

Atheist Ireland



Submission on Consultation on Statement of Strategy 2016- 2018

8 June 2016

Atheist Ireland is an Irish advocacy group. We promote atheism and reason over superstition and supernaturalism, and we promote an ethical, secular society where the State does not support or finance or give special treatment to any religion. You can read details of our policies on our website at <http://atheist.ie>. You can read details of our education policy on our dedicated website <http://teachdontpreach.ie>.

Since being formed in late 2008, we have campaigned against the Irish blasphemy law, campaigned for a secular Irish Constitution and a secular Irish education system, and lobbied political parties and candidates on secular policies. We have made Submissions to the United Nations and the Council of Europe and raised in particular the discrimination suffered by atheist and secular parents and their children in the Irish Education system.

We appeared before the Oireachtas Joint Committee on Education and Social Protection in relation to their Report on the Draft General Scheme of an Education (Admission to Schools) Bill 2013. <http://www.oireachtas.ie/parliament/media/Report-on-Schools-Admissions-Bill.pdf> We also made a Submissions which outlines in detail why Section 7 – 3 (c) of the Equal Status Act undermines the rights of atheist and secular families.

In this submission we specifically address the following questions from your list of issues:

3. Diversity and Choice for Parents

3(a) Comment on the approach contained in the Programme for a Partnership Government (are we capturing the essential issues, are there additional matters we should take into account).

3(b) How should progress on Diversity and Choice for Parents be measured?

3(c) What would you consider to be the priority actions and outcomes in this area?

We also enclose three supporting documents that we have already submitted to the Taoiseach, Minister for Education and United Nations, and we will soon send you a report that we are currently working on about the religious education course at second level.

Michael Nugent, Chairperson
Jane Donnelly, Human Rights Officer
Atheist Ireland

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Attached Supporting Documents

1. Atheist Ireland submission to Taoiseach and Minister for Education on Human Rights for Atheists, at meeting under dialogue process between government and religious and nonreligious groups, 2015
2. Atheist Ireland submission to Taoiseach and Minister for Education on the Education System, at meeting under dialogue process between government and religious and nonreligious groups, 2015
3. Atheist Ireland submission to United Nations under Universal Periodic Review Process for Ireland, 2016

1. Diversity and Choice = Religious Discrimination

1.1 Diversity and choice sound good as standalone words, but in practice they ensure that religious discrimination will continue.

1.2 Plurality of patronage cannot achieve pluralism in education. No state, and particularly the Irish state with its limited means and many smaller local communities, can guarantee provision of education in accordance with the religious and non-religious affiliation of every child's parents.

1.3 The strategy to push forward with a policy that will lead to segregation and inequality is doomed to fail. The bodies that are recognised by the state, that have a duty to advise on such issues have all recommended changes to legislation and policy to ensure that the rights of all parents and their children are protected in the education system.

1.4 These bodies include the Oireachtas Education Committee, the Forum on Patronage and Pluralism and the Irish Human Rights & Equality Commission. In addition there are now nine separate Recommendations from various United Nations and Council of Europe Treaty bodies. It is difficult to understand why all these Recommendations are being ignored and we are now moving into another round of consultations.

2. Constitutional Review Group Report

2.1 The Constitutional Review Group Report in 1995 stated that:

“The Review Group does not favour the amendment of this part of Article 44.2.4° for the following reasons:

i) Article 44.2.4° may be thought to represent something of an exception to the general rule contained in Article 44.2.3° that the State shall not endow any religion. Accordingly, if a school under the control of a religious denomination accepts State funding, it must be prepared to accept that this aid is not given unconditionally. Requirements that the school must be prepared in principle to accept pupils from denominations other than its own and to have separate secular and religious instruction are not unreasonable or unfair.

ii) if Article 44.2.4° did not provide these safeguards, the State might well be in breach of its international obligations, inasmuch as it might mean that a significant number of children of minority religions (or those with no religion) might be coerced by force of circumstances to attend a school which did not cater for their particular religious views or their conscientious objections. If this were to occur, it would also mean that the State would be in breach of its obligations under Article 42.3.1°”

3. Oireachtas Joint Committee on Education

3.1 The Houses of the Oireachtas Joint Committee on Education and Social Protection Report, on the Draft General Scheme of an Education (Admission to Schools) Bill 2013, issued March 2014, concluded that:

“Multiple patronage and ethos as a basis for policy can lead to segregation and inequality in the education system. The objectives of admission policy should be equality and integration.”

4. Respecting all parents' convictions

4.1 This is not just about access to a local school with religious discrimination but also the rights of parents to ensure that the teaching of their children is in conformity with their convictions. The State is obliged to respect all parents' convictions and not just religious parents (Article 42.1, Irish Constitution).

4.2 The State has never taken on board the fact that it has a positive obligation to ensure respect for the inalienable rights atheist and secular families in the education system.

4.3 Atheist and Secular families are denied this inalienable right to respect for their philosophical convictions under Article 42.1 of the Irish Constitution as our education system is not structured to recognise that atheism and secularism are philosophical convictions, worthy of respect in a pluralist democratic society, not incompatible with human dignity and do not conflict with the fundamental right of the child to education.

5. Lautsi v Italy case

5.1 The European Court in the Lautsi v Italy case in 2011 stated that:

“58. Secondly, the Court emphasises that the supporters of secularism are able to lay claim to views attaining the “level of cogency, seriousness, cohesion and importance” required for them to be considered “convictions” within the meaning of Articles 9 of the Convention and 2 of Protocol No. 1 (see *Campbell and Cosans v. the United Kingdom*, 25 February 1982, § 36, Series A no. 48). More precisely, their views must be regarded as “philosophical convictions”, within the meaning of the second sentence of Article 2 of Protocol No. 1, given that they are worthy of “respect 'in a democratic society”, are not incompatible with human dignity and do not conflict with the fundamental right of the child to education.”

5.2 The European Court and the United Nations both recognise the positive obligation on the State to respect the right of atheist and secular parents to ensure that the teaching of their children is in conformity with their convictions. This right to respect is an absolute right, not to be balanced against the rights of others, or one that can be gradually achieved.

6. A positive right, not just a negative one

6.1 Our education system is structured to regard this right as a negative right (an opt out right) and fails to recognise that there is also a positive obligation to respect the right of atheist and secular parents to ensure that the teaching of their children is in conformity with their convictions.

6.2 This right to respect cannot be overridden by the alleged necessity of striking a balance between the conflicting views involved, but that is exactly what is happening in our education system. Our education system is structured in a manner which means the practical application of our Constitutional and human rights are ignored.

6.3 There can never be choice for all parents. There are over 127 different religions in this country at the present time. The second largest group in society is the non-religious and that is growing all the time. No state can guarantee that every parent will have the particular type of education that they want for their children. It is an illusion that parents in this country will ever have a choice. Choice will always be restricted to the majority in a particular area. It is the majority that will always dictate the outcome of this so called choice. This is the key issue that the state is failing to take into account.

6.4 The state needs to ensure that the convictions of all parents and their children are respected and it can do this by ensuring that all parents' human rights are guaranteed and respected regardless of the patron body. The European Court has pointed out in the Louise O'Keeffe case that the state cannot be released by its positive obligation to respect:

“There were four National Schools in the applicant’s parish and no information was submitted as to the distance to the nearest fee paying school. In any event, the State cannot be released from its positive obligation to protect simply because a child selects one of the State approved education options, whether a National School, a fee-paying school or, indeed, home schooling (Costello-Roberts, cited above, § 27).”

6.5 Inclusion and diversity needs can be measured if there is legislation in place that ensure that the human rights of all parents and their children are guaranteed and protected.

7. Forum on Patronage and Pluralism

7.1 It is clear that the Strategy is failing to take into account the Recommendations from the Forum on Patronage and Pluralism in relation to the Stand Alone Schools.

7.2 Enrolment in a Stand-Alone school

“The Advisory Group endorses the Minister’s view that equitable enrolment policies are essential for achieving fairness and diversity. Particularly in some Stand Alone schools, the Group noted that the derogation in the Equal Status Act, 2000, Section 7(3)(c) may impede the Department of Education and Skills duty to provide for education for all children. In the light of experience, further consideration might need to be given to the amendment of this derogation.”

7.3 Opting-out of Denominational Religious Education/Faith Formation — Constitution, Legislation and Rules for National Schools

“The Advisory Group recommends that the Education Act, S. 15, should be amended to include a new section after 15(2)(b), whereby the Board shall be accountable to the parent body, while upholding the characteristic spirit of the school, for also upholding the constitutional rights of parents and children with regard to denominational religious education/ faith formation.

In order to clarify the constitutional and legal rights of children and parents and to reflect changes to the Rules for National Schools, the Advisory Group recommends that the Minister for Education and Skills should make schools aware of the human rights requirements of national and international law.”

7.4 The Curriculum Guidelines

“The Advisory Group recommends that the introduction to the Primary Curriculum should be revised to ensure that, while the general curriculum remains integrated, provision is made for denominational religious education/faith formation to be taught as a discrete subject.”

7.5 Issues Underpinning Diversity in all Schools

“Denominational Religious Education The Advisory Group recommends that sacramental preparation, or education for religious rites of other belief systems, should not encroach on the time allocated for the general curriculum and recommends on-going

discussion with parents and clergy with regard to the parish role in sacramental preparation.”

8. The Irish Human Rights & Equality Commission

8.1 The Irish Human Rights & Equality Commission, a statutory body made the following comments and Recommendations in relation to inclusion and diversity.

“The Commission welcomes publication of the 2015 Bill, which proposes measures to give practical effect to the existing right of children to be protected from discrimination in admission to school. In submitting its recommendations to strengthen the legislation, the Commission has used its **legal powers** to report its views on the implications for human rights and equality. In particular, the Commission points to equity of access, parental choice, and human rights principles in respect of pluralism, inclusivity, and the best interests of the child.”

8.2 In respect of education admissions and the religious exemption clause:

“The Commission recommends that the Equal Status Acts be amended to give effect to the principle that no child should be given preferential access to a publicly funded school on the basis of their religion. The proposed amendment could include an individualised derogation granted by the Minister for Education and Skills in the case of a specific school where refusal to admit a student is proved to be essential to maintain the ethos of the school. (Pars 15-24 Observations)”

8.3 In respect of admissions policies and promoting inclusivity in schools:

“The Commission proposes two amendments to the new Section 62 (6) of the Education Act, which deals with the characteristic spirit and general objectives of the school.

The first amendment would require all schools to provide knowledge and information in the State-prescribed curriculum in an objective, critical and pluralistic manner that avoids indoctrination, outside of the specific context of religious instruction and faith formation classes where exemptions apply. (See Pars 27-31 Observations)

A second amendment to the new Section 62 (6) on admissions policy would require schools to have regard to the values of an inclusive school that at a minimum respects and accommodates diversity across all nine grounds contained in the equality legislation. Additionally, the Commission recommends establishing minimum standards in relation to the nature of exemptions for students who do not want to attend religious instruction in accordance with parental choice.”

8.4 In their Report on Religion & Education; A Human Rights Perspective they recommended that:

“Section 15 of the Education Act should be amended to provide for modifications to the integrated curriculum to ensure that the rights of minority faith or non faith children are also recognised therein. In this regard, the State must take sufficient care that information and knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner with the aim of enabling pupils to develop a critical mind with regard to religion in a calm atmosphere which is free of any misplaced proselytism.”

8.5 They also stated that:

“The key phrase here is the requirement on the State to take “sufficient care that information and knowledge included in the curriculum be conveyed in an objective, critical and pluralistic manner for the purposes of Article 2 of Protocol No 1. The meaning of the term “objective, critical and pluralistic” is repeated throughout the Court’s case law. As stated, its purpose is to enable pupils to develop a critical mind with regard to religion in a calm atmosphere which is free of any misplaced proselytism.” (para 256, p 83)

9. United Nations and Council of Europe Recommendations

Here is a list of the nine United Nations and Council of Europe Recommendations in relation to education. It is clear that there are many human rights violations in the Irish education system.

1. UN Committee on the Rights of the Child 2016
2. UN Committee on Economic, Social and Cultural Rights, 2015
3. UN Human Rights Committee under ICCPR, 2014
4. European Commission Against Racism and Intolerance, 2013
5. UN Committee on the Elimination of Racial Discrimination, 2011
6. UN Human Rights Committee under ICCPR, 2008
7. Council of Europe Framework Convention on the Protection of National Minorities, 2006
8. UN Committee on the Rights of the Child, 2006
9. UN Committee on the Elimination of all Forms of Racial Discrimination, 2005

9.1 UN Committee on the Rights of the Child, 2016

Freedom of thought, conscience and religion

35. The Committee is concerned that children are not ensured the right to effectively opt out of religious classes and access appropriate alternatives to such classes.

36. The Committee recommends that the State party ensure accessible options for children to opt out of religious classes and access appropriate alternatives to such classes, in accordance with the needs of children of minority faith or non-faith backgrounds.

H. Education, leisure and cultural activities (arts. 28-31)

63. The Committee welcomes the establishment of the Forum on Pluralism and Patronage in the Private Sector to attempt to address the need for diversity in the types of schools available to children in the State party.

It remains concerned, however, at the very small number of non-denominational schools. The Committee is also concerned about:

- (a) Schools continuing to practise discriminatory admissions policies on the basis of the child’s religion and/or whether his or her parent(s) are former students of the school;
- (b) Incomplete structures in the education sector for the handling of complaints;
- (c) The pressure that the Leaving Certificate examination places on children;
- (d) Insufficient physical activities in school that can be enjoyed by all students.

64. The Committee recommends that the State party:

- (a) Expeditiously undertake concrete measures to significantly increase the

availability of non-denominational or multi-denominational schools and to amend the existing legislative framework to eliminate discrimination in school admissions, including the Equal Status Act;

(b) Establish an effective complaints mechanism for students in schools;

(c) Consider reforming the Leaving Certificate examination with a view to reducing the stress caused to children;

(d) Develop a curriculum of physical leisure activities that can be enjoyed by all students.

9.2 UN Committee on Economic, Social and Cultural Rights, 2015

“Concluding Observations – E/C.12/IRL/CO/3

Non-discrimination

1. While noting the existence of a number of laws, including the Equality Status Act 2000, to provide equality provisions in the State party, the Committee is concerned that those laws do not provide a full range of grounds of discrimination prohibited by the Covenant (art. 2.2).

The Committee recommends that the State party adopt comprehensive anti-discrimination legislation that includes all the grounds for discrimination set out in article 2, paragraph 2, of the Covenant. The Committee refers in this regard to its General Comment no. 20 (2009) on non-discrimination and economic, social and cultural rights.”

Right to education

30. The Committee is concerned at the discrimination faced by children with disabilities, migrant children, children belonging to a religious minority, Traveller and Roma children, including:

(a) Legal provisions, such as Section 7 of the Equal Status Acts 2000, which allow schools to give preference to admission of students based on religion;

(b) Discriminatory criteria against children with special educational needs contained in many admissions policies and the lack of a regulatory framework; and

(c) Adverse effects of the austerity measures on the education sector, including the reduced number of teachers, rationalization of teacher/student support services, abolition of grants to schools, increase in transport charges and reduced allowance for clothing and footwear, which further restrict disadvantaged children from attending schools (arts. 13 and 14).

The Committee recommends that the State party:

(a) Take all necessary measures to bring all relevant laws, including the Equal Status Acts 2001 and the Education (Admission to Schools) Bill 2015 in line with the international human rights standards and to increase the number of non-denominational schools at the primary and post-primary education levels;

(b) Review admissions policies of all schools with a view to removing all discriminatory criteria for enrolment and establish a regulatory mechanism to monitor school policies, including admissions policies; and

(c) Revoke the austerity measures which affect disproportionately disadvantaged children.

9.3 UN Human Rights Committee under ICCPR, 2014

International Covenant on Civil & Political Rights

Freedom of religion

The Committee is concerned at the slow pace of progress in amending the provisions of the Constitution that oblige individuals wishing to take up senior public office positions, such as President, members of the Council of State and members of the judiciary, to take religious oaths.

It is also concerned about the slow progress in increasing access to secular education through the establishment of non-denominational schools, divestment of the patronage of schools and the phasing out of integrated religious curricula in schools accommodating minority faith or non-faith children.

It expresses further concern that under section 37 (1) of the Employment Equality Acts, religious-owned institutions, including in the fields of education and health, can discriminate against employees or prospective employees to protect the religious ethos of the institution (arts. 2, 18, 25 and 27).

The State party should take concrete steps to amend articles 12, 31 and 34 of the Constitution that require religious oaths to take up senior public office positions, taking into account the Committee's general comment No. 22 (1993) on freedom of thought, conscience and religion, concerning the right not to be compelled to reveal one's thoughts or adherence to a religion or belief in public.

It should also introduce legislation to prohibit discrimination in access to schools on the grounds of religion, belief or other status, and ensure that there are diverse school types and curriculum options available throughout the State party to meet the needs of minority faith or non-faith children. It should further amend section 37 (1) of the Employment Equality Act in a way that bars all forms of discrimination in employment in the fields of education and health.

9.4 European Commission Against Racism and Intolerance, 2013

101. In its third report ECRI urged the Irish authorities to promote the establishment of multid denominational or non-denominational schools and adopt the necessary legislation to that end. The authorities should also ensure that the current opt-out system in denominational schools is implemented in a manner which does not make pupils feel singled out.

9.5 UN Committee on the Elimination of Racial Discrimination, 2011

Concluding observations of the Committee

26. The Committee recalls its previous concluding observations (CERD/C/IRL/CO/2) and notes with concern that the education system in the State party is still largely denominational and is mainly dominated by the Catholic Church.

The Committee further notes that non-denominational or multi-denominational schools represent only a small percentage of the total and, regrets that, according to reports, there are not enough alternative schools, and students of the Catholic faith are favoured for enrolment into Catholic schools against students of other faiths in case of shortage of places.

The Committee further expresses its regret that the provisions of the Equal Status Act give the power to schools to refuse to admit students to denominational schools on grounds of religion if it is deemed necessary to protect the ethos of the school (articles 2, 5(d)(vii) and 5(e)(v))

Recognising the ‘intersectionality’ between racial and religious discrimination, the Committee reiterates its previous concluding observations (CERD/C/IRL/CO/2) and recommends that the State party accelerates its efforts to establish alternative non-denominational or multi-denominational schools and to amend the existing legislation that inhibits students from enrolling into a school because of their faith or belief.

The Committee further recommends to the State party to encourage diversity and tolerance of other faiths and beliefs in the education system by monitoring incidents of discrimination on the basis of belief.

9.6 UN Human Rights Committee under ICCPR, 2008

22. The Committee notes with concern that the vast majority of Ireland’s primary schools are privately run denominational schools that have adopted a religious integrated curriculum thus depriving many parents and children who so wish to have access to secular primary education. (arts. 2, 18, 24, 26).”

The State party should increase its efforts to ensure that non-denominational primary education is widely available in all regions of the State party, in view of the increasingly diverse and multi-ethnic composition of the population of the State party. (Article 2 Freedom from Discrimination, Article 18 Freedom of Conscience, Article 24 The Right of the Child, Article 26 Equality before the Law.)

9.7 Council of Europe Framework Convention on Protection of National Minorities, 2006

Second Opinion on Ireland, adopted on 6 October 2006

Denominational schools

Present situation

98. The Advisory Committee has received detailed information from non-governmental sources on the way in which the limited number of non-denominational or multi-denominational schools in Ireland – where an overwhelming majority of schools are run by Catholic bodies – can complicate efforts to find a school that would adequately take into account the cultural or religious background of non-Catholic minority children. The Advisory Committee welcomes the fact that the Irish authorities are paying increasing attention to the issue and that there is a commitment to step up support for expanding the network of non-denominational or multi-denominational schools. This has already resulted in the establishment of a number of new multi-denominational primary schools in recent years, although progress in this respect still appears to lag behind growing demand.

99. The Advisory Committee stresses that, in addition to widening the non-denominational and multi-denominational school network, there is a legal obligation to ensure that, in denominational schools, there is a possibility to opt out of religious instruction. It is important that this possibility is offered and organised in a manner that does not unduly single out the pupils concerned. The Advisory Committee further recalls that the above issues are likely to only increase in importance as the religious and cultural diversity of the country expands further.

Recommendations

100. The Advisory Committee urges the authorities to pursue their commitment to widen schooling options, including in terms of non-denominational and multi-denominational schools, in a manner that ensures that the school system reflects the growing cultural and religious diversity of the country.

9.8 UN Committee on the Rights of the Child, 2006

60. The Committee reiterates the concern raised by the Committee on the Elimination of Racial Discrimination in its concluding observations on the initial and second periodic reports of the State party (CERD/C/IRL/CO/2) that non-denominational or multid denominational schools represent less than 1 % of the total number of primary education facilities.

61. The Committee encourages the State party to take fully into consideration the recommendations made by the Committee on the Elimination of Racial Discrimination (CERD/C/IRL/CO/2, para. 18) which encourages the promotion of the establishment of non-denominational or multid denominational schools and to amend the existing legislative framework to eliminate discrimination in school admissions.

9.9 UN Committee on the Elimination of all Forms of Racial Discrimination, 2005

“18. The Committee, noting that almost all primary schools are run by Catholic groups and that non-denominational or multi-denominational schools represent less than 1% of the total number of primary educational facilities, is concerned that existing laws and practice would favour Catholic pupils in the admission to Catholic schools in case of shortage of places, particularly in the light of the limited alternatives available. (article 5(d)(vii) and 5(e)(v))

The Committee, recognising the “intersectionality” of racial and religious discrimination, encourages the State party to promote the establishment of non denominational or multi-denominational schools and to amend the existing legislative framework so that no discrimination may take place as far as the admission of pupils (of all religions) in schools is concerned.”

10. Atheist Ireland submission to Oireachtas Education Committee

This is the Executive Summary from Atheist Ireland’s Submission to the Oireachtas Committee on Education regarding the Admission to (Schools) Bill. Here is a link to the full Submission and we ask that you again take this into account.

<http://atheist.ie/2013/10/submission-from-atheist-ireland-on-the-draft-general-scheme-of-an-education-admission-to-schools-bill-2013/>

10.1 Executive Summary

10.1.1 The proposed Amendment of Section 15 (2) (d) of the Education Act fails to meet the stated objective, which is to better ensure that schools’ enrolment policies and procedures are non-discriminatory and are applied fairly in respect of all applicants. It fails to take on board the human rights obligations of the state and the rights of secular parents to respect for their philosophical convictions.

10.1.2 If the proposed Amendment permitted exemptions on the grounds of race or disability you would instinctively recognise that this was discrimination and could not possibly meet the stated objective of ensuring that schools’ enrolment policies and procedure are non-

discriminatory and are applied fairly in respect of all applicants. Unfortunately the State believes that discrimination on religious grounds is somehow acceptable while recognising that discrimination on the other recognised grounds is unacceptable.

10.1.3 This Submission will show that access to a local school without religious discrimination is a human right, and it will also show how Ireland is in breach of its international obligations by permitting this religious discrimination. It will show how this religious discrimination disrespects the philosophical convictions of secular parents and their children and treats them as second class citizens.

10.1.4 Included as an appendix to this Submission is published research of Dr. Alison Mawhinney called – A discriminating education system: religious admission policies in Irish schools and international human rights law.

10.1.5 This published research examines how

“Irish equality legislation permits discrimination in favour of co-religionists in admission policies to state-funded schools. This article examines whether Irish policies and practice in the area of pupil admissions meet and satisfy international human rights standards. In doing so it draws on material from interviews with parents and a survey to schools to provide an insight into how religious admission policies impact on the lives and rights of individuals. It concludes that by providing exemptions from equality legislation to religious schools, in a situation where these schools are in a near-monopolistic position, the Irish State is disregarding its responsibility to protect the right to non-discrimination, the right to education and the right to freedom of religion of those children and parents who do not adhere to the ethos of these religious bodies.”

10.1.6 Finally we recommend a change to the proposed Amendment in order to ensure that in a Republic all parents and children can enjoy their human rights by ensuring that schools’ enrolment policies and procedures are non-discriminatory and are applied fairly in respect of all applicants.

10.2 Atheist Ireland Conclusions

10.2.1 The Forum on Patronage and Pluralism has recommended that, “In order to clarify the constitutional and legal rights of children and parents and to reflect changes to the Rules for National Schools, the Advisory Group recommends that the Minister for Education and Skills should make schools aware of the human rights requirements of national and international law.

10.2.2 It is clear that the proposed legislation fails in its overall objective to ensure that school enrolment policies and procedures are non-discriminatory and are applied fairly in respect of all applicants. So called religious exemptions are in fact religious discrimination which breaches the human rights of minorities.

10.2.3 The UN has repeatedly requested the State to remove discriminatory admission policies in schools and to amend the existing legislative framework to eliminate discrimination in school admissions. The proposed amendment does not take into account the human rights of ALL parents and children in the education system. The State is absolving itself of its human rights obligations and delegating that responsibility to private bodies and institutions.

10.2.4 The European Court has stated that:

“Furthermore, while it is important to ensure that representatives of religious communities are allowed to give input and advice, this should not be taken to the extreme of giving them too much decision –making power at the cost of abdicating state responsibility. The European Court of Human Rights has made it clear that excessive involvement of

religious authorities from one community in decisions that affect the rights of those belonging to another community may itself amount to a violation of the right to freedom of religion or belief.”

10.2.5 The proposed Amendment is not reasonable and proportionate, breaches the human rights of minorities and fails to meet its stated objective. We have demonstrated that discrimination in access to education breaches human rights law. We are hoping that in this Republic any amendment to the Education Act 1998 will grant secular parents, and our children, equality before the law and equal protection of the law without discrimination of any kind.

10.3 Atheist Ireland Recommendations

10.3.1 Remove reference to the characteristic spirit of the school in Section 15 (2) (d) (i) of the proposed Amendment, so that it reads: ‘having regard to the constitutional and human rights of all persons concerned,’

10.3.2 Amend Section 15 (2) (d) (ii) (IX) to replace ‘the student having no faith’ with ‘the student’s atheism or philosophical beliefs.’ If people self-identify with atheism or a philosophical belief, that positive self-identification should be respected.

10.3.3 Delete Section 15 (2) (d) (iii) (iv), which includes in the admission statement a reference to the exemption in Section 7(3) (c) of the Equal Status Act, 2000 that allows religious schools to discriminate on the grounds of religion in admission policies.

10.3.4 Along with this Amendment, amend Section 7(3) (c) of the Equal Status Act, 2000, to remove the exemption that allows religious schools to discriminate on the grounds of religion in admission policies.

10.3.5 Amend Section 33 (m) (ii) (I), which states ‘set out the characteristic spirit of the school’ to read ‘define the characteristic spirit of the school, and specifically how any religious spirit or ethos is integrated into each subject of the State Curriculum.’

4.6 Amend Section 33 (m) (ii) (II), which states that the admission policy of a school shall set out the position of the school in relation to its arrangements for upholding the constitutional rights of any students who do not wish to attend religious instruction. This should include a requirement that religious education should be taught as a discrete subject, in order to enable students to opt out in practice as opposed to just in theory.

11. Community National Schools breach human rights principles

11.1 We are dismayed that the Minister will push ahead to introduce more Community National Schools that are not inclusive of atheist and secular families as they breach their human rights.

11.2 The right to private and family life

Parents have a human right not to be required to reveal their religious or philosophical convictions and not to be compelled to assume a stance from which it may be inferred whether or not they have such beliefs (Article 8 European Convention).

The Goodness Me - Goodness you course puts parents in the position that they must reveal directly their religious or philosophical convictions falls foul of the negative aspect of Article 9 (freedom of conscience) of the European Convention and Article 8 (the right to private and family life).

11.3 In *Grzelak v Poland* 2010 the European Court stated that:

“87. The Court reiterates that freedom to manifest one’s religious beliefs comprises also a negative aspect, namely the right of individuals not to be required to reveal their faith or religious beliefs and not to be compelled to assume a stance from which it may be inferred whether or not they have such beliefs (see, *Alexandridis v. Greece*, no. 19516/06, § 38, ECHR 2008..., and, *mutatis mutandis*, *Hasan and Eylem Zengin v. Turkey*, no. 1448/04, § 76 in fine, ECHR 2007XI).

The Court has accepted, as noted above, that Article 9 is also a precious asset for non-believers like the third applicant in the present case. It necessarily follows that there will be an interference with the negative aspect of this provision when the State brings about a situation in which individuals are obliged – directly or indirectly – to reveal that they are non-believers. This is all the more important when such obligation occurs in the context of the provision of an important public service such as education.”

11.4 In addition to the above Documents obtained by RTE under the FOI Act clearly show that there is no separation of religious and moral education in these course and that there was never any intention that there would be. These documents clearly show a complete lack of understanding of the rights of atheist and secular families. There is no acknowledgement that these families are protected by the right to freedom of conscience and that atheism and secularism are regarded as philosophical convictions.

11.5 Document 105 is a Memo dated 17th September 2008 of a meeting to discuss the Religious education programme with parents of children attending a Community National school. One of the parents asked a question regarding the separation of moral and religious education and was told the following: <http://www.teachdontpreach.ie/2012/06/community-national-schools-document-105-released-by-rte-under-foi/>

“It is true that all morality is based on love – of God and ones neighbour. This will be a central theme in the Religious Education programme. However, moral values are taught within a religious context. We cannot divorce them from that setting.”

11.6 When parents asked about opting out of the course they were not given a clear answer. Community National Schools are not inclusive of atheist and secular families as they breach their Constitutional and Human Rights.