



Humanist Association of Ireland

Equality for the Non-Religious

*In the 2016 Census,
468,400 people ticked 'No Religion',
and a further
125,300 people chose to
tick the 'No' box under the heading of religion.*

The following are extracts from the 3091st meeting of the UN Human Rights Committee's report of the International Covenant on Civil and Political Rights - Ireland. (Geneva, 23 July 2014).

Under the heading 'Freedom of Religion'

'The committee is concerned at the slow pace of progress in amending the (Irish) Constitutional Provisions that oblige individuals wishing to take on senior public office positions such as President, members of the Council of State and members of the judiciary to take religious oaths'.

'The committee is also concerned at the slow pace of progress in increasing access to secular education through the establishment of non-denominational schools and the phasing out of religious curricula in schools accommodating minority faith or non-faith children'.

Equality for the Non-Religious

The treatment of people of no religion in the Constitution, in legislation and by other practices of the State and its agencies.

Humanist Association of Ireland (HAI)

Contents

INTRODUCTION	6
1. THE CONSTITUTION	8
1.1 Preamble	8
1.2 Derivation of Powers	8
1.3 Religious Oaths	8
1.4 State Endorsement of Religion	9
2. LEGISLATION	11
2.1 Equal Status Act 2000 and the Education (Admissions to School) Bill 2016	11
2.2 Employment Equality Act 1998	12
2.3 Civil Registration Act 2004 and the Civil Registration (Amendment) Act 2012	13
2.4 Political Cause and the Civil Registration (Amendment) Act 2012	13
2.5 Electoral Act 1992	15
2.6 Electoral Act 1997 - Third Parties and Political Purpose	15
2.7 Other Legislation	16
3. STATE PRACTICES	16
3.1 State Ceremonies	16
3.2 Dáil and Senate Prayers	16
3.3 Courts Service - Oaths	17
3.4 Polling Stations	17
3.5 Use of State Property for Religious Purposes	17
3.5a State Broadcasting Company	18
3.5b Burial Rights	18
3.6 Choice of Primary School	18
3.7 Choice of Secondary School	19
3.8 Rights of Minorities in Schools	20
3.9 Primary Teacher Training	21
3.10 State Support of School Chaplains	21
3.11 Religious Education Curriculum	21
3.12 Provision of and Support for Hospitals	22
3.13 Ethics in Denominational Hospitals	23
3.14 Symbols in Hospitals	23
3.15 Overseas Development Assistance	23
3.16 Census of Population	24
3.17 Use of State Employees for Religious Purposes	24

3.18 State Observance of Religious Festivals.....	24
3.19 Other State Practices.....	25
CONCLUSION	25

INTRODUCTION

The Humanist Association of Ireland (HAI) is a registered charity – a non-profit company limited by guarantee - with the aim of promoting 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 persons 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 Humanists International and the European Humanist Federation. It has particularly close relationships with similar organisations in Northern Ireland, Scotland and England.

The HAI seeks to promote Humanism by:

- holding a series of regular meetings, seminars and workshops on humanism and issues related to humanism
- hosting an Annual Conference
- celebrating Charles Darwin's birthday with its annual Darwin Day lecture
- providing educational visits to schools
- providing Humanist Lesson plans for primary and secondary school students
- highlighting issues that affect the humanist community, such as discrimination against the non-religious in the State education system
- providing a range of ceremony services for those who wish to have a humanist wedding, funeral, coming of age or child-naming ceremony
- fostering local humanist groups

The HAI and Relationship with the State The HAI actively seeks a society which respects the separation of Church and State, and removes all religious privilege and bias from its Constitution, laws, policies and practices. . . We contend that the principle of the separation of Church and State should apply in a truly democratic republic regardless of the size or growth of the various belief groups in the population.

We would also like to point out that, after the Roman Catholic group, the next largest group in the 2016 census is the group headed "No religion" at 468,400 with a further 125,300 who chose to tick the 'No' box under the heading of religion.

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"

If the Constitution is to be a document to speak for all citizens, its current wording fails that test. Any non-religious person would have great difficulty giving allegiance to such a document. Many Christians would also find this language inappropriate in a state document; it is not in any way inclusive in that it refers to a Trinitarian Christian deity and is completely unnecessary in a civil constitution of a modern democratic republic.

1.2 Derivation of Powers

Article 6 states that all powers of government, legislative, executive and judicial, derive "under God" from the people. This is another example of non-inclusive wording which is unnecessary in a civil constitution.

1.3 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 I, [\[insert name\]](#), do solemnly and sincerely

promise and declare....”

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, [insert name], do solemnly and sincerely promise and declare....”

Article 34 (section 6) requires every person appointed as a judge to make a declaration which begins with the words:

“In the presence of Almighty God I, [insert name], do solemnly-and sincerely promise and declare....”

and ends with the words *“May God direct and sustain me.”*

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

We also note that the United Nations Human Rights Committee (UNHRC), in relation to the International Convention of Civil and Political Rights, states that it continues to be concerned that judges in Ireland are required to take a religious oath. The Committee has called on Ireland to amend the constitutional provision and to allow for a non-religious declaration.

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 of the State but only for those who believe in a deity.

2. LEGISLATION

General

As a general principle, we hold that proposed legislation should be proofed to ensure that it does not privilege any religious beliefs. Where proposed legislation appears to privilege religious beliefs or is likely to cause difficulties or hardship for the non-religious, there should be consultation with relevant organisations.

We further hold that, in this increasingly diverse society, it is entirely inappropriate for legislation driven or influenced by religious dogma to be passed, or to remain in effect. This takes into account not only the fact that the number of people unaffiliated with any religion is significant and increasing, but also the fact that even among religious people there is a divergence of views, and it can no longer be considered that any one religious ethos can encompass the perspectives of all (or even most) religious people in Ireland. It also upholds the fundamental principle of the separation of Church and State, which should underpin all legislative provision.

It is our contention that if legislation cannot be justified without resort to religious arguments or bias, it has no place on the statute books of a modern democratic republic.

2.1 Equal Status Act 2000 and the Education (Admissions to School) Act 2018

Section 7 of the Equal Status Act 2000 previously allowed for primary and post-primary schools to discriminate on religious grounds in their admissions policy in certain circumstances, such as, taking account of the religion of the applying student.

In 2018, the Education (Admissions to Schools) Act removed the so-called 'baptism barrier' in primary schools which had allowed for discrimination on the grounds of religious belief.

From September 2018, over-subscribed primary schools are not allowed to discriminate against applicants on the basis of religion. Schools that are not over-subscribed must continue to accept applications, regardless of religion. Minority religion schools are exempt from the legislation to allow for prioritisation of families of that particular religion to access schools of their religious ethos, if they so wish.

Non-denominational families can now access local over-subscribed schools and must be treated in the same way as other families during the application process, regardless of religious beliefs.

However the reality for many non-religious families is that there is a distinct lack of choice of school in their locality. Because of this many parents are effectively forced to send their children to schools of a particular religious denomination whose ethos does not conform to their own.

There is a clear issue regarding how to accommodate and respect children in a school where they do not belong to the ethos of the school patron.

The State, which gives massive funding support to the denominational sectors, should ensure that structures are put in place to protect the rights of children who do not belong to the denominations involved.

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. The training colleges in question 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.

This Act was amended in 2015 on the grounds of sexual orientation and family status, to give relief to members of the LGBGT community, but the possibility for discrimination against people on the grounds of religious faith, or lack thereof, still remains.

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 denomination. For this reason, taking

account of current equality legislation, this section should be repealed.

2.3 Civil Registration Act 2004 and the Civil Registration (Amendment) Act 2012

In July 2003, despite a recommendation from the Inter-Departmental Committee on Marriage Law reform to allow non-secular bodies to legally solemnise ceremonies, the Civil Registration Act 2004 was passed, confining recognised solemnisers to religious bodies only. This meant that non-religious citizens who wished to have a Humanist marriage ceremony conducted by a Humanist celebrant were also required to hold a civil marriage ceremony conducted by a State registrar to ensure the marriage was legal.

Following years of HAI campaigning to amend this legislation, which was seen as discriminatory against non-religious citizens, the Civil Registration Act 2012 was introduced, which saw the General Register Office add 'Secular Body' to the list of registered solemnisers.

After 20 years of providing non-legal Humanist marriage ceremonies, the HAI welcomed this change.

Since 2012 the HAI has provided legal Humanist marriages throughout the State to couples wishing to have a non-religious ceremony.

2.4 Political Cause and the Civil Registration (Amendment) Act 2012

The Civil Registration (Amendment) Act 2012 states that a secular body cannot be one that promotes a political cause. Section 45(A) (2)(b) of the Act debars any Association that is a body the promotes '*a political cause*'.

This Section is in contrast with the Charities Act which permits the advancement of a political cause if '*the promotion of that cause relates directly to the advancement of the charitable purposes of the body*'.

Discrimination

The first issue is one of discrimination, the 'political cause' clause does not apply to any religious body that has a right to solemnise marriages including the mainstream churches as well as less structured religious bodies such as the Spiritualist Association of Ireland.

The second issue is one of chilling effect. All charities face restrictions in their advocacy activity under the existing charities legislation and under the 1997 Electoral Act. But this additional criterion, which currently applies solely to the Humanist Association of Ireland, serves to further restrict the legitimate activities of the HAI.

As a civil society organisation in a democracy, the HAI contend that it is our role, and not a "*political cause*" to educate the public and policy makers, and to comment publicly, on the impacts of the law and Government policy on the non-religious. Indeed, we contend that it is to the general good of society that diverse views should be freely presented.

The HAI has the object "*to support and represent people who seek to live full and responsible lives without religious or superstitious beliefs*".

We argue that pointing out the impact of various policies (eg the Baptism Barrier, the swearing of religious oaths etc...) and laws which are strongly shaped by religious beliefs on non-religious members of society is not inconsistent with our charitable status, and does not constitute a "*political cause*". Ultimately our cause is a human rights and an equality issue. If the Roman Catholic church is allowed the right under legislation to solemnise marriages and to lobby legislators, then why not the Humanist Association?

The HAI are calling for a review of the Civil Registration (Amendment) Act 2012 and are requesting that the '*political cause*' clause be removed or at very least, have the clause qualified in line with the Charities Act 2009.

2.5 Electoral Act 1992

Under Section 111, concerning the right to vote, a returning officer or presiding officer may, in certain circumstances, administer an oath or affirmation to establish the identity of the person wishing to vote. An affirmation is only available to someone who states that s/he has no religious belief or that the taking of an oath is contrary to his or her religious belief.

However the HAI contends that no citizen should have to make any statement to any state official about his or her religious belief. It is not the State's business. The law should be amended to provide simply for the alternative forms of declaration and leave the choice to the prospective voter or, alternatively, provide for a single declaration which is neutral and secular in nature.

2.6 Electoral Act 1997 - Third Parties and Political Purpose

The Electoral Act 1997 regulates funding of election candidates and political parties by prohibiting them from accepting certain donations and putting limits on these donations.

However, since 2001, these same restrictions apply to all donations, not just parties and candidates, but to anyone (referred to as a *third party* in the law) deemed to be involved in so-called "political purposes".

The law defines "political purposes" very broadly, and encompasses human rights and social justice work. The wording bans any group of citizens from raising significant amounts of money to campaign for a particular policy or to criticise the activities of the government or any public authority or official. Contravention of these funding rules is a criminal offence carrying serious financial penalties and the possibility of imprisonment for up to three years.

The HAI contend that the Electoral Act 1997 needs to be amended in order to treat elections and referendums separately from the more general advocacy work of civil society organisations which should be encouraged and supported.

2.7 Other Legislation

When legislation is being updated or reformed, the HAI requests that inappropriate provisions favouring religion should be removed so as to make the legislation neutral with respect to religious and non-religious citizens.

3. STATE PRACTICES

General

In addition to 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 are many 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

Recently the State has officially recognised the HAI for specific State ceremonies. In 2011 and 2018 a humanist representative was invited to contribute a humanist reflection at the Presidential inauguration of Michael D. Higgins at Dublin Castle.

Over the last three years the HAI has contributed a humanist reflection at the National Day of Commemoration and is now a permanent invitee to the annual National Famine Memorial celebration.

The HAI welcomes these developments.

3.2 Dáil and Senate Prayers

At the commencement of each sitting of the Dáil or Senate a Christian prayer is read.

The prayer states: *"Direct we beseech thee O Lord, our actions by Thy holy inspiration, and carry them on so that every word and work of ours*

may always begin from Thee and by Thee be happily ended."

Such exclusivity is incompatible with the principle of the separation of Church and State, and a parliament of a 21st century republic whose citizens are diverse in their beliefs and belief systems.

The HAI contend that a secular opening ceremony should replace the existing Christian prayer practice.

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 only be asked which of an all-inclusive list of options one wishes to avail of without any one approach being treated as the norm. Alternatively, a common neutral formula should be adopted.

The Law Reform Commission's Report on Consolidation and Reform of Aspects of the Law of Evidence (January 2017) States:

"Person choosing to give evidence by affirmation instead of religious oath should no longer be required to state he or she has no religious beliefs".

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 are often obliged to cast their vote in an environment containing religious imagery. Neutral venues for voting should be provided at all times.

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.

The HAI contend that is inappropriate that, in a modern republic, a Government agency continues to provide services of a religious nature by using a State-owned and maintained building (and particularly such a prominent one) to summon to prayer the adherents of a particular religion.

Equally, it is inappropriate for religious monuments, such as the papal cross in the Phoenix Park, to be erected on public property or for public buildings such as post-offices to be used for the collection of money for religious purposes.

3.5a State Broadcasting Company

RTÉ as a national service should cater for all citizens in its religious and philosophical programming. The Humanist/non-religious perspective should be given broadcasting time on a par with the weight of the religious community in society.

3.5b Burial Rights

Legislation should be passed ensuring that all local authority areas of the republic be obliged to provide a municipal burial facility for the non-religious community.

3.6 Choice of Primary School

The reality for parents in most parts of the State is that they have no choice but to send their children to a primary school under the patronage of a particular church, usually the Catholic Church. The vast majority (96%) of primary schools in Ireland are owned and under the patronage of religious denominations and approximately 90% of these schools are owned and under the patronage of 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 belong to no religion.

This situation is supported by taxpayers of all religions and none. Yet the number of multi-denominational schools, while rising, is minuscule compared to the number of denominational schools or the number of those who would prefer to avail of a multi- or non-denominational alternative.

The HAI notes the repeated negative comments by UN human rights bodies on the scandalous lack of choice in the Irish educational system.

The HAI also notes particularly the observations of the UN Human Rights Committee (UNHCR July 2008, July 2014) in relation to the International Covenant on Civil and Political Rights. The Committee observed that Ireland should increase its efforts to ensure that non-denominational primary education is widely available in all regions.

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 on their own initiative 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 by religious bodies to meet the needs of their belief groups. We contend that it is a reasonable goal that the State should at least embark on a plan to gradually provide a network of state schools which are neutral in respect of all citizens.

Educate Together

In the meantime, the organisation that facilitates parent groups in setting up multi-denominational schools, Educate Together (ET), 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 obtain 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, i.e. the direct provision of a network of primary schools which are neutral between children from different belief systems.

We also support ET in its efforts to secure a commitment removing subjection of new schools to a period of occupation of temporary premises. The provision of purpose-built schools, at least for primary education, is surely a very basic element of a modern state, particularly a developed one like Ireland.

We seek assurances that the ethos of schools set up on this model will be neutral, in principle and in practice, between those belonging to different religions and for those of no religion.

3.7 Choice of Secondary School

The HAI is also concerned with the lack of choice at secondary level. This sector is dominated by private religion- based schools supported extensively

by the taxpayer.

Even the ETB-controlled community colleges have in some cases, agreements making them subject to a particular religious ethos with some school board members being appointed by denominational authorities.

As a first step, the HAI requests that the Department of Education provide a list of all secondary schools stating, where applicable, the religious denomination or ethos, with details of the basis for that ethos, for example, ownership, deed of trust and any agreement/s with a particular church body.

3.8 Rights of Minorities in Schools

There is also the issue of how to accommodate and respect 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 and where religion is integrated with other subjects, 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.

In practice, the opt-out clause from such religious instruction is unworkable for parents as it presents a huge dilemma involving the singling out their children for unwanted attention.

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 the denominations involved.

Religious instruction now optional in Multi-denominational schools

In February 2018 the Department of Education introduced new rules on the place of religion in more than 300 multi-denominational second-level schools (mainly ETB schools) which makes religious instruction an optional subject in almost half of our secondary schools. The legislation does not apply to 370 voluntary schools operating under the aegis of religious orders. Nine comprehensive schools also fall outside its remit. In the schools where the legislation applies, students who do not wish to take religious instruction must be accommodated with an alternative class; they can no longer be told to sit silently at the back of a classroom or left in the library.

Despite this welcome development, the HAI contends that a religious

curriculum concerned with learning about religions and alternatives to religion should be developed and introduced in *all* state-funded schools.

3.9 Primary Teacher Training

Despite Ireland's increasingly diverse society, in terms of religious or philosophical belief, the only route available in the State for an individual seeking qualification 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.

We consider that the State needs to address this gap in teacher training provision by providing a complementary alternative.

We welcome the proposal by the Department of Education to fund a pilot programme to develop modules for training teachers to deliver the Educate Together "Learn Together" programme.

3.10 State Support of School Chaplains

The Supreme Court has ruled that the payment of chaplains in ETB schools by the state is not unconstitutional. The practice currently stands that the state-funded chaplains serve not only in ETB schools, but also in hospitals, prisons, universities, defence forces, *inter alia*. These chaplains provide religious services to members of their congregation as well as pastoral support to others and to those of no religion.

We hold that the State should not pay chaplains for the delivery of religious or pastoral services. The principle of separation of church and state prescribes that support for chaplains should be the responsibility of the sending institution. We are prepared to accept such conditions for Humanist Chaplains.

Failing a change in current practice, we seek equal accommodation for Humanist Chaplains. Our chaplains are trained to provide support for those of no-religion as well as for the provision of pastoral care for all, regardless of their religious persuasion. In this regard we request that in all areas where state-supported chaplains serve, Humanist chaplains should be accepted and equally accommodated in all respects.

3.11 Religious Education Curriculum

We support the provision of a genuine religious curriculum which is

concerned with learning about religions and alternatives to religion. We are concerned, however, about reports that, in some cases, the curriculum is being used for religious indoctrination.

The National Council for Curriculum and Assessment (NCCA) should be asked to restructure the religious education curriculum to ensure that students spend an adequate proportion of class time studying religions and philosophies other than their own.

Furthermore, it is noted that neither the non-religious community nor the multi-denominational educational sector is represented on the NCCA.

Fairness and balance require that this be rectified. It is particularly important that there be representation in relation to the design of the religious education curriculum to ensure that it treats all religions and non-religious life stances in an appropriate and balanced manner.

In late 2015 the NCCA began a consultation process on proposals for a curriculum in Education about Religions and Beliefs (ERB) and Ethics. The course was recently updated and introduced into second-level schools in September 2019. While there have been some minor changes, the new updated version, while acknowledging the non-religious, still appears to focus disproportionately on the five major world religions.

3.12 Provision of and Support for Hospitals

As part of its new approach to the centralization of hospital services to achieve critical mass for quality of service, we note that the State, in some cases, is selecting religious-run hospitals as the key hospitals in certain regions. For example, the main hospital for the South East Dublin is St Vincent's Hospital.

Huge amounts of taxpayers' money have been and will be expended on such hospitals but without democratic control. This is an extraordinary policy for a society that is becoming more diverse in terms of belief.

The HAI is in no doubt that this will be a source of conflict in the future just as the denominational takeover of primary schools has left a legacy totally unsuited to the present societal mix of diverse views and beliefs.

Conflicts related to reproductive medicine and end-of-life matters, will continue to arise with the interests of the patient, including the non-religious patient, being in conflict with, and not respected by, the powerful religiously influenced ethics committees of these hospitals.

What confidence can taxpayers who do not subscribe to a particular religion

have in such a religiously influenced healthcare system?

The HAI welcomes the assurances by the Department of Health and Children that the new National Children's Hospital will be a State hospital neutral in its ethos.

3.13 Ethics in Denominational Hospitals

Given that non-religious patients (and patients of minority religions) are treated in publicly- funded Catholic hospitals, the HAI contends that the rights of patients - who do not subscribe to Catholic Church ethics - be protected in areas such as reproductive medicine and that such protections be guaranteed by the State which represents all taxpayers and citizens.

3.14 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 eliminate 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 are contrary to their own private and personal beliefs. Individuals confronted with such a situation are often too weak or vulnerable to object to such intrusions.

3.15 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 channelling of such money through organisations which have other prime objectives, including religious indoctrination.

There are, and can be, conflicts between religious and development objectives. A prime example would be the promotion of the availability of contraceptives as a means of combating AIDS which is contrary to certain religious beliefs and teachings.

It is possible to distribute aid through organisations which are solely humanitarian in purpose and which do not have agendas based on promoting religious beliefs or religious conversion.

3.16 Census of Population

Following Census 2016, the HAI engaged in consultations with the Central Statistics Office (CSO) in relation to updating the question on religion for Census 2021. Census 2021 will take place on Sunday, 18th April 2021.

The HAI has challenged the Census team stating that the current question '*What is your Religion?*' is not an open neutral question even allowing for the fact that one reply option is '*No religion*'.

The HAI is aware of anecdotal evidence that some people of no religion skip the religion question for the above reasons and are counted in the category of 'Not stated'.

The first new sample question asks the respondent: '*What is your religion, if any?*' with 'No Religion' being the first option on the checklist.

A second sample question first asks the respondent: 'Do you have a religion?' with a 'Yes' or 'No' option. Only if the respondent answers 'Yes' are they given the option to state what their religion is.

Given the increase in citizens identifying as having no religion in the 2016 Census, the HAI contends that the rewording of the question around religion will more accurately reflect the number of non-religious people in Ireland.

3.17 Use of State Employees for Religious Purposes

It is extremely inappropriate for public servants, acting as such, to participate in religious ceremonies or events outside their normal duties, for example, providing military escorts for religious processions.

Equally, where employees are involved in ceremonies within their department or their military unit etc, it is essential that such events are designed to be inclusive and violate no-one's rights.

3.18 State Observance of Religious Festivals

It is reasonable for the State to take major religious festivals into account by instituting public holidays or by facilitating the taking of leave by its officials. However, the HAI considers it to be inappropriate for a State - which should be neutral - to actively celebrate the religious element of such festivals by, for example, allowing State bodies to issue postage stamps or official Christmas cards of a religious nature.

3.19 Other State Practices

There are other areas where religion has been allowed to encroach on the civil sphere or where the State has inappropriately entered the religious area. If the principle of neutrality is adopted a number of these practices should be reviewed and amended.

CONCLUSION

The HAI values and respects the democratic climate enjoyed by the citizens of the State. We aim to improve the quality of that climate and ensure that it is enjoyed by all. We have demonstrated, however, that the State does discriminate against people of no religion both directly and indirectly in significant areas of Irish life.

This has the effect of marginalising many citizens. The picture we paint is of a State which is lacking in regard to fully protecting humanist and non-religious rights.

We look forward to working with State institutions with a view to addressing the various deficiencies that we have identified. The test for success is whether a person of no religion can feel himself or herself to be a full citizen of the Irish state and not feel alienated as a second-class citizen because of an absence of religious belief.

August 2020