Senior Cycle. Research from Oberman and Waldron (2017) highlights the potential of HRE to foreground ‘common humanity’, to open up a discussion about civil, political and social rights, beyond that of basic needs, and an opportunity to explore human agency through a justice lens. However, Jerome et al. (2015) argue that although curricular spaces are evident, Irish curricular reforms (such as the shift from compulsory to optional CSPE) represent a regression in the standing of CRE on the curriculum.

Teacher education and rights

In 1998, the Committee expressed concerns ‘at the lack of adequate and systematic training on the principles and provisions of the Convention for professional groups working with and for children’ (2) including teachers. The Committee has reiterated this argument, and although several Irish teacher education institutions have incorporated CRE into their provision, there remains no compulsory national requirements (Jerome et al. 2015). In a survey of Irish Primary teachers, Waldron and Oberman (2016) found that whilst Irish Primary teachers were positive towards HRE, classroom practice was reliant on common sense understandings of rights, often divorced from classroom issues, with a lack of focus on participation. They argue that teacher education should be grounded in human rights frameworks and the UNCRC.

Educational rights and interdependence

The Committee has recognised several areas of concern with a bearing on children’s education rights. From the first report, young people’s mental health, child poverty and physical and sexual violence were recognised as significant issues in the Irish context (UN 1998). In 2006, the Committee noted how ‘children of different

ethnicities and children belonging to minorities face higher levels of racism, prejudice, stereotyping and xenophobia' (5) and noted the important position of schools in combating these issues. Again, the physical and mental health needs of children, including those from marginalised backgrounds was recognised. In 2016, the Committee identified the lack of action on vulnerable and marginalised children's rights, including children with disabilities and children living within the Direct Provision system. Concerns about violence, civil rights and freedoms were expressed and discrimination continued to be pervasive for Traveller and Roma children and children identifying as LGBTQ+. Connections were made between children's mental and physical health outcomes and the pressure placed on children through examinations, and a lack of physical activities in schools (UN 2016).

Being heard, being listened to, and taking action

From the first Committee report, limited engagement with children's views within families, schools and wider society, was recognised as an area of concern. This pattern continued in following reports, including criticism that 'the views and specific needs of children are not always adequately taken into account' (UN 2006, 12). Whilst measures to support children's voices in post-primary school student councils were identified, there were continued calls to strengthen children's opportunities to express views within educational establishments. Indeed, it has been noted the relative absence of student councils at primary level, despite children's clear desire to participate (Forde et al. 2018; Waldron and Oberman 2016). Echoing these concerns, Kilkelly (2007) recognises the invisibility of children within Irish society, and notes a failure to listen to children's views, particularly those vulnerable or marginalised.

The discussion of the structural issues shaping children's rights must be considered in relation to children's agency to fully exercise those rights, and to protect and promote the rights of others. Indeed, children and young people make significant contributions to Committee reports, as part of wider projects, but also, increasingly, by way of direct and highly creative submissions (Theytaz Bergman, Fegan, and Myers 2015). Furthermore, research in the Irish context has also highlighted children's perspectives and actions on many of the issues raised in this article. This body of work illuminates children's understandings of race and racism (Bryan 2012; Devine 2009; Devine, Kenny, and Macneela 2008), school-based experiences of citizenship, participation and decision making (Devine 2002; Forde et al. 2018; Horgan et al. 2015, 2017) and children's negotiation of the processes of migration (Kitching 2011; Ní Raghallaigh, 2018).

Education rights in the context of the pandemic

On February 29th the first case of SARS-CoV-2 (Covid-19) was confirmed in Ireland, and a full lockdown of the society started with schools closing on March 12th (RTE 2020). Whilst schools eventually developed plans to continue remote teaching and learning, they remained physically closed for the rest of the academic year. School closures have had a profuse impact on children's rights, and particularly their education rights. Meta-analysis of research conducted through the pandemic suggests that the schools' closures will widen already existing inequalities in education (Doyle 2020).

and has amplified the risk for rights of vulnerable children in Ireland (Darmody, Smyth, and Russell 2020).

Access to and exclusion from education

With school closures, teaching in Ireland moved to a remote format and for several schools, this involved digital platforms to allocate work, assign projects, assess children's skills and communicate with students and families (Symonds et al. 2020). The reliance on digital technologies to secure children's right to education widened the digital divide as levels of access to devices, internet and even digital literacy varied significantly among children and families (Darmody, Smyth, and Russell 2020). Whereas children in private schools could access education 'on-demand' through live-streaming and recorded lessons, children in rural areas and /or with at-risk family members haven't received adequate remote teaching provision throughout the pandemic (McGuire 2021). Clear breaches of children's right to education emerged for those without access to remote teaching, but also about the rights of all children as the question remains on whether the existing provisions effectively met the standards and aims of education established in Article 29 of the UNCRC. There is no research assessing whether the remote teaching provisions and the learning experiences of children in Ireland during the pandemic has effectively helped them to develop their personalities, life skills, mental and physical capacities, their self-esteem, self-confidence and capacity to enjoy the full range of rights, or if it was child-centred, child-friendly and empowering as it is promised and expected for a child-rights respecting education (UN 1989).

Educational rights and interdependence

As education is an essential right for the realisation of other rights and strongly related to the overall development of children, it is not surprising that school closures had a larger impact on children's rights. Despite recent efforts to reduce child poverty in Ireland (IHREC 2020; OCO 2020) the pandemic has put almost 200,000 children at risk of poverty Children's Rights Alliance (2021). Certain groups are disproportionately affected by child poverty such as Traveller and Roma children, as well as children in Direct Provision (OCO 2020); vulnerable and at-risk children have been severely affected by the lockdown (Barnardos 2020). Preliminary research findings suggest that whilst children's right to education was at risk, other fundamental rights such as the right to health, food provision, safety and protection were also compromised. For example, violence against children has increased, not only because preventive mechanisms and responses have been generally disrupted but also because many of these are interconnected with and dependent on the schools to function (UNICEF 2020). Similarly, programmes designed to tackle children's hunger and malnutrition, such as breakfast clubs, need schools to be open to provide these essential services.

Being heard and listened to

Breaches of children's rights in the pandemic not only concerned protection and provision rights, but also their participation rights. In early discussions related to the

spread of Covid19, stakeholders in education were constantly consulted in relation to school closures and reopenings: policy makers, school principals, teachers, parents. In consultations and debates, the voice of children was often missing, despite their right to participate in issues that matter to them and for their views to be given due weight. The lack of participation was not exclusively an Irish issue, as the survey ‘Covid Under 19’ demonstrates. Almost 40% of the 26,258 respondents, children from 137 countries, did not think their governments were listening to children when making decisions about Covid19 (Terre Des Hommes 2020). The lack of official consultation with children, to better understand how the pandemic was affecting them, but also to gather their views to inform public policies, is in tension with the goals established in the National Strategy on Children and Young People’s Participation in Decision-making (DCYA 2015). This strategy recognises that children have a right to participate in decisions that affect their lives and establishes that children will have a voice in decisions in their local communities, in decisions that affect their health and well-being, and on the health and social services delivered to them. Yet, these objectives were of limited consideration during the pandemic. Research into children’s views and perspectives of the pandemic, but also about their experiences exercising their rights in this context, is greatly needed to better understand how children’s right to be heard and their capacity to act have been impacted across Ireland. However, the limitations posed by the pandemic, including social distancing restrictions, lockdowns and school closures, have hindered the possibilities of conducting participatory research with children in such a crucial moment to further inform present and future decision-making. The lack of consultations with children and the scarce research with them throughout the pandemic makes it difficult to have a comprehensive account of the impact Covid19 has had on their rights, and more evidence is needed to fully understand how children are navigating the structural barriers to their rights that have been exacerbated by the pandemic.

The possible futures of C/HRE in Ireland

For Bajaj, Cislighi, and Mackie (2016) transformative HRE must look at the past, present, and possible futures to help learners advance rights in their own contexts. Looking to the past, through analysis of the Committee on the Rights of the Child reports on Ireland, the paper recognises repeated breaches of children’s education rights, which remain unresolved. Access to and exclusion from education were identified as ongoing issues, particularly for vulnerable and marginalised children. Discrimination, violence and ill health appeared as pervasive issues for children, which were not divorced from experiences within the education system. Opportunities for children to learn about rights and through rights remained limited where C/HRE has an uncertain standing in Irish curricula and teacher education.

In order to be transformative, C/HRE also must be contextualised within participants’ own understandings and lived experiences (Bajaj, Cislighi, and Mackie 2016; Martinez Sainz 2018). Whilst the structural factors which shape children’s lives are clear, it is imperative to recognise children’s agency and capacity to act, often within challenging contexts. The impact of COVID-19 has magnified and worsened children’s rights in the Irish context almost in every aspect possible (Children’s Rights Alliance 2021). Access to and exclusion from education have remained pervasive issues, with poverty and violence exacerbated by the pandemic, and the

important roles that schools play in supporting children's rights beyond education has been illuminated. For all children, significant questions about the holistic vision of education outlined in Article 29 of the UNCRC remain. This contextualisation is what allows C/HRE to be transformative because it encourages children to build upon the past and present to develop new alternatives and possibilities in the future to promote social change.

The trajectory of children's education rights plotted from the UNCRC to the pandemic provides an idea of what the possible future may look like. Namely the continuation of important children's rights projects, although sporadic and under-resourced, that help to create opportunities for C/HRE and foster children's agency to identify and address breaches of rights. Some children in Irish schools learn about their rights and the frameworks that protect them, despite the threat to spaces for C/HRE on the curriculum. Educational projects and initiatives continue to be supported by a minority of teachers who have, in turn, experienced the opportunity to develop their C/HRE knowledge and expertise in hard fought spaces within teacher education. And all of this against a backdrop of educational exclusion, where children negotiate barriers to education and continuing concerns about health, mental health and violence. A future with breaches of rights and limited, if any, C/HRE shaping children's lives.

Instead, a consideration of the past and present of children's rights in Ireland, can serve as a pivot towards a different future building upon a transformative version of C/HRE. A future where the barriers to educational access are removed for all children, where teacher education supports practitioners to develop their confidence and expertise in C/HRE, which can be delivered through Irish curricula which supports all children to learn about and experience their rights, and to explore and take action for the rights of themselves and others. Most importantly, where all schools are recognised as places where children's rights are upheld and advanced, and the holistic model of education (Article 29 UNCRC) is enacted, and where teachers and children are active participants in imagining and creating an Irish society which advances children's rights and human rights at a local and global level.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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