

**Humanist Association of Ireland
(HAI)**

**Submission to the
Department of the Taoiseach**

in relation to

**The Proposed Structured Dialogue with
Government**

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INTRODUCTION

The Humanist Association of Ireland (HAI) is a non-profit company, limited by guarantee and not having a share capital, the aim of which is to promote the ideals and values of humanism. Humanism is a positive ethical philosophy of life based on concern for humanity in general and for individuals in particular. It is a view of life which combines reason with compassion. It is for those people who base their understanding of existence on the evidence of the natural world and its evolution, and not on belief in a supernatural power.

The HAI is affiliated to the International Humanist and Ethical Union and the European Humanist Federation. It has particularly close relationships, through a Humanist Council of the Isles, with similar organisations in Northern Ireland, England and Scotland.

The HAI seeks to promote humanism through its quarterly journal “The Irish Humanist”, and Web site (www.irish-humanists.org), by holding regular meetings, through a summer school held with sister organisations in Northern Ireland, by hosting an annual Darwin Day lecture and through the media. The Association also facilitates those who wish to have a humanist wedding, funeral or child-naming ceremony.

In its relationship with the State the HAI seeks to ensure that State institutions are not biased towards any particular belief group, that differences of belief or philosophy are fully respected by public authorities and that the Constitution, laws and practices of the State reflect this approach.

We hold that the above principles should apply in a true republic regardless of the size or growth of the various belief groups in the population. We would nevertheless wish to remind the Government that, after the Roman Catholic group, the next largest group one in the most recent census (2002) is the group headed “No religion” (138,000). This group is also the fastest growing group as a percentage of population.

In addition, Ireland is becoming a much more diverse society ethnically, culturally and in relation to religious and philosophical beliefs. This factor further emphasizes the need for the State to respect diversity in its Constitution, its laws and its practices.

The HAI wishes to comment on each of these areas:

1 THE CONSTITUTION

1.1 Preamble

The **preamble** to the Constitution reads as follows:

“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 Eire,

Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial,

Gratefully remembering their heroic and unremitting struggle to regain the rightful independence of our Nation,

And seeking to promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations,

Do hereby adopt, enact, and give to ourselves this Constitution.”

The constitution ends with the following words:

“Dochum Gloire De
agus
Onora na hEireann”

The Association objects strongly to such wording which is highly offensive to those who are not religious believers, it is not inclusive even for all religious in that it refers to a Trinitarian Christian deity and is completely unnecessary in a civil constitution of a modern republic. If the Constitution is to be a document to speak for all citizens, its current wording fails that test. Any humanist, atheist or other non-believer would have great difficulty giving allegiance to such a document. Even some Christians would find this language inappropriate in a state document.

1.2 Religious Oaths

Article 12 (section 8) provides that the President, on taking office, make a declaration which opens as follows:

“In the presence of Almighty God, do solemnly swear...”

The declaration ends with the words:

“May God direct and sustain me.”

Article 31 (section 4) requires a new member of the Council of State to make a declaration which begins as follows:

“In the presence of Almighty God I.”

Article 34 (section 5) requires every person appointed as a judge to make a declaration which begins with the words:

“In the presence of Almighty God I, .”

and ends with the words

“May God direct and sustain me.”

These three articles constitute direct discrimination on the grounds of belief as no humanist or other non-believer could, with honesty, take up the post of President, member of the Council of State or judge. Consequently, these positions are denied to a large number of the citizens of the State. Such discrimination should have no place in the constitution of a 21st century republic.

1.3 Blasphemy

Article 40 (section 6) states that

“the publication or utterance of blasphemous... matter is an offence which shall be punishable in accordance with the law.”

In a free society, freedom of expression is one of the most basic rights and the free exchange of ideas, including criticisms, is a fundamental element in human development. No religious or philosophical beliefs should be protected from vigorous criticism and religious beliefs should get no extra protection compared with non-religious beliefs.

1.4 State Endorsement of Religion

Article 44 (section 1) states:

“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.”

This is another example of an unnecessary and offensive provision which renders the constitution one not for all citizens but only for those who believe in a deity.

It was reported recently (Irish Times 14 July 2005) that the Minister of State at the Department of Justice had stated the following to a UN committee:

“I am very aware that other provisions of the Constitution need to be looked at, in order to more accurately reflect the reality of social and economic changes in Ireland in recent years...” and that he further referred to “ the widely acknowledged need to rephrase the Constitution to better reflect the reality of modern Ireland.”

The HAI calls on the Government to take the first steps in this process towards that end.

2 LEGISLATION

General

As a general principle we feel, in the context of the increasingly diverse nature of Irish society, that legislation should be proofed for its potential effects on minorities, including the non-religious sector, on the lines of existing proofing for effects on women and on poverty. Where proposed legislation is likely to cause problems for a minority there should be consultation with relevant organisations.

2.1 Equal Status Act 2000

Section 7 of this Act allows primary and post-primary schools to discriminate on religious grounds in their admissions policy in certain circumstances. 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. In the absence of an adequate network of alternative schools, either non-denominational or neutral as regards beliefs, this allowance of discrimination is unfair.

2.2 Employment Equality Act 1998

Section 12 of this Act allows training colleges for primary teachers to discriminate in their admissions policy on religious grounds. There is no non-denominational or neutral teacher training college in the State. The training colleges in question have to supply teachers for the entire primary school community including children of particular denominations, children of no religion in denominational schools (due to lack of choice) and children in multi-denominational schools. Accordingly, this permitted discrimination is an unacceptable departure from normal equality standards.

Section 37 of the same Act allows hospitals and schools to discriminate on the grounds of religion in employment. Again, the difficulty is that such institutions, because of the common lack of an alternative in the locality, are providing what, in many countries, would be normal state services to the whole community and not just to the members of a particular religious organisation.

2.3 Civil Registration Act 2004

In March, 2003, the Association wrote to the secretary of the Interdepartmental Committee on Marriage Law Reform making the case that those getting married should have a choice of celebrant who reflects their own beliefs system.

In May of that year the secretary of the Committee wrote to say that the Committee was recommending that the proposals for reform outlined in various discussion papers be included in the forthcoming Civil Registration Bill. Paper No. 4 stated that the proposed future approach would extend the power to solemnise marriage to recognized solemnisers of groups in society not adequately catered for by the present system.

The Bill was published in July, 2003. To our surprise and disappointment the provision concerning recognised solemnisers was confined to religions only. This is now reflected in the Act. We have been

told that this outcome arose because of drafting difficulties. The end result for us is that humanists who wish to have a humanist marriage ceremony conducted by a humanist celebrant (for which there is a growing demand) must also undertake a civil marriage ceremony conducted by a State registrar. This is a blatant discrimination against those who do not belong to a religion despite the opportunity presented by modern reforming legislation.

The Association asks that this legislation be amended and has no doubt that, if the political will exists to remove the discrimination, any drafting difficulties will be surmounted. The HAI notes that in Scotland, as a result of UK implementation of the European Convention on Human Rights, celebrants from the Humanist Society of Scotland have been authorised to perform fully legal weddings. Ireland is also a signatory of the Convention.

3 STATE PRACTICES

General

Notwithstanding the desired proper neutrality of the Constitution and laws of the State in matters of religion, it is of equal importance that the State shows equal respect in its practices and in the implementation of its policies. There is a considerable number of instances where such parity of esteem is not demonstrated. They range from the careless disregard of State institutions in the area of symbols or ceremonies to serious examples of discrimination fundamentally affecting the lives of those of no religion. The following are examples of such discrimination:

3.1 State Ceremonies

Formal ceremonies, such as the inauguration of a President, are normally confined, as regards leading roles, to representatives of the main religions. More inclusive arrangements need to be made if such ceremonies are to engage all citizens by giving a similar role to representatives of the non-religious community.

3.2 Dail and Senate Prayers

At the commencement of each sitting of the Dail or Senate a prayer is read. The prayer is clearly a Christian one. Such exclusivity is incompatible with a parliament of a 21st century republic with a citizenship base which is diverse in its beliefs and belief systems.

3.3 Courts Service - Oaths

Where a juror or witness is to be sworn-in, a Christian Bible is offered and essentially a person who does not wish to swear on such a book has to opt out by, for example, offering to make an affirmation instead. This is not a neutral approach to citizens. One should be asked which of an all-inclusive list of options one wishes to avail of without any one approach being treated as the norm or a neutral and legally binding alternative established.

3.4 Polling Stations

Many polling stations are situated in denominational, particularly Catholic, schools or other church-owned property rather than in civic buildings. Voters have often to cast their vote in an environment containing much religious imagery. Sometimes the voting concerns issues on which the particular church, which is the patron of the school, has taken a strong view. Neutral venues for voting should be provided.

3.5 Use of State Property for Religious Purposes

Dublin Castle is one of the symbolic centres of the State and a venue for important State ceremonies such as Presidential inaugurations, State receptions and other major public events involving both

citizens and visitors of various religions and none. The Chapel Royal is part of the property and although no longer functioning as a church it is used to ring the angelus every day. It is inappropriate that, in a modern republic, a State-owned and maintained building and particularly such a prominent one be used to summon to prayer the adherents of a particular religion.

3.6 Choice of School

The reality for parents in most parts of the State is that they have to send their children to a primary school under the patronage of a particular church, usually the Catholic Church. This is regardless of the fact that the parents concerned may belong to a minority religion which does not have a school in the locality or to no religion. This situation is supported by the taxpayers of all religions and none. Yet the number of multi-denominational schools, while rising rapidly, is tiny compared to the number of denominational schools and to the size of the population of those who would otherwise prefer to avail of a multi- or non-denominational alternative.

Governments have replied to this obvious discrimination by stating that any group of parents can set up a school and get generous State support. However, it is extremely demanding of time, money and other resources for parents to set up a school and it is particularly difficult in areas of relatively low income. Where else in the developed world is it left to the initiatives of parents to set up a school that reflects their beliefs or is at least neutral in this regard? It is a reasonable demand that a modern State should provide at least a primary education system that is either secular or neutral. Such provision would not preclude the setting up of schools to meet the needs of various belief groups. The organisation that facilitates parent groups in setting up multi-denominational schools, Educate Together, has expressed concern that the minimal State support for its administration costs could cause the organization to severely reduce its services. We support its efforts to get adequate State funding to continue its very necessary work, work which, in a modern democratic State, would normally be carried out by the state itself, ie the provision of a network of primary schools which are neutral as between children from different belief systems.

3.7 Rights of Minorities in Schools

In the meantime there is the issue of how to treat children in a school (including children from humanist families) where they do not belong to the ethos of the school patron. A situation where the ethos of the school permeates the whole school day amounts to a degree of indoctrination and is an intrusion on the human rights of such children. Equally, the timing of religious instruction should make it a practical rather than an abstract right for families to opt out of that part of the curriculum, for example by scheduling such sessions for the end of the school day. The State, which gives massive support to the denominational sectors should ensure that structures are in place to protect the rights of children who do not belong to those denominations.

3.8 Primary Teacher Training

Despite the increasingly diverse society, in terms of religious or philosophical belief, the only route in the State for becoming qualified as a primary teacher is through a course taken at a college owned by a religious denomination. This is another clear example of the discriminatory environment that exists in the educational sector.

3.9 State Support of Chaplains

The High Court declared that the payment of chaplains by the State is not unconstitutional. However, there is a serious issue as to whether, particularly in a society with people of many belief systems, such support is equitable and appropriate. Such funding is heavily biased towards the large religious groups. It is not clear how equality of treatment can be given to smaller groups. In this context and also on the basis that religious counseling is not an area where the State should be involved, the HAI considers that such support should be withdrawn.

3.10 Chaplains in Hospitals

A code of practice for State-funded religious hospitals should equally protect people from unwelcome interventions by religious chaplains. If a person's file states "no religion" or contains no details of religious or other belief, no unsolicited approach to the patient concerned should be made by a chaplain. It is unacceptable that a person in such a vulnerable position should have to opt out of the services provided by chaplains. People should not have to be confronted with this situation. The Department should ensure that the rights of patients are respected in this regard.

3.11 Ethics in Denominational Hospitals

The State funds denominationally owned and managed hospitals as part of the health service. Many of these hospitals are key elements in the national health structure and this appears likely to be reinforced in the proposed reform of that structure. For example, the Hanly report identified St Vincent's Hospital in Dublin City as the key hospital for a particular region stretching from North Wexford to Dublin. That hospital is owned and managed by the Irish Sisters of Charity. The hospital is designated to treat patients in its area regardless of belief. The HAI is concerned that the rights of patients who do not subscribe to the ethics of the Catholic Church are protected in areas such as reproductive medicine and that such protection be guaranteed by the State which represents all taxpayers and citizens.

3.12 Symbols in Hospitals

Given the situation where non-religious people are, in practice, often required to be patients in State-funded religious hospitals, there is a need for a code, to be supervised by the Department of Health, to restrict the use of religious symbols in public areas or wards. At a very minimum no one should be confronted directly in their hospital room or ward with symbols which can be highly offensive to non-adherents of that religion. Individuals confronted with such a situation are often already in a very distressed state and indeed may be dying. Such persons are normally in too weak or vulnerable a state to object to such intrusion.

3.13 Circumcision

The practice of circumcision of children, male or female, for non-medical religious or cultural purposes is nothing short of a barbaric assault on non-consenting defenseless persons and a breach of their

human rights as regards the integrity of one's body. The State should not only fight the practice and ensure that the law is applied but should prohibit all hospitals from carrying out this practice.

3.14 Overseas Development Assistance

The HAI has made a submission in response to the Government's White Paper on Ireland's official programme of Overseas Development Assistance. We take the opportunity to reiterate our concerns that taxpayers' money be used for aid that has as a single objective - the betterment of the recipients' material welfare. We accordingly oppose the channeling of such money through organisations which have other prime objectives, including religious ones. There are and can be conflicts between religious and development objectives as in the case of the promotion of the availability of contraceptives as one of the means of combating AIDS. It is possible to distribute aid through organisations which are solely humanitarian in purpose and which do not have agendas based on spreading of religious dogma and conversion.

CONCLUSIONS

The HAI does not claim that its members or others of no religion are living in an oppressive climate. We have demonstrated, however, that the State does discriminate against such people both directly and indirectly in significant areas of life. The picture we paint is of a State which is lacking in regard to protecting our rights. We look forward to working with State institutions with a view to addressing the various deficiencies that we have identified.

CONTACT DETAILS

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