



Ulster Human Rights Watch **Analysis of the Report by the Post-Primary Review Body (Burns Report)**

27 June 2002

The Review Body has established 12 “*guiding principles*” which were used as criteria for developing the recommendations in order to replace the present education system. The purpose of these principles is to constitute the foundation of a new education system suggested by Mr Burns and his colleagues.

We have undertaken (I) to examine these principles and (II) to assess the Review Body proposals on the basis of fundamental principles of international law.

I. EXAMINATION OF THE “*GUIDING PRINCIPLES*” OF THE REVIEW BODY

The 12 “*guiding principles*” are to be found on pages 75 – 78 of the Review Body’s report. We have numbered them from one to twelve in the order they are enunciated so as to facilitate reference to them. Some of these principles are (A) misunderstood, others are (B) irrelevant, but most of them (C) aim at promoting an extremist state ideology through the education system.

A. Principles which are misunderstood

Three “*guiding principles*” are misunderstood by the Review Body: principles 1, 2 and 12.

Principle 1: “*Each young person should be valued equally.*”

Young people as human beings must be valued equally. No distinction on any grounds can be made between pupils concerning their value as a person. Whatever their race, colour, sex, language, religion, political or other opinions, national or social origin, economic condition or birth may be, they deserve to be treated equally. If any distinction between pupils was to be made on the basis of these grounds, it would undoubtedly be discriminatory.

The life of all pupils has the same value and they deserve equal attention according to their needs. As far as their value as a person is concerned, it is unquestionable that young people must be valued equally.

However, this principle does not apply to achievement. Since the beginning of primary education, children are regularly assessed against approved standards. Their results are not equal, because their achievements are different. Each young person should therefore be valued as far as achievement in the curriculum is concerned on the basis of their ability and potential.

In the value attributed to achievement, the principle of equality cannot be applied, in the very best interests of young people who have the right to see their particular gifts and work rewarded and their particular needs addressed.

Conclusion:

When applying Principle 1 to education, a clear distinction should be made between the value of the young person and the value of a young person's achievement, and the two must not be confused, as is the case in the Review Body's report.

Principle 2: *“All young people should be enabled to develop their talents to the full and to realize their creative potential, including accepting responsibility for their own lives and making a positive contribution to society.”*

If each young person is to be enabled to develop their talents to the full through the education system, then their abilities in every part of the curriculum must be assessed against approved standards. Evaluation of each young person is necessary and therefore all young people are not likely to perform equally on all subjects or demonstrate the same talents to the same degree.

The education system can only provide a young person with the possibility of developing their talents or of remedying their deficiencies, if some form of assessment exists. So assessment is a necessity to which the principle of equality cannot and must not be applied. Once again, the distinction between the value of the young person and the value of their achievements has to be made.

The Review Body also states that young people should *“accept responsibility for their own lives”*. This statement is extremely unclear. How can a young person of 12, for example, be made to accept responsibility for their own lives as if they were deprived of their parents or guardian? This places a huge burden on young people, which is unfair and highly unhelpful to them. Furthermore, it is in conflict with the law which provides that minor-age children are under the responsibility of their parents or guardian.

Conclusion:

Principle 2 supposes that young people should be assessed so as to be given appropriate possibilities corresponding to their abilities and needs. Contrary to what the Review Body suggests, assessment is a necessary part of the education system. The principle of equality cannot be applied in this domain. Moreover, making young people *“accept responsibility”* for their own lives will in fact place children under greater State control.

Principle 12: *“The curriculum and assessment arrangement should take account of research and learning abilities.”*

In the last principle the Review Body implies that some kind of assessment should take place. An assessment in itself is not discriminatory in any way. It is the objective

evaluation of a young person's ability. The principle of equality applies to the methods of assessment, not of course to the results. The results of assessment determine the needs of each young person, which should be satisfied by different forms of secondary education.

Conclusion:

Although the Review Body has introduced confusing and misleading principles in order to eliminate the proper selection and orientation of young people within the education system, it could not suppress assessment altogether, as evidenced in Principle 12.

B. Irrelevant principles

Two “*guiding principles*” are irrelevant to post-primary education: Principles 3 and 10.

Principle 3: “*Young people should be encouraged to develop a love of learning.*”

The love of learning should be encouraged and developed before young people enter secondary education. This is an essential duty which ought to be carried out in primary education, with the participation of the child's parents.

Children who have not developed a love of learning by the time they reach the age of 11, are likely to drop out at an early stage of secondary education. Of course, young people should continue to be encouraged to develop further their “*love of learning*” in post-primary education, but this will only be successful if they have been previously trained to do so during their years at primary school.

Conclusion:

The Review Body has failed to take into account that Principle 3 should essentially be implemented at primary education level.

Principle 10: “*Lifelong opportunities and choices for learning should be available to all.*”

The concept of “*lifelong learning*” is not of primary importance for secondary education. It is meaningful for people who have left secondary education, whether general or vocational, or even those who have been through higher education, to have access to lifelong learning opportunities. However, this principle will be of little consequence for a 12 or 15-year-old.

Conclusion:

The Review Body has given too much importance to the notion of “*lifelong learning*” in Principle 10, which is not so relevant for post-secondary education.

C. The promotion of an extremist state ideology through the education system

Seven of these “*guiding principles*” aim at promoting a new extremist state ideology through the education system: Principles 6, 5, 8, 4, 9, 11, and 7 (in that order for reasons of clarity).

Principle 6: “*Education should have regard to the changing needs of society and the economy.*”

In its comments (page 76 of the report), the Review Body mentions that “*the education system should develop the aptitudes and abilities of individual pupils so that they are equipped to take their place in a society emerging from conflict.*”

What the Review Body means by the “*changing needs of society*” is that society is supposed to emerge from a “*conflict*”. In fact, Northern Ireland is not coming out of a conflict, but has been under a sustained terrorist campaign over the past thirty years. By using the word “*conflict*”, the Review Body implies that the people of Northern Ireland as a whole, or at least the majority of them, have been involved in some kind of civil war which does not reflect the reality of the situation at all. The use of conflict terminology promotes the strategy of extremist organisations who are attempting to make political gains in Northern Ireland through terrorism.

Conclusion:

Principle 6 shows that the approach of the Review Body tends to link the change of the education system to the political change which some extremist organisations are trying to bring about through terrorism.

Principle 5: “*The promotion and demonstration of a culture of tolerance, reconciliation and respect for diversity of cultures should be a seminal purpose of education.*”

In its comments (page 76 of the report), the Review Body speaks of “*an inclusive system*” of education. From an early age, young people are to be regimented in a system which is to be used in an attempt to change society.

The education system is to promote and demonstrate a “*culture of tolerance*”. What does this mean? Should anything at all be tolerated? It is one of the bases of education to teach discernment between what should and should not be tolerated. Terrorism, for example, should not be tolerated under whatever excuse or justification. To endeavour to promote a “*culture of tolerance*”, as suggested by the Review Body, could have very detrimental consequences for the whole of society.

The education system would also be used to promote a “*culture of reconciliation*”. Reconciliation means the action through which two or more people are made to become friends again after estrangement. Reconciliation supposes that some kind of quarrel or opposition took place between two or more people before some kind of settlement was reached. Therefore, what does a “*culture of reconciliation*” mean for young people who have never taken part in any form of terrorist activity or organisation. The idea of “*reconciliation*” is related to that of “*conflict*”. It is part of an ideology developed by extremist organisations, and which is opposed by the overwhelming majority of law-abiding people in Northern Ireland.

Finally, the education system is to be used to promote a “*culture of respect for diversity of culture*”. However, all cultures are not to be respected, and discernment needs to be used in this matter also. The culture of terrorism, for example, which is promoted by certain organisations in Northern Ireland, should be opposed and totally rejected without being granted any form of respect whatsoever. Young people can only be provided with the

necessary discernment about different cultures if they have been given a sound cultural education in the first place. The real issue is therefore to provide them with this sound cultural education which will enable them to make useful judgements for themselves and for society as a whole.

Conclusion:

Rather than helping young people to develop their cultural background usefully, the Review Body intends to use the education system through Principle 5 to promote an inclusive ideology which will benefit extremist organisations.

Principle 8: *“Each young person should be equipped with the values and skills needed for working and living in the 21st century.”*

It goes without saying that every young person should be equipped with the skills needed for working in this day and age. The acquisition of skills supposes therefore that diverse forms of education, and not only one comprehensive form of education, be developed at secondary education level.

Concerning the values needed for living and working in the 21st century, what are they? Do these values need to be different to the values of the 20th century or of the past centuries? If these values are particular to the 21st century, they need to be enunciated, but the Review Body has not mentioned any.

The idea that values change derives from a peculiar philosophy, according to which values should evolve as society changes. However, many problems in society today are the result of the loss of sound values which were cherished in the past. The appropriate values for the future are most certainly to be found in the values which brought prosperity to the nation in the past.

Conclusion:

There are no major reasons for the values needed for working and living in the 21st century to be different from those of the past, as suggested in Principle 8. Concerning the skills needed, this undoubtedly supposes that different forms of secondary education have to be provided, contrary to the final recommendations of the Review Body.

Principle 4: *“The education system should provide for the development of all aspects of the individual, including the intellectual, spiritual, moral, cultural, social, physical, emotional and creative.”*

The Review Body proposes to create an inclusive education system which would cover every aspect of education, from the formal curriculum to extra-curriculum provisions.

Undoubtedly, the education system should provide for the development of each young person’s intellectual, physical and creative abilities. However, there are other areas of education for which the State is under the obligation to respect the rights of parents. In particular, the State has the duty to respect the rights of parents to ensure that education and teaching of their children is in conformity with their own religious and philosophical

convictions. Hence, international law provides parents with the parental right to protect their children from any possible risk of indoctrination by the State in State schools.

Conclusion:

The proposed education system's pattern of indoctrination by the State, which is contrary to international law, is apparent in Principle 4. The Review Body's proposal is to create an inclusive, comprehensive system of education run by collegiates, working under the supervision of the Department of Education, which will promote an extremist ideology aimed at indoctrinating young people.

Principle 9: *“There should be parity of esteem for vocational and academic educational opportunities.”*

Parity of esteem has no definition in common law, or in international law. It cannot be applied legally to relationships between people, and less still to different forms of secondary education. Esteem depends on somebody's personal opinion. Each person is free to have his opinion about general education or vocational education. Why should young people, parents, teachers or anyone else in Northern Ireland not be free to hold their own opinions about the different forms of secondary education? No one can be pressurised into having the same “esteem” for two different forms of secondary education if they want to believe otherwise. This goes against the right to freedom of thought, protected by international conventions such as the European Convention of Human Rights.

Conclusion

“Parity of esteem” has been used by extremist organisations in Northern Ireland in order to bypass fundamental rights and freedoms and bring about political change. The Review Body intends to use the same means in Principle 9 in order to destroy the present, very successful, education system and replace it altogether with an entirely new one, which has never been proved.

Principle 11: *“There should be equality of opportunity, access and excellence for all.”*

The right to have access to education rests upon the basis of equal opportunity, according to the United Nations Convention on the Rights of the Child. The purpose of ensuring equal opportunity is to ensure that groups of people who are likely to be discriminated against, such as children with disabilities, or children of ethnic minorities, are given equal access to education.

If equality of treatment in education is impaired as a result of any form of discrimination based on race, colour, sex, language, religion, political or other opinion, social origin, economic condition or birth, this would amount to discrimination.

Equality must be ensured in the admission of pupils to educational institutions. However, equality of opportunity does not mean that young people have the right to have accessed to any form of secondary education whatsoever, regardless of their merits, abilities or potential. Difference of treatment is prohibited except on the basis of merits or particular needs (example: disability). This is contrary to the idea which the Review Body wants to promote, according to which equality of opportunity means an unlimited right to access any programme of education.

Suppressing the diverse forms of secondary education will not provide “*excellence for all*”. After carrying out a thorough investigation, the National Foundation for Education Research concluded that the pupils in grammar schools and in schools of other forms of secondary education do better than pupils in comprehensive schools.

Conclusion:

The proper meaning of the principle of equality of opportunity has not been grasped by the Review Body in Principle 11. It does not mean that young people are entitled to have access to just any form of education, but that young people must be treated equally in being given access to different forms of secondary education according to their merits or needs.

Principle 7: “*There should be recognition of and support for the key role of teachers in the delivery of a high quality education system.*”

The Review Body has introduced this principle in order to facilitate the complete transformation of the education system in Northern Ireland. In their comments, the body states that respect and support are to be given to teachers by “*the parents, the education partners and society at large*” in order to ensure the effective implementation of change.

Conclusion:

The Review Body uses principle 7 so as to involve everybody in the process of changing the present education system and supporting the extremist ideology which is at the root of the implementation of an entirely new and totally unproved education system.

II. ASSESSMENT OF THE REVIEW BODY’S PROPOSALS ON THE BASIS OF FUNDAMENTAL PRINCIPLES OF INTERNATIONAL LAW ON THE RIGHT TO EDUCATION

Three principles are essential as regards the right to secondary education in international law: (A) the principle of availability of different forms of secondary education, (B) the principle of the State’s respect for parents’ religious and philosophical convictions, and (C) the principle of the equality of opportunity.

A. The principle of availability of different forms of secondary education

The International Covenant on Economic, Social and Cultural Rights of 16 December 1966 (ICESCR) provides in Article 13(2)(b) that “*secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means...*”.

Article 28(1)(b) of the United Nations Convention on the Rights of the Child of 20 November 1989, provides also that State Parties recognise the right of the child to education, and in order to achieve this right progressively on the basis of equal opportunity, they commit themselves in particular to “*encourage the development of different forms of secondary education, including general and vocational education*”, making them available and accessible to every child.

Both these international conventions, ratified by the United Kingdom, emphasise that different forms of secondary education shall be made available and accessible. Rather than suppressing one form of secondary education as provided by grammar schools, which the Review Body proposes, it is the State’s duty to promote and encourage the development of

different forms of secondary education. What the Review Body recommends is tantamount to a violation of international law.

Obviously, the way forward, in accordance with international conventions, is to maintain and protect grammar schools, and allow them to develop their form of education which is so vital for the future of Northern Ireland, while continuing to promote other forms of secondary education, especially technical and vocational education.

B. The principle of the State's respect for parents' religious and philosophical convictions

The International Covenant on Civil and Political Rights of 16 December 1966 (ICCPR) in Article 18(4), and the International Covenant on Economic, Social and Cultural Rights in Article 13(3), both provide that "*the State Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to ensure the religious and moral education of their children in conformity with their own convictions.*"

The purpose of both these covenants, which have been ratified by the United Kingdom, was to prevent any country from repeating in the future abuses of the education system as committed by the Nazis, who had used it as a means of indoctrinating young people.

Article 2 of Protocol No. 1 of the European Convention of Human Rights states: "*In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.*"

The emphasis is placed on the word "*respect*", which according to the European Court of Human Rights case law means more than "*acknowledge*" or "*take into account*"¹. Article 2 of Protocol No. 1 enjoins the State to respect parents' convictions, be they religious or philosophical, throughout the entire State education programme.

The European Court of Human Rights also held that the second sentence of Article 2 forbids the State "*to pursue an aim of indoctrination that might be regarded as not respecting parents' religious and philosophical convictions. That is the limit that must not be exceeded.*"²

The Review Body's proposals aim at transforming the education system on the basis of an extremist ideology. The education system is to be inclusive and comprehensive, resulting in bringing young people under State control regardless of their parents' religious or philosophical convictions. The end pursued by the Review Body is for the State to use the education system to indoctrinate young people into believing the ideology promoted by extremist organisations. In order to thwart any opposition, the Review Body's intention is to bring parents, teachers and society at large to the same way of thinking by obtaining their support for the transformation of the whole education system.

The Review Body's proposals are in breach of the International Covenants and the European Convention of Human Rights, as they will result in the violation of the fundamental right of parents to have their children educated in conformity with their own religious and philosophical ideas.

¹ Case Valsamis V Greece, 18 December 1996.

² Case Kjeldsen, Busk Madsen and Pedersen V Denmark, 7 December 1976.

C. The principle of equality of opportunity

Article 28(1) of the United Nations Convention on the Rights of the Child provides that State Parties recognise the right of the child to education “*on the basis of equal opportunity*”.

This is a fundamental principle the purpose of which is to guarantee that no child can be discriminated against on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, economic conditions or birth, in having access to education.

It is the State’s duty to ensure that no discrimination based on any arbitrary criteria could take place within the education system. Differences of treatment applied by public authorities on children is prohibited, except on the basis of merits or needs.

It is therefore proper for a State to have different forms of secondary education for which access is regulated by some form of test based on the child’s merits. Such a system is not discriminatory but fair in a democratic society. Moreover, if a child has a special need, for example children with disabilities or advanced pupils, any measure which addresses that need cannot be deemed to be discriminatory.

The present system of secondary education in Northern Ireland, which includes grammar and secondary schools, complies with international law and does not in any way constitute a breach of the principle of equality of opportunity, since access to grammar school is provided to any child on the basis of merits. What needs to be ensured is for the test determining the orientations of young people towards the appropriate form of secondary education to be fair for all those who choose to sit it.

CONCLUSION

The so-called “*guiding principles*” put forward by the Review Body aim at justifying the destruction of the form of secondary education provided by grammar schools. Most of them are made up of cheap ideas, with the view of promoting, at the heart of the new education system, a State ideology of Marxist inspiration, aiming at indoctrinating young people and eventually transforming society.

A State committed to democracy is forbidden to abuse the education system in order to indoctrinate young people. If the Review Body’s recommendations were to be implemented, they would result in the most serious attempt by any State in Western Europe since the Second World War to transform the education system solely for political reasons.

Such a plan must be opposed by the overwhelming majority of the law-abiding people of Northern Ireland.

**OUR
MISSION**

To protect our Freedoms
Freedom of Speech - Freedom of Religion - Freedom from Want - Freedom from Fear
Through True Democracy for All the People of Northern Ireland