

**Universal Periodic Review
(12th session, 3-14 October 2011)**

Contribution of UNESCO

IRELAND

I. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	-	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989	-			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	16/09/1991			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	-			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	22/12/2006			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

1. Right to education¹

2. Constitutional framework: The right to education is enshrined in the Irish Constitution of 1937 as a fundamental right. According to *Article 42* “The State acknowledges that the primary and natural educator of the child is the Family”. Parents have an inalienable right and duty to “provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.” Education can be provided at home, or in private schools, or in schools recognised or established by the State. The State cannot force parents to send their children to public school; however the state has to make sure that children receive “a certain minimum education, moral, intellectual and social.” It is also set out that “the State shall provide for free primary education”. *Article 44* recognizes the freedom of conscience, religion and worship and stipulates that “legislation providing State aid for schools shall not discriminate between schools under the management of different religious denominations, nor be such as to affect prejudicially the right of any child to attend a school receiving public money without attending religious instruction at that school.”

3. Legislative framework: The Education Act (1998) provides a legal and administrative base for the education system at first and second levels.

4. The needs of persons with special educational needs are more specifically addressed by the Education for Persons with Special Educational Needs (EPSEN) Act, 2004.

5. The Education Welfare Act (2000) was enacted in order to promote and improve school attendance rates for children at primary and post-primary level education.

6. The Youth Work Act (2001) confers certain responsibilities to the Minister for Education and Science, namely to develop and co-ordinate youth work programmes and services including coordination with education and other programmes.

7. The Child Care Act of 1991 acknowledges the links between health and education measures. It provides for consultation with the Minister for Education in regard to regulations concerning the health, safety, welfare and development of pre-school children availing of pre-school services. Pre-school services are required to register with the Health

¹ Sources:

- i) Eurydice, National system overviews on education systems in Europe and ongoing reforms, 2010 Edition
http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national_summary_sheets/047_IE_EN.pdf (accessed 21/02/2011);
- ii) Towards 2016, Ten-Year Framework Social Partnership Agreement 2006-2015
http://www.taoiseach.gov.ie/attached_files/Pdf%20files/Towards2016PartnershipAgreement.pdf (accessed 21/02/2011).

Service Executive (HSE) and comply with the 2006 Child Care (Pre-School Services) Regulations.

8. The Vocational Education Act of 1930 and its amendments (the most recent was in 2001), provides for technical and continuing education.

9. Concerning, Higher Education, the University Act No. 24 of 1997 gives effect to the policy commitment in the White Paper to: the re-structuring of the National University of Ireland; provision of revised governance structures; provision of a modern framework for interaction between the universities and central government and for accountability to society generally. The Qualifications, Education and training Act of 1999 is also shaping Higher Education rules. The new Institute of Technology Act of 2006 brings the country's fourteen Institutes of Technology (established under the Regional Technical Colleges Act of 1992 and Amendment Act of 1994), including the State's largest third-level institute, the Dublin Institute of Technology, under the responsibility of the Higher Education Authority (HEA) for the first time.

10. The Teaching Council Act of 2001, amended in 2006, provides for the establishment of a Teaching Council as an independent statutory agency to promote and maintain best practice in the teaching profession and in the education and training of teachers.

11. Policy Measures: The overarching framework which dictates public policy on education over the next years is the current Social Partnership Agreement – “Towards 2016.” The agreement represents significant outcomes for children and youth people, and in the context of education, makes commitments to developing capacity in youth work, and to combating educational disadvantage. Existing under this framework is the DEIS Strategy (*Delivering Equality of Opportunity in Schools - An Action Plan for Educational Inclusion*) 2005 which is currently being rolled out.

2. Right to take part in cultural life

12. Legislative framework: With regard to the implementation of the 1972 World Cultural and Natural Heritage Convention, national legislation includes wildlife Acts, National Monuments Act, Architectural Heritage and Historic Monuments Acts, Planning and Development Act, National Cultural Institutions Act which involve communities. National Monuments Act and Heritage Act are currently under review.

13. At the same time, there is no specific planning legislation to protect World Heritage sites which are protected under National Monuments acts. Management plans exist and include policy plans, individual site plans, which all include principles for public access in local and county management plans.

14. Institutional framework: To implement the 1972 World Cultural and Natural Heritage Convention, government institutions (Department of Environment, Heritage and Local Government, Office of Public Works, Waterways Ireland, The National Museum) and Local Authorities provide archaeological, architectural, ecological, parks services,

visitor services, educational and management/administration services in collaboration with NGOs. Conservation of the cultural and natural heritage is institutionally integrated.

15. Policy measures: Special policies were put in place in order to implement the 1972 World Cultural and Natural Heritage Convention and to involve the private sector, local communities and NGOs in the conservation of the cultural and natural heritage sites and objects.

16. Work with civil society: With regard to the 1972 World Cultural and Natural Heritage Convention, occasionally, the UNESCO World Heritage Centre receives signals from representatives of civil society raising concerns about the state of conservation of natural and cultural properties, inscribed in the World Heritage List, or Ireland's Tentative List and also other cultural heritage sites. The private sector, local communities and NGOs are regularly involved in the protection and conservation of heritage.

17. Achievements, best practices, challenges and constraints: With regard to the implementation of the 1972 World Cultural and Natural Heritage Convention, strong legislation for the protection of heritage sites exists; vigorous system for assessing planning and development issues is in place. The input by local authorities, local commerce, NGOs and the general public permitted to achieve consensus between the State and private sectors over the need to raise public awareness about national heritage which is point of cultural pride and an important tool for reinforcing a sense of identity for the community. The successful promotion of World Heritage sites has led to the significant increases in visitor numbers of those sites.

18. However, the services for protection, conservation and presentation are fragmented, a situation that can affect the protection of the World Heritage sites.

III. RECOMMENDATIONS

Right to education

19. Ireland should be encouraged to ratify the 1960 UNESCO's Convention against Discrimination in Education and the 1989 UNESCO's Convention on Technical and Vocational Education.

Right to take part in cultural life

21. In the framework of the implementation of the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the following actions are recommended:

- i) To involve municipalities in the preparation of nominations for the inscription on the World Heritage List and Tentative List;
- ii) To further involve civil society in the management and conservation of the World Heritage sites.