

**Atheist Ireland
Recommendations
for Working Session 11
of the OSCE/ODIHR
Human Dimension
Implementation Meeting
September 2016**



Dear Secretariat,

Here are Atheist Ireland's recommendations for the OSCE (Organisation for Security and Cooperation in Europe), the ODIHR (Office for Democratic Institutions and Human Rights), the Irish State, the Polish State, and other OSCE States and Non-Governmental Organisations.

Overall Recommendations

1. Contribution of Michael Nugent of Atheist Ireland to HDIM 2016 Session 11
2. Host an event to specifically combat discrimination against atheists
3. Dublin Declaration on Secularism and the Place of Religion in Public Life
4. Dublin Declaration on Empowering Women Through Secularism
5. Relations of OSCE and States with the Holy See/Catholic Church

Recommendations related to Ireland

6. Constitutional amendments regarding freedom of religion or belief in Ireland
7. End religious discrimination in the Irish education system
8. Amend the Civil Registration Act in Ireland to treat atheists equally
9. Vindicate the reproductive rights of women in Ireland
10. Redress for historic abuse of women and children in Ireland
11. Implement conclusions of the UN Human Rights Committee

Supporting Documents

Dublin Declaration on Secularism and the Place of Religion in Public Life
Dublin Declaration on Empowering Women Through Secularism
Schools Equality PACT - Patronage, Access, Curriculum, Teaching

Yours sincerely,

Michael Nugent, Chairperson
Jane Donnelly, Human Rights Officer
Atheist Ireland

1. Contribution of Michael Nugent of Atheist Ireland to HDIM 2016 Session 11

Atheist Ireland supports the OSCE in specifically addressing discrimination and prejudice-motivated crime against Jews, Muslims, Christians and members of other religions.

We recommend that you also specifically address discrimination against atheists.

We further recommend that you tackle prejudice-motivated crime against ex-Muslim atheists, and against Ahmadiyya Muslims.

Atheist Ireland supports the new Ex-Muslims of Ireland group, one of whose members has already received an Islamist death threat for being an apostate.

These are not idle threats. Recently in Scotland, a Sunni Muslim murdered an Ahmadi shopkeeper, because of his religious beliefs.

We recommend that genitally mutilating girls, and forcing women to wear specific clothing, be treated as prejudice-motivated crimes based on religion and gender.

We should tackle bigotry against Muslims, but we should not describe it as “Islamophobia”. That word is used to conflate bigotry against people, which is bad, with criticism of religion, which is good and necessary.

We recommend that the OSCE promotes the separation of the State from either religion or atheism, as the foundation of protecting everybody equally.

Atheist Ireland campaigns for this type of secularism with the Evangelical Alliance of Ireland and the Ahmadiyya Muslim Community in Ireland.

But The Irish State claims that it is constitutionally obliged (not merely permitted, but obliged) to allow religious discrimination, in order to buttress religion.

The chairs of both major UN Human Rights Committees have strongly criticised Ireland about this.

The President, judges and Prime Minister all have to swear religious oaths.

We have a law against blasphemy, which Islamic States cite at the United Nations to try to spread their laws against defamation of religion.

Nine different sets of United Nations and Council of Europe committees have concluded that Irish schools breach the human rights of atheist and minority faith children, families and teachers.

These include very fundamental human rights like freedom of religion and belief, freedom from discrimination, equality before the law, and no effective remedy.

2. Host an event to specifically combat discrimination against atheists

OSCE/ODIHR to host an event specifically to quantify and combat discrimination against atheists, similar to the events held to specifically combat discrimination against Christians, Muslims and Jews. This is our sixth year making this request.

We also ask that we as representatives of atheist and secular advocacy be represented as main speakers at one of the sessions on freedom of religion or belief at HDIM 2017. We would like to address the HDIM about the unique alliance for secularism in Ireland between Atheist Ireland, the Evangelical Alliance of Ireland, and the Ahmadiyya Muslim Community in Ireland, as three groups with very different world views who are all discriminated against on the ground of religion or belief.

3. Dublin Declaration on Secularism and the Place of Religion in Public Life

OSCE/ODIHR and all states and NGOs to support the attached recommendations in the Dublin Declaration on Secularism and the Place of Religion and Public Life, put together by atheist advocates internationally at a conference in Dublin in 2011.

4. Dublin Declaration on empowering Women Through Secularism

OSCE/ODIHR and all states and NGOs to support the attached recommendations in the Dublin Declaration on Empowering Women through Secularism, put together by atheist advocates internationally at a conference in Dublin in 2011.

5. Relations of OSCE and States with the Holy See/Catholic Church

OSCE/ODIHR and all states to treat the Vatican/Holy See/Catholic Church as an NGO religion, and not as a State, and the Holy See to choose not to undermine civic democracy by telling politicians to follow religious ethics instead of legislating for all citizens.

6. Constitutional amendments regarding freedom of religion or belief in Ireland

OSCE/ODIHR and Ireland to support atheists having the same legal recognition that is given to religions in Ireland. The Constitution prevents only discrimination between religions, not between religions and nonreligious philosophical groups. Specifically, OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following constitutional changes:

6.1 Amend Article 40.6.1 of the Constitution, and repeal sections 36 and 37 of the Defamation Act 2009, to remove the offence of blasphemy from Irish law.

6.2 Replace the obligatory religious oaths in Articles 12.8, 31.4 and 34.5 of the Constitution (for President, Judges and members of the Council of State including Prime Minister and Deputy Prime Minister), and the optional oaths and declarations in court, with single neutral declarations that reveal no information about the religious or nonreligious philosophical beliefs of the oath-taker.

6.3 Amend Article 40.1 of the Constitution to guarantee equality to all and to proscribe discrimination (direct or indirect) in any area of law on non-exhaustive grounds, as recommended by the Irish Human Rights Commission and the Constitutional Review Group.

6.4 If constitutional change is required to end religious discrimination in the education system, which the Irish State claims is the case, urgently hold a Religious Equality Referendum to bring about such constitutional change.

6.5 Repeal Article 40.3.3 of the Irish Constitution, to enable the Oireachtas to legislate for the right to abortion.

7. End religious discrimination in the Irish education system

OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following legislative and/or constitutional changes with regard to the education system.

7.1 Implement the recommendations in the attached Schools Equality PACT.

7.2 Amend or repeal Section 15 of the Education Act 1998, Section 7(3)(c) of the Equal Status Act 2000, and Section 37(1) of the Employment Equality Act 1998, to oblige publicly funded schools to deliver educational services, including employment, state curriculum and enrolment, in an objective, critical and pluralistic manner, and with no religious discrimination of any kind.

7.3 Replace the patronage system (in which most schools are publicly funded private schools, each with their own ethos) with an inclusive secular system, in which the foundation is State-run schools that are neutral between religions and atheism, and in which private ethos schools are an add-on alternative as opposed to being the basis of the school system.

7.4 As an interim measure for some families, and only as that, accelerate the divestment programme for schools and ensure the widest possible availability of multi and nondenominational schools. In areas where there is only one standalone school, enforce divestment or change of ethos so that everybody in that area has access to a school with an ethos that is neutral between religions and atheism and does not discriminate based on religion.

7.5 Ensure that there are workable policies in place to accommodate children who have opted out of formal religious education. Ensure that such children are not subject to religion being integrated throughout the remainder of the curriculum, even in denominational schools.

7.6 Ensure that there is an effective complaints mechanism and an effective remedy, in practice and in law, to vindicate breaches of human rights in schools.

7.7 If constitutional change is required to enact any of these recommendations, the Government should urgently hold a Religious Equality Referendum to bring about such constitutional change.

8. Amend the Civil Registration Act in Ireland to treat atheists equally

OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following:

Amend the Civil Registration Act to treat religious and atheist groups equally, and to remove the effective State monopoly that the Act now provides for private entrepreneurs to sell secular ceremonies for profit after being nominated as solemnisers by the Humanist Association of Ireland.

9. Vindicate the reproductive rights of women in Ireland

OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following: Repeal Article 40.3.3 of the Irish Constitution, to enable the Oireachtas to legislate for the right to abortion. Decriminalise abortion by repealing sections 22 and 23 of the Protection of Life During Pregnancy Act 2013. Repeal the Abortion Information Act 1995. Provide a human rights compliant framework for abortion, in law and in practice.

10. Redress for historic abuse of women and children in Ireland

OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following: Implement full and independent inquiries into symphysiotomy and Magdalen laundries, leading to prosecutions where wrongdoing is established. Adopt and implement a consistent approach, in line with international human rights law, to all inquiries into historical abuse.

11. Implement conclusions of the UN Human Rights Committee

OSCE/ODIHR to reinforce to Ireland, and Ireland to urgently implement, the following concluding observations of the United Nations Human Rights Committee from its examination in July 2014 of Ireland's breaches of human rights of atheists and minority faiths under the ICCPR:

11.1 Education System: 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. It said Ireland should introduce legislation to prohibit discrimination in access to schools on the grounds of religion, belief or other status, and ensure that there are diverse school types and curriculum options available throughout the State party to meet the needs of minority faith or non-faith children.

11.2 Employment: The Human Rights Committee is concerned that under Section 37(1) of the Employment Equality Acts, religious-owned institutions, including in the fields of education and health, can discriminate against employees or prospective employees to protect the religious ethos of the institution (arts.2, 18, 25 and 27). It said Ireland should

amend Section 37(1) of the Employment Equality Acts in a way that bars all forms of discrimination in employment in the fields of education and health.

11.3 Religious Oaths: The Human Rights Committee is concerned at the slow pace of progress in amending the Constitutional provisions that oblige individuals wishing to take up senior public office positions such as President, members of the Council of State and members of the judiciary to take religious oaths. It said that 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.

11.4 Blasphemy Law: The Human Rights Committee is concerned that that blasphemy continues to be an offence under article 40.6.1(i) of the Constitution and section 36 of the Defamation Act 2009 (art. 19). It said Ireland should consider removing the prohibition of blasphemy from the Constitution as recommended by the Constitutional Convention, and taking into account the Committee's general comment No. 34 (2011) concerning the incompatibility of blasphemy laws with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2 of the Covenant.

11.5 Abortion: The United Nations Human Rights Committee told Ireland that it should: Revise its legislation on abortion, including its Constitution, to provide for additional exceptions in cases of rape, incest, serious risks to the health of the mother, or fatal foetal abnormality; Swiftly adopt the Guidance Document to clarify what constitutes a "real and substantive risk" to the life of the pregnant woman; and Consider making more information on crisis pregnancy options available through a variety of channels, and ensure that healthcare providers who provide information on safe abortion services abroad are not subject to criminal sanctions.

11.6 Majority Votes: During the UNHRC session, Ireland said the reason that it denies pregnant women their abortion rights under the Covenant was because they are expressing the will of the people as expressed through referendum. The UN Human Rights Committee told Ireland that this reason was totally unacceptable. It said that human rights cannot be denied by a majority vote in Parliament, and that the whole point of international human rights law is to avoid the tyranny of the majority. The Committee invited Ireland to withdraw that as a reason for not fulfilling its Convention duties, and Justice Minister Frances Fitzgerald did withdraw it.

Atheist Ireland

<http://atheist.ie>

Dublin Declaration on Secularism and Religion in Public Life



On 5 June 2011, the World Atheist Convention in Dublin discussed and adopted the following declaration.

1. Personal Freedoms

- (a) Freedom of conscience, religion and belief are private and unlimited. Freedom to practice religion should be limited only by the need to respect the rights and freedoms of others.
- (b) All people should be free to participate equally in the democratic process.
- (c) Freedom of expression should be limited only by the need to respect the rights and freedoms of others. There should be no right in law 'to not be offended'. All blasphemy laws, whether explicit or implicit, should be repealed and should not be enacted.

2. Secular Democracy

- (a) The sovereignty of the State is derived from the people and not from any god or gods.
- (b) The only reference in the constitution to religion should be an assertion that the State is secular.
- (c) The State should be based on democracy, human rights and the rule of law. Public policy should be formed by applying reason, and not religious faith, to evidence.
- (d) Government should be secular. The state should be strictly neutral in matters of religion and its absence, favouring none and discriminating against none.
- (e) Religions should have no special financial consideration in public life, such as tax-free status for religious activities, or grants to promote religion or run faith schools.

- (f) Membership of a religion should not be a basis for appointing a person to any State position.
- (g) The law should neither grant nor refuse any right, privilege, power or immunity, on the basis of faith or religion or the absence of either.

3. Secular Education

- (a) State education should be secular. Religious education, if it happens, should be limited to education about religion and its absence.
- (b) Children should be taught about the diversity of religious and nonreligious philosophical beliefs in an objective manner, with no faith formation in school hours.
- (c) Children should be educated in critical thinking and the distinction between faith and reason as a guide to knowledge. Science should be taught free from religious interference.

4. One Law For All

- (a) There should be one secular law for all, democratically decided and evenly enforced, with no jurisdiction for religious courts to settle civil matters or family disputes.
- (b) The law should not criminalise private conduct on the grounds that the doctrine of any religion deems such conduct to be immoral, if that private conduct respects the rights and freedoms of others.
- (c) Employers or social service providers with religious beliefs should not be allowed to discriminate on any grounds not essential to the job in question.

Dublin Declaration on Secularism Empowering Women



On 30 June 2013, an international conference in Dublin on Empowering Women Through Secularism discussed and adopted the following declaration.

1. Secular Values in Society

- (a) The secular values that will empower women are science-based reason, equality and empathy in alliance with the principles of feminism.
- (b) Priorities in democratic states: secular values will protect and advance already-established freedoms. Cultural and religious beliefs must not be used to deny or limit these freedoms.
- (c) Priorities in nondemocratic states: where secular values are not recognised or protected by laws, such laws should be established and applied, and address the issues that deny women full participation in society and government.

2. Separation of Religion and State

- (a) Priorities in democratic states: the Constitution should make explicit mention of the separation of religion and state. The state should not fund religions or beliefs. Also, social services, health care services or education accorded to citizens should respect the law; and all state practices should be neutral.
- (b) Priorities in nondemocratic states: certain things are fundamental in order to take first steps towards separation of religion and state. Access to education and information should be free and unrestricted. The international community should be vigilant on the application of human rights and take appropriate action where necessary.

3. Human Rights

- (a) Human rights are universal, and should be applied equally in democratic and nondemocratic states. Women's rights are human rights, not separate rights for women.

- (b) Priorities in democratic states: women should have equal sexual, reproductive and economic rights in practice as well as in legislation.
- (c) Priorities in nondemocratic states: the right to autonomy, self-determination as an individual, and fully equal treatment at all levels of society for men and women. This takes precedence over religious or ideological dogma.

4. Reproductive Rights

- (a) Priorities in democratic states: the state should recognise and respect the right to universal and absolute bodily ownership. Reproductive healthcare services should be free, accessible, non-judgmental and objective. Comprehensive evidence-based sex education should be universally available.
- (b) Priorities in nondemocratic states: human rights conventions should be honoured in their entirety, and directives should not be vetoed on religious grounds or otherwise. International assistance should be given to grassroots campaigns involved in the provision and promotion of comprehensive reproductive health services and education.

5. Politics and Campaigning

- (a) Priorities in democratic states: it is essential to define the concept of morality as not being exclusive to religion, and to clearly promote secular feminist values as being beneficial to all citizens. These values should be communicated to citizens in a concise accessible manner using whatever means are available in order to promote the growth of a wider secular community in the future.
- (b) Priorities in nondemocratic states: we should amplify the voices of secular feminists fighting back against oppressive regimes throughout the world, and we should promote strategies and tools to overcome technological arrears in nondemocratic countries.

THE SCHOOLS EQUALITY PACT

We ask the Oireachtas (Irish Parliament) to urgently pass a comprehensive Schools Equality Bill to reform the current State-funded religious discrimination. This PACT (Patronage, Access, Curriculum, Teaching) describes the changes that are collectively needed. The State has a duty to respect equally the human rights of all children, parents and teachers. This requires a national network of public secular schools, inclusive of all, neutral between religions and atheism, and focused on the educational needs of all children equally. Divesting some religious schools to new private patrons will not achieve pluralism in education. The Oireachtas Education Committee has warned that multiple patronage and ethos can lead to segregation and inequality. The UN and Council of Europe have warned our schools breach human rights. The State now claims it is constitutionally obliged to allow State-funded schools to discriminate against its own citizens in this way. Others disagree. We ask the Government to respect democracy, and stop closing down debate with an unpublished, untested legal opinion. Finally, if the Courts do find that the Constitution obliges the State to support this discrimination, then we urgently need a Schools Equality Referendum.

P = PATRONAGE

Children have a right to attend inclusive public schools

State-funded schools should have an inclusive public ethos, to respect everyone equally under Articles 42.1 and 42.3.1 of the Constitution. Moral education should be separate from religion, as per Article 42.3.2. The State should not cede control of education to private patrons. Private ethos schools should be an optional extra, not the basis of the system. Please amend the Education Act to do this. Start the reform in the nine schools where the Minister for Education is patron.

A = ACCESS

Children have an equal right to attend their local public school

Children should have equal access to their local State-funded school, whatever their religion. The Admission to Schools Bill will outlaw some discrimination, but it reinforces discrimination against atheist and minority faith families, calling it 'lawful oversubscription criteria.' Please delete Section 7.3(c) of the Equal Status Act to prevent all religious discrimination. If oversubscribed, give priority to children with siblings in the school, then to local children, then use a lottery.

C = CURRICULUM

Children have a right to an objective pluralist education

Children should be taught the State curriculum, including about religions and beliefs, in an objective, critical and pluralistic manner, as per the European Convention on Human Rights. Faith formation should be outside the school day. Please amend S 15.2(b) of the Education Act, and the curriculum to ensure a religiously neutral education, even in denominational schools, outside of opt-out religion classes, as required by UNHRC.

T = TEACHING

Teachers have an equal right to work in state-funded schools

Children should be taught by the best teachers, and teachers should have equal access, based on merit, to jobs in State-funded schools. Section 37 of the Employment Equality Act allows schools to discriminate against teachers on the ground of religion. The current Section 37 Amendment Bill will protect Catholic LGBT teachers, but reinforces discrimination against atheist and minority faith teachers. Please amend Section 37 to prevent all religious discrimination against teachers.

WE URGENTLY NEED A SCHOOLS EQUALITY BILL
WE MAY NEED A SCHOOLS EQUALITY REFERENDUM