

# Atheist Ireland



Submission to NCCA Consultation on the  
Draft Primary Curriculum Specifications <sup>1</sup>

June 2024

## Introduction

This submission focuses on two areas of the draft specifications:

- Social and Environmental Education (Geography and History) <sup>2</sup>
- Wellbeing (Physical Education and Social, Personal and Health Education) <sup>3</sup>

Both of these areas include items relevant to education about religion, beliefs, and ethics. It is those items that we are focusing on.

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<sup>1</sup> <https://ncca.ie/en/primary/primary-developments/primary-curriculum-review-and-redevelopment/consultation-2024/>

<sup>2</sup> [https://ncca.ie/media/4bmj12tk/draft\\_see\\_specification\\_0324.pdf](https://ncca.ie/media/4bmj12tk/draft_see_specification_0324.pdf)

<sup>3</sup> [https://ncca.ie/media/csmh55u0/draft\\_primary\\_wellbeing\\_specification\\_2024.pdf](https://ncca.ie/media/csmh55u0/draft_primary_wellbeing_specification_2024.pdf)

## 1. Recommendations

In all our years dealing with the NCCA we have consistently raised the fact that non-religious parents and their children have exactly the same rights as religious parents, and the issue of human rights principles. Our concerns have fallen on deaf ears as the NCCA has consistently failed to recognise that they have a duty to protect our constitutional and human rights.

Our current recommendations reflect this.

(1) The NCCA should recognise and vindicate the constitutional rights of parents and their children as outlined in this submission, in particular the right of parents to determine what is suitable religious teaching for their children in accordance with their own conscience and not the ideological position of the NCCA or Department of Education. The NCCA should respect the right of children to not attend any teaching about religion under Article 44.2.4.

(2) The NCCA endorses the incorporation of human rights principles that it refers to in several places. There are established human rights principles in relation to the teaching about religion and beliefs in schools. These include conveying knowledge in an objective, critical, and pluralistic manner, and not in accordance with the religious ethos of the school or the ideological position of the NCCA or Department of Education.

(3) Instead of using the single word 'religion', the NCCA should consistently use the collective phrase 'religions or beliefs'. This is used to refer collectively to both religions and coherent non-religious philosophical convictions that are worthy of respect in a democratic society.

(4) Any course should be taught to respect the right of other people to hold different beliefs, without being taught to respect the content of specific beliefs, and without celebrating the content of those beliefs.

(5) All of the above should be reflected in the glossary, particularly in the definition of the word belief. In the context of the curriculum, the definition should refer both to the philosophical definition of something you accept as true, and also the human rights law definition of a coherent philosophical conviction that equates to a worldview worthy of respect in a democratic society.

## 2. Constitutional rights of parents and their children

The state cannot decide for parents what is or is not suitable religious and moral education for their children. The Department of Education or the NCCA simply has not got the legal power to decide on what is or is not against the conscience of parents. The courts have made this perfectly clear.

One of the key constitutional and legal principles in Article 44.2.4 and Section 30 of the Education Act 1998 is that the right to not attend religious instruction is based on the conscience of parents. The right is written into the text and structure of the Constitution and reflected in Section 30 of the Education Act 1998.

We know this because:

- When Section 30 was being debated in the Dáil in 1999, the then Minister for Education, Micheál Martin said that the purpose of Section 30-2(e) of the Education Act 1998 is to reflect Article 44.2.4 of the Constitution. He stated that this is supported by Article 42 and also other statutory provisions such as S.7 Intermediate Education (Ireland) Act 1878.
- Justice Barrington in the Supreme Court in the Campaign case in 1998 said that Article 42 of the Constitution must be read in the context of Article 44.2.4. Under Article 42 parents have inalienable rights in relation to the religious education of their children.
- Justice O'Donnell in the Burke case said that; "It is, in any event, part of the right and duty of parents to provide (and therefore the right of their children to receive) education under

Article 42.1, which right the State has guaranteed to respect. The Irish text of Article 42.1 provides an important flavour in this regard: "... ráthaíonn [An Stát] gan cur isteach ar cheart doshannta ná ar dhualgas doshannta tuistí chun oideachas ... a chur ar fáil dá gclainn" which conveys the sense that the State cannot interfere with (cur isteach ar) the right of parents subject to the Constitution to provide education under Article 42.1, a right which Article 42.2 contemplates may take place at home."

The Department of Education or the NCCA simply cannot decide for parents that curriculum courses about religions and beliefs are suitable for all children.

In the High Court in 1996 Justice Costello said that parents had more rights under the Irish Constitution than they had under human rights law. He said that the Irish Constitution has developed the significance of parental rights and in addition has imposed obligations on the State in relation to them (Campaign to Separate Church and State v Minister for Education 1996, page 37).

Regardless of whether or not the State or the NCCA claim that any proposed area of the curriculum about religions or beliefs is suitable for children from all backgrounds this cannot override the Constitutional rights of parents to decide themselves what is or is not suitable religious and moral education of their children. Also, parental rights in relation to religious education do not end at Article 42. The Supreme Court has said that Article 42 must be read in the context of Article 44.2.4.

The NCCA have not got a good record in recognising the fact that under the Constitution non-religious parents and their children have exactly the same rights as religious parents. There is no hierarchy of rights in the Constitution. Despite this as second level that NCCA claims that developing values in students to enable them to see the relevance of religion to their lives and relationships is suitable religious education for students from atheist and secular backgrounds. The NCCA have shown that they have no respect for the rights of non-religious parents and have consistently over the years undermined parental rights.

In addition to the above, the NCCA are well aware that any curriculum course can be delivered through the ethos of the school (Section 15 Education Act 1998).

If the curriculum is taught through the religious ethos of schools and parents are not informed that this is happening, it will further undermine the rights of parents under the Constitution. We appreciate that the NCCA have no legal control over 'ethos'. However, the NCCA are obliged to:

41-(3) – In carrying out its functions the Council shall:

*"have regard to the desirability of achieving equality of access to, participation in and benefit from education (Section 41-3(c) Education Act 1998) and*

*"have regard to the practicalities of implementation of any advice which it proposes to give to the Minister. (Section 41-3(d).)"*

Section 6 (a) of the Education Act 1998 obliges every person concerned in the implementation of this Act to have regard to:

*"give practical effect to the constitutional rights of children...."*

*(l) – to enhance the accountability of the education system, and"*

*"(m) – to enhance transparency in the making of decisions in the education system both locally and nationally."*

Notwithstanding the fact that the NCCA have no control over 'ethos' (Section 15-2 (b) Education Act 1998), it cannot just ignore that it will have an impact on the draft curriculum and this will have consequences for the constitutional rights of parents and their children.

Enhancing accountability, enhancing transparency in the making of decision and giving practical effect to the constitutional rights of children puts the NCCA in the position that it cannot continue to ignore its legal responsibilities.

In addition the NCCA is a public body under the Irish Human Rights and Equality Commission Act 2014. Under Section 42 the NCCA is obliged to:

*“(1) A public body shall, in the performance of its functions, have regard to the need 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.”*

### **3. Freedom of conscience in the Irish Constitution**

Under the Irish Constitution atheists and secularists as well as the non-religious in general have the same right to freedom of conscience and freedom from discrimination as religious people have. As parents we have the exact same Constitutional rights in relation to the education of our children as religious parents have. The state has a duty under Article 42 to respect our inalienable rights in relation to the education of our children and not to interfere in them.

This fact has never mattered to the NCCA. It has always promoted the evangelisation of children into a religious understanding of the world.

Under Section 6 of the Education Act 1998 it states that:

*“Every person concerned in the implementation of this Act shall have regard to the following objects in pursuance of which the Oireachtas has enacted this Act:*

*(a) To give practical effect to the constitutional rights of children, including children who have a disability or who have other special educational needs, as they relate to education.*

The NCCA has never taken on board its duty to give practical effect to the constitutional rights of children from non-religious backgrounds. On the one hand the NCCA claims that it respects the rights of non-religious families while on the other hand supporting and promoting the evangelisation of their children into a religious understanding of the world. The NCCA has a history of disrespecting the philosophical convictions of non-religious parents and their children.

On page 65 of the 1999 Primary School curriculum the NCCA addresses the issues of equity and human rights, and speaks of fostering in the child the realisation that rights have associated responsibilities.

The NCCA also has a duty to take account of the practical impact of the words it uses in the development of the curriculum. The 1999 curriculum was introduced after the Education Act 1998 was enacted.

The 1999 curriculum promotes the spiritual dimension of life through religion. It also equates moral values with religion. During the debate on the Education Act 1998 and in particular Section 9 of the Act, it was stated by the then Minister for Education that atheists could be spiritual. It is clear from this debate that this does not mean that the state sees atheists as searching for a

transcendent element within human experience. The 1999 curriculum equates spirituality and morals with religion. This fails to take into account the purpose behind Section 9 of the Education Act 1998 as set out in the debate in the Dáil.

The 1999 Curriculum states that:

*“The 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.”*

We have seen Patron bodies, schools and teachers claim that under Section 9 of the Education Act 1998 they are legally obliged to promote the spiritual development of all students. They all see spirituality being developed through religion and in the quest for a transcendent element within human experience because that is written into the 1999 curriculum.

Under ‘Religious Education’ in the 1999 curriculum it sees moral values promoted through religious education only.

It states that:

*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.*

In 2003 the NCCA developed a Religious Education course for second level. This course highlights the disrespect that the NCCA holds for non-religious families. One of the main aims of this course was to develop moral and spiritual values through religious education. The NCCA claimed this course was suitable for the non-religious notwithstanding the fact that the course sought to develop the moral and spiritual lives of non-religious students through religious education.

The NCCA were also aware at the time that the Catholic Church had developed the Guidelines for the Faith Formation and Development of Catholic students and they intended to integrate this into the state religious education curriculum without informing parents. This is an attack on parental rights and the NCCA just let it happen despite their obligation under Section 6 of the Education Act 1998. Atheist Ireland brought this issue to the attention of the NCCA and we were told to take it up with the Catholic bishops. This is the kind of behaviour non-religious families have come to expect from the NCCA.

The second level religious education course was updated in 2019. There was no representation of the non-religious on the NCCA Reference Group and not even anyone representing a human rights perspective. Again the main aim of this course is to develop values to enable children to see the relevance of religion to their lives and relationships.

In 2018 the Department of Education issued a circular letter obliging ETBs to offer students another subject if they exercised their right to not attend religious instruction. The NCCA actively campaigned to get this reversed and along with the Catholic Bishops and the ETBI, they succeeded. This was the NCCA interfering in our constitutional rights under Article 42.

The NCCA has a history of interfering in the rights of non-religious parents. It has sought to evangelise our children into a religious understanding of the world. The NCCA has simply adopted the ideological position of the Catholic Church. They both claim to respect the rights of non-religious families while evangelising their children into a religious understanding of the world.

Neither the NCCA nor the state has any right to interfere in the rights of parents in relation to the religious and moral education of their children. The NCCA cannot decide for parents that a particular curriculum area is suitable for their children. We have no confidence that the NCCA will respect our Constitutional and human rights and seek a guarantee as per Article 44.2.4 that our children can exercise their right to not attend any curriculum area about religions and beliefs that the NCCA develops.

#### **4. Relevant Case Law**

The following is the relevant case law in relation to the rights of the non-religious to freedom of conscience, parental rights and the right to be free from discrimination.

Article 44.2.1 states that:

*“Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen.”*

The courts have recognised that Article 44.2.1 protects parents with philosophical convictions.

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*

In *McGee v Attorney General*, Justice Walsh stated that:

*“The whole context in which the question of conscience appears in Article 44 is one dealing with the exercise of religion and the free profession and practice of religion. Within that context, the meaning of Article 44.2.1<sup>o</sup> is that no person shall directly or indirectly be coerced or compelled to act contrary to his conscience in so far as the practice of religion is concerned and, subject to public order and morality, is free to profess and practise the religion of his choice in accordance with his conscience. Correlatively, he is free to have no religious beliefs or to abstain from the practice or profession of any religion.”*

Justice Barrington stated in the Supreme Court in *Corway v Independent Newspapers* that:

*“The Constitution also introduced (in Article 40.1) a specific guarantee of equality before the law to all citizens as human persons. The effect of these various guarantees is that the State acknowledges that the homage of public worship is due to Almighty God. It promises to hold his name in reverence and to respect and honour religion.*

*At the same time it guarantees freedom of conscience, the free profession and practice of religion and equality before the law to all citizens, be they Roman Catholics, Protestants, Jews, Muslims, agnostics or atheists. But Article 44 goes further and places the duty on the State to respect and honour religion as such. At the same time the State is not placed in the position of an arbiter of religious truth. Its only function is to protect public order and morality.”*

In *Mulloy v Minister for Justice*, Justice Walsh stated in the Supreme Court that:

*“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.”*

Justice Barrington in the Campaign case in 1999 stated that:

*“...Article 42 of the Constitution acknowledges that the primary and natural educator of the child is the family and guarantees to respect the 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”.*

In 2023 Justice O’Donnell in the Supreme Court case *Burke v Minister for Education* said that:

*“It is, in any event, part of the right and duty of parents to provide (and therefore the right of their children to receive) education under Article 42.1, which right the State has guaranteed to respect. The Irish text of Article 42.1 provides an important flavour in this regard: “... ráthaíonn [An Stát] gan cur isteach ar cheart doshannta ná ar dhualgas doshannta tuistí chun oideachas ... a chur ar fáil dá gclainn” which conveys the sense that the State cannot interfere with (cur isteach ar) the right of parents subject to the Constitution to provide education under Article 42.1, a right which Article 42.2 contemplates may take place at home.”*

## 5. Human Rights Principles

With regard to the established human rights principles, as far as we are aware, all the cases at the European Court in relation to the teaching of religion and beliefs in schools have been in relation to these types of courses.

For example in *Folgero v Norway* 2007 the course that was developed for students from all backgrounds went beyond the transmission of knowledge and was not conveyed in an objective, critical and pluralistic manner, pursued an aim of indoctrination by not respecting parents' religious and philosophical convictions and thereby had transgressed the limit implied by Article 2 of Protocol No. 1 of the European Convention.<sup>4</sup>

The term indoctrination is repeatedly used by the European Court. It simply means not respecting parents' religious or philosophical convictions. In Ireland the term indoctrination has a different meaning. It tends to be used in the context of forcing students into religion classes or forcing them to recite prayers etc.

The European Court has defined 'respect' as not delivering the curriculum in an objective, critical and pluralistic manner. Not delivering the curriculum in an objective, critical and pluralistic manner is seen by the court as pursuing an aim of indoctrination by not respecting parents' convictions.

The General Principle of the European Court is that:

*"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"*

In the Court of Appeal in 2023 in the case of the Board of Management of Wilson's Hospital School and Enoch Burke, Justice Whelan stated that:

*"38. The European Convention on Human Rights Act 2003 provides:*

*"2. (1) In interpreting and applying any statutory provision or rule of law, a court shall, in so far as possible, subject to the rules of law relating to such interpretation and application, do so in a manner compatible with the State's obligations under the Convention provisions." Thus in interpreting the obligations of the Board pursuant to the Education Act of 1998 (as amended) regard must be had to the terms of the Convention."*

The Board of Management of schools must have regard to the terms of the European Convention. Any curriculum area in relation to religions and beliefs must therefore be delivered in an objective, critical and pluralistic manner.

At present there is no law or policy in place that would oblige schools to comply with this General Principle of the European Court. Nor are there any plans to protect the rights of parents in relation to the religious and moral education of their children in publicly funded schools.

From our perspective any new religions and beliefs curriculum area will fail to respect our philosophical convictions because the State has failed to put in place laws, policy, statutory guidelines to oblige Boards of Managements to give practical application to the rights of parents and their children.

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<sup>4</sup> <https://hudoc.echr.coe.int/fre#%7B%22fulltext%22%3A%5B%22folgero%22%2C%22documentcollectionid%22%3A%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22itemid%22%3A%5B%22001-81356%22%5D%7D>



## 6. Objective, critical, and pluralistic

The draft SEE curriculum specifications states:

*6b. Teaching in Social and Environmental Education  
'How' children learn is just as important as the 'what' of their learning...*

The draft Wellbeing curriculum specifications states:

*6b. Teaching in the Wellbeing Curriculum  
'How' children learn is as important as 'what' children learn.*

You endorse the incorporation of human rights standards, and you refer to this in several places. There is an established human rights approach to teaching about religions and beliefs. You should make explicit that these areas must be taught in an objective, critical, and pluralistic way, and not taught through the ethos of the school.

This is in line with Article 11 of the Social Charter, human rights law, and the rights of parents under the Constitution.

- Article 42.1 of the Constitution obliges the state to respect the rights of parents in relation to the religious, moral and social education of their children.
- Article 42.4 of the Constitution obliges the state to have due regard to the rights of parents in relation to religious and moral formation of their children.

If the curriculum area is taught through the religious ethos of schools, it will undermine the rights of parents with philosophical convictions, as it will not be taught in an objective, critical, and pluralistic manner. The NCCA are well aware that the Catholic church objects to teaching children objectively about religion as they believe this will undermine the faith of Catholic children. The Catholic Church has rejected the Toledo Guiding Principles on the teaching of religion and beliefs in schools. The NCCA has given no consideration as to how that fact will impact on the Constitutional and human rights of families, given the control that Section 15 of the Education Act gives to the Patron body in relation to the Characteristic Spirit of the school.

In the *Burke v Minister for Education* case at the Supreme Court the court upheld the rights of parents in relation to the religious and moral formation of their children. The court found that parental authority was a foundational pillar of the constitution and that an overall saver in the constitutional text was that the state must have 'due regard' for the rights of parents in relation to the religious and moral formation of their children.

The Supreme Court went on to say that 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. This is a condition of the state funding of schools.

If the course is not taught objectively but through the religious ethos of schools and parents are not informed that this is happening, it will undermine the rights of parents under the Constitution.

We appreciate that the NCCA have no legal control over 'ethos'. However, the NCCA are obliged to:

*41-(3) – In carrying out its functions the Council shall:*

*"have regard to the desirability of achieving equality of access to, participation in and benefit from education (Section 41-3(c) Education Act 1998) and*

*“have regard to the practicalities of implementation of any advice which it proposes to give to the Minister. (Section 41-3(d).)”*

Section 6 (a) of the Education Act 1998 obliges every person concerned in the implementation of this Act to have regard to:

*“give practical effect to the constitutional rights of children....”*

*(l) – to enhance the accountability of the education system, and”*

*“(m) – to enhance transparency in the making of decisions in the education system both locally and nationally.”*

Notwithstanding the fact that the NCCA have no control over ‘ethos’ (Section 15-2 (b) Education Act 1998), it cannot just ignore that it will have an impact on the updated course and this consequently will have consequences for the constitutional rights of parents and their children. Enhancing accountability, enhancing transparency in the making of decision and giving practical effect to the constitutional rights of children puts the NCCA in the position that it cannot continue to ignore its legal responsibilities.

## **7. The concept of ‘religion or belief’ in human rights terms**

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.”*

The United Nations Human Rights Committee (UNHRC) General Comment Number 22 interprets Article 18 of the Treaty. It includes:

*“1. The right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) is far-reaching and profound; it encompasses freedom of thoughts on all matters, personal conviction and the commitment to religion or belief... The freedom of thought and the freedom of conscience are protected equally with the freedom of religion and belief... this provision cannot be derogated from, even in time of public emergency.*

*2. Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed... The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons...”*

In *Leirvåg and others v Norway* in 2004, the United Nations Human Rights Committee considered a complaint under the ICCPR from parents with a non-religious humanist life stance. The Human Rights Committee concluded:

*“The scope of article 18 covers not only protection of traditional religions, but also philosophies of life, such as those held by the authors.”*

The European Court of Human Rights enforces the European Convention on Human Rights. Its Guide on Article 9 includes the following:

*“25. Article 9.1 of the Convention contains two strands, one on the right to hold a belief and the other on the right to manifest that belief: the right to deeply hold any belief (whether religious or not) and to change one’s religion or beliefs. This right is absolute and*

*unconditional; the State cannot interfere with it, for instance by dictating what a person believes or taking coercive steps to make him change his beliefs (Ivanova v. Bulgaria, § 79; Mockutė v. Lithuania, § 119)."*

The Venice Commission is a body within the Council of Europe. Its full title is the European Commission for Democracy through Law. Together with the Organisation for Security and Cooperation in Europe, it has published Guidelines for Review on Legislation Pertaining to Religion or Belief. This includes:

*"A3. Religion or belief. 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 entitled to the same protection as 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."*

## **8. What qualifies as a philosophical conviction?**

What test should be used to determine what does or does not qualify as a philosophical conviction under this term? The Venice Commission and the Organisation for Security and Cooperation in Europe published guidelines in 2004 for Review on Legislation Pertaining to Religion or Belief. This includes:

*"A3. Religion or belief. 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 entitled to the same protection as 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."*

The Council of Europe published in 2012 a human rights handbook on protecting the right of thought, conscience and religion under the European Convention on Human Rights. Page 16 includes the following tests, with links to relevant court cases.

"What is meant by "thought, conscience and religion"? Use of the terms "thought, conscience and religion" (and "religion or beliefs" in paragraph 2) suggests a potentially wide scope for Article 9, but the case-law indicates a somewhat narrower approach is adopted in practice. For example, a "consciousness" of belonging to a minority group (and in consequence, the aim of seeking to protect a group's cultural identity) does not give rise to an Article 9 issue.

Nor is "belief" the same as "opinion", for to fall within the scope of Article 9, personal beliefs must satisfy two tests: first, the belief must "attain a certain level of cogency, seriousness, cohesion and importance"; and secondly, the belief itself must be one which may be considered as compatible with respect for human dignity. In other words, the belief must relate to a "weighty and substantial aspect of human life and behaviour" and also be such as to be deemed worthy of protection in European democratic society.

Beliefs in assisted suicide or language preferences or disposal of human remains after death do not involve "beliefs" within the meaning of the provision. On the other hand, pacifism, atheism and veganism are value-systems clearly encompassed by Article 9. A political ideology such as communism will also qualify. However, it is important to note that interferences with the voicing of thoughts or the expression of conscience will often be treated as giving rise to issues arising within the scope of Article 10's guarantee of freedom of expression or the right of association under Article 11."

The European Court of Human Rights has published a guide, last updated in 2022, on Article 9 of the European Convention on Human Rights. This includes:

*“14. On the one hand, the scope of Article 9 is very wide, as it protects both religious and non-religious opinions and convictions. On the other hand, not all opinions or convictions necessarily fall within the scope of the provision, and the term “practice” as employed in Article 9 § 1 does not cover each act which is motivated or influenced by a religion or belief (Pretty v. the United Kingdom, 2002, § 82).*

*16. If a personal or collective conviction is to benefit from the right to “freedom of thought, conscience and religion” it must attain a certain level of cogency, seriousness, cohesion and importance. Provided this condition is satisfied, the State’s duty of neutrality and impartiality is incompatible with any power on the State’s part to assess the legitimacy of religious beliefs or the ways in which those beliefs are expressed (Eweida and Others v. the United Kingdom, 2013, § 81).*

*17. The organs of the Convention have explicitly or implicitly acknowledged that the safeguards of Article 9 apply to: (a) the “major” or “ancient” world religions which have existed for millennia or for several centuries; (b) new or relatively new religions or spiritual practices; (c) various coherent and sincerely-held philosophical convictions, such as:*

- *pacifism (Arrowsmith v. the United Kingdom, Commission report of 12 Oct 1978, § 69)*
- *principled opposition to military service (Bayatyan v. Armenia [GC], 2011)*
- *veganism and opposition to the manipulation of products of animal origin or tested on animals (W. v. the United Kingdom, Commission decision of 10 February 1993)*
- *opposition to abortion (Knudsen v. Norway, Commission decision of 8 March 1985; Van Schijndel and Others v. the Netherlands, Commission decision of 10 September 1997)*
- *a doctor’s opinions on alternative medicine, constituting a form of manifestation of medical philosophy (Nyyssönen v. Finland, Commission decision of 15 January 1998)*
- *the conviction that marriage is a lifelong union between a man and a woman and rejection of homosexual unions (Eweida and Others v. the United Kingdom, 2013)*
- *attachment to secularism (Lautsi and Others v. Italy [GC], 2011, § 58; Hamidović v. Bosnia and Herzegovina, 2017, § 35).*

*20/21. With regard to Scientology and Neo-Paganism, the Court has deferred to the judgment of the authorities in the respondent State... 22. Conversely, the Court refused to extend the applicability of Article 9 to “Pastafarianism”... 23. Whether an activity which is wholly or partly based on a belief or a philosophy but which is entirely profit-making is eligible for protection under Article 9 is not yet completely clear...”*

*25. As regards atheism, the Commission considered complaints lodged by atheists under Article 9 (Angeleni v. Sweden, Commission decision of 3 December 1986). In a slightly different context it stated that this current of thought only expressed a certain metaphysical conception of man which conditioned his perception of the world and justified his action and therefore could not be validly distinguished from a religious denomination in the traditional sense; therefore, the State was not justified in assigning it a legal status radically different from that of other religious denominations (Union des Athées v. France, Commission’s report of 6 July 1994, § 79). Moreover, the Court has made it clear that freedom of thought, conscience and religion is “a precious asset for atheists, agnostics, sceptics and the unconcerned” (Kokkinakis v. Greece, 1993, § 31).”*

## 9. Appendix – relevant extracts from draft specifications

As well as general revisions, please revise these specific extracts, taking into account the recommendations above.

### 9 (a) Social and Environmental Education (Geography and History) <sup>5</sup>

#### INTRODUCTION

[Page 3] Social and Environmental Education involves the study of social, environmental, cultural, **religious**, economic, and political contexts.

#### RATIONALE

[Page 5] promoting an understanding of the diverse experiences, cultures, traditions, values, **religions, beliefs, worldviews**, and environments across different times and places.

It deepens children’s understanding and awareness of human culture and identity through learning about other people and their **beliefs, worldviews**, cultures, systems, identities, and traditions in different times, places, and circumstances.

#### AIMS

[Page 7] To foster global and cultural awareness.: Encourage children to explore diverse societies, cultures, and **worldviews** across different historical periods, cultivating an appreciation of the intricacies of human history.

To learn about, explore and appreciate children’s own and others’ lived experiences. Develop an understanding of different traditions, cultures, **religions, beliefs, worldviews**, and heritage in different times, places, and circumstances.

#### LEARNING OUTCOMES

[Page 12] Key Competencies: Being an Active Learner: Demonstrating an awareness of different cultures, **beliefs**, traditions, and **worldviews** both past and present, promoting inclusivity and respect in interactions with others.

[Page 14] Through appropriately playful and engaging learning experiences, children should be able to: [under People, Place and space]

Stage 1: Become familiar with aspects of their local heritage, and the cultural practices, customs, traditions, **religions, beliefs** and **worldviews** and celebrations /events in their immediate locality.  
(AL, AC)

Stage 2: Reflect on and examine aspects of their local heritage and how they preserve connections to the past, exploring customs, traditions, **religions, beliefs**, and **worldviews** in their locality. (AL, AC)

[Page 16] Stage 3: Integrated: Develop an awareness and foster an appreciation of the richness of cultural, ethnic, and **religious** expressions and traditions, becoming familiar with a diverse array of festivals, ceremonies, and celebrations. (AC, CL, W)

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<sup>5</sup> [https://ncca.ie/media/4bmj12tk/draft\\_see\\_specification\\_0324.pdf](https://ncca.ie/media/4bmj12tk/draft_see_specification_0324.pdf)

Stage 4: Integrated: Examine different cultural, ethnic, and religious traditions and develop an understanding of how diverse **religions, beliefs** and **worldviews** have contributed to and influenced communities, culture, and heritage over time. (AC, CL, W)

## THE SEE CURRICULUM IN PRACTICE

[Page 21]: 6b. Teaching in Social and Environmental Education  
'How' children learn is just as important as the 'what' of their learning...

[Page 18] Children's learning in Social and Environmental Education is underpinned by the concepts of 'Working as a Historian' and 'Working as a Geographer' which permeate throughout all Learning Outcomes...

When 'Working as a historian,' children engage in historical thinking, pose questions about historical concepts, and encounter a range of sources, analysing and interpreting **historical evidence** from multiple perspectives...

When 'Working as a Geographer,' children actively explore their diverse environments, pose questions, interpret, and analyse **a wide range of evidence** in various formats and engage in investigations of their local area and the wider world.

## THE SEE CURRICULUM IN ACTION

[Page 22] **Human Rights:** Learning in Social and Environmental Education supports the development of intercultural understanding as children explore the diversity of the world's places and peoples, cultural traditions, **beliefs**, and **worldviews**.

[Page 23] Inquiry: using artefacts (e.g. objects, photos, statues, important/ **sacred/ holy** texts etc.) to explore and understand **beliefs**, rituals, guiding principles, rites of passage, and practices

[Page 24] Story: Teachers can help promote the use of story by: introducing more complex myths and legends from different cultural, ethnic, and **religious** backgrounds (in Ireland and other countries) in an age-appropriate way encouraging creativity while ensuring that children's reconstructed narratives are **grounded in historical evidence**

[Page 27] Dialogical pedagogy: Dialogical pedagogy supports children's learning about **religions, beliefs**, and **world views** in Social and Environmental Education.... The connections between History, Geography, and learning about **religions, beliefs** and **worldviews** are intricate and significant....

Working as a geographer, through the development of the essential geographical skills, knowledge, dispositions, and values, provides opportunities for children to consider and learn from the lives of others, their differing **religions, beliefs**, and **worldviews**, whether in their own community or more distant places. Likewise, working as a historian provides children with the historical context through which the development, evolution and influence of **religions, beliefs** and **worldviews** can be explored.

Teachers can help promote dialogical pedagogy by:

- \* providing opportunities for children to conduct research on their own **beliefs/religions**
- \* integrating reflective journalling or personal narrative assignments where children can explore

their own **beliefs**, values and **worldviews**

- \* exploring artefacts from the **major world religions**, encouraging children to question and analyse sources critically, considering different interpretations and perspectives

- \* organising fieldtrips to local sites and structures of **religious** and **cultural** significance, places of

**worship** etc. and/or organising virtual tours to museums and other places of importance.

## GLOSSARY

[Page 33-34] **Beliefs:** Ideas and convictions that people hold to be true.

Empathy: Understanding the motivations, actions, values, and **beliefs** of human beings.

**Human rights:** Basic entitlements that protect the dignity, equality, and freedoms of every person, regardless of cultural, social, or political differences.

Rituals: The traditions, habits and actions that are repeated in a family, community, or society.

**Worldview:** A person's fundamental **belief** and perspective that shapes their understanding of the world.

## CONCEPTS AND SKILLS

[Page 36] Empathy: This concept involves children developing an awareness and understanding of experiences, decisions, perspectives, and actions of people from various places, cultures, traditions, **religions** and **worldviews**, both past and present.

Multi-perspectivity: This concept refers to the consideration of different viewpoints, opinions, or perspectives when analysing or discussing specific events and topics. People's perspectives are shaped by their values, **religions, beliefs, worldviews**, culture, location, and experiences, influencing their points of view on events, developments, and issues

Sense of Space: Sense of Place is an understanding of the unique features and characteristics of a place and how it was, is and could be influenced and shaped by people and natural processes. It involves developing an appreciation of the impact of individuals' motivations, **beliefs**, values, and attitudes to allow children to recognise and understand the distinct identity of different locations.

[Page 39] Using historical evidence: Children, as historians, question, analyse and interpret a range of historical evidence (e.g. visual evidence, documentary evidence, oral evidence, and physical evidence) to construct, deconstruct, and reconstruct historical perspectives about the past. They identify the origin and content of sources and examine the reliability of the information as evidence. Children compare perspectives in sources and explain how these are influenced by significant events, **beliefs**, and values.

## 9 (b) Wellbeing (Physical Education and Social, Personal and Health Education) <sup>6</sup>

### INTRODUCTION

[Page 1] These subjects [PE and SPHE] focus on learning and teaching about different dimensions of our wellbeing, including our physical, social, emotional, and **spiritual** development.

[Page 2 ] Principles of learning, teaching, and assessment: Inclusive education and diversity and Examples within Wellbeing:

Inclusive education and diversity

- Fostering a culture based on **human rights**, democracy, equity, **equality**, and social justice
- Challenging **stereotypes** and **misconceptions**, and promoting **empathy, respect**, and **multi-perspectivity**
- Recognising and celebrating the **diversity** present within the classroom and in wider society

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<sup>6</sup> [https://ncca.ie/media/csmh55u0/draft\\_primary\\_wellbeing\\_specification\\_2024.pdf](https://ncca.ie/media/csmh55u0/draft_primary_wellbeing_specification_2024.pdf)

[Page 3] Within school communities, the curriculum plays a central role in supporting children's learning 'about' and 'for' wellbeing, fostering inclusive learning environments based on **human rights, equality** and **anti-discrimination** principles. \*6

\*6 In alignment with Ireland's equality legislation, individuals are safeguarded against discrimination based on various grounds: gender, marital status, family status, disability, race, **religion**, age, sexual orientation, and membership of the Traveller community.

## AIMS

[Page 7] The Wellbeing Curriculum aims to: Foster **respect** for **diversity**, championing active citizenship, **human rights**, fairness, and social responsibility to create inclusive and compassionate learning environments, communities and societies.

## LEARNING OUTCOMES

[Page 28] Through appropriately playful and engaging learning experiences, children should be able to: [under Rights and Fairness]

Stage 3: Describe the importance of **rights, fairness**, equity, and **equality**. (W, AC, CL); Recognise examples of **inequality** and **discrimination** and explore appropriate **responses** and **actions** to stand up for oneself and others. (W, AC, CL)

Stage 4: Appreciate the importance of **rights, fairness, justice**, equity, and **equality**, and discuss the nine grounds under which discrimination is prohibited in Ireland. (W, AC, CL); Examine instances of **inequality** and **discrimination**, explore people or organisations who promote **human rights**, and propose appropriate responses and actions to challenge **discrimination** and promote social justice. (W, AC, CL)

## THE WELLBEING CURRICULUM IN PRACTICE

[Page 33] 6b. Teaching in the Wellbeing Curriculum: 'How' children learn is as important as 'what' children learn... these pedagogical practices allow teachers to provide learning opportunities that take account of children's individual needs, interests and funds of knowledge...

[Page 35] Teachers can use direct teaching by: Providing age and developmentally appropriate and **evidence informed** information about human development

## GLOSSARY

[Page 48] **Discrimination** Includes policies, practices or behaviours that lead to unfair treatment of individuals or groups on the basis of their identity or perceived identity. It can be intentional or unintentional and may be direct or indirect.

[Page 50] **Spiritual wellbeing** is concerned with love for life, others, and a sense of connection with oneself, others, nature, the world and, for some, a larger purpose or higher power. It involves **personal beliefs** and **practices** that may or **may not** be linked to organised **religion**.

**Stereotypes**: Presenting an image of a person, a group or a culture based on an assumed range of characteristics, behaviours or activities.