

# Atheist Ireland



## Submission from Atheist Ireland to the National Women's Council of Ireland on the UN Convention on the Elimination of Discrimination Against Women

### 1. 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 This Submission outlines how the Irish State has failed to ensure that children and adolescents have Social, Personal and Health education in an objective and neutral manner and free from religious influence.

1.3 Article 10 of the Convention of the Elimination of Discrimination against Women states that:

“States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.”

1.4 In March this year the Committee on the Rights of the Child in the Concluding Observations stated that: <sup>1</sup>

“(c) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy and sexually transmitted infections;”

1.5 Article 42A.1 of the Irish Constitution obliges the State to recognise and affirm the natural and imprescriptible rights of all children and as far as practicable, by its laws protect and vindicate those rights. The Irish State has failed to guarantee and protect the rights of girls and adolescents to education in reproductive health.

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<sup>1</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRL%2fCO%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRL%2fCO%2f3-4&Lang=en)

## 2. SPHE in Irish schools

2.1 At Primary and Junior Certificate Level Social, Personal and Health Education (SPHE) is delivered according to the ethos of the Patron. The vast majority of schools at both primary and second level have a religious ethos.

- At Primary level – Social, Personal and Health Education (SPHE)  
<http://www.curriculumonline.ie/Primary/Curriculum-Areas/Social-Personal-and-Health-Education-Curriculum>
- At second level - Social, Personal and Health Education (SPHE) – Junior Cert  
<http://www.curriculumonline.ie/Junior-cycle/Junior-Cycle-Subjects/Social,-Personal-and-Health-Education>

2.2 The right to health encompasses access to education and information on sexual and reproductive health. The UN has said that: <sup>2</sup>

“Access to information includes “the right to seek, receive and impart information and ideas concerning health issues.”

“The Committee on the Rights of the Child has recognised that “States parties should provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives, the dangers of early pregnancy, the prevention of HIV/AIDS and the prevention and treatment of sexually transmitted diseases (STDs).”

“Similarly, the Committee on the Elimination of Discrimination Against Women has underscored the need to pay particular attention “to the health education of adolescents, including information and counselling on all methods of family planning.”

The Committee has further specified that health education for adolescents should address “gender equality, violence, prevention of sexually transmitted diseases and reproductive and sexual health rights.”

2.3 The education system in Ireland fails to protect minorities from religious discrimination because the State gives priority to religious beliefs over philosophical convictions. The majority of schools in Ireland at both primary and second level have a religious ethos. Religion is integrated into the state curriculum.

2.4 Parents in Ireland have no choice but to send their children to schools where religion is integrated into social, personal and health information, the state curriculum is not delivered in an objective, critical and pluralistic manner. The state cedes control to the interests of private Patron bodies. None of these Patron bodies have ratified the Convention on the Elimination of Discrimination against Women.

2.5 The Education Act 1998 does not oblige any school to deliver the state curriculum in a neutral and objective manner and parents are left dealing with Boards of Management who are legally obliged to uphold the ethos of the Patron who in the majority of cases is a religious body.

## 3. ICCPR

3.1 In July 2014 when Ireland appeared before the UN Human Rights Committee under the International Covenant on Civil & Political Rights they were asked: <sup>3</sup>

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<sup>2</sup> <http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/HealthRights.aspx> (Adolescents)

<sup>3</sup> <https://www.youtube.com/watch?v=-Q4UjpG9mow>

“How does the Delegation explain the compatibility with the Covenant of a state of affairs that allows private schools, which have a near monopoly in Ireland on a vital public service, to openly discriminate in admission policies between children on the basis of their parents’ religious convictions?”

I would appreciate, whether orally or in writing, the Delegation’s theory on this point, on this legal point. And whether the State believes or not that it is required to ensure a neutral studying environment in those schools, in denominational schools, outside the confines of religious instruction classes that can be opted out from?”

3.2 The Irish State has never responded to this question. There is no neutral studying environment in Irish Schools outside the religious instruction classes.

#### **4. Admissions to Schools Bill**

4.1 IHREC has recommended in their submission on the Education (Admissions) to Schools Bill that: <sup>4</sup>

“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.”

4.2 There is the option to opt out of SPHE under Section 30.2 (e) of the Education Act 1998 which does not oblige any student to attend instruction in any subject which is contrary to the conscience of the parent of the student or in the case of a student who has reached the age of 18 years, the Student.

4.3 There are two issues in relation to the above:

1. Children have a right to a neutral studying environment in relation to SPHE and
2. Parents are never informed that religion is integrated into SPHE and that they can opt their children out of it.

4.4 Children are receiving SPHE contrary to the convictions of their parents and not in accordance with the rights guaranteed under CEDAW.

#### **5. Summary**

5.1 In Ireland the state cedes control of the education system to private bodies and has failed to put in place laws and policy that would ensure that children and adolescents can access Social, Personal and Health information in a neutral studying environment and free from religious influence and in accordance with the rights guaranteed under the Convention on the Elimination of Discrimination against Women.

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<sup>4</sup> [www.ihrec.ie/download/pdf/ihrec\\_observations\\_on\\_education\\_admission\\_to\\_schools](http://www.ihrec.ie/download/pdf/ihrec_observations_on_education_admission_to_schools)