

Ireland

Ireland is a Republic of about 4.8 million people. It covers about five-sixths of the geographical island of Ireland. In 1922 it achieved *de facto* independence from the UK, and became the mostly-Catholic Irish Free State. The rest of the island remained within the UK, and became the mostly-Protestant Northern Ireland. In 1937 the Irish Free State adopted a new constitution which named the state Ireland. In 1949 Ireland declared itself a fully sovereign Republic. In 1972 Ireland joined what is now the European Union. In 1999 the Belfast Agreement created new shared institutions between Ireland and Northern Ireland, and between Ireland and the UK. As of October 2019 it is unclear what impact Brexit (the planned divorce of the UK from the European Union) will influence these relationships.

Constitution and government	Education and children’s rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<u>There is systematic religious privilege</u> <u>Preferential treatment is given to a religion or religion in general</u> <u>State-funding of religious institutions or salaries, or discriminatory tax exemptions</u>	<u>There is state funding of at least some religious schools</u> <u>Religious schools have powers to discriminate in admissions or employment</u> <u>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</u>	<u>Religious groups control some public or social services</u>	<u>Criticism of religion is restricted in law or a de facto ‘blasphemy’ law is in effect</u>
<u>Official symbolic deference to religion</u>			

Legend

Constitution and government

The constitution and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of expression, assembly and association. However, there is some state sponsorship of religion, particularly in the education system. A 2009 ‘blasphemy’ law is pending repeal following a constitutional referendum to remove it in October 2018.

The constitution includes the ostensibly secular statement that “no law may be made either directly or indirectly to endow any religion”. However, the state argues that it is constitutionally obliged to buttress the rights of religious bodies to act in accordance with their own religious ethos, even while those religious bodies are delivering state-funded essential public services such as schools and hospitals.

In 2019 Atheist Ireland called for an ethical secular State at meeting with the Taoiseach and Government, held as part of a dialogue process under Article 17 of the Lisbon Treaty.

<atheist.ie/2019/07/meeting-with-taoiseach/>

Explicit appeals to the Christian god

The constitution includes explicit appeals to the Christian god, including:

The preamble: *“In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred, We, the people of Éire, Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ...”*

Article 44: *“The State acknowledges that the homage of public worship is due to Almighty God. It shall hold His Name in reverence, and shall respect and honour religion.”*

Every day, the Dail and Seanad (the houses of parliament) begin their work with a public prayer to the Christian God. The chairperson must read this prayer aloud, which imposes a religious test on an elected public office-holder. In 2017, the Dail added a moment of silent reflection for non-Christians, but also voted that parliamentarians must now stand during the Christian prayer.

atheist.ie/2017/05/do-not-stand-for-this/

Religious oaths for public office holders

Articles 12, 31 and 34 of the constitution include obligatory religious oaths for the President, judges, and members of the Council of State which includes the Taoiseach (Prime Minister), Tanaiste (Deputy Prime Minister), Chief Justice, President of the High Court, chairs of the Dail and Seanad, and Attorney General. This is the Presidential oath:

“In the presence of Almighty God I do solemnly and sincerely promise and declare that I will maintain the Constitution of Ireland and uphold its laws, that I will fulfil my duties faithfully and conscientiously in accordance with the Constitution and the law, and that I will dedicate my abilities to the service and welfare of the people of Ireland. May God direct and sustain me.”

These oaths effectively preclude conscientious atheists and agnostics from holding these important positions.

In 2014, the United Nations Human Rights Committee told Ireland:

Ireland should amend articles 12, 31 and 34 of the Constitution that require religious oaths to take up senior public office positions, taking into account the Committee’s general comment No. 22 (1993) concerning the right not to be compelled to reveal one’s thoughts or adherence to a religion or belief in public.

atheist.ie/2014/07/irish-government-again-evades-un-questions-on-oaths-blasphemy-and-religious-discrimination-in-irish-schools/

Other constitutional and legal issues

The constitution is heavily influenced by the Roman Catholic ethos of 1937. However, two recent referendums have removed the bans in Article 40.3.3 against abortion and in Article 40.6.1 against blasphemy. Other issues remain to be tackled. Article 40.1, on equality before the law, does not include the principle of non-discrimination. Article 41.2 refers to the duties of women in the home. Article 42, on education, and Article 44, on religion, do not protect freedom of thought, conscience and religion for atheists, agnostics and humanists, particularly within the education system.

taoiseach.gov.ie/eng/Historical_Information/The_Constitution/Bunreacht_na_hEireann_October_2015_Edition.pdf

In 2013 the Humanist Association of Ireland said: "If the Constitution is to be a document to speak for all citizens, its current wording fails that test."

<humanism.ie/wp-content/uploads/2013/03/EqualityForNon-ReligiousPamphlet.pdf>

Many laws discriminate against atheists, humanists and minority faith members. These include the Education Act, which gives preference to religious families over nonreligious families; the Defamation Act, which includes the crime of blasphemy; the Equal Status Act and Employment Equality Act, which allow state-funded schools and hospitals to discriminate on the ground of religion; the Charities Act, which favours religious motivations over secular ones; and the Civil Registration Act, which discriminates against and among secular marriage solemnisers.

In 2015 Atheist Ireland elaborated on these issues in this report to the United Nations Human Rights Council for its Universal Periodic Review of Ireland:

<atheist.ie/2015/09/universal-periodic-review-of-ireland/>

Historical religious influence

The dominant religion has traditionally been Roman Catholicism, and the Catholic Church has influenced the island since the fourth century. Most Irish people remained Catholic despite the reformation in England, and Irish history has been dominated by ethno-religious conflicts between Catholics and Protestants. Resistance to British rule largely came from Catholics (with some notable exceptions). Under British administration, the Catholic majority experienced high levels of discrimination, including restrictions on land ownership, limitations on religious practice, and being barred from political positions. Despite reforms, by the early 20th-century, discrimination was still widespread and was one of the factors fuelling an independence movement dominated by Catholics.

From the first decades of independence, the Catholic Church came to be dominant in both the political system and civil society. Over 92% of people were recognised as Catholic, and this grew as many Protestants left the Free State. The Catholic Church also wielded significant political influence. Pressure from the Church resulted in bans on contraception (partially legalised in 1978), homosexual acts (reluctantly legalised in 1993 after the David Norris case at the European Court of Human Rights), and divorce (legalised by referendum in 1997). Censorship of books, plays, television and films was also widespread, especially those not congruent with Catholic dogma. In 1982 a Catholic-backed referendum made abortion unconstitutional in all but very restrictive cases.

Religious influence today

In recent decades the Catholic Church's influence on Irish civil society has waned. This is in part due to changes in demographics, urbanisation, and the country's emergence into the global economy. A series of Church scandals going back to the late 1990s, especially the Catholic Church Child Sex abuse appear to have contributed to plummeting church attendance. Whereas, back in the 1970s attendance had been recorded at 90%, recent surveys have recorded national weekly attendance at 30% with some parts of Dublin reporting attendance at less than 15%.

However, while the Catholic Church has lost the control that it used to have over the population, it still retains considerable political influence. This is because many of the laws that were passed while the Church was stronger are still in place. Some of these laws are underpinned by the 1937 constitution, and they would require referendums to amend them. Until recently, successive governments have been unwilling to fundamentally address this issue. Since 2015, three referendums have legalised same-sex marriage, abortion, and blasphemy (see below).

In the 2016 census, 78.3% said they were Roman Catholic; 10.12% said they had no religion or were

atheist or agnostic; 6.84% said they were of another Christian denomination; 2.54% did not answer the question; and 2.2% said they were of a non-Christian religion. In 2017 Atheist Ireland argued that these figures overestimate the strength of religion, because of bias in the census question, and made the following proposal to the census office to amend religion question in the 2021 census: atheist.ie/2017/11/religion-question-census-2021/

Education and children's rights

The Catholic Church has dominated education in Ireland since British reforms in the 1830s. This dominance was expanded after independence. Currently, despite the church's decline in influence within the country as a whole, it still controls most state-funded public schools. This results in infringements of the human rights of atheists, humanists, and members of minority faiths.

Multi-belief alliance for secular schools

In 2016 a multi-belief alliance was formed to campaign for secular schools, involving Atheist Ireland, the Evangelical Alliance of Ireland, and the Ahmadiyya Muslim Community of Ireland. This alliance has met with the Oireachtas (Parliament) Education Committee and the Council of Europe Commissioner for Human Rights.

teachdontpreach.ie/2016/12/oireachtas-education-committee/

teachdontpreach.ie/2016/11/council-of-europe-commissioner/

There are four related areas in which Irish schools infringe on the human rights of atheists, humanists, and minority faith members. They are outlined in the Schools Equality PACT, an acronym for Patronage, Access, Curriculum, and Teaching.

atheist.ie/schoolsequality/

Patronage

The Irish education system cedes control of most publicly funded schools to patron bodies, almost all religious. Nearly 90% of state-funded public primary schools are run solely by the Catholic Church. Most of the remaining primary schools are run by minority faith churches, or by a nonreligious patron body called Educate Together. Nearly half of all state-funded public second-level schools are run by the Catholic Church. Most of the rest are run by state Education & Training Boards and are described as multi-denominational, but many of these are run in partnership with the Catholic Church or the Church of Ireland. There are currently no fully secular or non-denominational schools in Ireland.

These patron bodies are allowed to determine the ethos of the school, which in most cases is Catholic, and that ethos permeates throughout the whole school day. Even many schools directly run by the state, under Education & Training Boards, have a Catholic ethos and engage in "faith formation". The Oireachtas (parliament) Education Committee has concluded that multiple patronage and ethos as a basis for policy can lead to segregation and inequality, and that the objectives of admission policy should be equality and integration.

Access

Section 7.3(c) of the Equal Status Act gives an exemption to religious-run, state-funded, schools that allows them to discriminate on the ground of religion in their admissions processes. A Schools Admissions Act in 2018 prevented Catholic primary schools from discriminating in access, but minority faith primary schools and all secondary schools can still discriminate in access on the

ground of religion.

teachdontpreach.ie/2018/07/schools-admissions-bill-2/

In 2016 the Council of Europe Commissioner for Human Rights Nils Muiznieks told The Irish Times that:

“You have a system which I have not encountered elsewhere... with the State being held hostage to an extent by patrons... Ireland is bound by international human rights standards and has to provide access to education on a non-discriminatory basis, however it does it.”

<teachdontpreach.ie/2016/11/holding-state-hostage/>

The Humanist Association of Ireland argue in their report “Equality for Non-Religious People” that:

“The reality for many families is one of lack of choice of school in their locality and many are effectively forced to send their children to schools of a particular religious denomination whose ethos is not in conformity with their own.”

<humanism.ie/wp-content/uploads/2013/03/EqualityForNon-ReligiousPamphlet.pdf>

Curriculum

The state’s national curriculum is administered by the National Council for Curriculum and Assessment (NCCA), but there is also time put aside for the patron body’s religious education programme. According to the NCCA, “The development of curriculum for religious education remains the responsibility of the different church authorities.” This is usually, though not always, the Catholic Church.

Parents have a constitutional right to exempt their children from religious instruction in schools, but such parents are routinely asked to supervise them personally during school hours because schools will not do so. Some schools are run directly by State Education & Training Boards. In 2018 the Department of Education instructed these schools to give an alternative timetabled subject to students who opt out of religion class. However, after lobbying from the ETBs, the Catholic Church, and Teachers Unions, the Department effectively reversed that instruction.

<teachdontpreach.ie/2019/03/how-state-schools-break-the-rules/>

The state religious education curriculum only includes discussion of atheism and humanism under the heading “Challenges to Faith”. The NCCA recently produced a report on updating this course to cover Education about Religions and Beliefs and Ethics (ERBE). However, even if such a course was developed, it would be delivered in accordance with the religious ethos of each school. The Catholic Church has opposed this course, and has effectively prevented it from being introduced.

The ethos of schools permits sex education to be delivered through the lens of the patron body, which in most cases is the Catholic Church. In 2019 the Oireachtas Education Committee recommended, as Atheist Ireland had asked it to do, that the law be changed to remove the role of ethos as a barrier to the objective and factual delivery of sex education curriculums. This is the first time that an Oireachtas Committee has recognised that students have a right to an objective education for the State curriculum, even in denominational schools, outside of the patron’s religion or values programmes. The change has not yet been legislated for.

<teachdontpreach.ie/2019/01/report-objective-sex-education/>

Teaching

An exemption in Section 37 of the Employment Equality Act allows state-funded Irish schools to

legally discriminate against teachers on the ground of religious belief, if “the provision of services in an environment which promotes certain religious values”. This Act was amended to prevent schools from also discriminating on the ground of sexuality or marital status, but they are still allowed to discriminate on the ground of religion. Most teachers in Ireland are expected to teach religious instruction, mostly Catholic, in order to access the teaching profession in the vast majority of state-funded schools.

Recommendations from human rights bodies

In August 2014 the UN Human Rights Committee criticised the Irish government for its lack of provision of education to the non-religious and religious minorities stating:

“The Human Rights Committee is concerned about the slow progress in increasing access to secular education through the establishment of non-denominational schools, divestment of the patronage of schools and the phasing out of integrated religious curricula in schools accommodating minority faith or non-faith children.”

<atheist.ie/2014/08/un-asks-ireland-about-religious-discrimination-in-irish-schools-video-and-transcript/>

In recent years, ten different United Nations and Council of Europe human rights oversight bodies have told Ireland that its schools are breaching the human rights of atheists, agnostics and members of minority faiths:

- Council of Europe Human Rights Commissioner 2017
- United Nations Committee on the Rights of the Child 2016
- United Nations Committee on ESC Rights 2015
- United Nations Human Rights Committee 2014
- Council of Europe Commission Against Racism and Intolerance 2013
- United Nations Committee on the Elimination of Racial Discrimination 2011
- United Nations Human Rights Committee 2008
- Council of Europe Protection of National Minorities 2006
- United Nations Committee on the Rights of the Child 2006
- United Nations Committee on Elimination of Racial Discrimination 2005

Family, community and society

Two recent referendums, in 2015 and 2018, have removed the constitutional bans on same-sex marriage and abortion. The Civil Registration Amendment Act 2012 discriminates against and among secular marriage solemnisers.

Abortion

In 2018 the Irish people passed a referendum to amend the constitution to allow the legalisation of abortion. The new clause that was added to the constitution is:

“Provision may be made by law for the regulation of termination of pregnancy.”

Abortion was illegal in Ireland under British rule and remained so after independence. In 1983 a Catholic-led referendum made abortion unconstitutional.

“The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.”

Campaigners on both sides accepted that Irish women would continue to travel to England for abortions. But in 1992, the parents of a raped 14-year-old girl asked the police if they could use DNA from a foetus in the case against her rapist. The state responded by taking out an injunction preventing the child from travelling to England for an abortion. After a public outcry, the Courts found that a pregnant woman could have an abortion if there was a direct threat to her life. Because this girl was suicidal, she could have an abortion. The case became known as the X Case. It resulted in a further amendment to the constitution, which added:

“This subsection shall not limit freedom to travel between the State and another state. This subsection shall not limit freedom to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services lawfully available in another state.”

In 2012 Savita Halappanavar died at University Hospital Galway in Ireland, after requesting and being denied an abortion. After another public outcry, the law was again relaxed very slightly, and the campaign for more liberal abortion laws intensified. In 2017 a Citizens’ Assembly recommended that the government hold a referendum to introduce more liberal abortion laws. In 2019 the Irish people passed a referendum to amend the constitution to allow the legalisation of abortion. atheist.ie/2018/05/abortion-vote-sees-fall-of-irelands-catholic-berlin-wall/

Marriage Equality

In 2015 the Irish people passed a referendum to amend the constitution to allow same-sex couples to marry. The new clause that was added to the constitution is:

“Marriage may be contracted in accordance with law by two persons without distinction as to their sex.”

This made Ireland the first country in the world to introduce marriage equality by popular vote, as opposed to by a court decision or a parliamentary vote. It strengthens the argument that the Irish people are more secular than is reflected by the Irish constitution and laws. A separate Children and Family Relationships Act 2015 was passed in April 2015. This included adoption rights for same-sex couples.

Civil Marriages

In 2012 the Civil Registration Act was amended to allow secular bodies to nominate solemnisers for civil marriage ceremonies. This Act overtly discriminates between religious and secular bodies on a number of grounds.

Religious bodies who nominate solemnisers can also promote a political cause, but secular bodies who nominate solemnisers cannot legally promote a political cause. Also, secular bodies have to comply with regulations on length of time in existence, amount of members, and being ethical. These requirements do not apply to religious bodies, whose only condition is that they meet regularly for worship. The Act also discriminates between secular bodies, as only a body whose principal objects are secular, ethical, and humanist (as well as other restrictions) can apply for inclusion on the Register of Solemnisers.

The Government claims that this discrimination has a legitimate aim, which is to ensure that the institution of marriage is protected. When the Bill was being debated in parliament, the Minister suggested that the different rules were intended to prevent Elvis impersonators from solemnising marriages. Atheist Ireland has argued that the Act is a breach of human rights law. It is direct discrimination and, in particular, it breaches Article 26 (Equality before the law without discrimination) of the International Covenant on Civil & Political Rights.

<https://atheist.ie/2013/07/the-civil-registration-act-discriminates-on-religious-grounds-and-undermines-human-rights/>

Freedom of expression, advocacy of humanist values

‘Blasphemy’ law - repeal pending

In October 2018, the Irish people voted in a constitutional referendum to remove the crime of ‘blasphemy’ from the constitution, opening the door for repeal of the ‘blasphemy’ law. A Bill to repeal the law is with the Attorney General for drafting as of February 2019.

atheist.ie/2019/02/blasphemy-repeal-bill-2019/

Blasphemy was a common-law offence under Irish law until the 1937 Constitution explicitly made it an offence punishable by law. The Defamation Act of 1961 also made it a statutory crime, but did not define what blasphemy was. The 1996 Constitution Review Group called for the deletion of the crime of blasphemy from the Irish Constitution, along with other references to the Christian God, religion and religious oaths. Two other All-Party Committees have also called for the removal of religious references in the Constitution. In 1999, the Supreme Court found the Irish law against blasphemy to be unenforceable because it included no definition of what the offence consisted of.

In 2009 the Oireachtas (parliament) was updating the Defamation Act that included the offence of blasphemy. The Minister for Justice, Dermot Ahern, introduced a definition in order to make the offence enforceable. “Blasphemous matter” was defined as matter “that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion,” and “he or she intends, by the publication of the matter concerned, to cause such outrage.”

There were no prosecutions recorded under the Blasphemy Law. There was one high-profile investigation of the British actor and broadcaster Stephen Fry, though no charges were brought.

However, some media outlets self-censored themselves for fear of falling foul of the law. Islamic states and proponents of “blasphemy” and “defamation of religion” laws pointed towards the Irish law to justify their own draconian legislation. In particular, Pakistan, on behalf of the Islamic states at the United Nations, used the language of Ireland’s law in its proposals to the Ad Hoc Committee on the Elaboration of Complementary Standards in its call for an international instrument preventing the defamation of religion.

In 2013 a Constitutional Convention took submissions from secular organisations Atheist Ireland and the Humanist Association of Ireland, in favour of removing the blasphemy section. The Council of Irish Churches also favoured repeal, describing the blasphemy clause as “*obsolete*”. The Knights of Saint Columbanus and the Islamic Cultural Centre of Ireland argued in favour of retention. Professor Heiner Bielefeldt, United Nations Special Rapporteur on Freedom of Religion, advised Atheist Ireland as it prepared its submission:

“Of course you are right that the major damage done by this legislation is the international one. I wouldn’t expect any harsh verdicts being handed down in Ireland, but those countries that

continue to have an intimidating anti-blasphemy practice like to quote European countries to unmask Western hypocrisy. So I hope things will be moving in the right direction.

atheist.ie/2013/07/atheist-ireland-asks-constitutional-convention-to-remove-blasphemy-offence/

The Constitutional Convention voted in favour of deletion of the clause, but also recommended it be replaced with a prohibition against “*incitement to religious hatred*”. Following the constitutional referendum on 26 October 2018, a Bill to repeal the law is now at the Attorney General’s office for drafting.

Testimonies

“In Ireland the non-religious are now the second largest group in Society after Roman Catholics, but still face religious discrimination. The Irish Constitution begins with “In the name of the Most Holy Trinity” and Catholic social policy is reflected in many of our laws. The Catholic Church in Ireland controls the vast majority of publicly funded schools, which have exemptions from equality laws. A religious oath is required to take up the office of President, or to become a Judge, or to be Taoiseach (Prime Minister), or to hold a number of other high public offices. In recent years, ten different UN and Council of Europe reports have told Ireland that it is infringing on the human rights of atheists, agnostics and minority faith members. It is time for Ireland to realise that it must comply with its human rights obligations and ensure that all citizens have equal rights regardless of their religious or philosophical convictions.”

— Jane Donnelly, Human Rights Officer, Atheist Ireland

“Three recent referendums have shaken the Catholic Berlin Wall that has kept a pluralist Irish people trapped within the laws of a Catholic Irish Constitution. Same-sex couples can now marry on the same basis as their fellow citizens. Pregnant Irish women can have access to safe, supervised, legal healthcare at home. And atheists and religious people alike can criticise religions without fear of blasphemy charges. These three referendums had a consistent two to one majority. But many challenges remain to achieve a secular State. The next tasks are achieving secular schools free from church control, which will be difficult because the extent of the Catholic Church’s control in this area, and removing religious oaths for high office, thus allowing conscientious atheists to take up these positions.”

— Michael Nugent, Chairperson, Atheist Ireland