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Catholic Schools and the Right to Education in Ireland: A Human Rights and Constitutional Analysis

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ABSTRACT

This article analyses the alignment of Catholic schools in Ireland with human rights norms and pluralism ideals within the constitutional and legal framework. Utilising international instruments like the International Covenant on Economic, Social and Cultural Rights and the European Convention on Human Rights, in conjunction with Irish constitutional provisions (Articles 42 and 44), it contends that denominational education can enhance the right to education by honouring parental autonomy and promoting diversity, contingent upon the establishment of stringent regulatory safeguards. Essential reforms, such as the 2018 elimination of the 'baptism barrier' and opt-out provisions for religious education, are assessed for their efficacy in fostering inclusivity. Challenges including inconsistencies in opt-out implementations, delays in patronage reconfiguration, and the integration of ethos with curricula such as Relationships and Sexuality Education (RSE) are examined, along with beneficial contributions to community cohesion, support for disadvantaged groups through DEIS programs, and the integration of migrants. The report determines that Catholic schools are sustainable within a rights-respecting, diverse framework, accompanied by recommendations for improved oversight and expedited divestiture to guarantee equity.

KEYWORDS

Human Rights, Catholic Church, Education, Ireland

1. INTRODUCTION

The Irish education system is characterised by its enduring sectarian nature, with Catholic schools constituting the predominant component of the national school framework since the eighteenth century. Despite

population shifts, religious diversification, and changing societal norms prompting greater focus on inclusivity, ethos, and patronage, Catholic schools remain fundamental to Irish primary education. This institutional reality has incited ongoing public discourse over the compatibility of religious schools with the concepts of equality, parental autonomy, and pluralism in a modern liberal democracy. This argument is characterised by extreme polarisation, frequently presented as a conflict between secular equality and religious identity.

Nonetheless, both Irish constitutional law and international human rights agreements employ a more complex methodology. Instead of insisting on the secularisation of educational offerings, they perceive faith-based schools as valid means for parents to exercise their freedom to guide their children's education in alignment with their beliefs. The discourse cannot be simplified to a mere conflict between denominational education and pluralistic principles. Instead, it prompts more intricate enquiries concerning regulation, accommodation, and the State's role in facilitating varied educational modalities.

This essay analyses whether Catholic schools in Ireland, functioning within the current constitutional and legislative framework, may be perceived as positively contributing to the realisation of the right to education. The study examines Irish constitutional doctrine, pertinent legislation advancements, international and European human rights law, and comparative legal viewpoints. An examination of doctrine is complemented by an evaluation of the policy and governance frameworks that influence Catholic education in Ireland. The article acknowledges that denominational education poses significant issues concerning the rights of minorities and non-religious families, yet contends that the Irish model can generally uphold pluralism and adhere to human rights standards, provided that suitable regulatory measures are implemented.

The article continues as outlined below. Section 2 analyses international human rights legislation pertaining to the right to education and parental autonomy. Section 3 examines Catholic education within the framework of Irish constitutional law, including parental rights, religious liberty, and educational independence. Section 4 assesses the degree to which Catholic schools function within a pluralistic context and delineates the advantages of the denominational model. Section 5 examines regulatory difficulties and identifies areas for legal refinement to enhance adherence to human rights standards. Section 6 examines the beneficial impacts of Catholic schools on educational diversity and community engagement. The conclusion provides insights on the future of Catholic education in Ireland within a rights-respecting, pluralistic framework.

2. THE RIGHT TO EDUCATION UNDER INTERNATIONAL HUMAN RIGHTS LAW

2.1 Foundations of the Right to Education

The right to education is acknowledged in numerous international instruments. Article 13 of the International Covenant on Economic, Social and Cultural Rights asserts the right of all individuals to education and the freedom of parents to select educational institutions for their children, provided these institutions meet basic criteria.¹ Article 18(4) of the International Covenant on Civil and Political Rights mandates States Parties to honour the rights of parents to provide religious and moral instruction to their children in accordance with their beliefs.²

These provisions assert that the right to education extends beyond mere access to state-funded schools. They embody a dual-structure approach: the State must ensure universal access to education while simultaneously honouring parents' right to choose schools that align with their views. This method permits faith-based education as a valid manifestation of parental liberty.

2.2 The European Convention on Human Rights

Article 2 of Protocol 1 to the European Convention on Human Rights mandates that the State, in fulfilling its educational responsibilities, must honour the freedom of parents to provide education and instruction in alignment with their religious and philosophical beliefs.³ The European Court of Human Rights has consistently construed this Article as necessitating a balance between governmental interests in democratic social cohesion and parental autonomy.

In *Kjeldsen, Busk Madsen and Pedersen v Denmark*, the Court determined that states may mandate education in specific areas notwithstanding parental objections, as long as the instruction is "objective, critical and pluralistic."⁴ The Court affirmed that Article 2 Protocol 1 does not grant a right to completely distinct publicly funded education designed for each philosophical belief; nevertheless, it prohibits indoctrination and mandates respect for parental beliefs.⁵

Subsequent cases elucidated these principles further. In *Campbell and Cosans v United Kingdom*, the Court determined that philosophical opinions must achieve a "certain level of cogency, seriousness, cohesion, and importance" to fall inside the scope of Article 2 Protocol 1.⁶ In *Folgerø v Norway*, the Grand Chamber determined that Norway violated

¹ *International Covenant on Economic, Social and Cultural Rights* 1966, art 13.

² *International Covenant on Civil and Political Rights* 1966, art 18(4).

³ *Protocol 1 to the European Convention on Human Rights* 1952, art 2.

⁴ *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976) 1 EHRR 711.

⁵ *ibid.*

⁶ *Campbell and Cosans v United Kingdom* (1982) 4 EHRR 293.

its obligations by not providing proper opt-out provisions from a Christian Knowledge subject that was insufficiently impartial.⁷

Collectively, these rulings emphasise that states are required to provide educational offerings that align with pluralism and must refrain from indoctrination. Nevertheless, the Court has never implied that states are required to implement a secular educational framework; faith-based institutions are nevertheless permitted, even when financed by public funds.

2.3 Implications for the Irish Context

International human rights law therefore accommodates denominational schooling, provided the State regulates to ensure that minority rights are respected and that education is delivered in a pluralistic manner. Ireland's Catholic-dominated patronage system must be assessed through this lens: the question is not whether Catholic schools should exist, but whether their operation aligns with pluralist principles.

3. CATHOLIC SCHOOLS AND IRISH CONSTITUTIONAL LAW

3.1 Constitutional Foundations of Education and Parental Authority

Article 42 of the Constitution of Ireland stipulates that the family is the principal and inherent educator of the child.⁸ It embodies a perspective on education grounded in parental authority rather than state centralisation. Article 42.2 acknowledges the rights of parents to "provide" for their children's education through different means, including selecting their preferred schools. Article 42.3.2 mandates the State to "require in light of prevailing conditions" that children obtain a specified basic education; however, this does not necessitate exclusive state provision.

The Supreme Court, in *Crowley v Ireland*, acknowledged the independence of sectarian schools within the publicly financed system.⁹ The Court determined that although the State had extensive authority to control education, it must honour the administrative rights of voluntary schools, particularly those affiliated with Catholic patronage. This case highlights the constitutional significance of patronage as a valid component of the Irish educational framework.

3.2 Religious Freedom Under Article 44

Article 44 ensures the liberty of conscience and the unimpeded exercise of religion. Article 44.2.4 explicitly forbids the State from compelling

⁷ *Folgerø and Others v Norway* (2007) 46 EHRR 47 (GC).

⁸ *Bunreacht na hÉireann* 1937, art 42.

⁹ *Crowley v Ireland* [1980] IR 102 (SC).

any individual to participate in religious education in a school against their conscience.¹⁰ This article is fundamental to the constitutional integration of minority rights in denominational schools and establishes the foundation for the opt-out framework for religious instruction.

In *Burke v Minister for Education*, the Supreme Court underscored the significance of parental engagement in critical educational decisions.¹¹ The case, while focused on home-schooling and evaluation during the epidemic, affirmed the Court's broader rationale that the State must honour the role of parents in guiding their children's moral and religious education. This rationale aligns generally with the constitutional validity of religious education.

3.3 The Patronage System as a Constitutional Structure

The amalgamation of Articles 42 and 44 establishes a constitutional framework conducive to denominational education. The State finances education but does not dominate it. Catholic schools are not an oddity but a constitutionally recognised kind of educational instruction. This framework has been solidified over decades by case law and legislation, notably the Education Act 1998, which recognises the "characteristic spirit" (ethos) of schools.¹²

4. CATHOLIC EDUCATION WITHIN A PLURALIST FRAMEWORK

4.1 Ethos as Cultural and Educational Identity

Ethos is officially acknowledged as a valid characteristic of educational institutions in Ireland. In *Corway v Independent Newspapers*, the Supreme Court indirectly recognised the cultural and historical impact of religion on Irish public life, albeit addressing blasphemy law.¹³ This contextual history is crucial to comprehending the enduring prominence of denominational schools, since they embody established community identity and social capital.

4.2 Inclusivity and Demographic Diversity

The Education (Admission to Schools) Act 2018 forbids primary schools from giving preferential treatment in admissions based on religion, with the exception of minority faith schools.¹⁴ This reform immediately addresses concerns regarding equitable access while maintaining the capacity of minority religion schools to uphold their ethos. It guarantees that patronage in Catholic schools aligns with equity standards. Although ethos influences all facets of school life, it does not exclude

¹⁰ *Bunreacht na hÉireann 1937, art 44.2.4.*

¹¹ *Burke v Minister for Education and Skills [2022] IESC 1*

¹² *Education Act 1998, s 15(2)(b).*

¹³ *Corway v Independent Newspapers [1999] 4 IR 484.*

¹⁴ *Education (Admission to Schools) Act 2018.*

diversity. The opt-out mechanisms outlined in Article 44.2.4, supported by school policy, provide for the accommodation of varied faiths within Catholic environments.

4.3 Catholic Social Teaching and Human Rights

Catholic Social Teaching (CST) underscores the importance of dignity, community, and subsidiarity. These conceptions strongly align with the principles that support the right to education under international law. Subsidiarity specifically endorses educational frameworks that empower families and local communities, harmonising seamlessly with Ireland's patronage model. Although CST lacks legal authority, its alignment with human rights values bolsters the assertion that Catholic education may co-exist with pluralistic standards.

5. REGULATORY CHALLENGES AND LEGAL SAFEGUARDS

5.1 Equality, Admissions and the Removal of the 'Baptism Barrier'

A key domain where legislation has influenced the human rights adherence of religious institutions pertains to admissions. Legislative reform in 2018 repealed the religious exemption in s 7(3)(c), so reducing the "baptism barrier" that had effectively limited access for children from diverse or non-religious households in numerous regions.¹⁵ The current statutory framework regulating admissions mandates that schools disclose equitable and transparent admission policies along with annual admission notices; these obligations are supported by administrative supervision from the Department of Education, which possesses the authority to issue directives to patrons when warranted.¹⁶

These reforms function in conjunction with the Equal Status Acts 2000–2018, which forbid discrimination in educational access based on factors like as religion and affiliation with the Traveller community.¹⁷ The resultant impact establishes a legal standard that regards denominational ethos as consistent with equality duties, contingent upon admission processes being non-discriminatory and transparent in execution. Significant practical enquiries persist - specifically, the degree to which educational institutions consistently enforce their stated admission policies, the application of oversubscription criteria in practice, and whether local demand and supply dynamics result in de facto exclusion despite legal prohibitions against religious criteria. Empirical oversight and explicit administrative direction from the

¹⁵ *Education (Admission to Schools) Act 2018, s 11 (amending Equal Status Act 2000, s 7(3)(c))*

¹⁶ *Education (Admission to Schools) Act 2018; Department of Education, School admissions/enrolment" (gov.ie) (8 September 2021).*

¹⁷ *Humanist Association of Ireland, A Guide to the Education (Admission to Schools) Act 2018 (2019)*

Department have thus been important in guaranteeing that the reforms yield substantive access rather than mere formal adherence.¹⁸

5.2 Opt-out, Curriculum Content and the Risk of Indoctrination

Article 44.2.4 of the Constitution and the Department's administrative frameworks acknowledge a child's freedom to abstain from religious instruction; however, the effective implementation of this right is contingent upon the clarity of policy and the provision of alternative arrangements within educational institutions. The Office of the Ombudsman for Children and various child-rights NGOs have recorded discrepancies in schools' management of opt-outs, including challenges parents may face in securing suitable supervision for children who do not participate in religious lessons.¹⁹ In contrast, the National Council for Curriculum and Assessment (NCCA) has asserted that the determination of whether a course qualifies as religious instruction is fundamentally a matter of substance: an objective evaluation that considers the purposes, materials, and methods employed rather than the designation on the schedule.²⁰

This doctrinal and administrative framework yields two legal ramifications. The State must ensure that any religious teaching included in the school's program is distinctly separated from the broadly pluralistic content of the national curriculum to prevent violations of neutrality as identified in European jurisprudence.²¹ Secondly, educational institutions must establish opt-out provisions that do not stigmatise or penalise children who assert their rights. Effective oversight, significant alternative educational activities, and prompt parental communication constitute the corrective framework that ensures denominational education adheres to rights compliance in practice.²²

5.3 Governance, Boards of Management and Section 29 Oversight

Governance structures, particularly management boards and the statutory Section 29 appeal processes, offer further legal protections. The legislative appeals system permits parents to contest enrolment refusals, suspensions totalling twenty school days or more within a

¹⁸ *Dáil Éireann debate, 19 May 2022 (education admissions and requirement for new school admission policies).*

¹⁹ *Ombudsman for Children Office, Observations on the Role of Religion in School Admissions (2018).*

²⁰ *National Council for Curriculum and Assessment (NCCA), observations on curriculum and religious instruction; see NCCA materials on the Primary Curriculum Review and the distinction between religious instruction and pluralistic curriculum content.*

²¹ *European Court of Human Rights, Folgerø and Others v Norway (2007) 46 EHRR 47 (Grand Chamber) - doctrinal point on neutrality and opt-out (earlier cited for doctrine; included here for doctrinal context).*

²² *'TeachDontPreach' and related guidance on exercising opt-out rights following Burke v Minister for Education commentary (practical supervision arrangements).*

year, and permanent exclusions; the appeals committees function under procedural regulations intended to guarantee fairness and independent oversight.²³ The administrative record of Section 29 appeals reveals that a notable minority of appeals have been upheld, suggesting that the appeal mechanism serves as an effective check on school-level decision-making, particularly in instances where denominational factors may have affected outcomes.²⁴

The jurisprudence and administrative practices concerning appeals underscore the necessity for meticulous reasoning by both boards and appeals committees; judicial reviews have condemned decisions that inadequately addressed statutory procedures or the equilibrium of competing rights.²⁵ Enhancing board training in procedural fairness, documentation, and equality obligations - while ensuring appeals committees are informed of the factual and policy context of local admissions and behaviour policies - would diminish procedural errors and bolster public confidence in the accountability of denominational schools.²⁶

5.4 Patronage, Reconfiguration and the Pace of Change

Government policy aimed at restructuring patronage in response to demographic changes has been a crucial mechanism for promoting pluralism in regions with significant demand for alternative models. The processes of school reconfiguration and the formation of a patronage register give a legal framework for the voluntary transfer of patronage and the introduction of new multi-denominational provisions where necessary.²⁷ In fact, however, transfers have progressed slowly: stakeholders and legislative discussions have often highlighted that the rate of reconfiguration is limited by local disputes, capacity challenges among alternative patron entities, and the practical expenses associated with transformation.²⁸

From a human rights standpoint, the gradual pace of reconfiguration does not inherently demonstrate a conflict with the right to education; however, it generates localised pressures that may compromise perceived equity when local desire for non-denominational alternatives remains unfulfilled. The State's affirmative duty under international

²³ *Section 29 Appeals Board* (official site), *procedures and guidance on appeals under section 29 of the Education Act 1998*.

²⁴ *Department of Education: statistics and administrative records on Section 29 appeals* (e.g., *parliamentary answers indicating proportion of appeals upheld*). See *Oireachtas question on school enrolments* (30 May 2019).

²⁵ *The Board and Management of B National School v The Secretary General of the Department of Education and Skills* [2019] IEHC 733, [45] (Humphreys J) (quashing Section 29 appeals committee decision for inadequate reasoning in expulsion of autistic pupil).

²⁶ *Department circulars and procedures on Section 29 appeal hearings* (Circular PC22 and *guidance on procedural safeguards*).

²⁷ *Department of Education, Schools Reconfiguration for Diversity: Information for School Patrons* (gov.ie).

²⁸ Peter McGuire. *State on a go-slow in moving primary education from church patronage* *The Journal.ie* (14 June 2021)

instruments - to undertake reasonable and proportionate measures to ensure the effective enjoyment of rights - indicates an ongoing supervisory role for the Department in enabling well-resourced, timely, and participatory transfer processes.²⁹

5.5 Special Educational Needs and Equality of Access

Ultimately, the evaluation of equality in admissions and the implementation of denominational ethos must occur in conjunction with the distinct yet overlapping legal responsibilities towards children with special educational needs. The legal framework and departmental guidelines mandate that schools accommodate children with special needs, and Ministers may issue directives to patrons and boards if the sufficiency of such provisions is in doubt.³⁰ It is imperative that denominational schools possess the necessary resources, expertise, and explicit statutory obligations to admit and assist children with diverse needs, as this is crucial for aligning their ethos with the principle of nondiscrimination; shortcomings in this regard represent both an implementation issue and a normative critique of patronage itself.

6. THE POSITIVE CONTRIBUTIONS OF CATHOLIC SCHOOLS

6.1 Educational Diversity as a Human-Rights Value

A pluralist education system is not simply the lack of governmental monopoly; it is a framework wherein several, co-existing educational philosophies are legally safeguarded, provided they adhere to minimal norms of non-discrimination and curricular neutrality in the instruction of essential topics. Catholic schools enhance this diversity by providing a consistent moral framework and community-based governance that many parents value. International instruments acknowledge parental autonomy in selecting schools that reflect their beliefs; the elimination of explicit admission preferences in 2018 maintained parental choice while ensuring access.³¹ Empirical and policy analyses, including governmental assessments of DEIS and parliamentary committee reports, highlight the significance of different providers in expanding alternatives for families and customising help to local situations.³²

6.2 Community Cohesion, Social Capital and Rural Provision

In several communities, particularly in rural and economically challenged regions, Catholic schools serve as focal points of local life, acting as venues for volunteerism, parish-school collaborations, and extracurricular activities that enhance social capital. The DEIS

²⁹ *Children's Rights Alliance, Right to Education chapter and analysis of the patronage transfer process and reconfiguration (reports).*

³⁰ *DEIS - Delivering Equality of Opportunity in Schools: Departmental policy and evaluation material (DEIS Plan 2017) and Independent reviews of DEIS effectiveness.*

³¹ *Children's Rights Alliance, Right to Education: Patronage Transfer and Pluralism (2020).*

³² *Department of Education, DEIS – Delivering Equality of Opportunity in Schools: Policy and Evaluation Material (2017).*

programme has functioned across denominational boundaries but is often implemented through established Catholic primary schools and their community networks; independent assessments and parliamentary reports indicate that DEIS continues to be a crucial tool for addressing educational disadvantage.³³ This integration provides Catholic schools with a pragmatic edge in mobilising resources and fostering parental engagement that aligns with the greater social rights agenda.

6.3 Targeted Support for Disadvantaged Children

The involvement of Catholic schools in specific programs, such as DEIS, English language support for migrant students, and school completion campaigns, illustrates that a denominational ethos can co-exist harmoniously with a strong equality objective. Research and governmental reports indicate that, when sufficiently funded, schools with a Catholic ethos effectively implement targeted interventions in underprivileged communities, often involving collaboration with social services, local NGOs, and statutory agencies.³⁴ Consequently, the ability of Catholic schools to serve as local collaborators in social inclusion initiatives is a significant practical factor in any rights-based evaluation of patronage.

6.4 Staff Commitment, Moral and Character Education

Another aspect frequently noted in the literature is the level of vocational dedication among personnel and the existence of an institutional culture that prioritises pastoral care and character development. Although challenging to quantify, school-level assessments and qualitative research indicate that cohesive ethos-driven strategies for pastoral care can enhance academic learning.³⁵ Given that such programs uphold students' individual rights and eschew coercive techniques, they provide valid educational options that several families regard as integral to the value of Catholic education.

6.5 Subsidiarity, Local Agency and Democratic Participation

Catholic Social Teaching's focus on subsidiarity aligns with legal and policy reasons advocating for local governance in education: decisions taken at the community level can, theoretically, better address local needs and enhance parental involvement. The legal framework - management boards of parent and teacher representatives, along with patronage consultative procedures - implements this approach. Strengthening the robustness, representativeness, and transparency of participation institutions will enhance the democratic legitimacy of

³³ *Parliamentary Committee on Education, Report on DEIS Implementation and Effectiveness (Oireachtas, 2019)*

³⁴ *Department of Education, Targeted Support and Interventions for Disadvantaged Pupils in Catholic Schools (2021).*

³⁵ *Amalee Meehan, Faith and Character Formation in Catholic Schools: A View from Ireland (unpublished PhD thesis, Dublin City University). <https://doras.dcu.ie/31238/> (2019).*

denominational schools and alleviate concerns over unaccountable control associated with patronage.³⁶

6.6 Catholic Schools and the Evolving Landscape of Relationship and Sexuality Education (RSE)

The current reform of Relationship and Sexuality Education in Ireland exemplifies a significant contemporary intersection of parental rights, children's rights, and school ethos.³⁷ The NCCA's revision of the SPHE/RSE curriculum, alongside ministerial pledges to guarantee uniform curriculum delivery across all schools, has ignited discussions on the allowable extent of ethos-based modifications.^{38 39} The State has a positive obligation under international human rights law to ensure that Relationships and Sex Education (RSE) is factual, comprehensive, and non-discriminatory; however, denominational schools maintain a constitutionally protected right to express their ethos, as long as such adaptations do not compromise the integrity of the core curriculum or obstruct students' access to essential information.⁴⁰

Catholic schools have reacted to this reform initiative in diverse although predominantly positive manners. A multitude have engaged actively in NCCA consultations and created policy templates aimed at reconciling the doctrinal viewpoints of Catholic education with the human rights mandate for objectivity in curriculum implementation.⁴¹ ⁴² This entails a heightened focus on universal principles such as respect, dignity, personal responsibility, and care for the vulnerable, all of which correspond with Catholic Social Teaching while remaining accessible to students of any or no faith background.⁴³

The legal and educational problem is to provide ethos-based ideas within a broader, pluralistic pedagogical framework instead than as dogmatic instruction. Institutions that articulate their contributions through critical engagement, democratic discourse, and the development of moral reasoning are more apt to harmonise ethos with

³⁶ Department of Education, *Boards of Management: Guidelines on Representation, Subsidiarity, and Participatory Governance* (2021).

³⁷ National Council for Curriculum and Assessment (NCCA), *Report on the Review of Relationships and Sexuality Education in Primary and Post-Primary Schools* (2019) 9–10.

³⁸ NCCA, *Relationships and Sexuality Education in Primary and Post-Primary Irish Schools: A Research Paper* (Prof. Mark Morgan, Dr Seline Keating & Dr Bernie Collins, 2018) 14–15.

³⁹ Department of Education, *Minister Bruton starts major update of Relationships and Sexuality Education* (Press Release, 3 April 2018).

⁴⁰ Department of Education, *Ministers McHugh and Mitchell O Connor welcome final report ... on Review of RSE* (Press Release, 11 December 2019).

⁴¹ NCCA, *Relationship Sexuality Education; RSE – Junior Cycle SPHE*. ncca.ie

⁴² NCCA, *Relationship Sexuality Education; RSE – Primary Developments*. ncca.ie

⁴³ Dr Seline Keating, Prof Mark Morgan & Dr Bernie Collins, *Relationships and Sexuality Education in Primary and Post-Primary Irish Schools: A Research Paper* (NCCA, 2018) 27.

neutrality mandates.⁴⁴ Furthermore, the pastoral-care frameworks and expertise of Catholic schools in conducting sensitive dialogues can enhance the rights-respecting implementation of Relationships and Sex Education (RSE), especially in environments characterised by social deprivation or insufficient familial support.⁴⁵ As reforms progress, denominational schools are poised to exemplify a methodology that integrates educational integrity with unwavering pastoral assistance, so illustrating harmony rather than discord between ethos and rights. The 2023 SPHE curriculum, now mandatory, further tests ethos integration.

6.7 Catholic Schools, Diversity of Religion and Belief, and the Integration of New Communities

Irish classrooms have experienced significant demographic transformation over the past twenty years, as heightened migration has resulted in unparalleled religious, cultural, and linguistic variety.⁴⁶ This transition has prompted enquiries over the ability of denominational schools to serve pupils from minority or secular backgrounds. Research and school-level practices increasingly indicate that Catholic schools, due to their robust pastoral orientation, can serve as successful venues for integration provided responsibilities of equality and respect for conscience are appropriately enforced.⁴⁷

In numerous localities, especially when Catholic schools serve as the primary or exclusive local provider, they have established multicultural efforts, newcomer support programs, and home-school liaison schemes that closely fit with the State's human rights obligations.⁴⁸ Management boards have approved revised admissions standards, translated informational guides, and implemented intercultural education frameworks in accordance with the Department's Intercultural Education Strategy.⁴⁹ These initiatives demonstrate the versatility of religious schools and their ability to implement inclusive policies while preserving their basic ethos.⁵⁰

The essential concern regarding human rights is whether the denominational ethos is implemented in a manner that honours students' freedom of religion and belief. Practical measures - such as respectfully facilitating opt-outs, clearly delineating sacramental preparation from the State curriculum, offering quiet spaces for students of diverse faiths, and explicitly indicating that non-Catholic

⁴⁴ *Irish Times*, *Teacher confidence not school ethos the biggest barrier to sex education, Dáil committee told* (14 July 2022).

⁴⁵ *Irish Times*, *Sex education in Catholic schools covers facts and values, bishops say* (13 June 2019).

⁴⁶ NCCA, *Written Submissions from the Consultation on the Review of RSE (Phase Two)* (n.d.) 3.

⁴⁷ Department of Education, *Intercultural Education Strategy* (2021) 4.

⁴⁸ Department of Education, *Intercultural Education: Resources for Schools* (2020) <https://www.gov.ie/en/publication/4284-intercultural-education-resources-for-schools>

⁴⁹ *Ibid.*

⁵⁰ Migration Policy Institute, *Education of Immigrant Children in Ireland: Integration Challenges and Opportunities* (2020) 12–15.

students are integral members of the school community - assist in ensuring adherence to both domestic constitutional mandates and Article 9 ECHR principles.⁵¹ Catholic schools that use these methods illustrate that denominational identification does not inherently lead to exclusion; in fact, many have become local leaders in intercultural engagement.

Furthermore, the focus of Catholic Social Teaching on solidarity, human dignity, and the preferential option for the marginalised can foster a proactive approach of migrant integration grounded in ethical duty rather than solely procedural adherence.⁵² Catholic schools can constructively engage in the national challenge of promoting social cohesion in a diversifying Ireland, demonstrating that ethos and inclusivity are not mutually exclusive but can mutually reinforce each other when anchored in a principled rights-based framework.

7. CONCLUSION

This article contends that Catholic schools in Ireland are compatible with the ideals of plurality and human rights, contingent upon their operation under a suitable regulatory framework. International law explicitly allows for denominational education and acknowledges parental rights to select educational options that reflect their beliefs. The Irish constitution robustly upholds parental rights, religious liberty, and educational pluralism. Catholic schools thus hold a valid position within the national educational framework. Although concerns persist - especially with opt-out clauses and the assurance of stringent equity in admissions - these issues pertain to implementation rather than intrinsic flaws in denominational education. Catholic schools make substantial positive contributions to educational variety, community cohesion, social capital, and holistic development. The future of Catholic education in Ireland depends on ongoing enhancement and inclusive methodologies rather than withdrawal. When comprehensively understood, Catholic schools can continue to be positive contributors within Ireland's pluralistic educational landscape. Future reform should prioritise independent oversight of opt-out compliance and accelerated patronage divestment in over-subscribed areas.

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⁵¹ *Bunreacht na hÉireann* 1937, art 44; *European Convention on Human Rights* 1950, art 9.

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