

**Joint Submission from**

**Atheist Ireland**

**Ahmadiyya Muslim Community of Ireland**

**Evangelical Alliance of Ireland**

**UN Human Rights Council**

**Third Universal Periodic Review of Ireland**

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## 1. Introduction

1.1 Irish Atheists, Evangelicals and Ahmadiyya Muslims are united in a campaign for Secularism and Human Rights. We have very different world views, most notably in Ireland on issues such as abortion, but we all agree that each person should be treated with respect, our right to hold our beliefs should be treated with respect, and States should treat us all equally before the law by remaining neutral between religious and nonreligious beliefs.

1.2 Parts of our campaign are:

- We promote the fundamental human rights of freedom of conscience, religion and belief, equality before the law, and freedom from discrimination for all.
- We promote these human rights within Irish society and Irish political institutions, and at the United Nations, the Council of Europe and other international human rights bodies.

1.3 All points in this joint submission are made on behalf of our three groups unless otherwise stated. We previously made a joint submission and attended the UN Human Rights Committee when it was examining Pakistan under the ICCPR.

1.4 Atheist Ireland regularly takes part in sessions of UN Committees, and has successfully had human rights based recommendations made. In 2016 Atheist Ireland addressed the Human Rights Council at Ireland's UPR, and raised three issues: the laws against blasphemy and abortion, obligatory religious oaths for high office, and religious discrimination in Irish schools.

1.5 Since then, Ireland has held referendums to end the laws against blasphemy and abortion. However, there have been only superficial plans to reduce religious discrimination in schools, no progress in removing obligatory religious oaths for high office, and an increasing problem with regard to respecting the freedom of religion or belief of asylum seekers.

## **2. Recommendations**

2.1 Provide Access to non-denominational schools and secular education, consistently with the accepted recommendations 135.138 to 135.140 from UPR 2016, <sup>i</sup> and with repeated recommendations from the UN Human Rights Committee.

2.2 Put in place human rights based Statutory Guidelines on the right to not attend religion classes which are not neutral and objective, and religion that is integrated in to other curriculum subjects, and offer an alternative timetabled subject, consistently with the linked legal opinion obtained by Atheist Ireland on this issue, and with recommendation 36 (CRC/c/IRL/co/3-4) 2016 of the UN Committee on the Rights of the Child.<sup>ii</sup>

2.3 Hold a referendum to remove the obligatory religious oaths in the Constitution for President, Judges, and members of the Council of State which includes the Taoiseach and Tanaiste, and replace them with a single declaration that makes no reference to the person's religion or beliefs, consistently with repeated recommendations from the UN Human Rights Committee.

2.4 Respect the right of asylum seekers to self determination on the basis of religion or belief, and ensure that asylum seekers have access to welfare and housing support as the Direct Provision centres are not suitable places for those fleeing persecution.

### **3. The Irish education system**

3.1 The Irish Education system is unique. The State funds education mainly through private religious bodies known as Patrons. The State shows deference to the Catholic Church and its mission to evangelise through running schools. In theory, atheist or minority faith families have absolute rights but in practice we are discriminated against on the ground of religion with no effective remedy.

3.2 Under Article 42.1 of the Irish Constitution all parents have inalienable rights in relation to the education of their children. Under Article 44.2.4 the State must uphold the right of students to not attend religious teaching if that is against the wishes of their parents. This is a condition of the State funding of schools. Also the State must respect all parents' convictions.

3.3 It is hard for parents to go to court in relation to the evangelising/discrimination of their children in schools, because of (a) prohibitive costs, (b) their children would have left school before the case made its way through the courts, and (c) Parents fear their child will be alienated and singled out as a trouble maker. This is even harder if you are an immigrant.

3.4 It is not possible to hold the Department of Education responsible under the Equal Status Act for their failure to put in place guidelines or balancing rights. Nor is it possible to take a case to the Ombudsman for children in relation to the content of religion classes or the integrated curriculum.

#### **3.1 Balancing of rights**

3.1.1 Section 15-2(b) of the Education Act 1998<sup>iii</sup> obliges Boards of Management of schools to uphold the Characteristic Spirit (ethos) of the Patron. Section 15-2(e)<sup>iv</sup> obliges these Boards to have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society. Section 30-2(e) obliges the Minister to ensure that no students attends instruction that is against the conscience of the parent of the student. Rule 69 of the Rules for National Schools states that students shall not be present in the class where religious instruction takes place.

3.1.2 In theory the State has put in place Legislation to try to balance rights. However, it has not put in place Statutory Guidelines, and leaves it up to each school and Patron body to decide how they give practical application to balancing those rights. The Patron bodies and schools do this according to their own 'Characteristic Spirit' (ethos) and not on Constitutional or human rights.

3.1.3 Despite these illusory rights, most children if they do manage to opt out of religion are left sitting in the religion class and no other subject is offered. Many students are by default enrolled in

religion classes that are not neutral or objective, and if their parents object they are falsely told that the course is suitable for all religions and none. Religion is also integrated into other curriculum subjects and the general atmosphere of the school, with no opt out possible, as parents are not aware of how and when this happens.

3.1.4 Statutory Guidelines based on Constitutional and Human Rights in relation to not attending religious teaching and ceremonies, and on not integrating religion into curriculum subjects would mean that School Inspectors would ensure that there are policies in place in schools that reflect those Guidelines. The Inspectors would also have access to Parent bodies within the schools who can give feedback if those guidelines are being ignored.

3.1.5 The term 'Characteristic Spirit' (ethos) is not defined in the Education Act 1998 and there are no State Guidelines on how to balance this against the rights of minorities who have no option but to send their children to schools with a religious ethos, or to schools that claim they are multi denominational but have a Catholic ethos and practices.

3.1.6 In the 1996 High Court case 'Campaign to Separate Church and State v Minister for Education' the Court stated that parents in Ireland have more rights in relation to the education of their children under the Constitution than under human rights law, as the Irish State had developed the significance of these rights and imposed obligations on the State in relation to them.<sup>v</sup>

3.1.7 Despite this judgement, minorities leave their human rights at the school gate, as the Irish State ignores Recommendations made by the UN and COE and case law at the European Court.

### **3.2 Recent court case upholds rights of parents**

3.2.1 A recent case at the Court of Appeal (Burke v Minister for Education) <sup>vi</sup> has again upheld the rights of parents in the Constitution. We hope this case will assist in upholding our Constitutional and human rights as it is clear that there is a positive duty on the State to protect parental rights in the education system.

3.2.2 The case was in relation to home schooling. The Minister for Education had left home-schooled children out of the Leaving Certificate replacement scheme in 2020. There is a Constitutional Right to home school your child if that is what parents wish to do on the grounds of conscience.

3.2.3 The Minister submitted that this right was so unclear that it could not be said to derive from a combination of rights, values and fundamental structures set out in the Constitution. The court said that the right of parents and children are derived from the interwoven provisions of the

constitution which make a clear value judgement about the primacy of parental choice in education and the duty on the State to respect that choice, while also guaranteeing a right to the child to education.

3.2.4 The Court of Appeal said there is a duty on the State when formulating education policies for children, to take reasonable account of minorities. There is a Constitutional Right to not attend religious instruction that the Irish State ignores at present.



### **3.3 Religion integrated into the curriculum**

3.3.1 The State's 1999 Framework Curriculum<sup>vii</sup> at primary level obliges schools to integrate all the curriculum areas into each other. There are seven curriculum areas divided in subject areas, of which religion is one. <sup>viii</sup> Religion and ethics courses developed by private Patron bodies are then integrated into other curriculum areas.

3.3.2 Despite Constitutional and Human Rights obligations it is the policy of the Irish State to integrate religion into curriculum areas with an illusory possibility of opting out and no State Guidelines. As the Catholic Church is Patron of most schools, minorities do not have access to objective education.

3.3.3 In 2008 the UN Human Rights Committee raised the issue of the religious integrated curriculum in its relation to the freedom of religion and belief of minorities in the education system.(para 22 –page 7 CCPR/c/IRL/co/3)<sup>ix</sup>

3.3.4 In 2014 the UN Human Rights Committee<sup>x</sup> asked Ireland did it believe that students have a right to an objective education in schools as well as access to non-denominational schools. You can see that exchange here <https://www.youtube.com/watch?v=-Q4UjpG9mow>

### **3.4 Education & Training Board Schools**

3.4.1 Even in the few schools where State Education & Training Board schools are the Patron, they integrate religion into curriculum subjects because many of these schools have agreements in place with the Catholic Church.

3.4.2 In 2007 the Irish State told the COE Advisory Committee on the Framework Convention for the Protection of National Minorities that 30% of students were educated in these second level ETB schools, which the State described as non-denominational schools.

3.4.3 Some time after, the State recategorised those schools multi-denominational.

3.4.4 In 2017 the Labour Court <sup>xi</sup> found that an Education & Training Board school which has no agreement with the Catholic Church can have a religious ethos because it has a history of having a Christian ethos.

3.4.5 The Labour Court stated that:

*"It is clear that the Respondent has an established Christian ethos and it adduced evidence that the placement of the May altar is a long standing tradition which it practices every year in keeping with this ethos. This practice is in keeping with the Respondent's Christian ethos. I am satisfied that the CTI has a Christian ethos and the teaching of religious education is a fundamental component of the curriculum in the school. The Christian ethos of the school is clearly outlined in the CTI's Religious Education Policy."*

3.4.6 The Curriculum Framework at Primary Level is being updated. We have made a Submission to the National Council for Curriculum and Assessment and also met them. We have pressed them to recognise our Constitutional and Human Rights. <https://www.teachdontpreach.ie/2020/11/draft-primary-curriculum-framework/>

### **3.5 The Catholic Church's position**

3.5.1 The Catholic Church recognises that there are issues of conscience in relation to integrating religion into academic subjects. It has general guidelines for teachers on religion and integrating it into other subjects in its 'Catholic Preschool and Primary Religious Education curriculum for Ireland.'<sup>xii</sup> It states that:

"Every effort should be made to respect the freedom of conscience of children who have withdrawn from Religious Education." (page 163)

3.5.2 However, it is left up to teachers and schools to make this 'every effort.' Teachers are not trained to do this nor are there any State Guidelines.

3.5.3 The Catholic Church has rejected the Toledo Guiding Principles on teaching about religion and beliefs and it is on record at the UN as stating that:

"Of the utmost concern, the use of the term 'freedom from religion,' which is not contemplated in the international instruments, reveals a patronising idea of religion, going beyond the mandate of the special rapporteur." (Ivan Jurkovic 2nd March 2018, at the United Nations Human Rights Council in Geneva)<sup>xiii</sup>

3.5.4 Despite rejecting the Toledo Guiding Principles and refusing to recognise the right to freedom from religion the Church has power and control in schools and can fire or refuse to hire teachers if they undermine their ethos (Section 37 Employment Equality Act<sup>xiv</sup>).

3.5.5 There is a clash of rights because of the Patronage system. Publicly funded Private bodies operate schools on the basis of their mission and not on the basis of human rights. As the Catholic

Church still have control it is their philosophy of education that prevails.

3.5.6 When the Oireachtas Education Committee questioned the Department in relation to schools integrating Catholic sex education (ethos) into curriculum sex education the Department Official admitted that 'ethos' may well have an impact on how students hear what is being said to them and how the material is handled. You can see that exchange here.

<https://www.youtube.com/watch?v=e8ELNsene98&t=182s>

### 3.6 No non-denominational schools or secular education

3.6.1 Ireland still has no publicly funded non-denominational schools, despite accepting a Recommendation from Slovenia in 2016 on ensuring an option for children to attend non-denominational schools.

3.6.2 Publicly funded schools are categorised on the Department of Education's website. You will note that there are no non-denominational schools registered.<sup>xv</sup>

#### *Primary Schools Mainstream*

2760	Catholic
172	Church of Ireland
109	MultiDenominational Educate Together
27	MultiDenominational ETB Community National Schools
17	InterDenominational
16	Presbyterian
2	Muslim
1	Jewish
1	Methodist
1	Quaker
0	NonDenominational

#### *Primary Schools Special*

106	Catholic
17	MultiDenominational
1	InterDenominational
9	Other
0	NonDenominational

#### *Second Level Schools*

344	Catholic
183	MultiDenominational ETB
19	MultiDenominational Educate Together
150	InterDenominational
22	Church of Ireland
2	Quaker
1	Jewish
1	Methodist

1      Presbyterian  
0      NonDenominational

### 3.7 Junior Infants starting school this year

3.7.1 The 2016 census shows the following religious affiliations declared by parents of children then under one year of age. That is the age cohort who will typically start school in Junior Infants this year. <sup>xvi</sup>

		%
46,979	Catholic	75.46
6811	No Religion, Atheist, Agnostic	10.94
2887	Not stated	4.64
1410	Church of Ireland, England, Anglican, Episcopalian	2.26
1407	Muslim/Islamic	2.26
917	Orthodox (Greek, Coptic, Russian)	1.47
544	Christian (Not Specified)	0.87
227	Other stated Religion	0.36
217	Apostolic or Pentacostal	0.35
214	Hindu	0.34
204	Presbyterian	0.33
115	Evangelical	0.18
47	Buddhist	0.08
45	Jehovah's Witness	0.07
43	Methodist, Wesleyan	0.07
42	Baptist	0.07
41	Lapsed Roman Catholic	0.07
36	Protestant	0.06
30	Lutheran	0.05
15	Pagan, Pantheist	0.02
14	Spiritualist	0.02
12	Born Again Christian	0.02

3.7.2 In addition to the above figures from the Census in 2016, 41% of Marriages in 2019 <sup>xvii</sup> were non religious so it is likely that the above figures will change dramatically in the next Census.

### 3.8 This system cannot respect everybody's rights

3.8.1 These figures show that the Irish education system will never achieve pluralism in education. It is simply not possible to fund a school for every different religion and belief in every town. For most minorities the only choice is a Catholic education, and many places have only a Catholic

school.

3.8.2 Some minorities are discriminated against more than others.

- Between 11% and 15% of junior infants whose parents categorise them as no religion, atheist, agnostic, or not stated have no access to any non-denominational schools.
- 1407 children from a Muslim background have access to two schools under Islamic patronage at Primary level (and will have access to none at second level) while
- 1410 children from a Church of Ireland background have access to 172 schools at primary level (and will have access to 22 at second level).
- The two Muslim schools are under Sunni patronage, and can legally refuse access to a child from an Ahmadi background on the basis that they would undermine their ethos.
- The 172 Church of Ireland primary schools can discriminate against other minority Christian denominations, including Evangelicals, who are needed to keep those schools viable.
- There are 109 multi-denominational Educate Together schools at primary level and 19 at second level. These are the only schools that could be considered as offering a human rights based education. Even these are not non-denominational.

3.8.3 The only children who can claim to have access to a particular school of their parents' choice are the 46,979 children from a catholic background starting school this year. They have 2760 schools at primary level and 106 at second level.

3.8.4 In addition they have access to ETB Community National Schools (state schools) where the Catholic Church heavily influences the teaching of religion and ethics and also have access to various ETBs at second level (state schools) who have agreements in place with the Church.

### **3.9 The policy of parental choice is illusory**

3.9.1 The Irish State claims that parents choose the type of schools they want and on the face of it they do<sup>xviii</sup>. However, the whole system is geared towards well established religious bodies and majorities in particular catchment areas, while minorities simply cannot compete.

3.9.2 In the recent 2020 Programme for Government, there is a commitment to establish multi-denominational but not non denominational schools (page 96).<sup>xix</sup> Given the patronage system we are not sure how that is going to be achieved.

3.9.3 In Ireland the terms denominational, interdenominational or multi-denominational are not legally defined. That has consequences for any Recommendations as many multi-denominational schools operate as Catholic schools with Catholic practices and ethos, because there are no statutory guidelines. Establishing multi-denominational schools that discriminate in practice and don't recognise human rights will not help minorities.

3.9.4 We need access to secular education in non-denominational schools, and Statutory Guidelines on religion in all schools.



### **3.10 Admission to Schools without religious discrimination**

3.10.1 Under the new Education (Admissions to Schools) Act 2018, Catholic schools at primary level can no longer give preference to children from Catholic families. We welcome this as it is an area where we have sought change for some time.

3.10.2 However, Church of Ireland and other minority faith schools can still give preference to five year old children whose parents support their ethos and their religious education classes.

3.10.3 Also the Act only applies to primary schools and not second level schools. Over half of second level schools are under religious patronage and operate with a religious ethos.

3.10.4 All Schools at primary and second can still legally refuse access to a child if the child challenges their religious ethos. This part of the Act has never been used, but it is put in the Admission Policy of schools and parents are unsure exactly what this means.

3.10.5 The UN Human Rights Committee in their recent List of Issues under the ICCPR has asked Ireland the following:<sup>xx</sup>

“Freedom of conscience and religious belief (arts. 2, 18 and 26)

Please report on the measures taken to ensure that the right to freedom of conscience and religious belief is fully respected, in law and in practice, on a non-discriminatory basis. In this regard, and bearing in mind the Committee’s previous recommendation (CCPR/C/IRL/CO/4, para. 21), please:

- (a) provide information about the implementation of the Education (Admission to Schools) Act 2018 and indicate whether progress has been made in the implementation of other measures recommended by the Committee to improve access to secular schools;
- (b) indicate whether there have been any changes to the constitutional provisions requiring persons who take up certain senior public positions to take religious oaths; and
- (c) indicate whether amendments have been made to section 37 (1) of the Employment Equality Act 1998 to bar any discrimination in employment in the fields of health and education.”

### **3.11 Arrangements for pupils who do not attend religious instruction**

3.11.1 Section 62-7(n) of the Education (Admission to Schools) Act 2018<sup>xxi</sup> obliges schools to put in their Admission Policies the arrangements for students who do not attend religious instruction.

3.11.2 In their recent Report to the UN on the List of issues under the ICCPR, the Irish State said:

“School Admissions

247. The Education (Admission to Schools) Act 2018 provides for the amendment of the Equal Status Act 2000 to remove, in the case of recognised denominational primary schools, the existing provision that permits such schools to use religion as a selection criterion in school admissions. There is a protection in this provision to ensure that a child of a minority religion can access a school providing a religious instruction or religious education programme consistent with his or her religious beliefs. Schools that are not oversubscribed must continue to accept all applicants, regardless of religion and this will be further enforced by the remaining provisions of the Act, when commenced.

248. The Act contains a provision which, when commenced, will require that school enrolment policies include details of the school's arrangements for any students who do not wish to attend religious instruction.”<sup>xxii</sup>

3.11.3 Despite telling the UN that this Act requires schools to put in their Admission Policies the arrangements for students not attending religious instruction, it has not happened. Schools have just put in their Admission Policy that parents need to come into a meeting with the school. There are no details about the arrangements for not attending religious instruction.<sup>xxiii</sup>

3.11.4 We have examined 100 schools Admission Policies and none of them had any details. We brought this to the attention of the Minister for Education and nothing has been done about it. The Irish State tells the UN one thing and then just won't implement it on the ground.<sup>xxiv</sup>

### **3.12 Statutory Guidelines on the right to not attend religion classes**

3.12.1 The previous UPR Recommendation from the Czech Republic which was accepted by Ireland in relation to providing children with non-denominational curricula has not been implemented. Section 15-2(b) of the Education Act 1998 is still in place and so is the 1999 Framework Curriculum.

3.12.2 Atheist Ireland has obtained a legal opinion from Barrister James Kane on the Constitutional right to not attend religious instruction under Article 44.2.4 of the Irish Constitution. You can read that legal opinion here:

<https://atheist.ie/2020/08/legal-opinion-constitutional-right-religious-instruction/>

3.12.3 The legal opinion covers the right to not attend religious teaching, the funding of schools, the NCCA religious education course (National Council for Curriculum and Assessment), Catholic instruction, and all aspects of the right in the education system. The right to not attend religious instruction has been undermined for years by both Church and State.

3.12.4 We have sent this Legal Opinion to the Minister for Education, Norma Foley. We have also sent this Legal Opinion to every TD in the Dail (Parliament). The Oireachtas Joint Education Committee has said that it will look at the issue at a future date. There is also a commitment in the Programme for Government to have a Constitutional Convention on education.

3.12.5 Various Recommendations from the UPR, the UN, the Council of Europe, the Irish Human Rights & Equality Commission, and the Forum on Patronage and Pluralism in the Education system have raised concerns about the right of minorities to freedom of conscience and freedom from discrimination in schools.

3.12.6 Two and a half hours per week are allocated to religion classes. The Department does not oblige schools to offer curriculum Religious Education, but most schools including ETB schools (state schools) insist on making religion a core subject which students must attend. Students can insist that they won't take this class on the grounds of conscience but no other subject is offered. This does not happen in Educate Together schools.

### **3.13 Religious ceremonies and prayers in schools**

3.13.1 In addition time is allocated to religious ceremonies and prayers during the school day. At primary level time is also allocated to preparing children for religious sacraments. Section 30 -2 (d) of the Education Act 1998<sup>xxv</sup> obliges the Minister for Education to leave reasonable time during the school day for subjects relating to or arising out of the Characteristic Spirit (ethos) of the school.

3.13.2 This has resulted in minorities losing out on precious school time while the religious majority in the country are instructed in Catholicism, prepared for religious sacraments or taken to religious services. No other subject is offered to minorities if they do manage to opt their children out of religion classes or ceremonies.

3.13.3 One parent took a case to the WRC (Equality Authority) because the school was offering homework passes to children who attended Catholic Mass outside school hours. This practice has been going on for years in some schools. The WRC (Equality authority) found that the practice was religious discrimination.

### **3.14 Types of religion classes**

3.14.1 The State did try to introduce an objective course on education about religions and beliefs in primary schools. However, the Catholic Church objected as it stated that this: <sup>xxvi</sup>

*"required teachers to adopt and promote a pluralist approach to religion. This is an approach to religion that goes against the philosophical basis of Catholic religious education. Such a contradiction would place teachers in a very difficult position where conflicting philosophical approaches to religious education would have the potential to create significant confusion."*

3.14.2 In Community National schools (State schools) at primary level the course introduced, called Goodness Me Goodness You, is not an objective course about religions and beliefs and is not up to human rights standards.

3.14.3 At second level the State has introduced a curriculum courses on religion which aims to develop knowledge, understanding, skills attitudes and values to enable them to come to an understanding of religion and its relevance to life, relationships, society and the wider world. The course is not objective. Its purpose is to promote values in students so that they will find that religion is relevant to their lives and relationships.

3.14.4 Schools can integrate their ethos into curriculum Religious Education and never inform parents that they are doing this. Atheist Ireland's Legal Opinion says that this practice is an unlawful and systematic attack on the right to not attend religious instruction. There are no state guidelines in place in relation to the balance between the ethos of schools and curriculum subjects.

*"Teaching Catholic instruction during the State religion syllabus, without offering a supervised opt out, represents an unlawful, systematic and stark attack on the right to not attend religious instruction in State funded schools." (para 76 Legal Opinion)*

### **3.15 Education and Training Board schools at second level**

3.15.1 In February 2018 the Department of Education issued a Circular Letter (0013)<sup>xxvii</sup> to all Education & Training Board Schools (state schools) at second level. The Circular told ETB schools not to combine Catholic Faith Formation with curriculum Religious Education and to let all students pick another subject if they decided not take curriculum Religious Education on the grounds of conscience.

3.15.2 The Circular was reversed in October 2018 (Circular Letter 0062/2018<sup>xxviii</sup>) because of lobbying by the Catholic Church, the ETBI (Umbrella body for ETB schools) and one of the Teachers Unions (TUI). Students must be offered another subject if they did not take Catholic faith formation, but if the ETB schools only offered curriculum Religious Education then they will not offered another curriculum subject if they decided to opt out.

3.15.3 The Department has told parents that a curriculum course on religious education is suitable for their children despite the fact that the main aim of the course is to develop values to enable students to see the relevance of religion to their lives. If the main aim of the course was to develop values to enable students to see the relevance of atheism to their lives the Department of Education would immediately recognise that this could raise issues on conscience for some religious parents.

3.15.4 The Department also funds Catholic Chaplains (approx 10 million per year) in some of these ETB schools notwithstanding the fact that they are registered as multi denominational. The position of Chaplain does not go out to tender as many ETB multi denominational schools have agreements in place with the Catholic Church.

3.15.5 The purpose of funding Chaplains in ETB schools is to help Catholic parents with the faith formation of their children. There was a case at the Supreme Court in 1998 regarding the funding of Chaplains in ETB schools. The Supreme Court said that the state could help parents with the faith formation of their children in these schools by funding Chaplains because

“In Community Schools it is no longer practicable to combine religious and academic education in the way that a religious order might have done in the past”.(page 27- Campaign to Separate Church and State v Minister for Education March 1998).

### **3.16 Discrimination against minority teachers**

3.16.1 Section 37 (1) of the Employment Equality Act 1998<sup>xxix</sup> gives a religious, educational or medical institution that is under the direction or control of a body established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values permission to discriminate on religious grounds.

3.16.2 For a teacher with an initial teacher education degree to be recognised to teach in a Catholic school at primary level they are required to have 120 contact hours in Religious Education, to include an exploration of Catechesis and Catholic Religious Education, and of Religious or Theological Studies (often taken in an additional certificate).<sup>xxx</sup>

3.16.3 As nine in ten primary schools in the State are Catholic it is nearly impossible for atheists, Muslims, Evangelicals or other minority faiths, to gain employment as a teacher in most schools if they don't study catechesis and catholic religious education.

3.16.4 Teachers would fall foul of Section 37 if they refused to uphold the religious ethos of the vast majority of schools at primary and second level. This puts minorities at a particular disadvantage as they have difficulty gaining employment as a teacher without being obliged by law to uphold a particular religious ethos. There are no state guidelines for teachers on balancing rights in schools and integrating religion into the state curriculum.

#### **4. Remove the obligatory religious oaths in the Constitution**

4.1 This issue affects our three groups differently. Atheists cannot conscientiously swear an oath to God, while Christians can. Some Muslims might be able to interpret the word God to mean Allah, while others would not be able to conscientiously do this. The issue could also affect religious people who have an objection to swearing oaths, or an objection to the State enforcing such oaths.

4.2 Atheist Ireland runs a 'One Oath For All' campaign, to enable conscientious atheists to hold the office of President, Judge, Taoiseach, or other members of the Council of State. These offices are out of reach of conscientious atheists.

4.3 In order to take these offices, we would have to swear a religious oath, the wording of which is in the Constitution, that would force us to deny our philosophical convictions, and breach our human right to freedom of conscience and belief. This also contradicts our right to freedom of conscience under Article 44.2.1 of the Constitution.

4.4 In 2014 the UN Human Rights Committee told Ireland to replace the religious oaths for public office, and to remove the law against blasphemy. We have since removed the law against blasphemy, and we should now replace the religious oaths.

4.5 These public office-holders should instead make a single declaration of loyalty to the Irish Constitution, State, and people, that does not reveal anything about the person's religious or nonreligious beliefs.

## **5. Respect the right of asylum seekers to freedom of religion or belief**

5.1 Some applicants seek asylum in Ireland because of persecution on the basis of religion or belief. The system treats these vulnerable people with suspicion. Self determination in relation to belief is an essential part of the right to Freedom of Religion and Belief.

5.2 Immigrants who are members of minority religions can face an overlap of ethnic and religious prejudice and discrimination. This in particular affects ex-Muslim atheists and members of the Ahmadiyya Muslim Community of Ireland and the Evangelical Alliance of Ireland.

5.3 Atheist ex-Muslims in the asylum process face two particular problems. One, the State sometimes insists that they are still Muslims and that they would be safe being sent back to States where they would be in danger. And two, some Muslims in the asylum process can be hostile towards ex-Muslims if they are not seen to be practising Islam.

5.4 We are aware of an atheist applicant who was told by the Irish State that he is a Muslim, because he grew up in a Muslim family. This is no different from telling an applicant that they are not a particular type of Muslim. The Ahmadiyya Muslim community suffers persecution and discrimination in Pakistan.

5.5 Essentially the Department of Justice and Equality is deciding whether or not a person is or is not an atheist or a member of a particular religion. But the State is not entitled to declare that a person's religious or nonreligious belief is not what the person tells them it is.

5.6 Some applicants face harassment in Direct Provision Centres because of their beliefs. They have fled persecution and now have to hide their beliefs in Direct Provision Centres. Particularly around Ramadan, some ex-Muslims are harassed because they are not fasting.

5.7 The lack of privacy in Asylum Centres puts applicants in a perilous position as they must continue to hide their beliefs. They still have family at home who could be subject to persecution and whose situation would be further undermined if it was known that they had a family member who was ex Muslim or fleeing persecution.



## 6. End Notes

<sup>i</sup> 135.138. Wider availability of multi-denominational and non-denominational schools to better cater to the multi-cultural society in Ireland today (India);

135.139. Establish a system providing children and their parents the real opportunity to choose from among religious, multi-denominational or non-denominational types of schooling and curricula (Czech Republic);

135.140. Ensure that all children have the option to attend a non-denominational school at no extra cost (Slovenia);

<sup>ii</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=924&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=924&Lang=en)

<sup>iii</sup> <http://www.irishstatutebook.ie/eli/1998/act/51/section/15/enacted/en/html>

<sup>iv</sup> <http://www.irishstatutebook.ie/eli/1998/act/51/section/15/enacted/en/html>

<sup>v</sup> “The parties to the First Protocol of the European Convention for the Protection of human rights and Fundamental Freedoms agreed that States when assuming functions in relation to education “shall respect the rights of parents to ensure such education and teaching in accordance with their own religious and philosophical convictions” (Article 2). The Irish Constitution has developed the significance of these parental rights and in addition has imposed obligations on the State in relation to them. It declares (in sub paragraph 2 of this Article) that parents are to be free to provide for the education of their children in their homes, or in private schools or in schools recognised or established by the State, that the State shall not oblige parents in violation of their conscience to send their children to schools established or designated by the State, and that the State shall require (in view of actual conditions) that children receive a certain minimum education, moral, intellectual and social...” <https://www.teachdontpreach.ie/2019/10/campaign-to-separate-church-and-state-v-minister-for-education-1995/> (pages 37, 38)

<sup>vi</sup> [https://www.courts.ie/view/judgments/4a492524-b29b-4dc3-be10-ad483ee18ac6/038a55c4-d134-49d0-b933-890a0d8c67fb/2021\\_IECA\\_67%20\(Unapproved\).pdf/pdf](https://www.courts.ie/view/judgments/4a492524-b29b-4dc3-be10-ad483ee18ac6/038a55c4-d134-49d0-b933-890a0d8c67fb/2021_IECA_67%20(Unapproved).pdf/pdf)

<sup>vii</sup> [https://www.curriculumonline.ie/getmedia/c4a88a62-7818-4bb2-bb18-4c4ad37bc255/PSEC\\_Introduction-to-Primary-Curriculum\\_Eng.pdf](https://www.curriculumonline.ie/getmedia/c4a88a62-7818-4bb2-bb18-4c4ad37bc255/PSEC_Introduction-to-Primary-Curriculum_Eng.pdf)

<sup>viii</sup> 1 — Language: Gaelige and English, 2 – Mathematics, 3 — Social, environmental and scientific education (SESE), history, geography and science, 4 — Arts education: visual arts, music and drama, 5 — Physical education, 6 — Social, personal and health education (SPHE), 7 — Religious or ethical education is the responsibility of the different school patron bodies. <https://www.curriculumonline.ie/Primary/Curriculum/>

<sup>ix</sup>

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fIRL%2fCO%2f3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fIRL%2fCO%2f3&Lang=en)

<sup>x</sup> <https://www.youtube.com/watch?v=-Q4UjpG9mow&t=159s>

<sup>xi</sup> <https://www.workplacerelements.ie/en/cases/2017/july/dec-e2017-057.html>

<sup>xii</sup>

<https://static1.squarespace.com/static/5d3b60380b28730001931780/t/5d3b61db6469ca00016cfb3b/1564172798508/Catholic+Pre-School+and+Primary+RE+Curriculum.pdf>

<sup>xiii</sup> <https://atheist.ie/2018/03/catholic-church-un/>

<sup>xiv</sup> <http://www.irishstatutebook.ie/eli/1998/act/21/section/37/enacted/en/html>

<sup>xv</sup> <https://www.education.ie/en/Publications/Statistics/Data-on-Individual-Schools/>

<sup>xvi</sup> <https://data.cso.ie>

<sup>xvii</sup> <https://www.cso.ie/en/releasesandpublications/er/mar/marriages2019/>

<sup>xviii</sup> <https://www.education.ie/en/Press-Events/Press-Releases/2020-press-releases/PR20-11-12-1.html>

<sup>xix</sup> <https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/>

<sup>xx</sup>

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fIRL%2fQ%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fIRL%2fQ%2f5&Lang=en)

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<sup>xxi</sup> <http://www.irishstatutebook.ie/eli/2018/act/14/section/9/enacted/en/html>

<sup>xxii</sup>

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fIRL%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fIRL%2f5&Lang=en)

<sup>xxiii</sup> <https://www.irishtimes.com/news/education/schools-not-outlining-plans-for-those-opting-out-of-religion-survey-finds-1.4410079>

<sup>xxiv</sup> <https://www.teachdontpreach.ie/2020/11/schools-defy-new-law/>

<sup>xxv</sup> <http://www.irishstatutebook.ie/eli/1998/act/51/section/30/enacted/en/html>

<sup>xxvi</sup> [https://ncca.ie/media/2827/erb\\_ethics\\_submissions.pdf](https://ncca.ie/media/2827/erb_ethics_submissions.pdf)

<sup>xxvii</sup>

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi dw5Pe\\_pjvAhWIZxUIHQhmC48QFjADegQIDhAD&url=https%3A%2F%2Fwww.education.ie%2Fen%2FCirculars-and-Forms%2FActive-Circulars%2Fcl0013\\_2018.pdf&usg=AOvVaw23c6m1VxHMTp3RH9O2iGmP](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi dw5Pe_pjvAhWIZxUIHQhmC48QFjADegQIDhAD&url=https%3A%2F%2Fwww.education.ie%2Fen%2FCirculars-and-Forms%2FActive-Circulars%2Fcl0013_2018.pdf&usg=AOvVaw23c6m1VxHMTp3RH9O2iGmP)

<sup>xxviii</sup> <https://www.education.ie/en/Press-Events/Press-Releases/2018-press-releases/PR18-10-05.html>

<sup>xxix</sup> <http://www.irishstatutebook.ie/eli/1998/act/21/section/37/enacted/en/html>

<sup>xxx</sup> <https://www.catholicbishops.ie/wp-content/uploads/2018/06/Recognition-of-Qualifications-web.pdf> page

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