

Atheist Ireland

Submission to Department of Education
Public Consultation Process on
the role of Denominational Religion
In the School Admissions Process



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Introduction

1.1 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. Since being formed in late 2008, we have campaigned for a secular Irish Constitution, parliament, laws, government, and education and healthcare systems.

1.2 We campaign for a secular education system where all children can access publicly funded schools without religious discrimination and where their Constitutional and Human Rights are promoted and protected.

1.3 It is clear from State submissions to the UN and Council of Europe over the years under the various Conventions that the Irish State inaccurately maintains that our education system protects the individual Constitutional and Human Rights of all parents and children when this is simply not the case.

1.4 The State does not accept any responsibility for the protection of the Constitutional and Human Rights of all parents and their children in the education system under the various Conventions that Ireland has ratified as they have ceded control to the interests of Patron bodies and Boards of Management. The aim of the majority of Irish schools is to inculcate religious views and not promote pluralism and human rights.

1.4 This issue is not merely about access to publicly funded schools. It is also about the religious discrimination that happens within schools. There is no point in having equal access to schools without religious discrimination if your family is then discriminated against on religious grounds when they access that school.

1.5 Those issues will not go away with this latest round of consultation and options. Only the removal of Section 7.3.c of the Equal Status Act and the introduction of the Recommendations from the Irish Human Rights and Equality Commission, the United Nations and Council of Europe which are based on pluralism and human rights will achieve a lasting solution.

2. Options

2.1 The proposals as a whole are unjust, costly, bureaucratic, and bizarrely complicated. Option 4(a) (outright repeal of Section 7(3)(c)) is the only option that could even form part of respecting our Constitutional and human rights. And it could only do that if the Government also removes the right to evangelise inside the school, including by integrating a religious ethos throughout the whole school day, discriminating against teachers on the ground of religion and ensuring that pluralism was promoted within the school.

2.2 Most worryingly, whatever option is chosen, Specific Issue B (possible Constitutional issues) means the Government might balance it off by strengthening the right to enforce a religious ethos inside the school. This is the biggest danger: that this process will strengthen religious discrimination within schools and further undermine pluralism and the Constitutional and Human Rights of parents, children, and teachers.

2.3 Option 4(c) and Specific Issue A (protecting “minority faith” schools) are also unjust. All religious ethos schools discriminate against atheists and members of minority faiths. Church of Ireland schools discriminate against Evangelicals, and Islamic schools discriminate against Ahmadi Muslims.

2.4 Instead of privileging some religious institutions over others, the Government should protect the Constitutional and human rights of the real religious minorities: individual parents, children, and teachers, regardless of their religious or nonreligious beliefs.

2.5 The Irish Human Rights and Equality Commission has already made this point by asking the Government to amend the Admission to Schools Bill to ensure the religious discrimination in access is removed and that the State curriculum is delivered in an objective, critical and pluralist manner.

2.5 The Commission Recommendations are: ¹

“The Commission recommends that the Equal Status Act 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.” [paragraph 49]

“The Commission recommends that the new section 62(6) to be inserted into the Education Act should be amended to the effect that, in setting out the characteristic spirit and general Objectives of the school, outside the specific context of faith formation and religious Instruction which parents wish to avail of and where exemptions apply, regard shall be had to providing information in relation to religion in an objective, critical and pluralistic manner that avoids indoctrination, in accordance with the jurisprudence of the European Court of Human Rights.”

3. Constitutional Issues

3.1 None of the six Consultation options respect our Constitutional and human rights.

3.2 Schools with a Catholic ethos have a fundamental objection to promoting pluralism within schools as they believe that it goes against the philosophical basis of Catholic religious education. The Church accepts that pluralism is the bedrock of western democracies but promoting pluralism within schools is against their ethos.

3.3 The Primary School Curriculum States that: ²

Pluralism

“The curriculum has a particular responsibility in promoting tolerance and respect for diversity in both the school and the community. Children come from a diversity of cultural, religious, social, environmental and ethnic backgrounds, and these engender their own beliefs, values, and aspirations. The curriculum acknowledges the centrality of the Christian heritage and tradition in the Irish experience and the Christian identity shared by the majority of Irish people. It equally recognises the diversity of beliefs, values and aspirations of all religious and cultural groups in society.”

3.4 In a recent Submission to the National Council of Curriculum and Assessment the Commission for Education and Formation of the Irish Episcopal Conference stated that: ³

“The Catholic school exists to educate children in Catholic religious life and in Catholic religious beliefs which are normative for them.
[Under the NCCA proposals] young children could be given the impression that beliefs are things which they create themselves, as if human beings were the source of religious beliefs.

In secular approaches to Religious Education, reason is primary... In Catholic schools, Revelation is primary and the learner’s experience and reason are brought into dialogue with it.

These approaches require 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.

In the area of Relationships and Sexuality Education... it is explicitly acknowledged that the curriculum must be interpreted in the context of the characteristic spirit of the school. Similarly, NCCA proposals in areas such as religion and ethics should accord with the characteristic spirit of the school. The determination of the ethos or characteristic spirit of a school is not the function of the NCCA or the Minister but rests with the Patron.”

3.5 A commitment to pluralism is part of the National School Curriculum yet the State will continue to legally permit schools with a religious ethos to give preference to co-religionists and to evangelise minorities into a religious way of life. The ‘we will let you in if we have space available’, religious discrimination sanctioned by the Equal Status Act will still apply to minorities.

3.6 Under **Article 42.1 of the Constitution**, the State has a duty to respect the inalienable right and duty of all parents to ensure the teaching of their children is in conformity with their convictions. The European Court says this is an absolute right, not to be balanced against the rights of others, or to be gradually achieved.

3.7 Atheist and secularist families object to religious discrimination on moral grounds. We believe that religious discrimination in access to schools which is supported by Section 7.3(c) of the Equal Status Act, undermines the dignity of the human person, religious discrimination is against our conscience. We also believe that our children should be taught pluralism and that all publicly funded National schools should promote this.

3.8 The State does not respect and support the moral conviction of atheist and secular families that religious discrimination is abhorrent, that pluralism should be supported and promoted in the schools that our children are obliged to attend. We cannot ensure that the teaching of our children is in conformity with our convictions as that state ‘provides for’ the education of our children in schools that discriminate on religious grounds in access, don’t support and promote pluralism and

evangelise our children into a religious way of life. The State curriculum in all schools is interpreted in the context of the characteristic spirit of the school.

3.9 Article 42.3.2 of the Constitution obliges the state to ensure that all children receive a certain minimum education, moral, intellectual and social. The majority of children of minority backgrounds receive moral education according to the teachings of a particular religion as the ethos of the school influences all aspects of the state curriculum. Catholic Religious education is integrated into the state curriculum in the vast majority of publicly funded National Schools in Ireland.

3.10 In the vast majority of schools moral education is taught through the Catholic religion and Relationship and sexuality education is also taught according to the religious ethos of the school. The State is failing in its Constitutional obligation to ensure that all children receive a basic moral education that respects the convictions of their parents.

3.11 In the new 'Grow in Love' Catholic Religion course in primary schools, children are taught that religious discrimination is wrong. This new course will be taught in the vast majority of publicly funded National Schools. Despite stating that religious discrimination is wrong these same schools can and will discriminate in access on religious grounds, (Section 7 – 3 – c Equal Status Act), evangelise minorities into a religious way of life, and ensure that Relationship and Sexuality education is delivered according to the teachings of a particular religion, revelation is primary.

3.12 Pluralism is not promoted within schools with a Catholic ethos (the vast majority). That ethos is completely at odds with the conscience of atheist and secular parents, it is clear that the state is failing in its duty to respect the inalienable rights of all parents to ensure that the teaching of their children is in conformity with their convictions.

3.13 Catholic schools form children in the belief that religious discrimination is wrong while at the same time implementing admission policies that discriminate on religious grounds and by not supporting pluralism within the school. The State funds, promotes and sanctions this behaviour.

According to the Catholic Commission on Education and Formation:

“In Catholic schools, Revelation is primary and the learner’s experience and reason are brought into dialogue with it.”

3.14 Catholic Revelation takes over the reasonable assumption that Section 7 – 3 - c of the Equal Status Act is religious discrimination and undermines the dignity of the human person. Catholic Revelation takes precedence over the common good to promote pluralism within schools, to equally respect the beliefs of all parents, and to promote respect for the beliefs of all parents and their children while they are accessing their right to education.

3.15 Section 9 (b) of the Education Act 1998 obliges all schools to implement the National School Curriculum. Section 10(2)(c) is also relevant here, as are Section 11, Section 15–2(a)(e), Section 30(1) of the Education Act 1998.

Section 9 (b) states that:

“(b) ensure that the education provided by it meets the requirements of education policy as determined from time to time by the Minister including requirements as to the provision of a curriculum as prescribed by the Minister in accordance with section 30.”

In the vast majority of schools in Ireland the state curriculum and all education policies end up being infused by Catholic revelation. The National Council for Curriculum & Assessment is an organ of the state and as such is obliged under Section 42 of the Irish Human Rights & Equality

Commission Act 2014 to promote and respect human rights. It gives no practical advice on how any school can promote pluralism and equality within the school while upholding a religious ethos that objects on fundamental grounds to promoting pluralism and equally respecting all beliefs.

3.16 In a recent Document on Advancing School Autonomy the Dept of Education & Skills outlined these issues: ⁴

“Ethos, patronage and legislation

In all primary and post-primary schools, the school’s stated ethos (or characteristic spirit as it is termed in the legislation) is decided by the owners or patrons/trustees of the school and not by central government. Autonomy over ethos does not exist at the level of the school board, principal or teachers. Indeed, one of the specific duties of a board is to uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school. Thus, depending on the unit of analysis, schools may be viewed as fully autonomous in respect of ethos, or partly autonomous if the unit of analysis is an individual school operating within a specific ethos.

While, as noted above, the operating rules for schools are largely set by the State, the ethos espoused by the trustees/ patrons can inform aspects of how those operating rules are acted upon in schools. For example, a denominational primary school may determine the content of its religious education curriculum on the basis of the school’s religious ethos. It is important to highlight that choice of ethos in Ireland is an area in which there is much independence.”

3.17 There is nothing in the Irish Constitution or Human Rights law that permits the/any State to promote and protect the wish of a particular religion over public policy in relation to pluralism in the education system. Nor is there anything in the Constitution and Human Rights law that permits states to ignore the rights of minority parents and their children so that the majority religion in a country can integrate their particular revelation into the state curriculum. That particular revelation does not go as far as promoting pluralism and equality and giving practical application to the Constitutional and Human Rights of minorities who have no choice but to attend those schools.

3.18 The Irish Human Rights and Equality Commission have a statutory function in relation to public bodies such as the NCCA (see Section 42 – 3,4 Human Rights & Equality Commission Act 2014). The NCCA are obliged under the Act to set out in their strategic plan an assessment of the human rights and equality issues it believes are relevant to the functions and purpose of the body. The NCCA are also obliged to show policies, plans and actions that are to be put in place to address those issues. The NCCA has never examined the practicalities of how schools with an ethos that specifically rejects pluralism are supposed to implement the requirement to promote pluralism in the National School Curriculum that they developed.

3.19 Our analysis of how the state is undermining our Constitutional and Human Rights is outlined in the Report from the Irish Human Rights & Equality Commission, Religion & Education; A Human Rights Perspective.

The Irish Human Rights Commission pointed out that: ⁵

“229. Nonetheless, Barrington J’s observation in relation to a child’s being influenced by the religious ethos of a school raises a number of questions in the context of this consultation. The use of the phrase “to some degree” might suggest that a school may in fact have some obligation to avoid undue religious influence on a child not of the same religious persuasion as the school, but this is not absolute. In addition, the Court refers to a child who “chooses” to attend the school, and therefore the question arises as to whether this view might have been different if considered in the context of a child with no choice but to attend a denomination school where there is no other option reasonably available where they reside.

The case did not explicitly consider the exercise of choice by parents who do not wish to have denominational education for their children, or would seek education in a denomination not available to them which is presumably must equally be protected by Article 42.

230. If Barrington J's judgment suggests that a child of a minority religion, or from a non faith background, with no choice but to attend a Roman Catholic school other than withdrawing from formal religion classes, must in effect accept a form of religious education which offends their convictions, then this would appear to elevate one form of parental choice over another, with the majority religion always dictating the outcome. This could hardly respect the rights conferred on all parents by virtue of Article 42 of the Constitution."

3.20 The Constitutional and Human Rights of minorities are simply ignored by the Department of Education & Skills and it continues to fund such schools while at the same time recently refusing recognition to a Secular Patron Body because they did not commit to adhering to all regulations.

3.21 Despite this the state continues to support this behaviour by funding these schools and by ignoring their positive obligation to protect the Constitutional and Human Rights of minorities.

3.22 **Under Article 42.3.1 of the Constitution**, the State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State. It is difficult to understand how the State is fulfilling its obligations under Article 42.1, 42.3.2 and Article 42.3.1 of the Irish Constitution by 'providing for' the education of minorities in publicly funded schools that do not promote pluralism, that evangelise minorities, where religious discrimination is part of their ethos and where revelation is primary.

4. Conclusion

4.1 The State does not respect the legitimate conscientious belief of atheist and secular parents that their children should be free from religious discrimination, they should be formed to respect pluralism, promote equality, inclusion, diversity and human rights, and that reason not revelation is the basis of understanding that belief.

4.2 The Options presented cannot give practical effect to the Constitutional Rights of children (S. 6 (a) Education Act 1998) and their parents. With these Options, minorities in Ireland are left in a position whereby they have no choice but to apply to publicly funded schools (mainly Catholic) that can and will continue to give preference to children from a particular religious background.

4.3 The State will continue to fund and 'provide for' the education of minorities in schools where the ethos of the school undermines the State commitment to pluralism, and where that ethos directly undermines the Constitutional and Human Rights of atheist and secular families and religious minorities.

¹ <https://www.ihrec.ie/documents/observations-education-admission-schools-bill-2016/>

² <http://www.curriculumonline.ie/Primary/Curriculum>

³ http://www.ncca.ie/en/Curriculum_and_Assessment/Early_Childhood_and_Primary_Education/Primary-Education/Primary_Developments/ERB-and-E/Developments/Consultation/Consultation.html

⁴ <http://www.education.ie/en/Schools-Colleges/Information/Advancing-School-Autonomy-in-Ireland/Advancing-School-Autonomy-in-Ireland.html>

⁵ <https://www.ihrec.ie/documents/religion-education-a-human-rights-perspective/>