



**HUMANIST  
ASSOCIATION  
OF IRELAND**

*compassion • equality • reason*

*Submission to the  
Seanad Public  
Consultation  
Committee on the  
Constitutional  
Future of the Island  
of Ireland*

Humanist Association of Ireland

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## 1. Introduction

- 1.1. The Humanist Association of Ireland (HAI) campaigns for the equal treatment of people of no religion by 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 nation regardless of the various belief groups in the population.
- 1.2. The goal of a united Ireland remains a popular aspiration in Ireland today. To achieve this, a new unified State would require a new constitution. Mutual respect and cross-community collaboration would be required to achieve this. A united Ireland will need to find a place for its diverse population, and any new constitution will need to be inclusive of all citizens, regardless of political or religious backgrounds.

## 2. The Constitution

- 2.1. The current Constitution of Ireland was drafted in times when Ireland was heavily influenced by the Christian faiths, in particular the Roman Catholic church, and Church leaders had an input into the drafting of the constitution. It would be unacceptable for this to happen in modern times. If the Constitution is to be a document to speak for all citizens, its current wording fails that test. Any non-religious person and persons of minority faiths 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 this is completely unnecessary in a civil constitution of a modern democratic nation.

- 2.2. 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 Éire,  
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 Glóire Dé agus Onóra na hÉireann”*

The preamble and the ending should either be removed from the Constitution or replaced by a secular statement.

### 2.3. Article 6

Article 6 states that all powers of government, legislative, executive and judicial, derive “under God” from the people. This is an example of non-inclusive wording which is unnecessary in a civil constitution, and it should be removed.

### 2.4. Article 12 (Section 8), Article 31 (Section 4), Article 34 (Section 6)

These three articles require the declaration of a religious oath. They constitute direct discrimination on the grounds of belief as no non-religious person or persons of other faith could take up the post of President, member of the Council of State or judge due to the non-inclusive wording. Consequently, these public positions are denied to a large number of citizens of the State.

We also note that the United Nations Human Rights Committee (UNHRC) states that it continues to be concerned that persons wishing to take up senior public office positions in Ireland are required to take a religious oath (Concluding observations on the fifth periodic report of Ireland, 2022). The Committee has called on Ireland to amend the constitutional provision and to allow for a non-religious declaration.

These articles should be amended to uphold a person’s right not to be compelled to reveal their thoughts or adherence to a religion or belief in public.

## 3. International Human Rights

3.1. Article 18 of the Universal Declaration of Human Rights states that *“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”*. (Universal Declaration of Human Rights)

3.2. This right is also enshrined in Article 10 of the EU Charter of Fundamental Rights (Charter of Fundamental Rights of the European Union, 2012)

3.3. The EU Guidelines on the promotion and protection of freedom of religion or belief goes even further to state that *“the EU focuses on the right of individuals, to believe or not to believe, and, alone or in community with others, to freely manifest their beliefs. The EU does not consider the merits of the different religions or beliefs, or the lack thereof, but ensures that the right to believe or not to believe is upheld. The EU is impartial and is not aligned with any specific religion or belief”* (EU Guidelines on the promotion and protection of freedom of religion or belief, 2013).

3.4. While Article 44 of our Constitution claims to grant “freedom of conscience and the free profession and practice of religion”, and “the State guarantees not to endow any religion”, this is contradicted by the multiple references to God. In particular, the same article states that *“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”*.

- 3.5. The Constitution of Ireland is out of step with international human rights, as it does not grant equal rights to the non-religious. It is discriminatory and in breach of a person's right not be compelled to reveal their adherence to a religion or belief in public.

## 4. Diversity of Beliefs in Ireland

- 4.1. The Census results in Ireland give a good indication of diversity of beliefs in our country. In 1991, 2% of people declared themselves as having No Religion. By 2016, this had jumped to 10% of the population. This resulted in the "No Religion" category becoming the second largest group in Ireland after Roman Catholics. The results of the 2022 census are not yet known, however given that the percentage has been increasing year on year, we expect a further significant increase in the percentage of people identifying as having no religion. The Northern Ireland 2021 census results on religion are due later this year and are also expected to show a significant increase in the percentage of non-religious people.
- 4.2. In 2021, non-religious marriage ceremonies (civil and humanist) accounted for 43% of all marriages in Ireland (CSO, 2021). The corresponding 2019 figure for Northern Ireland is almost 40% of marriages (NISRA, 2019). This reflects the diversity of our population, both North and South, and also clearly identifies a move towards a more secular society.

## 5. Recommendations

- 5.1. Remove the pre-amble and closing words from the Constitution, or replace it with a suitable secular statement, which will be inclusive of all citizens.
- 5.2. Remove article 6 (Section 1) from the Constitution.
- 5.3. Amend Article 12 (Section 8), Article 31 (Section 4) and Article 34 (Section 6) to remove the requirement for holders of senior public office to swear a religious oath.
- 5.4. Remove all references to God from the Constitution.

## 6. Conclusion

Persons of no religion often feel alienated and treated as second-class citizens because of an absence of religious belief. We urge the Seanad Public Consultation Committee to consider the various deficiencies that we have identified, and to implement our recommendations. This would assist with removing barriers to the creation of an inclusive Constitution that would be suitable for a modern and democratic united Ireland.

## References

- Charter of Fundamental Rights of the European Union.* (2012). Retrieved from EUR-Lex (Access to European Union Law): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>
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