Mainstreaming Children’s Rights in, to and through Education in a Society Emerging from Conflict

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Introduction

Children’s rights are increasingly recognised as a central to the reconstruction of societies emerging from conflict (Sloth-Nielsen, 1996). Within the broader sphere of children’s rights, education rights are particularly significant for societies which are in the process of making a transition from violence towards peace. The Universal Declaration on Human Rights, itself an attempt to build a peaceful future in the wake of war, recognises and endorses the right to education. The vital importance of education for the individual’s personal development, sense of dignity and capacity to participate in society is evidenced by the fact that it is the only human right which is administered compulsorily. Moreover, the right is not just of intrinsic value, it is also an ‘indispensable means of realizing other human rights’ (Committee on Economic, Social and Cultural Rights, 2000, para. 1). While all human rights are indivisible, inter-dependent and inter-connected, the right to education is thought to act as a ‘multiplier of rights’, enhancing the individual’s capacity to enjoy other human rights when it is secured and undermining that potential when it is denied (Tomaševski, 2001, para. 11). A good example of this in societies affected by conflict is the way in which a lack of education can expose children to exploitation and danger and an effective education can provide them with the knowledge and skills which they need to keep themselves safe (Sommers, 2002).

The benefits of securing children’s rights within education are not limited to the individual child. There is a compelling public interest in guaranteeing children’s right to education since the social and economic well-being of society depends upon having a well-educated citizenry and one which respects democratic values, including human rights. Article 28 of the Universal Declaration, for example, provides that education: ‘shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace’. The national and international interests in this are essentially the
same: it is important for the stability of individual nations and the global community that children are educated to respect difference and to value peaceful means of resolving conflict (Lundy, 2005b). While this is always important, it acquires enhanced significance in societies which are making the transition from violence to peace and in which new democratic processes are being established (Limber et al, 1999).

Northern Ireland is an interesting jurisdiction in which to examine the impact of conflict and societal division on children’s enjoyment of their education rights. Northern Ireland is emerging from over thirty years of violent conflict between its Protestant and Catholic communities. The Belfast Agreement, a peace concord which provided for the establishment of power-sharing democratic institutions, was signed in 1998. Since then, the worst forms of violence (indiscriminate bombings and ‘tit for tat’ murders) have ceased, although there are still unacceptably high levels of violence within certain communities (Rowan, 2003). Moreover, Northern Ireland remains a deeply divided society. In fact, there is evidence that the attitudes of Northern Ireland’s Catholic and Protestant communities have become increasingly negative towards each-other since the Belfast Agreement (Hughes and Donnelly, 2001). Northern Ireland’s education system reflects the wider divisions in society. Schools are almost completely religiously segregated in terms of their pupil profile: Protestant children generally attend ‘controlled’ schools (owned and managed by local education authorities) and Catholic pupils generally attend ‘voluntary’ schools (which are state-funded but are in the ownership and management of the Catholic Church) (Lundy, 2000). Only 5% of children attend ‘integrated’ (mixed religion) schools and a smaller number still attend Irish medium schools – schools in which instruction is provided mainly through the Irish language (a language associated mainly with the Catholic community).

The high level and varying types of segregation within schools has meant that Northern Ireland’s education system has provided a venue in which the jurisdiction’s complex religious, social and political divisions find a public outlet and therefore a setting in which claims that human rights are being infringed arise frequently. Moreover, thirty years of violent conflict and allegations of inequality have resulted in a fairly sophisticated local understanding and use of international human rights law (Dickson, 1997). Thus, not only is Northern Ireland a society in which there is a compelling need for an education system which promotes and respects human rights, but there is also a readiness to deploy a range of human rights arguments in order to secure change within the system (Lundy, 2004a). This has been enhanced by a series of innovative human rights and equality provisions which were negotiated as part of the Belfast Agreement in 1998 and implemented by the Northern Ireland Act 1998. For example, the 1998 Act established the