

Written Statement to UN Committee on Children's Rights

From Atheist Ireland, the Evangelical Alliance of Ireland,
and the Ahmadiyya Muslim Community of Ireland

1. Our Recommendations

The State has not initiated any new developments regarding the recommendations in our submission of August 2022. These recommendations remain:

- The State should commit to ensuring that every child has the right to access a local publicly funded school without religious discrimination or being threatened with refusal of access if they don't uphold the schools ethos.
- The State should ensure that schools and patron bodies comply with Section 62(7)(n) of the Education (Admissions to schools) Act 2018 by actually writing the details of the arrangements into their admission policies, and not by saying parents have to meet with the school principal.
- The State should commit to establishing secular or non-denominational schools at primary and second level, and not merely multi-denominational schools.
- The State should legally and clearly define the terms denominational, multi-denominational, interdenominational, and non-denominational, as per the Irish Human Rights & Equality Commission Report 'Religion & Education; A human Rights Perspective'.
- The State should provide statutory guidelines to ensure that publicly funded schools: respect and vindicate the positive rights of minorities to freedom of conscience and respect for their religious or nonreligious philosophical convictions; respect and vindicate the right of children who exercise their constitutional right to not attend religious instruction; and provide such children with supervision or an alternative curriculum subject.
- The State should provide a neutral studying environment, outside the confines of religious instruction classes that students can choose to not attend.

2. Update on schools by patron type

This is the most up-to-date data on Irish schools by patron type that is listed on the Department of Education website for school year 2020/2021 ¹

Primary Schools Mainstream

2756 Catholic
171 Church of Ireland
142 MultiDenominational (96 Educate Together / 46 ETB)
17 InterDenominational
16 Presbyterian
2 Muslim
1 each Jewish, Methodist, Quaker
0 NonDenominational/Secular

Primary Schools Special

103 Catholic
21 MultiDenominational
1 InterDenominational
9 Other/Unknown
0 NonDenominational/Secular

¹ <https://wayback.archive-it.org/11501/20210721120432/https://www.education.ie/en/Publications/Statistics/Data-on-Individual-Schools/>

Second Level Schools

344 Catholic
210 MultiDenominational (189 ETB / 21 Educate Together)
149 InterDenominational
22 Church of Ireland
2 Quaker
1 each Jewish, Methodist, Presbyterian
0 NonDenominational/Secular

3. Update regarding Divestment of Schools

In March 2022 the Government announced plans to discuss divesting more schools from Catholic to multi-denominational patrons in eight pilot areas. ² As outlined in our submission, even the maximum proposed divestments would not provide alternatives for secular and minority faith parents in the many areas where there is only one school which would remain Catholic.

The government plans only to divest to multi-denominational patrons, and not to secular or non-denominational patrons. The Department has published the following meanings, which they describe as for information purposes and not as legal definitions. ³

- Denominational patronage – under the patronage of a single religious community.
- Inter-denominational patronage – under the patronage or trusteeship of more than one religious faith community.
- Multi-denominational patronage – under the patronage of a multi-denominational patron.

This definition of ‘multi-denominational’ is circular and adds no information. However, if a ‘denomination’ refers to a religious faith community, then it follows that ‘multi-denominational’ also has religious connotations, and is not the same as secular or non-denominational.

Also, the government plans only to divest to Community National Schools run by local Education and Training boards. These schools are more religious than the alternative multi-denominational schools run by Educate Together. Their ‘Goodness Me Goodness You’ religion course is not neutral and objective, and they automatically enrol students into it with no option to not attend.

4. Update regarding Section 62.7(n) Admission to Schools Act 2018 ⁴

Section 62.7(n) of the Education (Admission to Schools) Act 2018 requires schools to include in their admission policy: “details of the school’s arrangements in respect of any student, where the parent of that student, or in the case of a student who has reached the age of 18 years, the student, has requested that the student attend the school without attending religious instruction at the school (which arrangements shall not result in a reduction in the school day in respect of the student concerned).”

Atheist Ireland compiled a report in 2020 about how schools are refusing to comply with this requirement. In that report we examined how 100 sample schools addressed (or failed to address) this requirement in their most recent Admission Policies. ⁵

We have this week re-examined the same 100 sample schools and we have found that, while many of the policies have a more recent date and almost all of the sample schools now refer to the requirement, the overall situation remains substantially the same.

² <https://www.gov.ie/en/press-release/bb9fb-minister-foley-announces-the-commencement-of-arrangements-in-a-number-of-pilot-areas-aimed-at-increasing-the-number-of-multi-denominational-primary-schools/>

³ <https://www.gov.ie/en/publication/811e2-schools-reconfiguration-for-diversity/>

⁴ <https://www.irishstatutebook.ie/eli/2018/act/14/enacted/en/print.html>

⁵ <https://atheist.ie/2020/11/schools-defy-new-law/>

- Most denominational schools try to evade the requirement by stating that parents must seek a meeting with the Principal to discuss the arrangements.
- Most ETB schools try to evade the requirement by making a spurious distinction with no legal basis between religious instruction and religious education.
- Most schools do not address the right to not attend the class, i.e. the right to physically leave the classroom and be supervised or get another subject.
- Some schools unlawfully ask parents to give reasons for wanting their children to not attend religion classes thus breaching the right to privacy, GDPR, and the Convention.

5. Update regarding Education (Student and Parent Charter) Bill 2019 ⁶

This government-sponsored Bill is currently at Committee Stage in the Oireachtas. If amended, this Bill could be used to address some of the issues in our recommendations. However:

- Section 27B(3), which describes the content of the guidelines that the Minister shall make, explicitly excludes making guidelines regarding (b) information on the admission policy of the school, and (c) the procedures (including consultation procedures) for the admission policy.
- Section 27C(f), which refers to the needs of a school that the Minister shall have regard for, also explicitly excludes the admission policy from the list of issues about which the school shall consult with students and parents.

This means that:

- The role of admission policies in informing parents about the procedures for children who do not attend religious instruction are dealt with only through Section 62.7(n) of the Admission to Schools Act, which schools routinely ignore with the knowledge of the Minister.
- Parents and students will have no input into how the right to not attend religious instruction is given practical application on the ground. Patron bodies and schools will be left to continue to decide this with no statutory guidelines from the Minister.

6. Update regarding private member bills in the Oireachtas

Opposition parties have currently tabled or prepared two relevant private member bills:

- The Education (Health, Relationships and Sex Education) Bill 2021, sponsored by Gary Gannon of the Social Democrats, currently at Committee stage. ⁷
- The Education (Removal of Religious Ethos and Alternative to Religious Instruction) Bill 2022, sponsored by Gino Kenny and Paul Murphy of People Before Profit/Solidarity, a draft Bill currently being reviewed by the Bills Office.

7. Update regarding sacramental preparation in schools

There were inaccurate news reports in Ireland last week that the Catholic Church in Dublin is starting to move sacramental preparation outside of the classroom. ⁸ In reality, the full Church policy document says that schools will continue to “educate children for the sacraments”, with “content specific to” each sacrament being “a two year process”, and that registration for the sacraments will be moving outside of the schools. ^{9 10}

⁶ https://data.oireachtas.ie/ie/oireachtas/bill/2019/67/eng/ver_b/b67b19s.pdf

⁷ <https://www.oireachtas.ie/en/bills/bill/2021/147/>

⁸ <https://www.irishexaminer.com/news/arid-40963394.html>

⁹ <https://www.irishtimes.com/ireland/education/2022/09/18/catholic-primary-schools-in-archdiocese-of-dublin-will-continue-communion-confirmation-preparation/>

¹⁰ <https://atheist.ie/2022/09/moving-sacraments-out-of-schools/>