

# Atheist Ireland

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## Recommendations to OSCE HDIM October 2014 Page 1



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

**2. 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:

### **2(a) 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.

### **2(b) 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.

### **2(c) 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.

### **2(d) 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.

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### **2(e) 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.

### **2(f) 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.

**3. OSCE/ODIHR and all states and NGOs** to support the attached recommendations in the Dublin Declarations on Secularism and Religion and Public Life, and on Secularism Empowering Women, put together by atheist advocates internationally.

**4. OSCE/ODIHR and Ireland** to Support the attached recommendations on specific steps needed to achieve secularism, civil rights and empowering women in Ireland.

**6. 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.

**7. OSCE/ODIHR and Ireland** to support atheists having the same legal recognition given to religions in Ireland. The Constitution prevents only discrimination between religions, not between religions and nonreligious philosophical groups.

**8. Ireland** to 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.

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## Statement by Michael Nugent to Session 13 2014



The OSCE Guidelines for reviewing laws about freedom of religion or belief, stress the 'or belief' part of that phrase. That's the part that protects us as atheists.

In July, the United Nations Human Rights Committee told Ireland to stop breaching the human rights of atheists.

Our rights are being breached in education, employment, healthcare, politics and law. We do not have freedom of conscience, equality before the law or freedom from discrimination.

The UN Committee chairperson said that a common factor in this discrimination is the institutional belief system that has predominated in Ireland, by which he meant the Roman Catholic Church.

I was pleased to hear the Holy See refer earlier to the intrinsic value of every person. That's certainly an advance from a few years ago, when Cardinal Cormac Murphy-O'Connor told the BBC that atheists are not fully human.

I will end by asking you for a measurable outcome.

The OSCE has already hosted events to specifically quantify and combat discrimination against Muslims, Jews, Christians and members of other religions.

Please host a similar event to specifically quantify and combat discrimination against atheists.

Michael Nugent  
Chairperson  
Atheist Ireland

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## Statement by Michael Nugent to Session 14 2014



In July the United Nations Human Rights Committee told Ireland to stop breaching the human rights of atheists.

The Catholic Church runs 90% of our State-funded primary schools, and can lawfully discriminate against atheist families and teachers. Two new Government Bills – one on schools admissions and one on jobs – will actually reinforce that discrimination.

Our President, Prime Minister and Judges must swear religious oaths to take office. Can you imagine telling a Christian or Muslim to swear that there is no god before they took office?

Pregnant women have had their pelvises broken without their consent, in order to avoid Cesarean sections that might have led to a demand for contraception or sterilisation. Women are denied an abortion on health grounds, despite the United Nations telling Ireland that majority votes cannot be used to deny human rights.

A new law on secular marriage discriminates against atheists openly, and creates a State monopoly for private entrepreneurs to sell ceremonies. The Government said in Parliament that the reason for discriminating against atheists was to avoid Elvis impersonators solemnising marriages.

We are finally planning to remove our new blasphemy law – the one that Pakistan praised us for passing.

The United Nations Human Rights Committee has told Ireland, very sternly, to stop breaching the human rights of atheists and indeed of minority faiths.

We ask the OSCE to repeat and reinforce that call, and to treat Ireland like any other State that defies its human rights obligations.

Religious States promote religion. Atheist States promote atheism. We want a secular State that promotes neither, that respects equally the human rights of all of its citizens. We want freedom of conscience, religion and belief; equality before the law; and freedom from discrimination. Only a secular State can provide that.

Michael Nugent  
Chairperson  
Atheist Ireland

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## 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, favoring 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 criminalize 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.

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## 5 steps to secularism securing civil rights in Ireland



### Secular Constitution

- Remove the requirement for the President, judges and Council of State to swear a religious oath, including asking God to direct and sustain them (12, 31, 34), and replace these with a single neutral declaration that reveals no information about the person's religious beliefs.
- Remove the references to all authority coming from the Holy Trinity and 'our' obligations to 'our' divine Lord Jesus Christ (preamble); powers of government deriving under God from the people (6.1); the homage of public worship being due to Almighty God and the State holding his name in reverence (44.1); and the glory of God (last line).
- Amend the clause on equality before the law to include the principle of non-discrimination (40.1).
- Remove the offence of blasphemy (40.6).
- Rewrite the Article on education to explicitly provide for State secular education, and remove the duty of parents to provide for religious education of their children (42).
- Rewrite the Article on religion to cover freedom of thought, conscience and religion (44).
- Rewrite or remove other Articles influenced by Roman Catholicism e.g. right to life of 'the unborn' (40.3) and women and mothers having a life and duties in the home (41.2).

### Secular Parliament

- End the prayer that starts each parliamentary day which asks the Christian God to direct every action, word and work of our parliamentarians.
- Examine all existing and future laws to ensure that there is one law for all, based on rights and compassion and not religious doctrine.
- Amend the Defamation Act 2009 to remove the crime of blasphemy.
- Amend the Equal Status Act 2000 and Employment Equality Act 1998, which allow churches, schools and hospitals and training colleges to discriminate on the grounds of religion.
- Amend the Charities Act 2009, which includes the advancement of religion as a charitable purpose; and presumes that a gift for the advancement of religion is of public benefit.
- Amend the Civil Registration Act 2004, so that religious and nonreligious bodies are treated equally when nominating solemnisers.
- Amend the Juries Act 1976, which exempts priests and religious ministers from jury duty.

### Secular Government

- Ensure that neither the Government, nor any State institutions, nor any State-funded bodies, give preferential treatment or access to any person or organization or category of people, on the basis of their religious beliefs.
- Ensure that all aspects of Government are conducted consistently with the State's international obligations on human civil and other personal rights.
- Stop treating the Holy See/Vatican as a State. It is the headquarters of a world religion, and it does not have the legal attributes of a real State.
- Stop State payments to chaplains in schools, hospitals, the army and other institutions.
- Remove the requirement for persons in court to choose between a religious or nonreligious oath, and replace these with a single neutral declaration that reveals no information about religious beliefs.

### Secular Education

- Establish a secular State education system and ensure, as raised by the UN Human Rights Committee, that nondenominational primary schools are widely available.
- Ensure that all schools convey all parts of the curriculum, including religious education, in an 'objective, critical and pluralistic manner', as ruled by the European Court of Human Rights.
- Provide effective remedies for parents to vindicate, in practice and law, their human right to ensure that their children's education is not counter to their convictions.
- Respect the European Court of Human Rights ruling that the State cannot absolve itself from responsibility for human rights violations by delegating its responsibilities to private bodies.

### Secular Healthcare

- Establish a secular State healthcare system where decisions are based on compassion, human rights and the medical needs of patients, and not on religious ethics.
- Ensure that no religious values or activities or environments are imposed on patients who do not share those religious beliefs.
- Remove the traditional privileges that religious bodies have in healthcare service provision and decision-making.

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## 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 recognized 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 recognize 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 honored 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.

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## 5 steps to secularism empowering women in Ireland



On 30 June 2013, an international conference in Dublin on Empowering Women Through Secularism discussed and adopted a declaration on secularism empowering women. These are the priorities that the conference decided on with regard to Ireland. They should be read in conjunction with the overall declaration.

### 1. Secular Values in Society

- (a) The influence of religious doctrines should be removed from the Constitution.
- (b) Government should not delegate key public services to religious or cultural groups.
- (c) Services provided by the state for taxpayers must observe secular values and be for the benefit of all citizens.

### 2. Separation of Religion and State

- (a) Religious references should be removed from the Constitution and legislation.
- (b) The state should directly provide education, not indirectly provide for education by patron bodies.

### 3. Human Rights

- (a) The right to freedom from religious interference in all aspects of the lives of women.

### 4. Reproductive Rights

- (a) The decriminalization of abortion and related services.
- (b) The eighth amendment should be removed from the Constitution.
- (c) Protection of and access to free and legal reproductive health services, free from religious interference.

### 5. Politics and Campaigning

- (a) Fostering a safe environment and an inclusive community where all Irish women can identify with the secular aim of separation of religion and state.



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## Statement by Michael Nugent to HDIM 2013



Last year we reminded you that you had hosted events to combat discrimination against Christians, Muslims and Jews. We requested a similar event to combat discrimination against atheists.

This has not happened. We now repeat that request.

Last year we warned about the European Union and Islamic states together insisting that we respect all religious prophets. We again ask you to publicly oppose such undemocratic State proselytizing, and to strongly oppose all blasphemy laws. People have rights; our beliefs do not.

Last year we highlighted that Irish parents are denied secular education for our children. We are still denied that right.

Last year we warned that the OSCE chair at the time, Eamon Gilmore, would have to swear a religious oath in Ireland to a god that he does not believe in. He has since been legally obliged to swear that oath.

Can you imagine the reaction here if anybody, anywhere, had to swear an oath that there was no god, in order to take up a public office?

This year the chameleon-like Vatican - sometimes a state, sometimes a religion - having already hindered Ireland's fight against clerical child sex abuse, is now trying to undermine a new Irish abortion law that allows doctors to save the lives of dying pregnant women.

Today we ask the OSCE to support the recommendations made by international atheist advocates in the Dublin Declarations on Secularism and Religion and Public Life, and on Secularism and Empowering Women put together by atheist advocates internationally.

These will be published on the OSCE website.

Michael Nugent  
Chairperson  
Atheist Ireland

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## Statement by Jane Donnelly to HDIM 2013



Atheists are denied the same legal recognition that is given to religions in Ireland. The Constitution does not discriminate between religions, but it is allowed to discriminate between religions and atheist bodies.

The United Nations has recommended that nondenominational schools be widely available throughout Ireland, and we ask the OSCE to support this.

To clarify a point from this morning, there are no non-denominational schools in Ireland. There are over 3000 religious schools, 6060 multi-denominational schools, and no non-denominational schools.

The Irish state takes no positive steps to protect secular parents and their children from religious discrimination in the education system.

Religious schools can legally give preference to co-religionists in order to uphold their religious ethos. Parents are required to produce a Catholic baptismal certificate when enrolling their child at the only local school.

Schools in Ireland are publicly funded but essentially private.

Catholic schools in Ireland operate a religious integrated curriculum. Religion is integrated into the curriculum and the daily life of the school. Parents are responsible for the supervision of their children if they opt them out of religious instruction classes. However, it is impossible to opt out of religion that is integrated into all subjects under the state curriculum.

The UN human rights committee has raised concern regarding the religious integrated curriculum in Catholic schools in Ireland. They stated that it denies parents access to a secular education for their children. They said it was discrimination, breached the right to freedom of conscience, the rights of the child and the right to equality before the law.

Again, we ask the OSCE to support the UN recommendation to open up secular non-denominational schools throughout Ireland.

Jane Donnelly  
Human Rights Officer  
Atheist Ireland

# Atheist Ireland

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## Statement by Michael Nugent to HDIM 2012



The OSCE has hosted events to specifically combat discrimination against Christians, Muslims and Jews. We request a similar event to specifically combat discrimination against atheists and agnostics.

For example, in Ireland, atheist parents are denied secular education for our children. We cannot become president or a judge in Ireland, because we have to swear a religious oath. Eamon Gilmore, the current chair of the OSCE, is a member of the Irish Council of State. To take up this office he is obliged to swear an oath before a god that he personally does not believe in.

Our second recommendation is that the OSCE should strongly oppose all blasphemy laws. The European Union and the Islamic States have recently insisted, in a joint statement, that we respect all religions and all prophets.

Respecting all prophets would mean respecting not only the prophets of Christianity, Islam, and Judaism, but also respecting David Koresh at Waco, and David Icke who believes that George Bush is a space lizard.

This is clearly absurd. We can respect your right to believe, while not respecting the content of your beliefs. You have rights. Your beliefs do not. That is the essence of freedom of conscience.

I do not respect any belief about reality that is not based on sufficient evidence, and I do not respect any belief about morality that oppresses women, or gay people or other minorities.

Unsurprisingly, this recent EU statement has resulted in the Islamic States at the UN reintroducing their attempts to make blasphemy a crime internationally. The OSCE and all civilized states should oppose this attempt to move us backwards in terms of freedom of conscience.

If you would like to discuss how to combat this danger, please attend our side event at lunchtime in meeting room 3.

Michael Nugent  
Chairperson  
Atheist Ireland