

Atheist Ireland

Updated Submission to NCCA on Draft Primary Curriculum Framework

February 2022



Contents

1. Introduction
2. The Burke Case and the Campaign case at the Supreme Court
3. The right to respect for our philosophical convictions
4. The Draft Primary Framework Disrespects Parents' convictions
5. Other issues
6. Appendix: Extract from the Primary School Curriculum
7. Legal Opinion

1. Introduction

The 1999 Primary school Curriculum has undermined the Constitutional and human rights of atheists, humanists and the non-religious in Ireland. It is used as a reference point for Patron bodies, schools and teachers to evangelise minorities into a religious understanding of the world.

Any new Framework Primary School Curriculum should seek to recognise and promote the Constitutional and human rights of atheists, humanists and the nonreligious. Our rights should not be viewed through a religious understanding of the world. The Framework should recognise that we have the same positive constitutional right to freedom of conscience on our own terms and understanding of the world.

The Constitution protects the rights of all parents in relation to the religious and moral education and formation of their children, and not just religious parents. Parents with philosophical convictions have the same Constitutional right to respect in relation to the religious and moral education (Article 42.1) and formation (Article 42.4) of their children that religious parents have.

This means that in drafting a new Framework for the Primary Curriculum the NCCA is administering a Constitutional Right and is going beyond its jurisdiction if it promotes morals through religious education or ERB and ethics if that is against the conscience of parents.

We want the NCCA in the New Framework Primary School Curriculum to recognise and respect the Constitutional rights of atheists, humanists and secularists, in accordance with the Constitution and the related judgements in the Irish courts, and also uphold the NCCA's Public Sector Duty under Section 42 of the Irish Human Rights and Commission Act 2014.

The specific judgements in the courts that we refer to are the recent *Burke v Minister for Education* case at the Supreme Court, and the *Campaign to Separate Church and State* case in 1998. These cases went through the High Court to the Supreme Court, and the *Burke* case was also heard at the Court of Appeal.

The NCCA cannot continue to undermine the philosophical convictions of the non religious by ignoring the courts in relation to our constitutional and human rights. Under the Draft Framework the right to freedom of conscience and the right to be free from discrimination are viewed through a framework that has been set by those that have influence and control of our education system. Our history shows that religious bodies have had undue influence over the rights of minorities in the education system.

There are substantial philosophical differences between atheism, secularism and religion. The Constitution and human rights law protects our inalienable parental rights as well as our right to be treated with equality and to be free from discrimination. We do not accept an understanding of freedom of religion that is based on any particular religion such as Catholicism; we reject that on the grounds of conscience. The Irish Courts have recognised the right of parents to philosophical convictions the grounds of conscience.

In the High Court in 2011, Justice Hogan stated that:

“35. There is thus no doubt at all but that parents have the constitutional right to raise their children by reference to their own religious and philosophical views.”

“27. Along with the guarantee of free speech in Article 40.6.i, Article 44.2.1 guarantees freedom of conscience and the free practice of religion. Taken together, these constitutional provisions ensure that, subject to limited exceptions, all citizens have complete freedom of philosophical and religious thought, along with the freedom to speak their mind and to say what they please in all such matters....” (AB v Children’s Hospital Temple Street & CD & EF – January 2011)

2. The Burke Case and the Campaign case at the Supreme Court

The recent judgement at the Supreme Court in the Burke v Minister for Education case has upheld the rights of parents in relation to the religious and moral education and formation of their children.

The NCCA have no jurisdiction to decide for parents what is or is not against their conscience in relation to the religious and moral education and formation of their children. The Framework Primary School curriculum cannot legally promote morals through religious education to students from non-religious backgrounds if that is against the conscience of their parents. Nor is it legal to promote a religious understanding of the world to these students if that is against the conscience of their parents, because that disrespects the philosophical convictions of parents.

The Supreme Court stated that:¹

“4. It is clear that a right inures to the family under Article 42.1 of the Constitution to be the “primary and natural educator of the child” and the State is required to “respect the inalienable right and duty of parents to provide for the religious and moral, intellectual, physical and social education of their children”.

Hence, under Article 42.2, the mother and father of Elijah Burke and Naomi Power were “free to provide this education in their homes or in private schools or in schools recognised or established by the State”. But, while under Article 42.3 the State may require, “as guardian of the common good” that “children receive a certain minimum education, moral, intellectual and social” (physical is not mentioned, and the minimum standard required is currently set at

¹ <https://ie.vlex.com/vid/elijah-burke-v-the-883595934>

school leaver-standard for a 16 year old), the State cannot “oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State or to any particular type of school designated by the State.”

Article 42.4, in requiring the State to provide for “free primary education” also places an endeavour, but only that, before the State “to supplement and give reasonable aid to private and corporate education initiative” and “when the public good requires it” towards “other educational facilities or institutions”.

An overall saver in the constitutional text is that the State, in providing for free primary education and in endeavouring to assist post-primary education in various forms, have “due regard.. for the rights of parents, especially in the matter of religious and moral formation.” This provision reflects a concern for upholding parental authority, a foundational pillar of the Constitution that accords with Article 41 recognising the family as “the natural primary and fundamental unit group of” Irish society. Hence, society is built around the family.”

The Supreme Court in their judgement in the Burke case made a distinction between policy and the administration of that policy. It concluded:

“45... There is a vast gulf between formulating a policy and implementing it....Any such a scheme must abide by the Constitution. That is the overarching jurisdiction under which every organ of the State must act....

“48... There was no decision of Government which has been demonstrated to show any clear disregard of the Constitution. What has been established is an excess of jurisdiction in the departmental scheme though an inadvertent disregard of the rights of the home-schooled under the Constitution.”

Here are other relevant extracts from the Supreme Court judgment in the Burke case.

“6. What is clear is that there is a right derived from the Constitution, and stated in explicit terms, for parents to opt for education at home for their children. That is a simple right, put in simple language, as are all other rights declared in the fundamental law or in consequence thereof...

The nature of a fundamental law is to state basic principles which legislation must not infringe; to declare the objectives or ideals which are paramount in guiding decisions that impact on national life; and to define the nature of a stated polity by reference to component parts of government and their interaction.

As such, the Constitution of 1937 is simple in its terms but requires thought in its application. Hence, rights in the text may require elaboration and, in their application, are rarely, if ever, so absolute as to be permitted to override the public good or to undermine the true social order which is a core objective set out in the Preamble to our fundamental law.”

There is a right derived from the Constitution, and stated in explicit terms, for the State to respect the rights of parents in relation to the religious and moral education of their children (Article 42.1). There is also a duty on the State to take due regard to the rights of parents in the relation to the religious and moral formation of their children (Article 42.4).

This is, as the Supreme Court said in the Burke case, “a simple right, put in simple language”. In addition to that the Supreme Court has said in the Campaign case that the right of parents in relation to the education of their children under Article 42.1 and 42.2 must be read in the context of

Article 44.2.4 (page 25,26 J Barrington, Campaign to Separate Church and State - Supreme Court 1998).

This does not permit the NCCA to decide for parents what is or is not suitable religious and moral education and formation for their children, because they simply do not have the jurisdiction to do so and are constitutionally obliged to respect the rights of parents.

The Supreme Court went on to say in the Burke case that:

“10... Administration assumes that there is already in existence a principle and that all the administrator has to do is to establish the facts and circumstances and then to apply the principle.

It is of the essence of good administration that the principle must be fairly clear and precise so that, in any given situation, the result should be the same, whether it is administrator A or administrator B who has taken the decision. For, in its purest form, administration requires only a knowledge of the pre-existing principle and an appreciation of the facts to which it is being applied; it is an intellectual process involving little discretion.

By contrast, policy-making is largely discretionary; the policy-maker must decide, as between two alternatives, the one which he or she considers best in the interest of the community... [taking into] account all of the relevant factors and which factors are relevant is, to a considerable extent, left to him or her.”

Clearly this requirement will not be met if the Framework Primary Curriculum promotes teaching values through a religious understanding of the world and sanctions and promotes a religious integrated curriculum. Ignoring the rights of parents with philosophical convictions in any new Draft Framework curriculum will breach their rights under the Constitution.

In any given school the result of implementing the constitutional right to respect for our philosophical convictions in relation to the religious and moral education and formation of our children means that the result should be the same whether it is administered by teacher A or teacher B or school A or school B.

In the Burke v Minister for Education judgement at the Court of Appeal the court said that the judgement in the Campaign to Separate Church and State case in the Supreme court was binding authority. They stated that:²

“171.... The decision of the Supreme Court in the Campaign to Separate Church and State v. Minister for Education is binding authority and the dicta of Murphy J. concerning the breadth of parents ‘ duty, while quite far reaching, is at a minimum persuasive in recognising that parents have rights to provide for secondary and third level education if within their means.”

In the Campaign case at the Supreme Court, Justice Barrington stated that the rights of parents under Article 42 of the Constitution must be read in the context of Article 44.2.4, he stated:³

“But the matter does not end there. Article 42 of the Constitution acknowledges that the primary and natural educator of the child is the family and guarantees to respect the

² [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)

³ <https://www.teachdontpreach.ie/2019/10/campaign-to-separate-church-and-state-v-minister-for-education-1995/>

inalienable right and duty of the parents to provide for the religious and moral, intellectual, physical and social education of their children.

Article 42 S.2 prescribes that the parents shall be free to provide “this education” (i.e religious moral intellectual physical and social education) in their homes or in private schools or “in schools recognised or established by the State”.

In other words the Constitution contemplates children receiving religious education in schools recognised or established by the State but in accordance with the wishes of the parents.

It is in this context that one must read Article 44 S.2 s.s.4 which prescribes that:

Legislation providing State aid for schools shall not discriminate between schools under the management of different religious denominations nor be such as to affect prejudicially the right of any child to attend a school receiving public money without attending religious instruction at that school”.

The Irish version of the Constitution takes precedence over the English version. ‘Teagasc Creidimh’ in Article 44.2.4 translates directly into ‘religious teaching’. The Supreme Court has upheld the right of parents in relation to the religious and moral education and formation of their children. They have said that these rights must be read in the context of Article 44.2.4.

In the High court in the Campaign case in 1996 Justice Costello stated that:

“I have underlined the words “religious and moral formation” to draw attention to the fact that this Article recognises that parents have rights not only to provide for the religious education of their children (sub-paragraph (1)) but also rights in the matter of their religious formation (sub-paragraph (4)) and that it specifically enjoins the State when providing educational facilities to have regard to both these distinct rights. The difference between the ordinary meaning of these two concepts is not difficult to identify; broadly speaking, the religious education of a child is concerned with the teaching of religious doctrine, apologetics, religious history and comparative religions, whilst the religious formation of a child involves familiarising the child not just with religious doctrine but with religious practice (by attendance at religious services) and developing the child’s spiritual and religious life by prayer and bible reading and I think the Constitution should be construed so as to reflect this meaning. In the case of parents who profess the Catholic faith the religious formation of their children involves ensuring that their children attend Mass and that they pray and receive the sacraments on a regular basis.....”(page 39, 40)

“Turning to the issue in this case, it is clear that one of the important reasons why chaplains as well as teachers of religion are appointed to the staff of Community Schools is for the purpose of assisting the religious formation of the children attending the school (assistance which, inter alia, is given by the celebration of Mass in the school). In effect, the State by paying the salaries of chaplains is having regard to the rights of parents vis-a-vis the religious formation of their children and enabling them to exercise their constitutionally recognised rights”.

The courts have recognised that religious formation (Article 42.4) is teaching doctrine and ensuring children say their prayers and for students from a catholic background, attend mass. Religious formation is an element of Religious education (Article 42.1) which covers doctrine, apologetics, religious history and comparative religions. The Supreme Court has said that Article 41 must be read in the context of Article 44.2.4 which is the right of students to not attend religious teaching if that is against the conscience of their parents, it is a constitutional condition of the state funding of schools.

In the Supreme Court in the Campaign case Justice Barrington said that:

“The Constitution therefore distinguishes between religious “education” and religious “instruction” - the former being the much wider term. A child who attends a school run by a religious denomination different from his own may have a constitutional right not to attend religious instruction at that school but the Constitution cannot protect him from being influenced, to some degree by the religious “ethos “ of the school. A religious denomination is not obliged to change the general atmosphere of its school merely to accommodate a child of a different religious persuasion who wishes to attend that school.”

Barrington spoke about the ethos of a school influencing a child to ‘some degree’ in the general atmosphere of the school if a child chooses to attend that school. For many parents there is no choice in where they send their children to school.

The judgement of Justice Barrington didn’t mean that the State through the primary school curriculum can influence children from non religious backgrounds into a religious understanding of the world through the search for truth and in a quest for a transcendent element within human experience. Or that the State can promote values in students from all backgrounds through religious education. Justice Barrington was speaking about the ‘ethos’ of schools which is the responsibility of the Patron, not the State curriculum.

Justice Barrington also said in the Campaign case that:

“Secondly while it is obviously right and proper that a Chaplain should counsel and advise any child who may consult him about its problems it would be constitutionally impermissible for a Chaplain to instruct a child in a religion other than its own without the knowledge and consent of its parents.”

There is no difference in principle between a Chaplain and a teacher instructing a child in a religion other than its own without the consent of its parents. That instruction/teaching can take place during any timetabled class regardless of what the class is called.

That finding by the Supreme Court has just been ignored by the NCCA and the Department of Education. The NCCA and the Department have gone much further and decided that they had a right to decide for parents what is or is not suitable religious and moral education and formation for their children.

The Department of Education and the NCCA have always recognised the rights of religious parents in relation to the religious education and formation of their children. They must now also recognise the rights of parents in relation to the moral education (Article 42.1) and formation (Article 42.4) of their children. The State cannot continue to promote values/morals through religious education/teaching when parents with philosophical convictions object on the grounds of conscience.

In the Burke case at the Court of Appeal, the court said that:

“191. The court considers that the case law demonstrates that the relationship between parents, the State and the child as envisaged by Articles 40, 41 and 42, is a trifecta not just of the participants but of the rules under which constitutional engagement on education must take place; namely right, duties and powers.

It is only through understanding the interwoven nature of those relationships, that clarity can be brought to the complex constitutional provisions on education.

It appears to us that the right of the child to education does not stop at the point where “a certain minimum education” has been imparted but is interwoven with the parents’ right to choose how to provide for secondary education and also the State’s power to make provision for such education.”

The NCCA just ignore the judgements from the courts and continue to undermine the rights of non religious families.

We have recently made a complaint to the Comptroller and Auditor General and well as the Oireachtas Public Accounts Committee with regard to the misuse of public funds by the Department of Education and the NCCA in relation to religious education in publicly funded schools. You can read this at the links in the footnotes below. ^{4 5}

The rights of atheists, secularists, humanists and the non-religious are only recognised by the NCCA within a religious framework and consequently our Constitutional and human rights are undermined. This is religious discrimination forbidden by the constitution and it undermines our rights under Article 41 of the Constitution.

3.The right to respect for our philosophical convictions

The NCCA decide for parents what is or is not suitable religious and moral education and formation for their children. They have no jurisdiction to do this. This is a right that belongs to parents and the Supreme Court has upheld this. The role of the NCCA is to administer that constitutional right.

The European Court and the United Nations have defined what respecting parents religious and philosophical convictions means on the ground and the obligation of states in relation to it.

The European Court has said that the right to respect for parents convictions is an absolute right and not to be balanced against the rights of others. The NCCA have always put the rights of religious parents over those with philosophical convictions.

The High Court has said that parents with philosophical convictions have more rights under the Irish Constitution than they do under human rights law.

In the High Court in 1996 in the Campaign case, Justice Costello stated that:

“... The State - parties to the U.N. Universal Declaration of Human Rights recognise (Article 10) that the Family (which is declared to be the natural and fundamental group unit of society) should be protected “particularly while it is responsible for the care and education of dependant children” and the State - parties undertake (Article 13) to respect the liberty of parents “to ensure the religious and moral education of their children in accordance with their own convictions”.

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

⁴ <https://atheist.ie/event/complaint-from-atheist-ireland-to-the-comptroller-auditor-general-on-the-misuse-of-public-funds-by-the-department-of-education-with-burke-case-addendum/2022-02-08/>

⁵ <https://atheist.ie/2022/02/the-misuse-of-public-funds-in-administering-the-right-to-not-attend-religious-instruction/>

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. The article contains a final sub-paragraph (sub-paragraph 4) as follows...”

Despite the High Court recognising in 1996 that parents had more rights under the Irish Constitution in relation to their philosophical convictions the NCCA went ahead and ignored this when they developed the 1999 Primary School Curriculum and also curriculum Religious Education and second level. The NCCA cannot continue to ignore the rights of parents with philosophical convictions in developing the new Primary School Framework curriculum.

The Irish Human Rights Commission have outlined in their Report Religion & Education; A Human Rights Perspective 2011 the definition of respect for parents convictions (see para 254 page 81) at the European Court and the United Nations. Not respecting parents convictions in the education system is pursuing an aim of indoctrination. The right to respect for parents convictions is an absolute right and cannot be balanced against the rights of others. ⁶

In the Folgero v Norway case at the European Court the court stated that:⁷

“Article 2 of Protocol No. 1 does not permit a distinction to be drawn between religious instruction and other subjects. It enjoins the State to respect parents’ convictions, be they religious or philosophical, throughout the entire State education programme (see Kjeldsen, Busk Madsen and Pedersen, cited above, p. 25, §51). That duty is broad in its extent as it applies not only to the content of education and the manner of its provision but also to the performance of all the “functions” assumed by the State. The verb “respect” means more than “acknowledge” or “take into account”. In addition to a primarily negative undertaking, it implies some positive obligation on the part of the State. The term “conviction”, taken on its own, is not synonymous with the words “opinions” and “ideas”. It denotes views that attain a certain level of cogency, seriousness, cohesion and importance (see Valsamis, cited above, pp. 2323-24, §§ 25 and 27, and Campbell and Cosans, cited above, pp. 16-17, §§ 36-37). “

“(h) The second sentence of Article 2 of Protocol No. 1 implies on the other hand that the State, in fulfilling the functions assumed by it in regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner. The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents’ religious and philosophical convictions. That is the limit that must not be exceeded (ibid.).”

The NCCA have not taken on board what respecting the rights on parents under human rights law means on the ground, even though they have a public sector duty to do so.

⁶ <https://www.ihrec.ie/documents/religion-and-education-a-human-rights-perspective/>

⁷ <https://hudoc.echr.coe.int/fre?i=001-81356>

4. The Draft Primary Framework Disrespects Parents' convictions

The Draft Primary curriculum framework states:

“Inclusive education and diversity:

*Inclusive education provides for equity of opportunity and participation in children's learning
Inclusive education celebrates diversity and responds to the uniqueness of every child.”*

The above statement is meaningless given the Irish education system. What practical application will be given to the philosophical convictions of non-religious minorities in any school given the fact that at present children are left sitting in the classroom where religion takes place when there is a Constitutional right to not attend and be supervised outside the class? Also religion is integrated into curriculum subjects.

Education that is not objective, that is based on evangelising minorities into a religious understanding of the world, and that fails to recognise the constitutional rights of parents with philosophical convictions is not inclusive.

The Draft Framework goes on to say that:

“Additionally, there are demands to include new aspects of learning in the curriculum such as Coding and Computational Thinking, Education about Religions and Beliefs (ERB) and Ethics, Modern Foreign Languages, and to place a greater general emphasis on Wellbeing.”

It then states that:

“This increased diversity is reflected in the Department's Action Plan 2016-2019 in which Goal 4.2 (pp .43-44) focuses on providing greater school choice for parents and children . As part of this and in partnership with Patron Bodies, the Action Plan sets out initial broad steps for the establishment of 400 multi-/non-denominational schools.

While this is a long-term action, it potentially raises a question about the role of the State in ensuring that education related to the religious and ethical aspects of human development is provided for and that respect for all members of society is promoted and nurtured in the process. O'Donnell's curriculum audit (2019) shows three of the eight jurisdictions (Finland, Scotland and Wales) having religious education and/or ethics as a curriculum area or subject in their state curricula at primary level.

The upcoming consultation on the primary curriculum, the first of its kind in over twenty years, gives an opportunity to further consider, in the context of what is set out for the redevelopment of the curriculum, how patrons' programmes can continue to contribute to the child's holistic development in primary school and whether or not there should be a more extended statement within the redeveloped curriculum about the religious, spiritual and ethical domain.”

Again this Draft Framework fails to take into account philosophical convictions such as atheism, humanism and secularism. On the basis of conscience we do not accept that it is the duty of any State to ensure that education related to religious aspects of human development are provided for.

If the Draft Framework referred to the role of the State in ensuring that education related to atheism, secularism and ethical aspects of human development is provided for, then we would never hear the end of it.

The Draft Framework refers only to the 'religious and ethical aspects of human development'. If it recognised and respected the constitutional and human rights of the non religious in Ireland it would refer to 'the religious, philosophical and ethical aspects of human development'.

It is clear from this aspect of the Draft Framework that the NCCA has no understanding of our Constitutional and Human Rights and seeks to continue to undermine them.

The NCCA have continually failed to recognise that parents have Constitutional rights in relation to their philosophical convictions. This is the reason that the UN and Council of Europe have consistently raised concern about the rights of minorities in the education system and the reason why those concerns are consistently ignored.

Any change in the Primary curriculum framework should vindicate the Constitutional and human rights, and should address the failure of the current Framework to recognise and promote the Constitutional rights of atheist, secularists, humanists and non-religious families.

5. Other Relevant issues

The 1999 Primary school curriculum framework has enabled Patron bodies, schools and teachers to promote the spiritual education of students by evangelising them into a religious way of life. It discriminates against non-religious minorities. It does not take on board the positive right of non-religious minorities under Article 42.1 in relation to the education of their children.

The 1999 Primary School Curriculum focuses on the Spiritual Dimension of life in relation to the promotion of religion and religious values. It only recognises and caters for the right of individuals to choose the particular form of religious expression that reflects the spiritual aspirations that he or she seeks.

There is an obligation on the State to provide a basic moral and social education for children. Article 42.3.2 states that:

"The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social."

Schools are entitled to their ethos, but they cannot discriminate against students who do not share that ethos. There was never any intention in the 1995 White Paper on Education or the Oireachtas debates on the Education Act 1998 to put in place a hierarchical approach to rights as opposed to an approach that treats all rights in harmony.

Section 30-2(e) of the Education Act 1998, Section 15-2 (b), (d), (e) and Section 9 (d) are a reflection of the philosophical aspirations of the 1995 White Paper on Education. In particular, Section 15-2 (e) states:

"(e) 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."

However in practice the State leaves it up to each Patron body to devise religious, moral and ethical education. There are two hours per week given to this education. This is not pluralism, as it recognises and promotes only the views of the religious majority in the country. The State and the NCCA have pursued an aim of indoctrination by not respecting the philosophical convictions of non religious parents and their children.

6. Appendix: Extract from the Primary School Curriculum

The Primary School Curriculum states:

“Spiritual Dimension

The curriculum takes cognisance of the affective, aesthetic, spiritual, moral and religious dimensions of the child’s experience and development. For most people in Ireland, the totality of the human condition cannot be understood or explained merely in terms of physical and social experience.

This conviction comes from a shared perception that intimates a more profound explanation of being, from an awareness of the finiteness of life and from the sublime fulfilment that human existence sometimes affords. The spiritual dimension of life expresses itself in a search for truth and in the quest for a transcendent element within human experience. The importance that the curriculum attributes to the child’s spiritual development is expressed through the breadth of learning experiences the curriculum offers, through the inclusion of religious education as one of the areas of the curriculum, and through the child’s engagement with the aesthetic and affective domains of learning (page 27)

General Objectives

- *acquire sensitivity to the spiritual dimension of life*
- *develop the capacity to make ethical judgements informed by the tradition and ethos of the school develop a knowledge and understanding of his or her own religious traditions and beliefs, with respect for the religious traditions and beliefs of others.*

Religious education

In seeking to develop the full potential of the individual, the curriculum takes into account the child’s affective, aesthetic, spiritual, moral and religious needs. The spiritual dimension is a fundamental aspect of individual experience, and its religious and cultural expression is an inextricable part of Irish culture and history. Religious education specifically enables the child to develop spiritual and moral values and to come to a knowledge of God.

Irish society recognises the right of the individual to choose the particular form of religious expression that reflects the spiritual aspirations and experience he or she seeks. It acknowledges, too, the importance of tolerance towards the practice, culture and life-style of a range of religious convictions and expressions, and aspires to develop in children a tolerance and understanding towards the beliefs of others.

Education, generally, seeks to reflect and cater for a variety of religious conviction and acknowledges the right of parents to arrange for their children’s education in a school whose religious ethos coincides with their own religious belief. It is the responsibility of the school to provide a religious education that is consonant with its ethos and at the same time to be flexible in making alternative organisational arrangements for those who do not wish to avail of the particular religious education it offers. It is equally important that the beliefs and

sensibilities of every child are respected.

Since the Department of Education and Science, in the context of the Education Act (1998), recognises the rights of the different church authorities to design curricula in religious education at primary level and to supervise their teaching and implementation, a religious education curriculum is not included in these curriculum documents.”

7. Legal Opinion

The Legal Opinion obtained by Atheist Ireland on the right to not attend religious instruction class, includes analysis of the Constitutional rights of atheist parents and students generally within the education system. You can read that here.

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