

Atheist Ireland



To: Evelyn O'Connor

cc Patrick Sullivan, Annette Honan
Dalton Tatten, Deirdre Shanley, Paraic Joyce

17 May 2022

Dear Evelyn,

Thank you again for our meeting on Friday 6 May regarding the misuse of public funds, and we look forward to meeting you again after you have considered our points. We would like to give you two brief sets of follow-up information, regarding the Irish language version of the Constitution, and your final question about what we want to happen.

1. Irish language version of the Constitution

As you know, the Irish language version of the Constitution takes legal precedence over the English version. Here are some relevant distinctions in the four Articles that we discussed. They are from 'Bunreacht na hÉireann: a study of the Irish text', written by Micheál Ó Cearúil and published in 1999 by All Party Oireachtas Committee on the Constitution.

Article 41.1 (inalienable rights of the family)

- 'All positive law' is expressed as 'aon reacht daonna' or 'any human statute/law'.
- 'Indispensable' is expressed as 'éigeantach', usually translated as 'compulsory'.
- 'To protect' is expressed as 'a chaomhnú', 'to cherish'/'to preserve'.

Article 42.1 (rights of parents in education)

- The word 'educator' is expressed as 'múinteoir', which means 'teacher'.
- 'To respect' is expressed as 'gan cur isteach ar' ('not to interfere with').
- The phrase 'the religious and moral (etc) education of their children' appears as 'i gcúrsaí creidimh, moráltachta (etc)' which means 'in religious, moral (etc) affairs'.
- 'Religious' and 'moral' are separated by a comma, therefore explicitly treated as separate matters, in the Irish text.
- 'Education' appears as 'Oideachas'. Dinneen's entry under this headword includes 'advice, instruction, teaching, education'. DIL translates 'oidecht' and 'oides' respectively as 'teaching, training' and 'teaching, instruction'.

Article 42.4 (due regard for rights of parents when funding schools)

- 'Endeavour' is expressed as 'iarracht a dhéanamh', 'make an effort'.
- 'Corporate' is expressed as 'cumannta', 'communal'.
- 'In the matter of religious and moral formation' is expressed as 'maidir le múnú na haigne i gcúrsaí creidimh is moráltachta' ('as regards the formation of the mind in religious and moral affairs').

Article 44.2.4 (right to not attend religious instruction when funding schools)

- 'Legislation .. shall not discriminate' is expressed as 'ní cead', or 'it is not permitted to'.
- 'To affect prejudicially' is expressed as 'dhéanamh dochair do', or 'do harm to'.
- 'Attend' is expressed as 'A fhreastal'. Ó Dónaill cites 'an scoil a fhreastal, to attend school' and 'freastal ar léachtaí, to attend lectures' as examples of 'freastail', 'attend', in the sense of 'be present at'.
- 'Religious Instruction' is expressed as 'Teagasc creidimh'. 'Teagasc' is translated as 'teaching, instruction' by Ó Dónaill, who cites 'teagasc ábhair, teaching of a subject'.

2. What we want to happen

At the end of our meeting, you asked what we want to happen. We want the Department to:

Acknowledge and positively vindicate the inalienable Constitutional rights of parents with nonreligious philosophical convictions to parental authority and freedom of conscience.

Acknowledge and positively fulfil your duty to abide by the Constitutional conditions of the funding of schools under Articles 42.4 and 44.2.4 by:

- Having due regard to the rights of parents in religious and moral formation, which includes but is not limited to the Department not deciding and announcing for parents what is suitable for their conscience.
- Giving practical application to the right to not attend religious instruction, which includes but is not limited to the right to physically leave the classroom and either be supervised or given an alternative subject.

Use High Court and Supreme Court judgments when defining Constitutional terms, rather than other definitions based on other criteria.

Put in place an Administrative Scheme or Schemes to implement all the above, that abide by the Constitution and does not exceed Constitutional limits.

Directly ensure that any Administrative Scheme is implemented consistently across schools, and that patron bodies, schools, teachers, or the NCCA, are not permitted to decide how to define and administer Constitutional rights and the Department's Constitutional duties.

Yours sincerely,

Jane Donnelly
Human Rights Officer
Atheist Ireland

Michael Nugent
Chairperson
Atheist Ireland

Chris Hind
Teachers Officer
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