

Atheist Ireland



To: Lt Col Pádraig Brennan
Military Assistant to the Director General
European Union Military Staff (EUMS)
European External Action Service (EEAS)

14 May 2023

Re: Report on Irish Defence Forces Chaplains

Dear Lt Col Brennan,

Thank you for agreeing to meet us regarding your report on Irish Defence Forces chaplains. Here are our thoughts and recommendations.

The Defence Forces website states that “The Defence Forces are committed to promoting equality in all aspects of our work,” and “Equality aims to ensure everyone is treated fairly and is provided with the same opportunities.”

This commitment is not complied with when appointing chaplains. Instead, this process is outsourced to bodies that the Defence Forces do not control.

This is a unique opportunity to make the Defence Forces chaplaincy suitable for the Ireland of today. Whatever comes out of this process will likely be harder to change in the future than to change through this process, so it is important to get it right now.

We recommend that you base your recommendations on the following principles:

1. Respecting the equal right to freedom of thought, conscience, religion or belief of all personnel, which encompasses religious, spiritual, and nonreligious philosophical beliefs.
2. The changing demographics of Ireland with regard to religious, spiritual, and nonreligious beliefs, as reflected in census and wedding figures and other data.
3. The Defence Forces should set their own objective and transparent criteria for chaplains, and directly interview and select people based on those criteria.
4. Avoiding indirect discrimination, which can happen when bodies that discriminate against e.g. women or LGBT people are allowed to influence the process.

1. Respecting the equal right to freedom of religion or belief

The Defence Forces should respect that there is an established constitutional right, and internationally recognised human right, to be atheist, agnostic, secular, humanist, or in any other way free from religion. This right is part of the fundamental right to freedom of thought, conscience, religion or belief. It applies equally to all persons, including persons with non-theistic and atheistic beliefs. The process for selecting chaplains should respect this human right, and it should not privilege or discriminate against personnel of either religious, spiritual, or nonreligious philosophical beliefs.

- For the 193 States of the United Nations, this human right is enshrined in Article 18 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights, General Comment Number 22 on Article 18 of this Treaty, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
- For the 46 States of the Council of Europe, this human right is enshrined in Article 9 of the European Convention on Human Rights, which is enforced by the European Court of Human Rights based in Strasbourg. The Venice Commission is a body within the Council of Europe that advises States on constitutional issues including human rights.
- For the 27 States of the European Union, this human right is enshrined in Article 10 of the Charter of Fundamental Rights, and the EU Guidelines on the promotion and protection of freedom of religion or belief.
- For the 57 States of the Organisation for Security and Cooperation in Europe, which span Europe, the Caucasus, Central Asia and North America, this human right is monitored by the Office for Democratic Institutions and Human Rights.

In the Venice Commission Guidelines for Legislative Reviews of Laws Affecting Religion or Belief, it states that:

“3. International standards do not speak of religion in an isolated sense, but of “religion or belief.” The “belief” aspect typically pertains to deeply held conscientious beliefs that are fundamental about the human condition and the world. Thus atheism and agnosticism, for example, are generally held to be equally entitled to protection to religious beliefs. It is very common for legislation not to protect adequately (or to not refer at all) to rights of non-believers. Although not all beliefs are entitled to equal protection, legislation should be reviewed for discrimination against non-believers.”

In 2019 the International Commission of Jurists, composed of 60 judges and lawyers from all regions of the world, published a Primer on International Human Rights Law and Standards on the Right to Freedom of Thought, Conscience, Religion or Belief. Its opening paragraph unambiguously states that this is a wide-ranging right:

“encompassing the right to freedom of thought and personal convictions in all matters, and protecting the profession and practice of different kinds of beliefs, whether theistic, non-theistic or atheistic, and the freedom not to disclose one’s religion or belief. International law also guarantees and protects the right not to have a religious confession.”

Justice Walsh in the Supreme Court in *Mulloy v Minister for Education* 1975 stated:

“The present case concerns the disposition of public funds on a basis which, if sustainable, enables a person who is not a religious to obtain greater financial reward than a person who is a religious and is otherwise doing the same work and is of equal status and length of service...If that were constitutionally possible it would enable the State to prefer religious to lay people, or vice versa, in a matter which is in no way concerned with the safeguarding or maintenance of the constitutional right to free practice of religion...

In my view, the State is not permitted by the Constitution to do this. The reference to religious status, in both the Irish text and the English text of the Constitution, relates clearly

to the position or rank of a person in terms of religion in relation to others either of the same religion or of another religion or to those of no religion at all.

Thus it ensures that, no matter what is one's religious profession or belief or status, the State shall not impose any disabilities upon or make any discrimination between persons because one happens to be a clergyman or a nun or a brother or a person holding rank or position in some religion which distinguishes him from other persons, whether or not they hold corresponding ranks in other religions or whether or not they profess any religion or have any religious belief, save where it is necessary to do so to implement the guarantee of freedom of religion and conscience already mentioned."

2. The changing demographics of Ireland with regard to beliefs

The right of all citizens to be treated equally regardless of our religious, spiritual, or nonreligious philosophical beliefs should not be subject to the belief demographics of society. However, historically, there has been a de facto bias in Ireland in favour of the Roman Catholic Church specifically, and Christianity generally, because of their overwhelming majority position. Even that overwhelming majority is no longer the case.

The figures in the census for Roman catholic have declined from 94.9% in 1961 to 78% in 2016, while the figures for no religion rose to 9.8% in 2016, making it the second largest belief identity after Roman Catholic.

These figures are based on a leading census question, that assumes that people have a religion and asks them which religion it is. The CSO has recognised that this leading results in a larger number of people saying they have a religion that would happen with a neutral question.

The CSO changed that question in the 2022 census. We expect that the change in the question, along with the changes in society with much lower religious attendances than census figures suggest, will result in an even smaller number for Roman Catholics and an even larger number for no religion when the figures are published later this year.

The recent figures published by the CSO for types of wedding ceremonies last year support this trend. One in five Irish weddings last year were spiritualist ceremonies. This is twice the number you would think from the published CSO statistics, which hide half of the spiritualist marriages under the label 'other religious'.

This means fewer than 45% of Irish weddings last year were traditional religious ceremonies. The other 55% were either civil registry (26.2%), spiritualist (19.6%), or humanist (9.3%).

- 45% Traditional Religious
- 35% Civil & Humanist
- 20% Spiritualist

This reflects a culture change in Ireland. It shows the need for the State to remove the privilege it gives to the Catholic Church in running Defence Forces chaplaincies, and to Christianity generally in the religious oaths in our Constitution and in our schools, hospitals, charities and civil registration laws.

3. The Defence Forces should set their own objective and transparent criteria

The Defence Forces should set their own objective and transparent criteria for chaplains, and directly interview and select people based on those criteria.

The Defence Forces would impose difficulties upon themselves if they chose to decide which religious, spiritual, or nonreligious philosophical bodies were suitable or unsuitable to nominate chaplains. The state itself has considerable difficulty defining what a religion is, and the Defence Forces would have the same difficulty. For example, there are at least 150 different religions in Ireland.

So what objective and transparent criteria should the Defence Forces use? Here are some duties that a chaplain suitable for personnel of all religious, spiritual, and nonreligious philosophical beliefs might be asked to perform:

- *Education about Human Rights:* As a foundation for other duties, understand and educate personnel in human rights, including freedom of thought, conscience, religion or belief, as articulated in the Irish constitution and international human rights treaties.
- *Emotional Support and Counselling:* Provide emotional support and counselling to personnel who are dealing with stress, trauma, or personal issues, regardless of their religious, spiritual, and nonreligious philosophical beliefs.
- *Crisis Intervention:* Be available during critical incidents or emergencies to provide immediate support, comfort, and reassurance to personnel and their families, religious, spiritual, and nonreligious philosophical beliefs.
- *Moral Guidance and Ethical Training:* Offer personal guidance, and develop and deliver training programmes, on moral values, ethical dilemmas, and principled decision-making, for all personnel regardless of their religious, spiritual, and nonreligious philosophical beliefs.
- *Wellness and Positive Psychology:* Work with healthcare professionals to develop and deliver holistic wellness programmes that address the physical, mental, and spiritual well-being of all personnel, regardless of their religious, spiritual, and nonreligious philosophical beliefs.
- *Community, Inclusivity, and Diversity:* Organise events to foster a sense of community, inclusivity, and mutual respect for the cultural and religious, spiritual, or nonreligious diversity within all personnel, regardless of their religious, spiritual, and nonreligious philosophical beliefs.
- *Rituals and Ceremonies:* Conduct ceremonies or commemorative events to honour fallen comrades or mark significant milestones, with such events being secular, i.e. not promoting or privileging either religious, spiritual, and nonreligious philosophical beliefs.
- *Liaising with Belief Bodies:* Put personnel in touch with religious, spiritual, and nonreligious philosophical bodies that they identify with, so they can avail of the services of or participate in the activities of such bodies.

Here are some personal qualities that a chaplain suitable for personnel of all religious, spiritual, and nonreligious philosophical beliefs might be expected to have:

- *Understanding of Human Rights:* As a foundation for other qualities, understand human rights, including the right to freedom of thought, conscience, religion or belief, as articulated in the Irish constitution and international human rights treaties.
- *Knowledge of Diversity of Beliefs:* Understand the broad range of religious, spiritual, and nonreligious philosophical beliefs and practices, and be able to meaningfully discuss them with personnel of diverse backgrounds.
- *Personal Attributes and Skills:* Be skilled in empathy, counselling, crisis intervention, crisis management, conflict resolution, mental health support, leadership and communication, flexibility and adaptability, confidentiality and trustworthiness, developing and delivering training programmes, liaising with a diverse range of bodies.

Here are some academic or practical qualifications that it might be useful for a chaplain suitable for personnel of all religious, spiritual, and nonreligious philosophical beliefs to have:

- A degree or continuing education in a relevant field, such as philosophy (including philosophy of religion and nonreligious beliefs), ethics, psychology, counselling, social work, multi-cultural studies, or a related discipline.
- Professional training or work experience in a relevant field, including any of the above, and including volunteer work.

4. Avoiding indirect discrimination

The Defence Forces website states that:

“In line with our public sector duty the Defence Forces Women’s Network was established to support females in all aspects of their work and its aim is to develop strong female potential within the Defence Forces. Other initiatives include the establishment of an LGBTI support network Defend With Pride which aims to provide support information and guidance for LGBTI personnel and Allies who wish to support their family and friends.”

Part of the public sector duty of the Defence forces is to:

- A. Eliminate discrimination
- B. Promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
- C. Protect the human rights of its members, staff and the persons to whom it provides services.

The Defence Forces are also committed to implementing UN Security Council resolution S/RES/1325 on women and peace and security. This resolution stresses the importance of the equal participation and full involvement of women in all efforts for the maintenance and promotion of peace and security.

However, these commitments are not complied with when appointing chaplains. Instead, this process is outsourced to religious bodies that the Defence Forces do not control. Some of these bodies might not allow women to be priests, imams, pastors, reverends, or other positions from which they might nominate chaplains.

Many people in Irish society have been hurt by religious bodies, including in particular women in Mother and Baby Homes and Magdalene laundries, boys and girls in industrial schools and convents, and LGBTI people, and the families of all of these people.

Some may regard themselves as religious but do not have any dealings with formal religious bodies. They could well have all the qualifications needed to make a great chaplain but cannot apply for the position because they are not nominated by a relevant religious body.

If such bodies are allowed to control or even influence the selection process for chaplains, it can result in indirect discrimination. This can include:

- Influence on selection criteria that favours members of religious, spiritual, or nonreligious philosophical bodies that have discriminatory beliefs or practices.
- Biased nominations of candidates who share the discriminatory beliefs.
- Limited or no representation among the chaplaincy from groups who the religious, spiritual, or nonreligious philosophical bodies discriminate against.
- Undermining human rights within the Defence Forces including freedom of thought, conscience, religion or belief and freedom from discrimination.
- Feelings of alienation and mistrust among Defence Forces personnel who are members of the groups who are discriminated against.

We therefore recommend that:

- No outside body should have influence on the objective and transparent selection process that should be carried out directly by the Defence Forces.
- If a candidate for chaplain holds a formal position within a body that has discriminatory beliefs or practices, that candidate should commit to putting human rights ahead of the discriminatory beliefs of their body while they are performing their duties.

We also recommend, if you have not already done so, that you approach and interview advocacy groups within society for the rights of women, LGBTI people, and members of other groups who face prejudice and discrimination.

Conclusion

Thank you for agreeing to meet us regarding your report on Irish Defence Forces chaplains. These are our thoughts and recommendations.

This is a unique opportunity to make the Defence Forces chaplaincy suitable for the Ireland of today. Whatever comes out of this process will likely be harder to change in the future than to change through this process, so it is important to get it right now.

Yours sincerely,

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