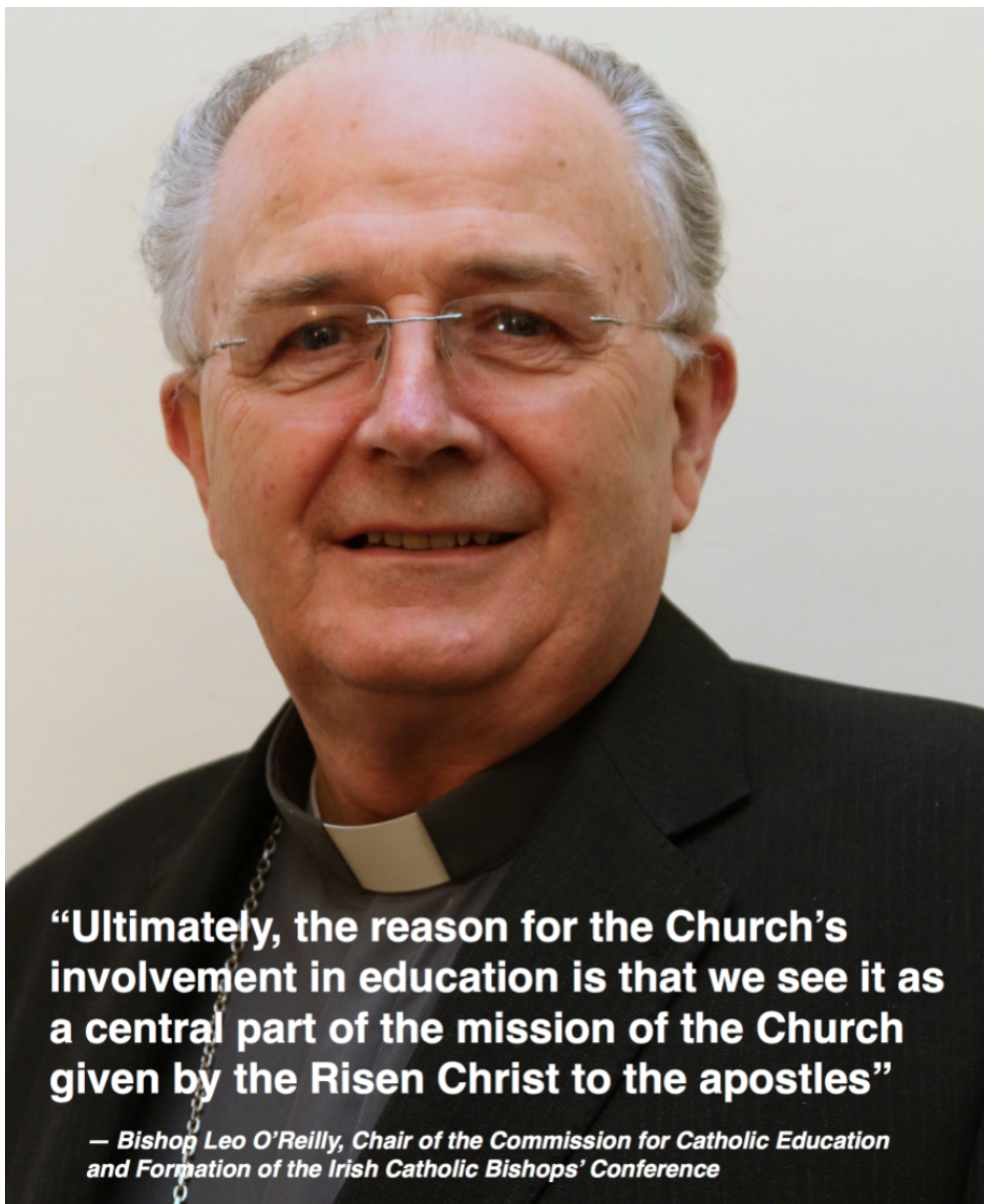


## **How the State Religious Education Course Breaches Human and Constitutional Rights**



**Atheist Ireland Report, July 2016**

## Executive Summary

1. In recent months, Atheist Ireland has researched hundreds of documents obtained under the Freedom of Information Act from the NCCA (National Council for Curriculum and Assessment) about how it devised the State Religious Education course at second level. This research supports the case that Atheist Ireland has been making for years:
  - (a) That the State second level Religious Education course disrespects the philosophical convictions of atheist, secular and minority faith families and that, contrary to Article 42.1 of the Constitution, it discriminates against these families.
  - (b) That State-funded Irish schools are illegally forcing children of atheist, secular and minority faith families, into Religious Instruction and Catholic faith formation, contrary to Article 44.2.4 of the Constitution, and several human rights treaties that Ireland has signed up to.
2. In theory, Secondary schools teach two separate religion courses:
  - (a) The school's own Religious Education and Faith Formation class, which is supposed to be taught separately to the State Curriculum; and
  - (b) The State Curriculum course in Religious Education, which is supposed to be taught as an optional examination subject as part of the State Curriculum.
3. In practice, what happens in most secondary schools is this:
  - (a) The State Course, which is supposed to be suitable for students of all faiths and none, already breaches the constitutional and human rights of atheist, secular and minority faith students, for reasons which we outline in this report.
  - (b) Most schools then add to this problem, by teaching the optional State Course in accordance with the Catholic Church's Guidelines for the Faith Formation and Development of Catholic Students.
  - (c) Most schools then merge the two courses together, teaching the optional State Course along with the school's formal faith formation class, and they tell parents that the combined course is a compulsory core subject.
4. This issue came to public attention last November, when Atheist Ireland put parent Paul Drury in touch with RTE, after Castletroy Community College refused to permit his daughter to opt out from their combined religion class. The school eventually allowed her to opt out, but insisted that she stay in the classroom while religion was taught. They did not offer her another subject, which she should be entitled to as she can legally opt out of the patron's religious course, and the State course is optional so she should have been able to pick another subject.



## Atheist Ireland's Five Recommendations

1. The Minister for Education should immediately issue a Circular Letter informing all schools at second level that:
  - (a) the State Religious Education Course is not compulsory and students can choose another subject, and
  - (b) schools should actively inform students and parents about this.
  
2. The Minister for Education is proposing a new Education (Admission to Schools) Bill. This Bill should be amended to ensure that:
  - (a) in setting out the characteristic spirit and general objectives of a school,
  - (b) outside of the specific context of faith formation and religious instruction classes where exemptions apply,any information with regard to religion and belief should be delivered in an objective, critical and pluralistic manner that avoids indoctrination.
  
3. The NCCA is scheduled to review the State Religious Education Course at second level later this year. The Minister for Education should instruct that:
  - (a) the NCCA review of this course should be a fundamental review, taking into account the contents of this report,
  - (b) the members of the review committee should be impartial and free from bias towards any religion or belief,
  - (c) the review committee should consult on the basis of equality with all interested religions and beliefs,
  - (d) the review should take into account both the content of the curriculum and its practical delivery on the ground, and
  - (e) the revised course after the review should have to meet at least the same constitutional and human rights standards as are included in the NCCA's plans for the proposed new course on Religion, Beliefs and Ethics course at primary level.
  
4. The Minister for Education should ensure that students from minority backgrounds can have access to teacher training, and have access to the teaching profession, without having to teach Catholic Religious Instruction and Formation.
  
5. The Minister for Education should urgently remove all religious discrimination in the education system:
  - (a) consistently with the equal constitutional and human rights of people of all religions and beliefs,
  - (b) as recommended by nine sets of United Nations and Council of Europe human rights committees, and
  - (c) in the four areas covered by the Atheist Ireland Schools Equality PACT – Patronage, Access, Curriculum, Teaching.



## Examples of how schools merge the already-flawed but optional State course, with Catholic faith formation, and tell parents that it is a compulsory core subject

- R.E. is an integral part of the core curriculum of the school whether examined through the National System or not. It includes a catechetical dimension as well as formal instruction in religious knowledge.
- RE is a core subject on the school curriculum and is an integral part of the ethos of the school. All pupils are expected to participate in RE class and school activities. The RE syllabus is a positive step forward in promoting understanding of other faiths as well as the Christian faith.

Extracts from Policy on RE and Faith Formation, Saint Mary's Macroom

### RELIGIOUS EDUCATION POLICY

- R.E. is a core subject. Each class group will have 3 R.E. classes per week.
- The R.E. faculty will implement the recommended Religious Education Syllabus as outlined by the Dept. of Education and Science and agreed to by all Faith Communities in Ireland
- All students are obliged to participate in the R.E. class.

Saint Joseph's Patrician College, Galway

### Core Subjects:

Irish, English, Maths, Science, History and Geoghraphy, Religion, PE, SPHE.

St Paul's Community College Waterford - Non-designated Community College

### Leaving Certificate – 2 years

All students take the following core subjects:

- English
- Irish
- Maths
- Religious Education
- Career Guidance
- Physical Education/ Computers/ Art

Balbriggan Community College (ETB Non-designated Community College)

### Junior Cycle

The following are the core subjects which are examined in the Junior Certificate

- Gaeilge
- English
- Mathematics
- Language (French, Spanish or German)
- Religious Education
- Science
- History
- Geography
- CSPE

Castletroy Community College (ETB Designated Community College)

Each class group in the school studies RE for three periods per week. All students are expected to follow the RE programmes in the school. The timetabling of RE at Senior Cycle allows for flexible delivery of the curriculum and team modular teaching.

St Mary's Academy Carlow (Catholic school in the Edmund Rice Schools Trust)



## Sample Documents from Chapter 1 Introduction and Context

Your letter does not refer to the fact that the syllabuses are optional; study of them is not required by the state, nor any of its agencies. If, in the scenario you outlined, schools choose to make them so against the wishes of parents, then that is an issue to be taken up with the relevant school management authorities, and I presume Atheist Ireland has done so. Similarly, your concerns in respect of the *Guidelines for the Faith Formation and Development of Catholic Students* should be directed to the authors of these guidelines.

*NCCA letter to Atheist Ireland, October 2010*

However, I should re-state the position that, even if Atheist Ireland thinks that it should be, the NCCA is not responsible for how schools organise and plan for their own curriculum and the range of subjects they offer. This principle applies not just in Religious Education, but across the full curriculum. These decisions remain a matter for the Board of Management of each school.

*NCCA letter to Atheist Ireland, December 2010*

## Sample Documents from Chapter 2 Before the NCCA Course Committee was Formed

I would welcome your guidance and advice as to how best Council might proceed both in relation to the substantive curriculum and assessment issues that might be addressed and, also, the procedural issues regarding the composition and membership of the specialist committee which Council is anxious to put in place.

Dr. Murphy and I are available to meet you to clarify these matters further should you consider that helpful at this stage.

*Extract from NCCA letter to Bishop Smith, 10 November 1992*

The role of the course committee would presumably be to draw up a Religious Education syllabus which would be of a sufficiently high academic standard to be recognised by the NCCA. That is clearly a matter for the NCCA. There is, however, a quite separate question which must also be considered. It will need to be determined whether the content of any syllabus emerging from this process could be considered adequate for the religious education of Catholic pupils. That is a matter for the Church.

*Extract from Bishop Smith letter to NCCA, 17 August 1993*



## Sample Documents from Chapter 3 Composition of the NCCA Course Committee

As the Association representative of the largest minority in Ireland, which is the non-religious minority (*see figures attached*) - we would expect to be represented on this Course committee currently developing a secondary school programme for a religious education course that may become a Leaving Certificate subject, possibly by 1997.

*Request to join the Course Committee by the then Association of Irish Humanists, 10th January 1996. On 16<sup>th</sup> October 1996, the Friends of the Western Buddhist Order wrote to the CEO of the NCCA offering to contribute. On 25<sup>th</sup> September 1997, the National Spiritual Assembly of the Bahá'ís of the Republic of Ireland also wrote to the NCCA, complaining about the treatment of a number of religious denominations. This included Bahá'í, Sikh, Zoroastrian, Shinto and Jain denominations. None of these groups were represented on the Course Committee.*

3. Previous parent representatives do not seem to have made any input in ensuring that denominational values would be maintained where this programme is implemented. For example, Catholic pupils whiling away the time learning about yoga and Mohammed etc. while not learning matters relevant to their own religion, such as the morality of truth, temperance, honesty, duties of citizens etc. In the present moral and ethical crises which young and old find themselves beset by, pupils should be given instruction which would direct them towards virtue.

*Comment by David Hegarty, representative on the Course Committee from the National Parents Council*

## Sample Documents from Chapter 4 Original Committee Discussions

This statutory provision, although requiring appeal, at least has the virtue of certainty. No such certainty attends the constitutional issues raised by the proposal. Earlier proposals for the content of this course focussed on Christian religions. It could therefore be open to a non-Christian student to claim that his Christian counterparts have available to them a course which for reasons of conscience he or she cannot avail of. On these grounds it could be claimed that the examination amounted to the State, contrary to Article 44.2.3 of the Constitution, imposing a disability or making a discrimination on the grounds of religion.

*Extract from Letter from DoE to NCCA from 10th March 1994*



It was noted that the substantive issues arose from the provisions of the constitution with particular reference to the endowment by the state of any religion and, also, the issue of discrimination. These issues might arise in relation to the nature of the R.E. syllabus <sup>for members of</sup> non-Christian Churches or individuals/groups of no religion. It was further noted that these issues had implications for the structure, format and content of the syllabus and its assessment where such a syllabus was recognised as an examination subject.

*Extract from Department of Education Memo of NCCA Meeting on 27th January 1995*

## **Sample Documents from Chapter 5 Merging the State Curriculum with Faith Formation**

From those who have looked at the revision, there seems to be broad acceptance of the content and structure and quite a deal of interest in the subject. The feedback at this stage seems to centre on the implementation of the subject. The main concerns are:

- the relationship between catechetics and religious education;
- the provision of time on the timetable for another subject;
- the in-service training of teachers to equip them with the knowledge and skills for this challenging subject.

*Letter from Fr Donal O'Neill to NCCA from 4th November 1997*

### 3.2 catechetical programmes

The aims of the syllabuses make it clear that they are not designed to meet the 'faith formation' or 'catechetical' requirements of any religious denomination. However, many schools intend using them as a support for such work in school, particularly at Junior Certificate level. The syllabus for Junior Certificate has been designed to offer this flexibility. The Episcopal Conference has commissioned work on guidelines in this regard and the NCCA's education officer has briefed the working group and met with the author on a number of occasions.

*Briefing note in relation to likely concerns of Episcopal Conference 14th January 1999*



## Sample Documents from Chapter 6 Delivery Strategy to Schools

Mater Dei has undertaken to produce the teacher guidelines for each section of the syllabus. Five pages will be assigned to each section. These will not be class plans but guidelines offering creative methods, which model best practice as to how each topic, might be tackled.

*Extract of minutes from Course Committee of 30th January 2003*

Possible co-operation with diocesan advisers might include:

- identification of schools for the implementation phase
- identification of resource materials currently in use
- dissemination of information
- delivery of in-career support

*Comments on diocesan advisers from NCCA Strategy Paper of 19th November 1997*

Dear Ms. Looney

I enclose a letter received from Gill and MacMillan with regard to their Junior Certificate text "All About Faith". From it you will see that they regard the text as suitable for only Roman Catholic schools.

While admitting that a publisher is free to select any interpretation of a syllabus, I am alarmed by the idea that the syllabus can be read as a "Catholic Text for a Catholic People".

If such a fragmented and sectarian approach is to be allowed, then the syllabus will fall and the Junior Certificate examination will become a non-starter.

My Board is deeply concerned and I have spoken, at their request, on this issue at the General Synod.

*Letter to NCCA from Church of Ireland school, 24th May 2002*





## Sample Documents from Chapter 7 Constitutional and Human Rights Breaches

If Barrington J's judgement suggest that a child of a minority religion, or from a non faith background, with no choice but to attend a Roman Catholic school other than withdrawing from formal religion classes, must in effect accept a form of religious education which offends their convictions, then this would appear to elevate one form of parental choice over another, with the majority religion always dictating the outcome. This could hardly respect the rights conferred on all parents by virtue of Article 42 of the Constitution.

*From Irish Human Rights Commission report  
"Religion & Education; A Human Rights Perspective"*

The European Court of Human Rights has made it clear that excessive involvement of religious authorities from one community in decisions that affect the rights of those belonging to another community may itself amount to a violation of the right to freedom of religion or belief.

*European Court of Human Rights- Manoussakis v. Greece 1996*

The second sentence of Article 2 (P1-2) implies on the other hand that the State, in fulfilling the functions assumed by it in regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner. The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions. That is the limit that must not be exceeded."

*General Principle under the Right to Education at the European Court*



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- 4.5 Extract 1 from minutes of NCCA Course Committee meeting with DoE from 30th January 1995
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- 5.6 Letter from Fr Donal O'Neill to NCCA from 4th November 1997
- 5.7 Letter from Diocesan Adviser to NCCA from 5th December 1997
- 5.8 Briefing note in relation to likely concerns of Episcopal Conference 14th January 1999
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# Chapter 1

## 1. Introduction and Context

In recent months, Atheist Ireland has researched hundreds of documents obtained under the Freedom of Information Act from the NCCA (National Council for Curriculum and Assessment) about how it devised the State Religious Education course at second level. This Religious Education course is supposed to be for those of all religions and none. These documents support the case that Atheist Ireland has been making for years:

- (a) That the State second level Religious Education course disrespects the philosophical convictions of atheist, secular and minority faith families and that, contrary to Article 42.1 of the Constitution, it discriminates against atheist and secular families.
- (b) That State-funded Irish schools are illegally forcing children of atheist, secular and minority faith families, into Religious Instruction and Catholic faith formation, contrary to Article 44.2.4 of the Constitution, and several human rights treaties that Ireland has signed up to.

**"Our State Second Level Religious Education course disrespects the philosophical convictions of atheist and secular families, contrary to the Irish Constitution. This is an intolerable situation, which must be remedied as a matter of urgency, as described in the Atheist Ireland Schools Equality PACT."**

*Jane Donnelly*

*Human Rights Officer, Atheist Ireland*



## 1.1 How State-Funded Schools Breach Rights

Nearly all State-funded second level schools and colleges breach citizens' rights, by combining the State's optional Religious Education course with the school's own Catholic Religious Instruction and faith formation. These schools then tell parents that the combined course is a core subject (and compulsory for all students irrespective of their religious or non-religious philosophical convictions).

*You can read, on page 4 of this report, some examples of how schools incorporate this into their policies.*

This happens in all types of State-funded schools, not only those with a Catholic patron body but also all ETB schools and colleges. Nearly all ETB schools and colleges have agreements with the Catholic Church regarding the delivery of Catholic Religious Instruction and faith formation.

Given the legal framework in Ireland, this means that the Catholic Church effectively has control over the State Religious Education Curriculum at second level, which is an exam subject at Junior and Leaving Certificate level in the vast majority of schools. This course is supposed to be for students of all religions and none.

To make things worse, the same will soon happen at primary level. The NCCA is now working on a new State course for primary schools about Religion, Beliefs and Ethics. This too is intended to be for those of all religions and none. However, State-funded primary schools will be able to teach this course through a Catholic ethos, unless the Education Act is amended to prevent them from doing so.

**"Our State-funded schools are illegally forcing children of atheist and secular families into Roman Catholic faith formation. A comprehensive solution to such human rights breaches is urgently required, encompassing every aspect of the Atheist Ireland Schools Equality PACT."**

*Michael Nugent*

*Chairperson, Atheist Ireland*



## 1.2 How the Catholic Church Controls the State Course

The Catholic Church controls the State Religious Education course at second level in four ways.

1. The Catholic Church has had undue influence in the formation of the course by the NCCA, while other religious and non religious perspectives were marginalised. This report by Atheist Ireland shows how that happened.
2. The Catholic Church controls how the State Religious Education course is delivered in nearly all schools and colleges, as it is combined with Catholic Religious Instruction and faith formation.
3. The Catholic Church controls the hiring of teachers, as only those that are trained to teach Catholic Religious Instruction can be hired if Catholic Religious Instruction and the State Religious Education course are combined. This applies to all VEC/ETB schools and colleges as well as second level schools under the patronage of the Catholic Church. For example, the Irish Catholic Bishops' Conference said in 2014 that:

*“Under the terms of circular-1979 the VEC schools were able to provide permanent posts for qualified RE teachers and were asked to provide two hours of religious education per week to each class. While the structures have changed and we now have ETBs (Education Training Boards) rather than VECs, the same basic principles still apply and, where they are implemented, parents can send their children to ETB schools with confidence that the school will play its part in the faith education of their children. Once again, it is important that parents inform themselves as to what arrangements are actually in place for Religious Education in whatever school they choose for their children.”*

4. In another recent Fol response that Atheist Ireland received, we discovered that the Archbishop of Dublin sanctions all staff hired in the Mater Dei Institute. The patron of the Mater Dei Institute is the Archbishop of Dublin. This is where some of the Second Level Religious Education teachers are trained, and it is a requirement of Circular Letter 7/79 that VEC/ETB schools and colleges hire religion teachers trained in the Mater Dei Institute. The Mater Dei Institute is a college of DCU yet, according to this Fol response, all staff must be sanctioned by the Archbishop.

This effectively gives the Catholic Church complete control over the State Religious Education course at second level. It also gives the Church control over the Religious Education of all minorities (including atheist and secular families).

Furthermore, the control of the Catholic Church also extends to the hiring of teachers and control over the staff that train teachers to teach Religious Education.



"When I talk to my colleagues on the Board of Atheist Alliance International about the Irish education system, they are amazed that such human rights abuses are tolerated here. The principles of the Atheist Ireland Schools Equality PACT are fully accepted as entirely normal in most countries."

*John Hamill*

*AAI Board Representative, Atheist Ireland*



### **1.3 The Existing Secondary School Course**

The NCCA devised and rolled out the State Second Level Religious Education course in the 1990s and 2000s, before and after the Education Act 1998. Atheist Ireland was not founded at that time, so we had no influence on the process. If Atheist Ireland had been in existence, there is no doubt that the NCCA would have sought to marginalise us in the same way as they marginalised Baha'is, Buddhists, Humanists and others who sought to have an input. We would have strongly resisted this marginalisation.

The hundreds of documents that Atheist Ireland has now obtained show that the NCCA and the Department of Education knew about their legal duty to not discriminate on the ground of religion, and their obligations to respect all parents' convictions under the Constitution. However, the NCCA gave the Catholic Church too much deference and influence, it excluded representatives of non-Christian beliefs, it gave Catholic Diocesan Advisors a formal role in delivering the course, and it ignored clear warning signs that schools would merge the State course with the schools' own Catholic Religious Instruction.

The NCCA will be revising this State Religious Education course later this year. It is important that it be amended to reverse these problems and to meet human rights standards.





## 1.4 The New Primary School Course

The NCCA is now preparing a similar course for primary schools called Education about Religions, Beliefs and Ethics. Since we were founded in 2008, Atheist Ireland has been actively lobbying for a human rights based State course:

- ◆ that can teach children about religions and beliefs in an objective, critical and pluralistic manner (as per Article II of Protocol 1 in the European Convention);
- ◆ that can fulfil the State's constitutional obligation to respect the inalienable rights of all parents (Article 42.1);
- ◆ and that can observe the duty to provide for the moral education of all children (Article 42.3.2), without doing so through religion.

Atheist Ireland has raised this issue directly with the Taoiseach, the Minister for Education and the NCCA.

The NCCA is approaching the new Primary Level course in a more impartial way than it did twenty years ago. Under Section 42.1c of the Irish Human Rights & Equality Commission Act 2014, it is obliged to protect the human rights of its members, staff and the persons to whom it provides services. This is significant for the State courses at both Primary and Second Level, because it means that today's Second Level State course does not meet the human rights standards that the NCCA is using today, in devising the new Primary Level State course.

However, even the new Primary Level course will still breach constitutional and human rights, unless there are changes in the Education Act 1998 to ensure that it is delivered in an objective, critical and pluralistic manner, which is out of the control of the NCCA. The Irish Human Rights and Equality Commission has made recommendations to amend the Education Act 1998, in order to bring it into line with the European Convention.

## 1.5 Constitutional and Human Rights Breaches

Chapter 7 of this report deals in detail with the constitutional and human rights breaches involved in this course.

Atheist Ireland briefs and addresses international human rights bodies that monitor Ireland's obligations under human rights treaties. In recent years, nine separate reports from United Nations and Council of Europe Human Rights bodies have told Ireland that it is breaching the human rights of atheist, secular and minority faith parents, children and teachers in Irish schools.

Atheist Ireland has a policy called the Schools Equality PACT (an acronym for Patronage, Access, Curriculum and Teaching) that outlines the legal changes needed. Bizarrely, the Irish State claims it is constitutionally obliged to allow State-funded schools to discriminate against parents and children in this way.



## 1.6 Atheist Ireland first raised this with NCCA in 2010

Atheist Ireland first raised these issues with the NCCA in 2010.

Anne Looney, Chief Executive of the NCCA, responded that no parents had told the NCCA that their children endured the disrespect of the State for their parents's philosophical convictions; that the phrase about the 'acknowledgement' of the non-religious interpretation of life would need to be addressed in any future review; and that the syllabus content and rationale presumes an engagement with non-religious belief systems that is not accurately reflected in the word 'acknowledge.'

On this basis, Ms Looney said that it appeared to her, and to those who worked on the development of the syllabuses, to be entirely in line with human rights principles at European and UN levels. She also said that the OSCE had invited the NCCA to present their Guidelines on Intercultural Education in Post primary Schools as a model of good practice in the field.

However, on the crucial issue of how the course was actually delivered on the ground, Ms Looney did not take any responsibility. Instead she suggested that Atheist Ireland raise our concerns with the relevant school management authorities, or with the authors of the Guidelines for the Faith Formation and Development of Catholic Students. She added that there were no immediate plans to review the syllabus but, when they did so, they would engage with all stakeholders including Atheist Ireland.

Your letter does not refer to the fact that the syllabuses are **optional**; study of them is not required by the state, nor any of its agencies. If, in the scenario you outlined, schools choose to make them so against the wishes of parents, then that is an issue to be taken up with the relevant school management authorities, and I presume Atheist Ireland has done so. Similarly, your concerns in respect of the *Guidelines for the Faith Formation and Development of Catholic Students* should be directed to the authors of these guidelines.

There are no immediate plans to review either syllabus in the manner or timeframe you suggest. However, when a review is initiated, the NCCA will engage with all stakeholders – including Atheist Ireland - and with the general public in the process, as it does in all curriculum development and review processes.

Yours sincerely



Anne Looney  
Chief Executive

Extract from NCCA letter to Atheist Ireland, October 2010



## 1.7 Atheist Ireland response to the NCCA in 2010

Atheist Ireland responded to the NCCA as follows in 2010.

When the NCCA was developing the Religious Education course, the OSCE's *Toledo Guiding Principles on Teaching About Religion and Belief* were not in place. Based on these principles, it is clear that consideration of human rights and the practical application and effect of those rights in the school system was not given priority by the NCCA. The European Court of Human Rights has stated that "The Convention is intended to guarantee not rights which are theoretical or illusory but rights which are practical and effective" (*Airey v Ireland* 1979 – para 36 ECHR).

The OSCE may have invited the NCCA to present the Guidelines on Intercultural Education as a model of good practice. But that is not the Religious Education Course under the curriculum. If the OSCE had examined the RE course it would have found it not in compliance with the Toledo Guiding Principles.

Of the 56 participating states to the OSCE, the Holy See is the only one that has rejected the Toledo Guiding Principles, while at the same time the Catholic Church in Ireland supports the NCCA Religious Education course under the curriculum. That does not make any sense to us, if it is now being claimed that the RE course meets the standards of the Toledo Guiding Principles.

The NCCA suggests that we take up our concerns with the authors of the Guidelines for the Formation and Development of Catholic Students. But under human rights law, implementation of the Toledo Guiding Principles is not the responsibility of NGOs. It is the responsibility of the State under Human Rights law to take care that the information in the curriculum is conveyed in an objective, critical and pluralistic manner. See *Kjeldsen, Busk Madsen and Pedersen v Denmark*, ECHR on 7th December 1976, para 53), (TGP).

The UN Human Rights Committee in its General Comment No. 22 concludes that the freedom of religion or belief "permits public school instruction in subjects such as the general history of religions and ethics if it is given in a neutral and objective way" (TGP). In developing the RE course at second level no consideration was given to this human rights principle and consequently the human rights of non-religious parents and the practical application of those rights were ignored.

The Guidelines for the Formation and Development of Catholic Students have consequences for the access of the children of non-religious parents to the RE Course under the curriculum as they deny the practical and effective application of their human rights. Catholic Church teaching on equality and freedom of conscience does not correspond with the basic principles of human rights.

The NCCA must have been aware that Catholic Church teaching does not permit the delivery of any Religious Education course about religions and beliefs in a neutral manner. They believe if religious education is limited to a presentation of the



different religions, in a neutral way; it creates confusion or generates religious relativism or indifferentism.

The NCCA must also have been aware that any RE course about religions and beliefs taught to Catholic Students in any school whatsoever is subject to the authority of the Catholic Church.

The Toledo Guiding Principles state “while it is important to ensure that representatives of religious communities are allowed to give input and advice, this should not be taken to the extreme of giving them too much decision-making power at the cost of abdicating state responsibility. The European Court has made it clear that excessive involvement of religious authorities from one community in decisions that affect the rights of those belonging to another community may itself amount to a violation of the right to freedom of religion or belief.”

An individual’s personal non-religious beliefs cannot be sufficient reason to exclude that person from teaching about religions and beliefs. Human Rights are guaranteed to every individual, and to exclude parents seeking a secular human rights education for their children from a course about religions and beliefs is discrimination. The children of non-religious parents must give up their human right to freedom of conscience in order to access this course as in the majority of cases it is taught through the eyes of the Catholic Church.

The Toledo Guiding principles state that: “An individual’s personal religious (or non-religious) beliefs cannot be sufficient reason to exclude that person from teaching about religions and beliefs. The most important considerations in this regard relate to professional expertise, as well as to basic attitudes towards or commitment to human rights in general and freedom of religion or belief in particular, rather than religious affiliation or conviction.”

The contact Atheist Ireland gets from parents seeking to remove their child from the Religious Education Course at second level relates mainly to Junior Certificate. In all cases the course was compulsory in their school. It is not acceptable just to point out to us that it is not compulsory in theory when it is in practice.

Not one of these parents ever contacted the NCCA, as not everyone is informed about the work of the NCCA. All felt that the Course was religious instruction and were dismayed that the non-religious were acknowledged in a section of the course called ‘Challenges to Faith’ alongside fundamentalism and materialism. So it is not fair to state that it is just a phrase that needs changing just because the NCCA have never received any complaints from parents. We do not believe that the NCCA is being sensitive to the individual rights of these parents and the negative impact on the self esteem of students.

The Toledo Guiding principles state that: “The negative impact on the self-esteem and sense of belonging of students who feel excluded has been well documented. Parents who feel that their (religious) beliefs are not respected in the school and school curriculum are also less likely to feel a sense of engagement with the learning that takes place in the schools their children attend”.



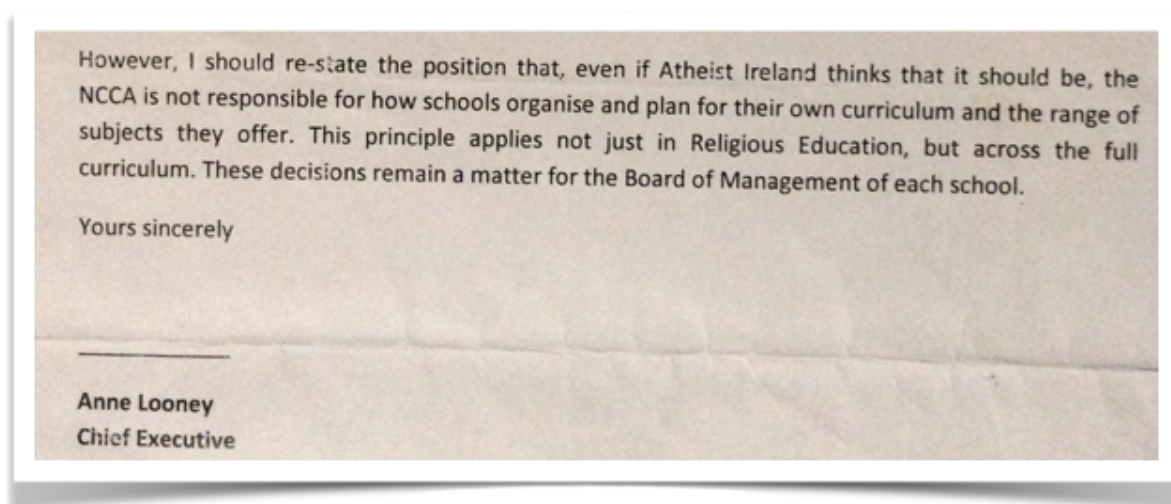
We therefore again ask the NCCA to commission an urgent review of the RE course at second level to determine how its status and delivery might be revised such as to take into account:

- The rights of non-religious parents seeking a secular education based on human rights law.
- The Toledo Guiding Principles.
- The Guidelines on Intercultural Education in Post-Primary Schools.

## 1.8 NCCA second response to Atheist Ireland in 2010

Ms Looney responded to these detailed concerns with a two paragraph letter, repeating that the NCCA would contact Atheist Ireland when there is any review of the syllabus. However, she again declined to take any responsibility on behalf of the NCCA for how the course is delivered. She wrote:

“However, I should restate the position that, even if Atheist Ireland thinks it should be, the NCCA is not responsible for how schools organise and plan for their own curriculum and the range of subjects they offer. This principle applies not only in Religious Education, but across the full curriculum. These decisions remain a matter for the Board of Management of each school.”



*Extract from NCCA letter to Atheist Ireland, December 2010*

These initial letters, supplemented by our lobbying at national and international human rights levels in the intervening years, form the background to our decision this year to identify, using Freedom of Information requests, how the course was actually developed and delivered on the ground.

# Chapter 2

*"I would welcome your guidance and advice as to how best Council might proceed both in relation to the substantive curriculum and assessment issues that might be addressed and, also, the procedural issues regarding the composition and membership of the specialist Committee which Council is anxious to put in place."*

Albert O'Ceallaigh  
**CEO, NCCA**

*"It will need to be determined whether the content of any syllabus emerging from this process could be considered adequate for the religious education of Catholic pupils. That is a matter for the Church."*

Bishop Michael Smith  
**Episcopal Conference**



## 2. Before the NCCA Course Committee was Formed

Atheist Ireland has used the Freedom of Information Act to examine more than 20 years of public records, describing how the Religious Education Curriculum at second level was created and delivered. What we have found is Church and State tightly entwined, in a process that overtly breaches the constitutional rights of parents and children. Documents obtained under Freedom of Information, reveal how this situation was arrived at, with the full knowledge of the constitutional rights that were being breached by both Church and State bodies.

The idea of a State curriculum for Religious Education had been discussed for decades, but the project that eventually enabled it to happen, began work in the early 1990s. As part of the development of the State junior cycle curriculum for Religious Education, the National Council for Curriculum and Assessment (NCCA) formed a Religious Education Course Committee (Post Primary).

This Course Committee knew that their constitutional obligation was to develop a curriculum for a Religious Education course, which would be suitable for pupils and families of any faith or none. However, a long series of bilateral discussions with one particular denomination, the Roman Catholic Church, has undermined the constitutional rights of non-Catholics. The Catholic Church were given too much decision making power at the cost of abdicating State responsibility.

In 1986, the NCCA had met with the Roman Catholic Episcopal Commission on Catechetics, which is part of the Episcopal Commission for Catholic Education and Formation. The NCCA had suggested that the two bodies have more discussions about the the role of a statutory board in relation to syllabuses in Religious Education and their assessment through public examinations.

Further, the Commission welcomed the suggestion in your letter of the 18th. December 1986 that more discussion should take place about the role of a statutory Board in relation to syllabuses in Religious Education and their assessment through public examinations.

We look forward to the fruits of this important dialogue and discussion between the representatives of our respective bodies.

Yours sincerely,

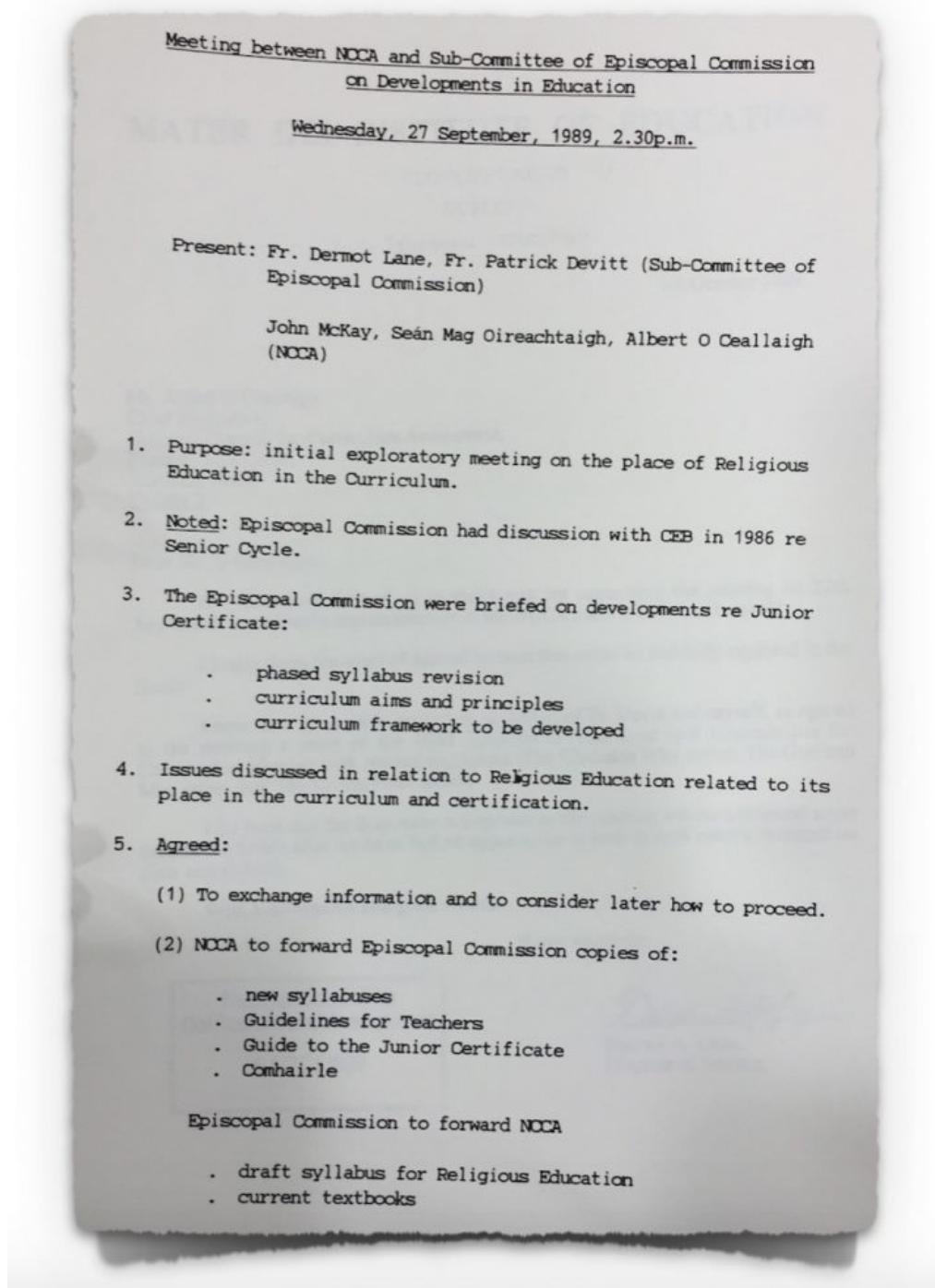
*+ Patrick Lennon*

Bishop of Kildare and Leighlin,  
Chairman, Episcopal Commission on Catechetics.

2.1 Letter from Episcopal Commission on Catechetics on 6th February 1987



These bilateral engagements became more formal in 1989, when there was a meeting between the CEO of the NCCA and a "Sub-Committee of the Episcopal Commission on Developments in Education". As one of the first steps towards producing a State curriculum ostensibly for students of all faiths and none, the NCCA asked the Roman Catholic Church to forward them the Church's draft syllabus for Religious Education.



2.2 Minutes of Meeting between NCCA and Catholic Church from 27th September 1989





This formal bilateral engagement with the Irish Episcopal Conference continued for several years in advance of the Course Committee being created, such that the Roman Catholic Church was directly involved with that process.

The tone of the correspondence from Albert O'Ceallaigh (as the CEO of the NCCA) to Bishop Smith (as the Secretary of the Episcopal Conference) shows the privileged role that the Catholic Church would have throughout the development of the curriculum. This included the NCCA asking the Bishops for guidance and advice, not only on the proposed curriculum, but also on who should be on the Committee that would develop it.

Council proposes to put in place a specialist committee to address these issues. Such committees draw on expertise among the management interests of second level schools, teachers and, also, Department of Education inspectors. At Leaving Certificate level third level educational interests are also represented. Further provision is also made for the inclusion of individuals with particular experience and expertise.

I would welcome your guidance and advice as to how best Council might proceed both in relation to the substantive curriculum and assessment issues that might be addressed and, also, the procedural issues regarding the composition and membership of the specialist committee which Council is anxious to put in place.

Dr. Murphy and I are available to meet you to clarify these matters further should you consider that helpful at this stage.

*2.3 Letter from NCCA to Bishop Smith on 10th November 1992*

Consistent with the deferential tone adopted by the NCCA from the outset of this process, the bishops were quick to set out the ground rules for their engagement. On 17th August 1993, the Episcopal Conference wrote to the CEO of the NCCA to make it clear that if they didn't like anything in the curriculum defined by the State, they would simply teach children something else.

From the Secretaries of  
**The Irish Episcopal Conference**

The Most Reverend Michael Smith D.C.L., Episcopal Secretary, Bishop's House, Dublin Road, Mullingar, Co. Westmeath. Tel: 044-48841

The Reverend Gerard Clifford, Executive Secretary, "Iona", 65 Newry Road, Dundalk, Co. Louth. Tel: 042-38087

Mr. Albert O'Ceallaigh,  
Chief Executive,  
NCCA,  
Dublin Castle,  
Dublin 2.

17th August, 1993.

Re: Religious Education in the Post-Primary Curriculum.

Dear Mr. O'Ceallaigh,

I wish to acknowledge receipt of your letter seeking a nominee of the Catholic Church on the course committee which is being put in place to develop a Religious Education syllabus.

The next meeting of the Bishops' Conference takes place in October next so it was not possible to bring your proposal before a full meeting. Following limited consultation it was decided that your proposal be accepted and Rev. Dermot Lane, P.P., D.D., 162 Sandyford Road, Dublin 16 has been asked to be our nominee on the proposed committee.

The role of the course committee would presumably be to draw up a Religious Education syllabus which would be of a sufficiently high academic standard to be recognised by the NCCA. That is clearly a matter for the NCCA. There is, however, a quite separate question which must also be considered. It will need to be determined whether the content of any syllabus emerging from this process could be considered adequate for the religious education of Catholic pupils. That is a matter for the Church.

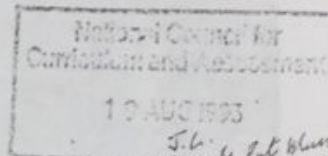
You will understand, therefore, that our nomination of a person to take part in the work of the course committee cannot imply any advance commitment to accept the syllabus which may emerge as suitable for the religious education of Catholic pupils.

When work was done over ten years ago with a view to introducing Religion as a subject in the Leaving Certificate, there were two separate committees to deal with the separate questions of academic standard and of acceptability to the Churches. You are probably aware of the process followed by the British Government in relation to the preparation of a Core Syllabus in Religious Education for schools in Northern Ireland. This process has only recently been completed.

With kind regards,  
Yours sincerely,

*Michael Smith*

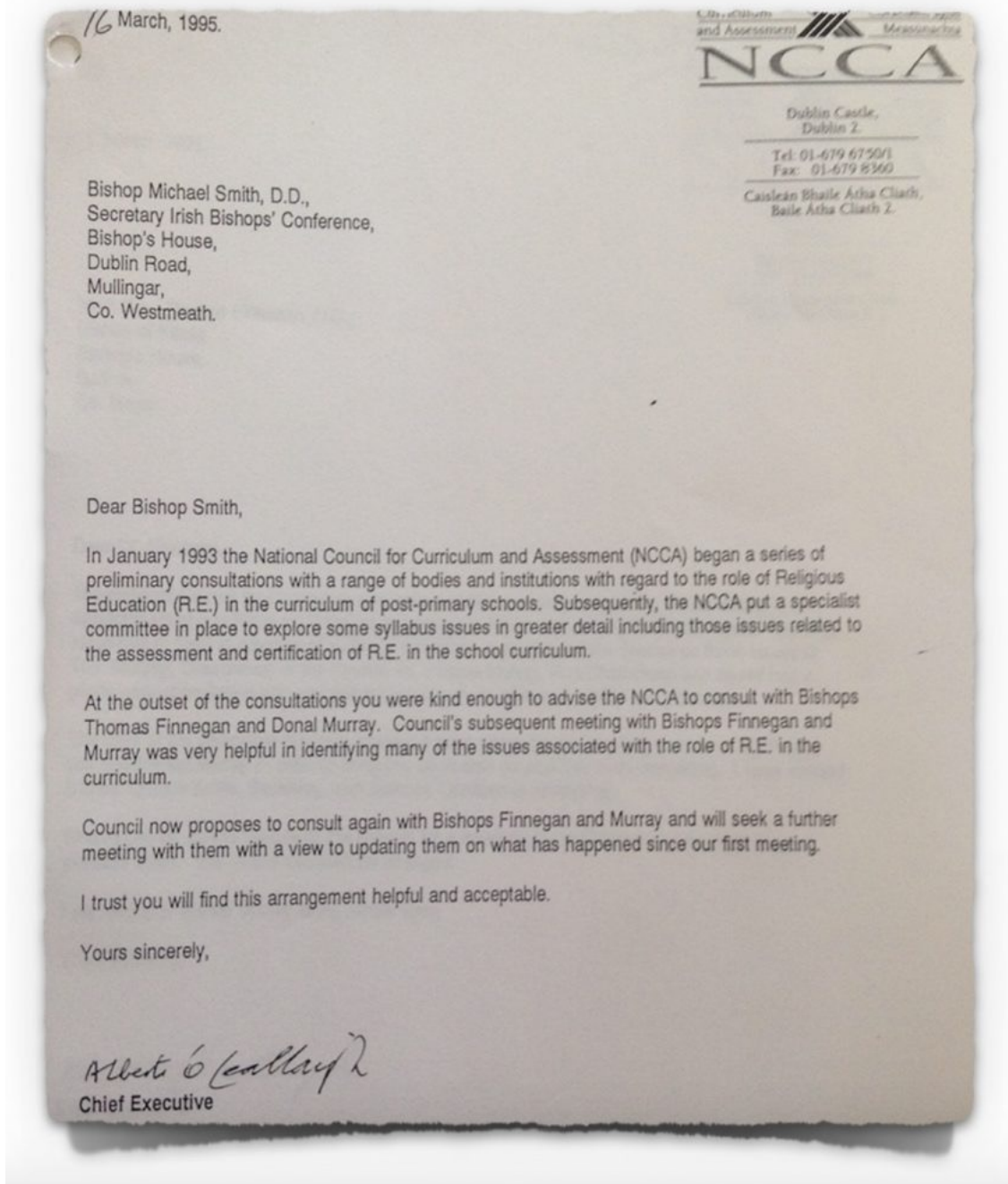
+ Michael Smith.  
Bishop of Meath.



*J.L. copy to Mr. Murphy and Mr. Tom Murphy*  
*File*  
*Complete membership of course committee*  
*File 13/2/93*

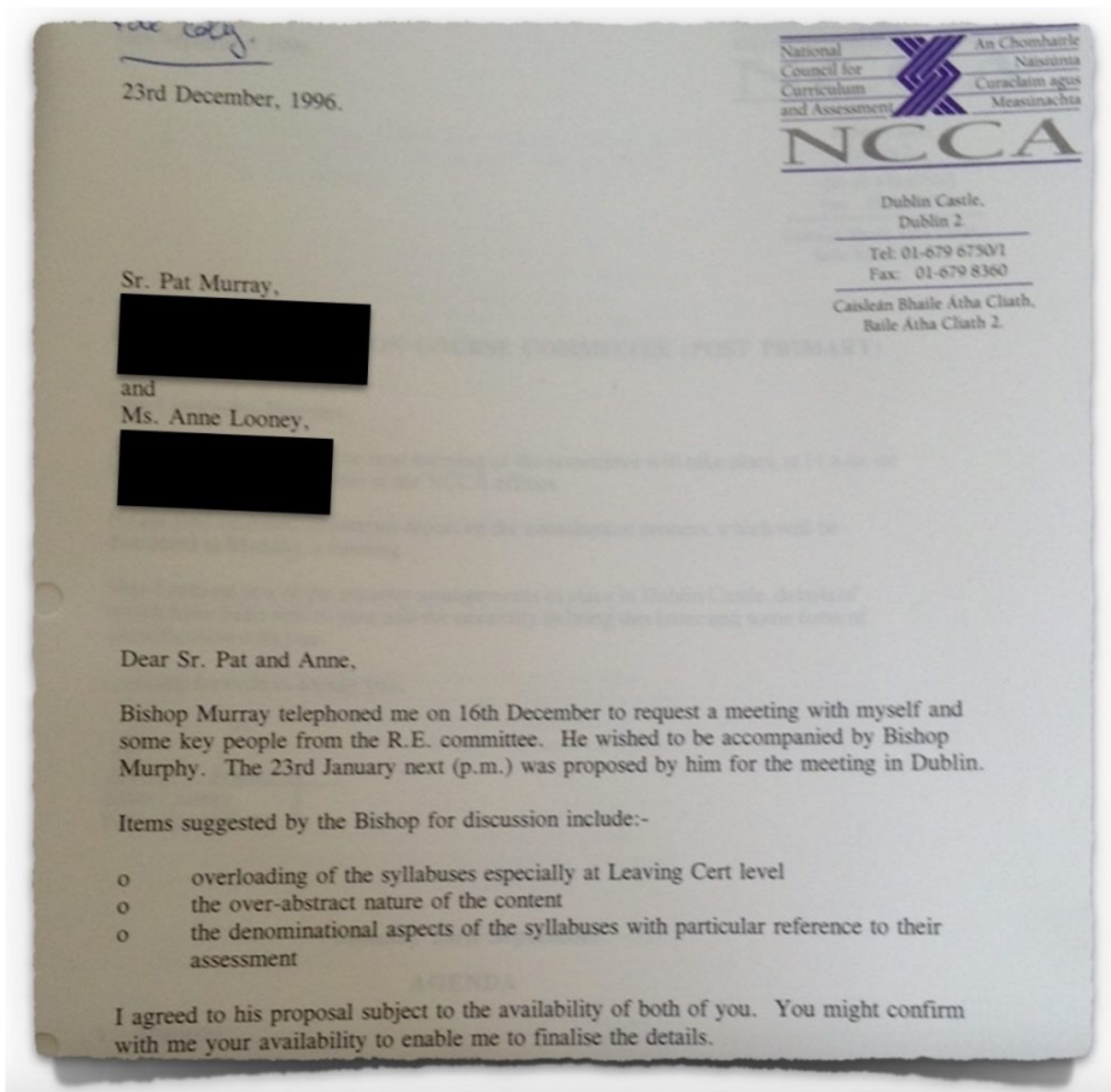


As described in the letter above, when the formal Course Committee was created, Rev Dermot Lane was assigned to be the representative of the Roman Catholic Church on that committee, along with representatives of the Church of Ireland, Presbyterian and Methodist Churches. However, even though the Catholic Bishops already had a presence on the Course Committee, bilateral engagements between the CEO of the NCCA and the Irish Bishops' Conference also continued.



2.5 Letter from NCCA to Bishop Smith on 16th March 1995

The Roman Catholic Church did not hesitate to use this bilateral relationship, when they perceived that the work of the Course Committee was insufficiently compliant with their own denominational interests. As can be seen from this correspondence of 11<sup>th</sup> December 1996, Bishop Murray could simply lift the phone to the CEO of the NCCA and arrange a bilateral engagement on the content of the curriculum being produced by the Course Committee. There is no indication that other non-Catholic members of the Course Committee were aware that their work was the subject of separate discussions, which were proceeding over their heads.

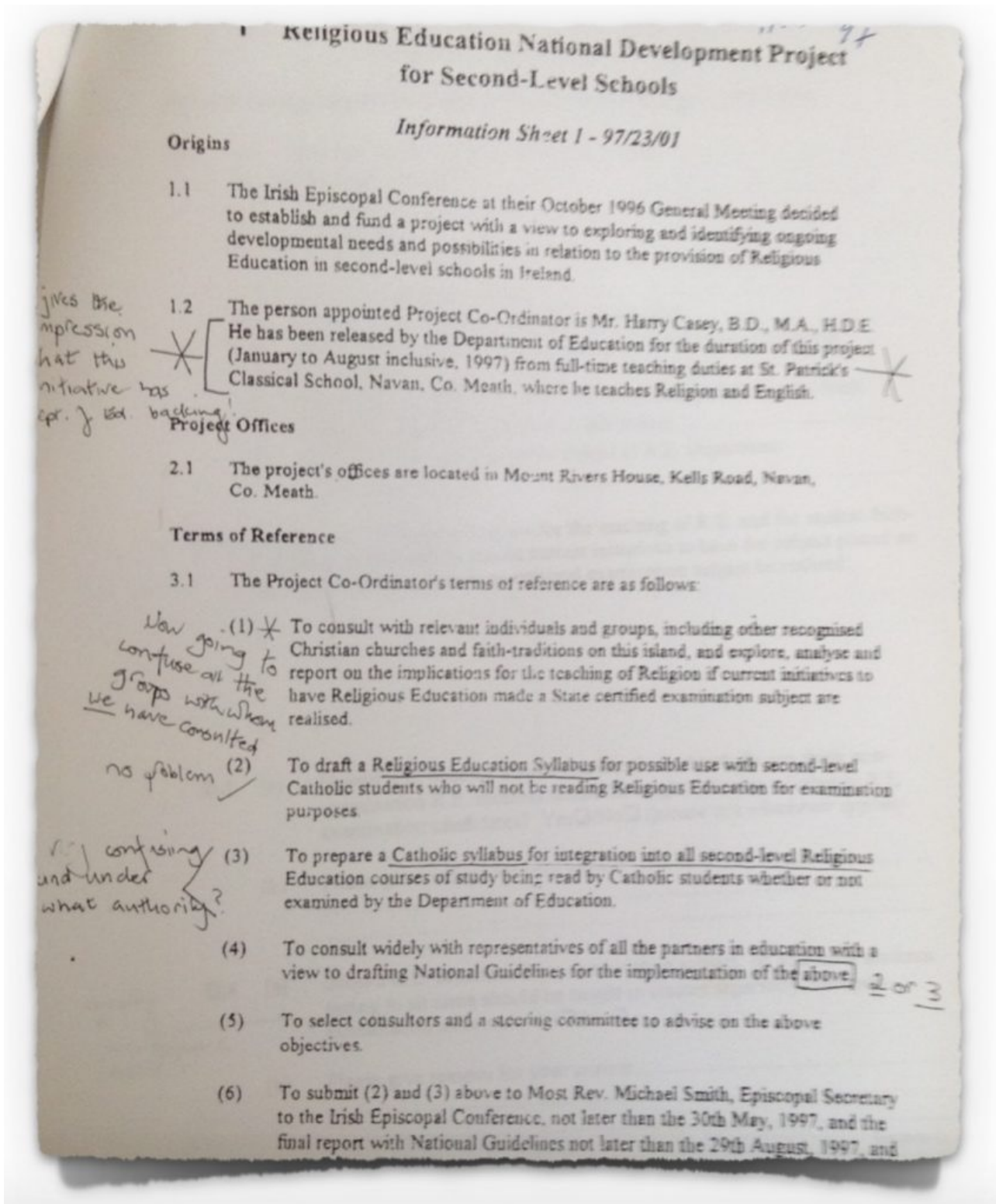


2.6 Letter from NCCA to Catholic Church on 11th December 1996

The culmination of this independent bilateral process between the NCCA and the Roman Catholic Church, which was separate to the work of the Course Committee,



was the formation of the "Religious Education National Development Project for Second Level Schools".



2.7 Religious Education National Development Project from 23rd January 1997



The Information Sheet above on this project from the Catholic Church, which includes notes made in the margins by the NCCA, is genuinely extraordinary. Obtained under Freedom of Information, this document describes how the Church appointed Mr. Harry Casey to coordinate the project and how he was released from the Department of Education specifically for this purpose.

This project is described as a process to be conducted in parallel to the ongoing work of the Religious Education Course Committee of the NCCA, in order to produce an alternative *“Catholic syllabus for integration into all second level Religious Education courses”*. It is clear from the hand written notes in the margin of this document, that the NCCA were extremely alarmed by this project.

The alarm related not just to the proposed parallel syllabus but to the overt plans to usurp the NCCA curriculum within Catholic schools. The intention of the project was clearly to ensure that any NCCA curriculum, which was to be suitable for students of all faiths and none, would not be delivered to students in Catholic schools in that form. Rather a separate *“Catholic syllabus”* would be prepared for *“integration into all second-level Religious Education courses”* in Catholic schools, including for those students taking the State Religious Education course.

On 11<sup>th</sup> March 1997, the Irish Episcopal Conference wrote to the NCCA in order to address the concerns about their *“Religious Education National Development Project for Second Level Schools”*. While they stepped back from their proposals to develop a parallel syllabus, the proposed activities of Mr Casey in terms of integrating *“the full richness of Roman Catholic tradition”* within the NCCA curriculum remained.

This letter from the Irish Episcopal Conference is illustrated below.





*P.B.  
ATV 11/4/97  
Response sent*

## Memorandum

**Re: Religious Education in Post-Primary Schools**

**From: The Irish Episcopal Conference**

The Episcopal Conference has co-operated from the beginning with the proposal to introduce Religious Education as an examination subject in post-primary schools in the Republic of Ireland.

Now that the preparation of draft syllabi is far advanced, the Episcopal Conference wishes to take account of the implications of this development for all Catholic students, those who take public examinations in Religious Education and those who do not.

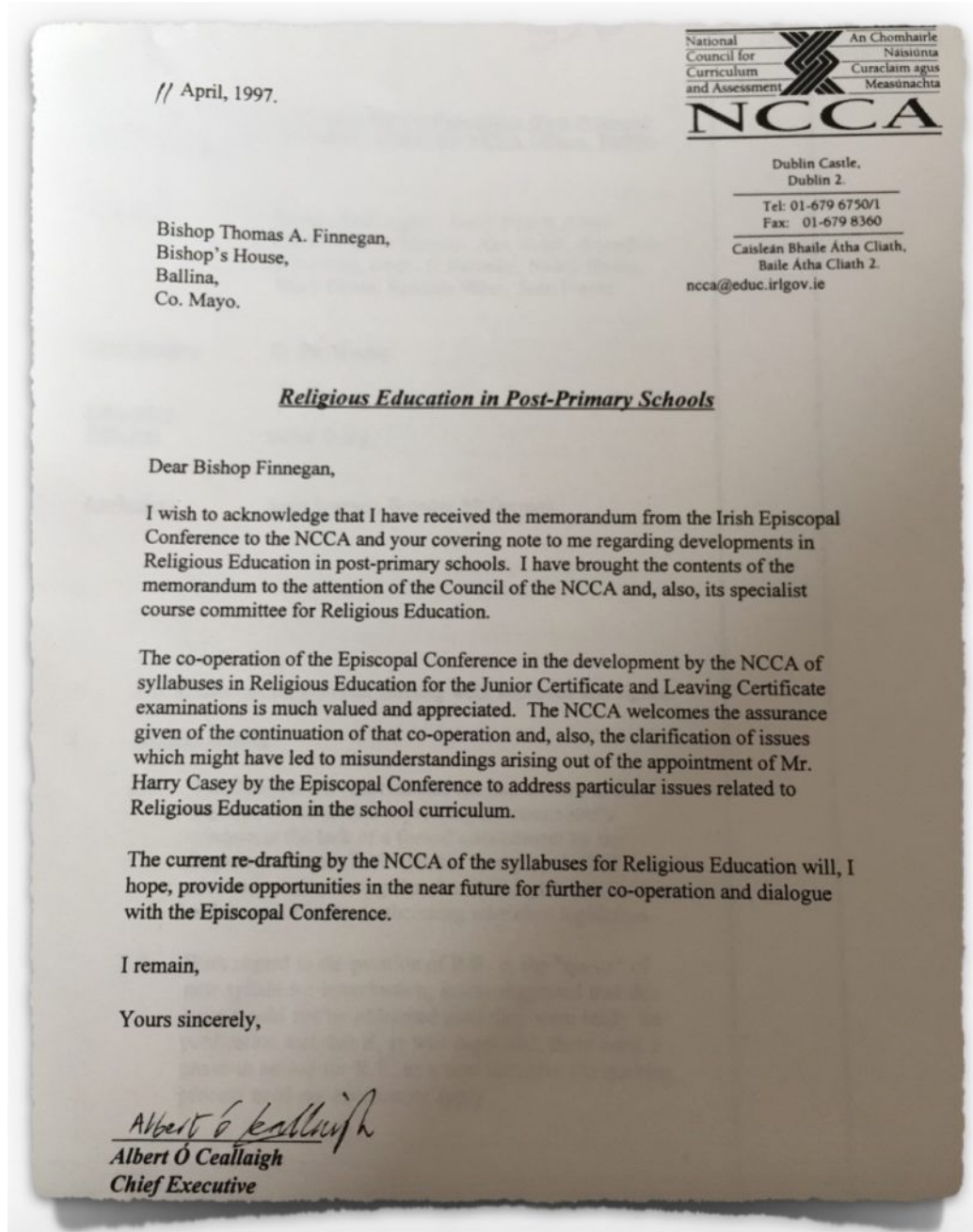
It was in the light of this concern that Mr Harry Casey was appointed. Some misunderstandings have arisen about Mr Casey's role. His task includes:

- (a) to prepare guidelines for the Religious Education of Catholic students in the light of the proposed syllabi;
- (b) to look at how the topics on the proposed syllabi should be taught to Catholic students in order to ensure that the full richness of the Catholic tradition is shared with them;
- (c) to look at how the teaching of non-examination students will be affected;
- (d) to see what resources will be required by schools and teachers;
- (e) to see what help and guidance may be required by principals, boards of management, parents, etc.

It was never the intention that Mr Casey should prepare a rival syllabus which would be in competition with the NCCA syllabi or with the syllabi taught for examination purposes for several decades in our Northern Ireland schools. The Episcopal Conference has already welcomed the decision of the Minister for Education to introduce Religious Education as an optional examination subject at Junior and Senior levels in post-primary schools. It is in virtue of their responsibility as the primary teachers of the Catholic faith in their dioceses that the Bishops have appointed Mr Harry Casey.

11 March 1997

The NCCA may have been expected to respond to this letter in order to defend the integrity of their curriculum. They may even have taken this opportunity to reiterate the constitutional limitations under which their curriculum was being developed. However, rather than insist that a State curriculum developed for students of all faiths and none, could *not* be delivered to students according to the faith formation requirements of one particular denomination, the NCCA simply accepted the approach of the Roman Catholic Bishops. On 11<sup>th</sup> April 1997, the CEO of the NCCA wrote back to the Episcopal Conference, thanking them for their cooperation.



2.9 NCCA Letter to Catholic Church from 11th April 1997





However, the CEO of the NCCA didn't just communicate the decision to accept the approach of the Roman Catholic Church back to Bishop Finnegan. This approach had also been first communicated to the NCCA Course Committee working on the Religious Education syllabus.

On 4th April 1997, the minutes of the Course Committee had recorded that whatever curriculum they might produce would be "*adapted*" by Mr Casey's "*Religious Education National Development Project*" before being taught in Catholic schools.

2. The committee was informed that a memo had been received from the Episcopal Conference clarifying their position in relation to their Religious Education initiative. Copies of the memo have been sent to Council. In that memo, the conference emphasised its support for the work of the NCCA and welcomed the inclusion of the RE clause in the forthcoming legislation. It was not the intention of the Episcopal Conference to devise a 'rival' syllabus, but to offer guidelines as to how an NCCA syllabus could be adapted and interpreted by Roman Catholic Schools. In addition, the conference expressed its appreciation for the work of the course committee.

*2.10 Minute of Course Committee meeting from 4th April 1997*

Demands from the Irish Catholic Bishops towards the NCCA continued. On 23<sup>rd</sup> October 1997, the Bishops sought a number of changes to the draft NCCA syllabus for the State Religious Education Course. Initially, they sought that "*Full recognition will be given to the role of parents, and the Bishops for members of their churches, in the formation of children in their faith*".



BISHOPS' COMMENTS AND PROPOSALS ON THE REDRAFT SYLLABUSES  
FOR RELIGIOUS EDUCATION.

The Bishops were happy to note the changes for the better made in the redraft syllabuses and appreciate the acknowledgement of the fact that Religious Education is seen as an integral part of any curriculum which aims to promote the holistic development of the individual.

Recognising Religion as an examination subject is a very positive development which must be welcomed. However, we must continue to guard against the presentation of Religion as merely a sociological/anthropological phenomenon as has happened in some other European countries.

There are still some changes we would seek to ensure the curriculum gets wide acceptance. These are our principal concerns :

On Page 4 Let the opening sentence read:

"The N.C.C.A. works from the following aim of education which has been accepted by successive Ministers for Education and the major partners in the educational enterprise." Full recognition will be given to the role of parents, and the Bishops for members of their churches, in the formation of children in their faith.

2.11 Extract 1 from Irish Bishops' Submission to NCCA from 23rd October 1997

The Irish Bishops also sought that *"The manner and content of the approach to the study of an individual church in the syllabus should not be altered without the agreement of the church concerned"*.

Page 5 line 5 After syllabus add "That syllabus will fairly and fully reflect the teaching of the churches to be studied by the pupils. The manner and content of the approach to the study of an individual church in the syllabus should not be altered without the agreement of the church concerned".

Page 5, line 10 ff change to " Thus the students own experience of their religion and commitment to their own religious tradition or to an ongoing search for meaning will be encouraged and supported."

Page 5, last line under AIMS no 5 read ' to contribute to the spiritual and moral development of the students in the context of their own religious tradition.

Page 8 – Section A - Aims – add a fourth aim :

4. "To examine a community of Faith with which they are familiar in order to understand the origins of its faith and its present life and mission".

Page 10 – objectives –

One of the objectives should be the acquiring of a deeper knowledge of their own faith tradition. The other objectives are fine.

2.12 Extract 2 from Irish Bishops' Submission to NCCA from 23rd October 1997



However, the demands of the Irish Bishops did not only relate to the course content. These demands also extended to the appointment of teachers as something that “*must be addressed as a matter of urgency by the Bishops*”. Such teachers would be State funded and ostensibly appointed to teach a State defined curriculum.

TEACHERS : The suitability and qualifications of teachers of Religious Education to catholic pupils must be addressed as a matter of urgency by the Bishops . This will involve consultation with the Registration Council and the NCCA.

Page 83 – no 2.

Whereas a student’s personal commitment to Faith cannot be assessed yet their knowledge of the teachings of a church ‘chosen’ for specialised study can be assessed. This will mean that the Examiner will have a recognised qualification in the teaching of that church.

*2.13 Extract 3 from Irish Bishops' Submission to NCCA from 23rd October 1997*

The final demand of the Irish Catholic Bishops is perhaps the most brazen. In bold type, the Church admonishes the NCCA that whatever the intention of the curriculum, the reality of the implementation of the course would be based on the ethos of the school.

In fact, the Church suggests that the NCCA should drop the pretence in their documents of a curriculum intended for students of all faiths and none, in order to state instead that catechesis would be performed by school patrons.

**It would help greatly if the syllabuses simply stated that the responsibility to provide catechesis within a school is the responsibility of the school, its Board of Management and its Trustees. The NCCA does not take over this responsibility.**

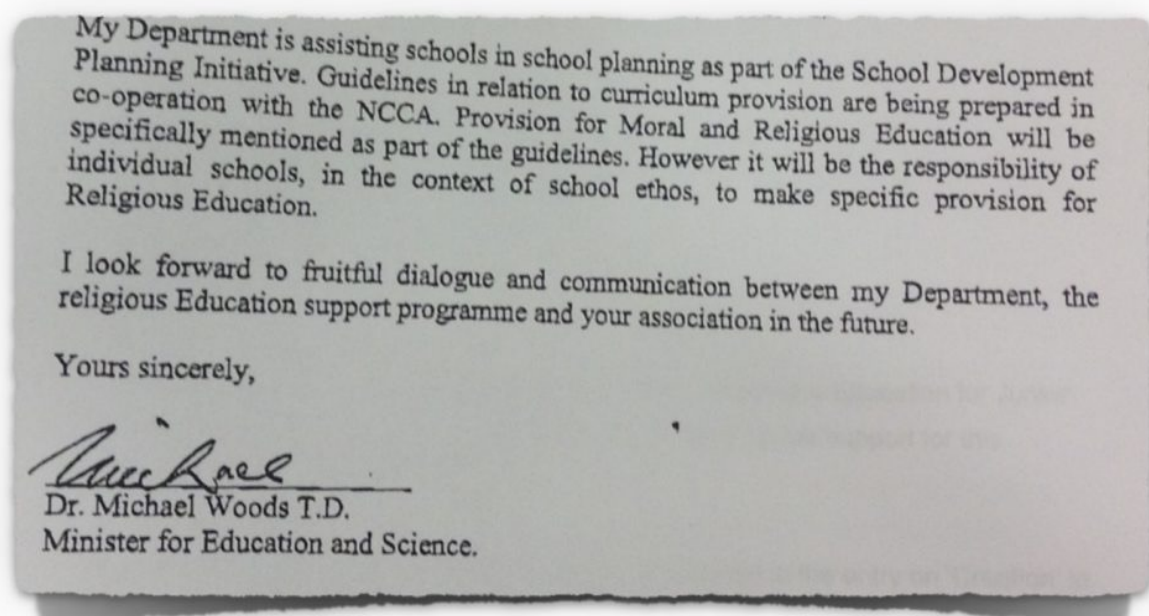
*2.14 Extract 4 from Irish Bishops' Submission to NCCA from 23rd October 1997*



This then is the second level Religious Education course that is being taught in Irish schools today. What the NCCA describes to parents as a course that is suitable for children of all faiths and none, has in fact been usurped by denominational interests so that faith formation is in practice integrated within the content.

It is not just the NCCA that were aware of this either. The then Minister for Education, Michael Woods, was also clearly aware that in the context of the work of the NCCA, the school patrons would continue to decide how Religious Education content would be delivered to students.

On the 2<sup>nd</sup> of June 2001, then Minister Woods wrote to the National Association of Post Primary Diocesan Advisers, making this clear.



2.15 Letter from Minister to NAPPDA from 2nd June 2001

The final document produced by the Church as a result of this process was the *"Guidelines for the Faith Formation and Development of Catholic Students"*. This document is still in place today as the basis for the delivery of the State Religious Education course to those of all religions and none.

Whereas in reality this State course is integrated with Catholic faith formation in this manner, parents are never informed that this is happening. An extract from the *"Guidelines for the Faith Formation and Development of Catholic Students"* is illustrated below.



## 2. The Purpose of this Document

The purpose of this document is threefold:

- a) to offer support to the partners in education who have the responsibility of leading students to a maturity of faith in Christianity according to Catholic teaching.
- b) to provide opportunities for the faith formation and development of students following *The Junior Certificate Religious Education Syllabus*, who are being presented for State certification and assessment.
- c) to facilitate the faith formation and development of students following the syllabus but who are not being presented for State certification and assessment.

In this way the partners in education will enable the students:

- to become aware of their own identity and worth as human beings who are created in the image of God and are in need of redemption from sin.
- to develop an awareness of the spiritual dimension of human life, of the mystery of God, Jesus Christ and the Holy Spirit as understood in the Trinitarian concept of Catholic teaching and revelation.
- to interpret the events and experiences of life through a better understanding of what it means to be a Catholic Christian.
- to learn by guidance and example how better to express their relationship with God, Jesus Christ and the Holy Spirit.
- to deepen their sense of belonging to the Church; to participate more fully in the Church's liturgy and life, prayer, worship and retreats.
- to acquire the virtues of the Christian life through social justice issues based on praxis, by developing a sense of solidarity with others in the service of humankind.
- to have ever greater respect for, and appreciation of, Sacred Scripture and to act in accordance with the values of the Gospel by bringing its truth to the world.
- to understand the teaching of the Church and its relevance to the questions, problems, aspirations and hopes of the modern world.
- to understand and appreciate faith perspectives other than their own and the values and beliefs of those who do not espouse any religious affiliation.<sup>1</sup>

1. Irish Episcopal Commission for Catechetics (hereafter, Commission), *A Syllabus for the Religious Education of Catholic Pupils in Post-Primary Schools* (1982), p. 4.



# Chapter 3

*"The programme materials are indifferentist in philosophy, promoting a politically correct attitude or worldview, that all the main world religions and beliefs are somehow equal and OK. A moments informed reflection is sufficient to realise that this is not so."*

David Hegarty

**NCCA Course Committee**

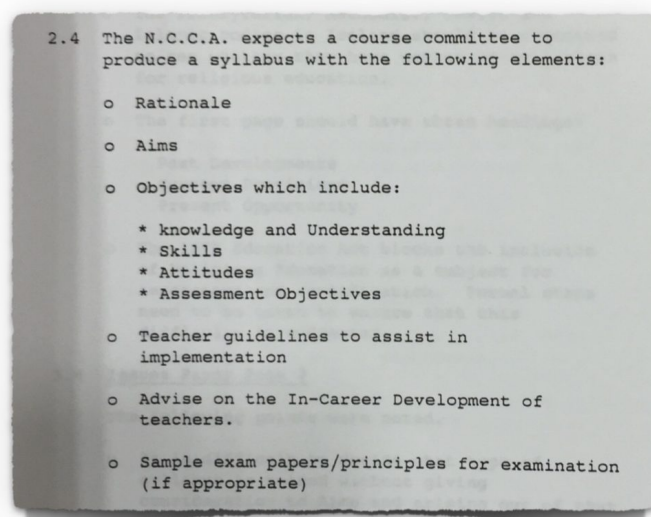
*"... Catholic pupils whiling away the time learning about yoga and Mohammed etc. while not learning matters relevant to their own religion ... Christ, who suffered crucifixion and death for our sins, did not say, go ye therefore and learn a bit about all religions, sure they are all much the same."*



### 3. Composition of the NCCA Course Committee

As part of the development of the State junior cycle curriculum for Religious Education, the National Council for Curriculum and Assessment (NCCA) formed a Religious Education Course Committee (Post Primary). Despite the intention that the course should be suitable for all religions and none the Committee was drawn only from the management bodies of schools, the Schools Inspectorate and the Department of Education. The management body of schools consisted of representatives from Catholic and Protestant churches. There were second level VEC (now ETB) schools and colleges but the teaching of religion in these schools was and is also in control of the Catholic and Protestant churches in Ireland.

Control over the rationale, aims and objectives of the proposed course was handed to those bodies who were already in control of the State-funded school system. No minority faith or non-religious body was invited onto the Committee. The image below is an extract from the Minutes of the Course Committee meeting on 22nd February 1993.



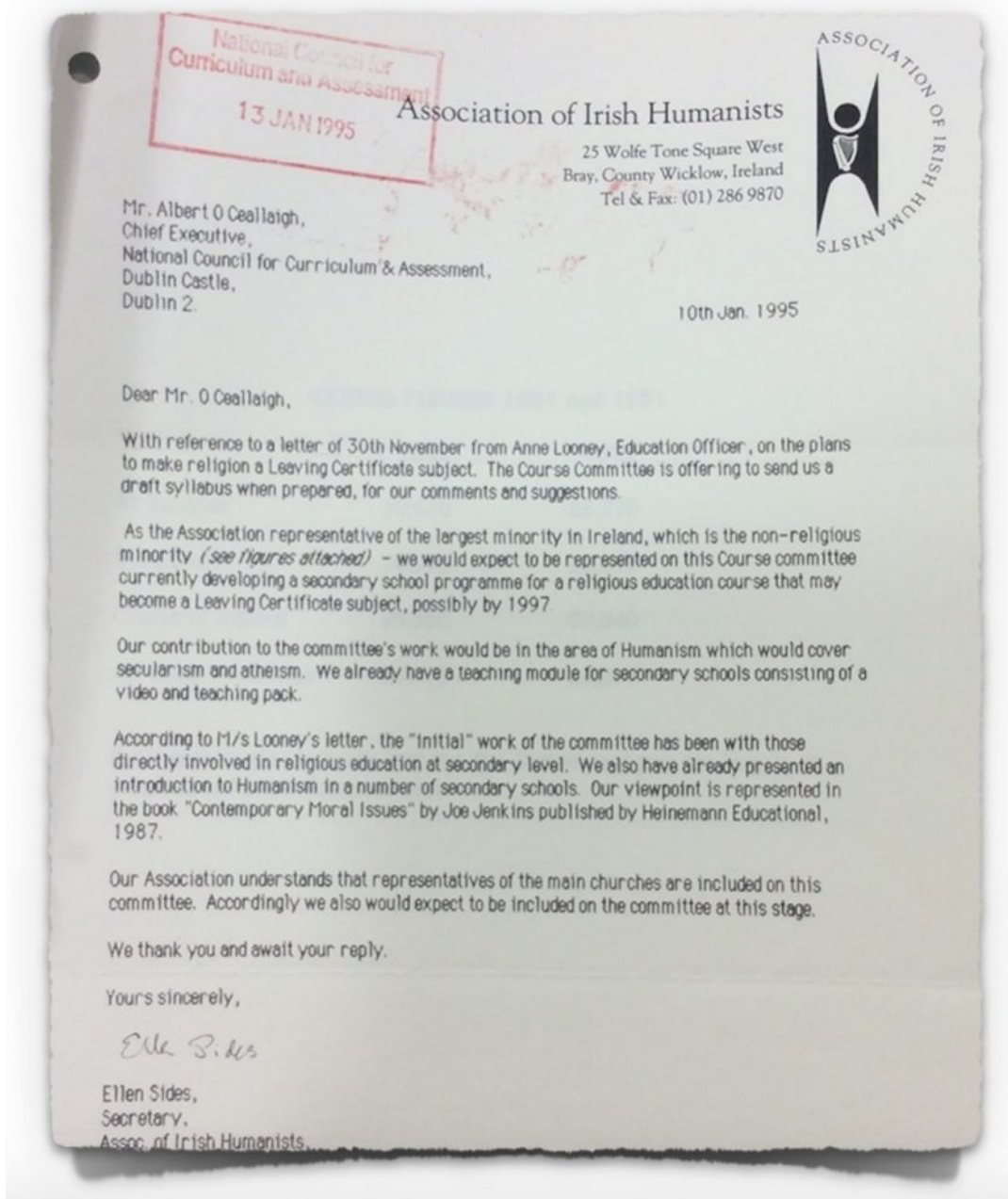
3.1 Minutes of Course Committee Meeting from 22nd February 1993

Notwithstanding the aims of the Framework for Assessment, the composition of the NCCA Course Committee was bias against non-Christian representation, resulting in commensurate difficulties with how the course was rolled out in schools. Specifically, the NCCA made every effort to ensure that Christian denominations were represented on the Course Committee, while at the same time denying any presence on the committee at all, to any of the non-Christian perspectives in Ireland. This was the case even when explicit requests for representation from non-Christian groups were made, and where such non-Christian groups were associated with a larger portion of the Irish population than the Christian denominations represented on the Course Committee.



For example, on 10<sup>th</sup> January 1995, the Association of Irish Humanists explicitly requested representation on the course committee. In a letter to the CEO of the NCCA they stated:

*“As the Association representative of the largest minority in Ireland, which is the non-religious minority – we would expect to be represented on this course committee currently developing a secondary school programme for a religious education course ...”*



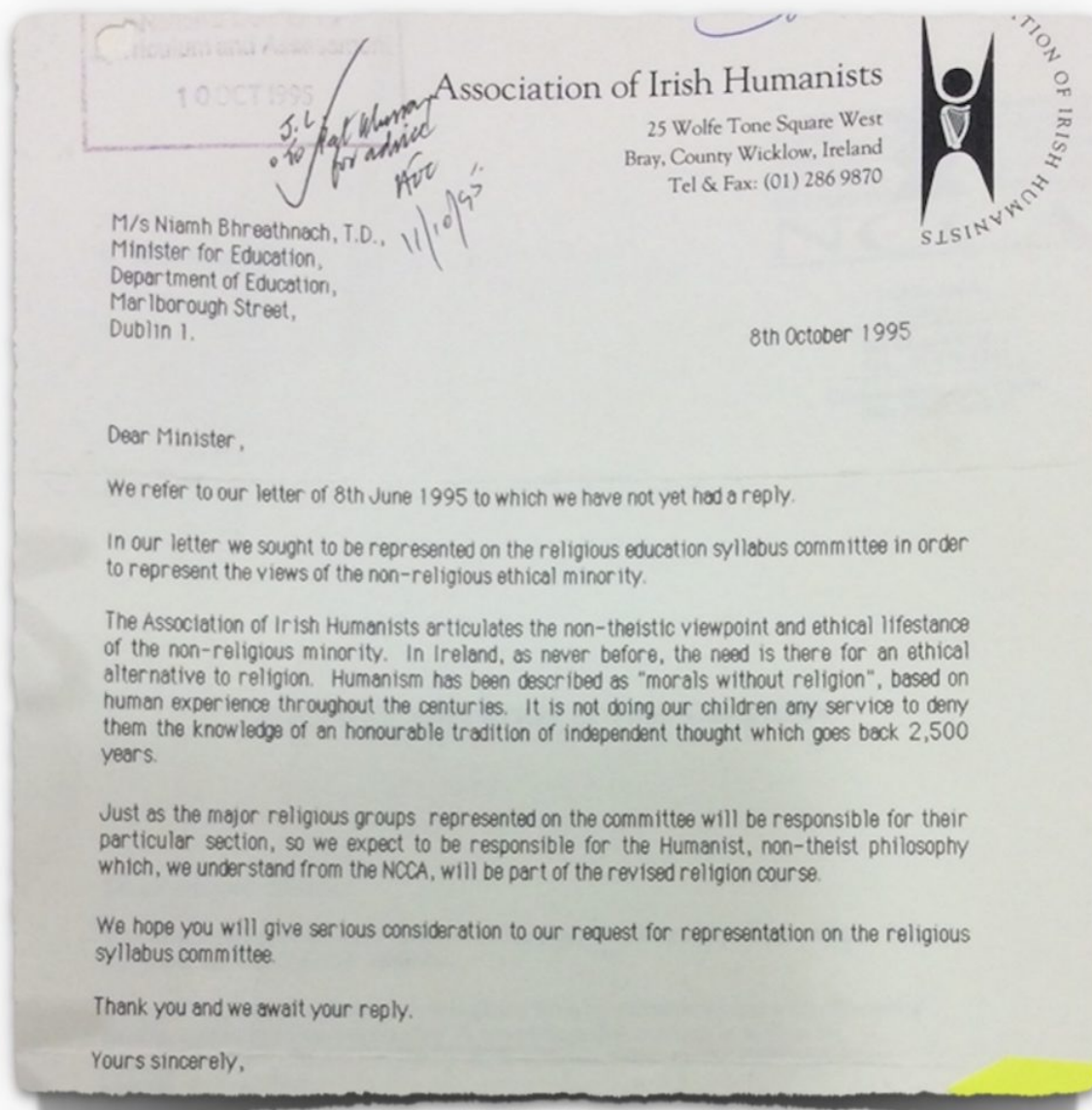
3.2 Humanist Letter to NCCA on 10th January 1996





Despite their explicit request, the Association of Irish Humanists were not permitted to provide a representative onto the Course Committee by the NCCA. After some further correspondence, this resulted in the Association of Irish Humanists bringing the issue to Niamh Bhreathnach, the then Minister for Education. On the 8<sup>th</sup> October 1995, the Association of Irish Humanists wrote to the Minister, stating:

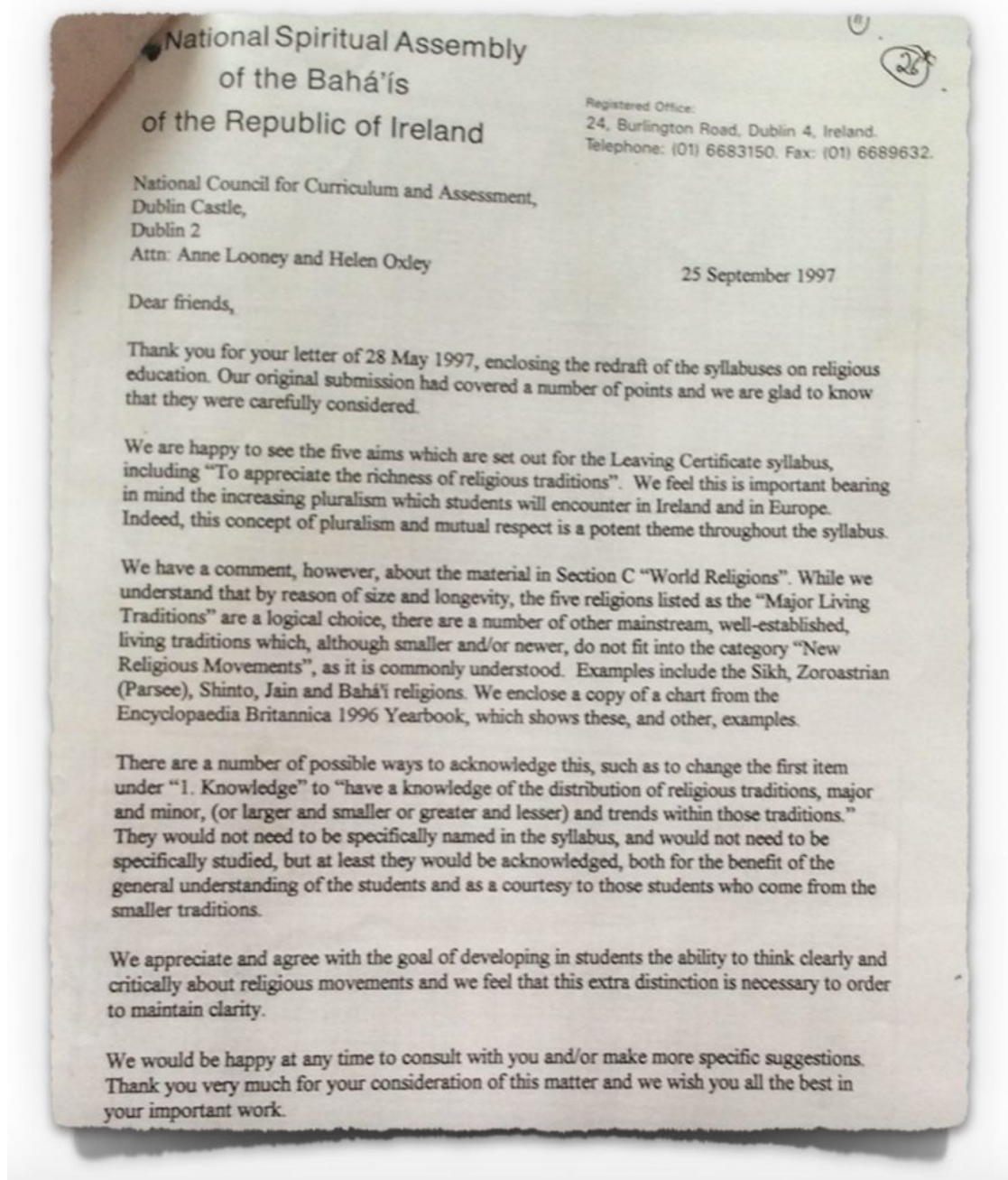
*“Just as the major religious groups represented on the committee will be responsible for their particular section, so we expect to be responsible for the Humanist, non-theist philosophy which, we understand from the NCCA, will be part of the revised religion course.”*



3.3 Humanist Letter to Minister for Education on 8th October 1995



The Association of Irish Humanists were not the only non-Christian group denied representation on the course committee. On 16<sup>th</sup> October 1996, the Friends of the Western Buddhist Order wrote to the CEO of the NCCA offering to contribute. On 25<sup>th</sup> September 1997, the National Spiritual Assembly of the Bahá'ís of the Republic of Ireland also wrote to the NCCA, complaining about the treatment of a number of religious denominations. This included Bahá'í, Sikh, Zoroastrian, Shinto and Jain denominations.



3.4 Bahá'ís Letter to NCCA on 25th September 1997



On 7<sup>th</sup> October 1999, there was also correspondence to the NCCA from the Dublin Buddhist Centre, seeking to correct inaccurate descriptions of the teachings of Buddha, which had been included in the early work on the curriculum by the NCCA Course Committee. However, even after these explicit requests from non-Christian groups, the attendance sheet from the Course Committee meeting on 19<sup>th</sup> November 1997 shows that the groups afforded formal representation were the Roman Catholic Church, the Presbyterian Church, the Church of Ireland and the Methodist Church. The Association of Irish Humanists continued to be denied representation, even though the number of non-religious citizens in Ireland was greater than the number of Presbyterian, Church of Ireland and Methodist citizens combined. In fact, on 30<sup>th</sup> November 1994, the NCCA had produced its own research based on Census information to demonstrate these demographic considerations, but still excluded all non-Christian representation.

NCCA COURSE COMMITTEE  
ATTENDANCE SHEET

**COMMITTEE:** Religious Post-Primary  
**DATE:** 19<sup>th</sup> November, 1997.

Members attending please sign below

NAME	REPRESENTING	SIGNATURE
Rev. Terence P. McCaughey	Presbyterian Church in Ireland	
Rev. Dermot Lane P.P.D.D.	Catholic Bishops	<i>Dermot Lane</i>
Mr. Brendan McDermott	IVEA	<i>Brendan McDermott</i>
Mr. Gerry Farrell	NPC	<i>Gerry Farrell</i>
Mrs. Linda Clarke	Church of Ireland	<i>Linda Clarke</i>
Ms. Patricia O Mahony	TUI	<i>Patricia O'Mahony</i>
Ms. Anne Walsh	ASTI	<i>Anne Walsh</i>
Ms. Bernadine O'Sullivan	ASTI	<i>Bernadine O'Sullivan</i>
An tOll E O Eideain	NCEA	<i>Burt O Heide</i>
Rev. Graham Hamilton	Methodist Church	
Ms. Una Killoran	TUI	<i>Una Killoran</i>
Mr. Sean Mac an Tanaiste	An Roinn Oideachais	
Ms. Noreen Hynes	JMB	<i>Noreen Hynes</i>
Prof. Dermot Moran	Universities	
Sr. Mary Glynn	ACS	<i>Mary Glynn</i>
Sr. Pat Murray	Council	<i>Pat Murray</i>
Dr. Kenneth Milne	Church of Ireland Board of Education	
Ms. Ellen Flemming	Sub Association	<i>Ellen Flemming</i>
Prof. S. Freyne	Universities	
Ms. Helen Oxley	NCCA	<i>Helen Oxley</i>
G. O Mairtin	An Roinn Oideachais	<i>Gabriel Martin</i>
T. Breen	IVEA	
Ms. Anne Looney	Education Officer	<i>Anne Looney</i>

**OTHERS ATTENDING**

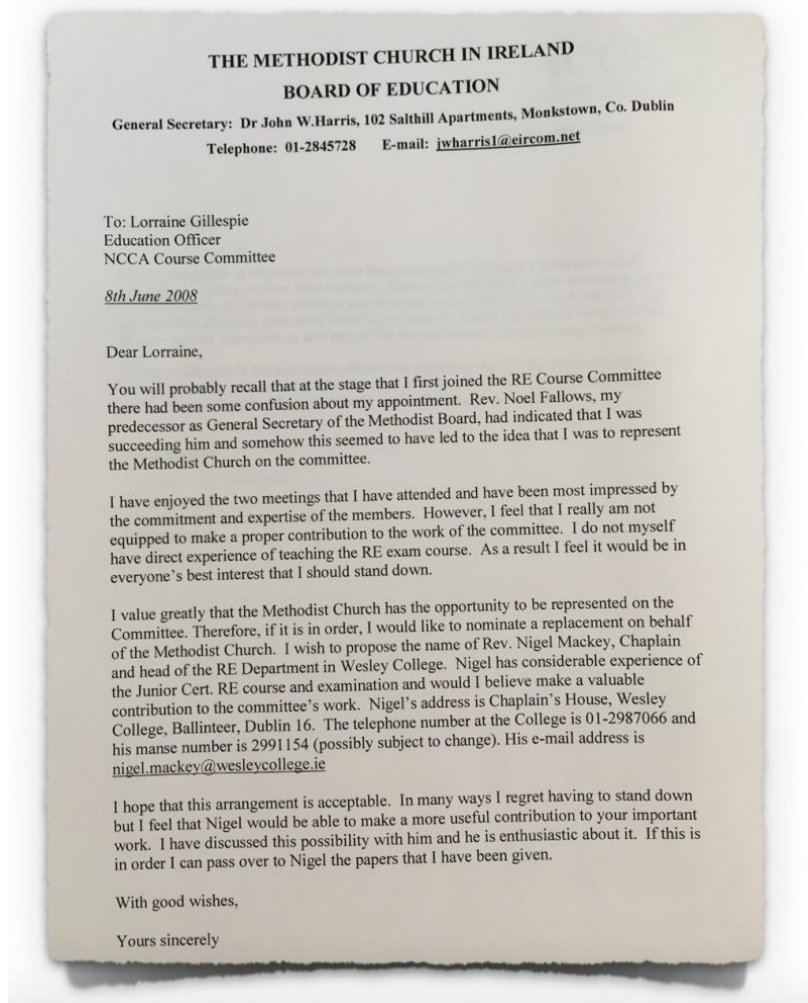

**APOLOGIES:** *Seán Freyne*

3.5 Representation on the NCCA Course Committee on 19th November 1997



On 31<sup>st</sup> May 2000, the National Spiritual Assembly of the Bahá'ís of the Republic of Ireland wrote again to the NCCA, complaining about the treatment of minority non-Christian faiths within the new curriculum. On 15<sup>th</sup> June 2002, the Watch Tower Society of Ireland also wrote to the NCCA, offering to improve the areas of the curriculum that referred to minority faiths, including their own. However, even while none of these groups were afforded any representation, when the Methodist representative stepped down from the Course Committee, the NCCA made every effort to ensure that a Methodist representative always continued to be included. On the 8<sup>th</sup> June 2008, Dr John Harris of the Board of Education at the Methodist Church in Ireland, wrote to the NCCA, stating that:

*“I have enjoyed the two meetings that I have attended and have been most impressed by the commitment and expertise of the members. However, I feel that I am really not equipped to make a proper contribution to the work of the committee. I do not myself have any direct experience of teaching the RE exam course. As a result I feel that it would be in everyone’s best interest that I would stand down.”*

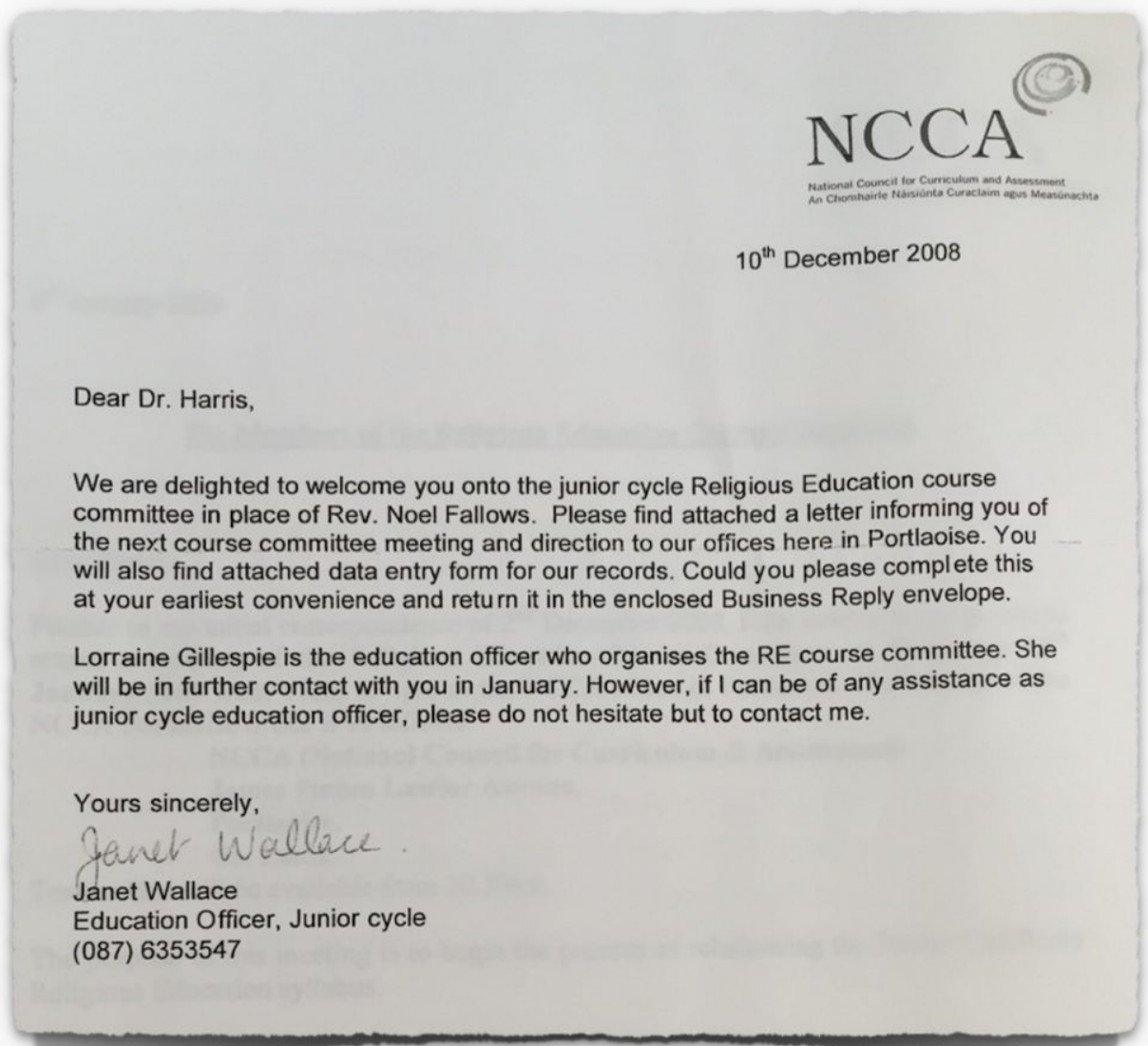


3.6 Methodist Letter to NCCA on 8th June 2008



So while the Association of Humanists were making every effort to obtain representation on the Course Committee, up to and including escalating the matter to the Minister for Education, the NCCA were refusing representation to the Humanists but including a Methodists representative, who by his own admission was not equipped to contribute anything.

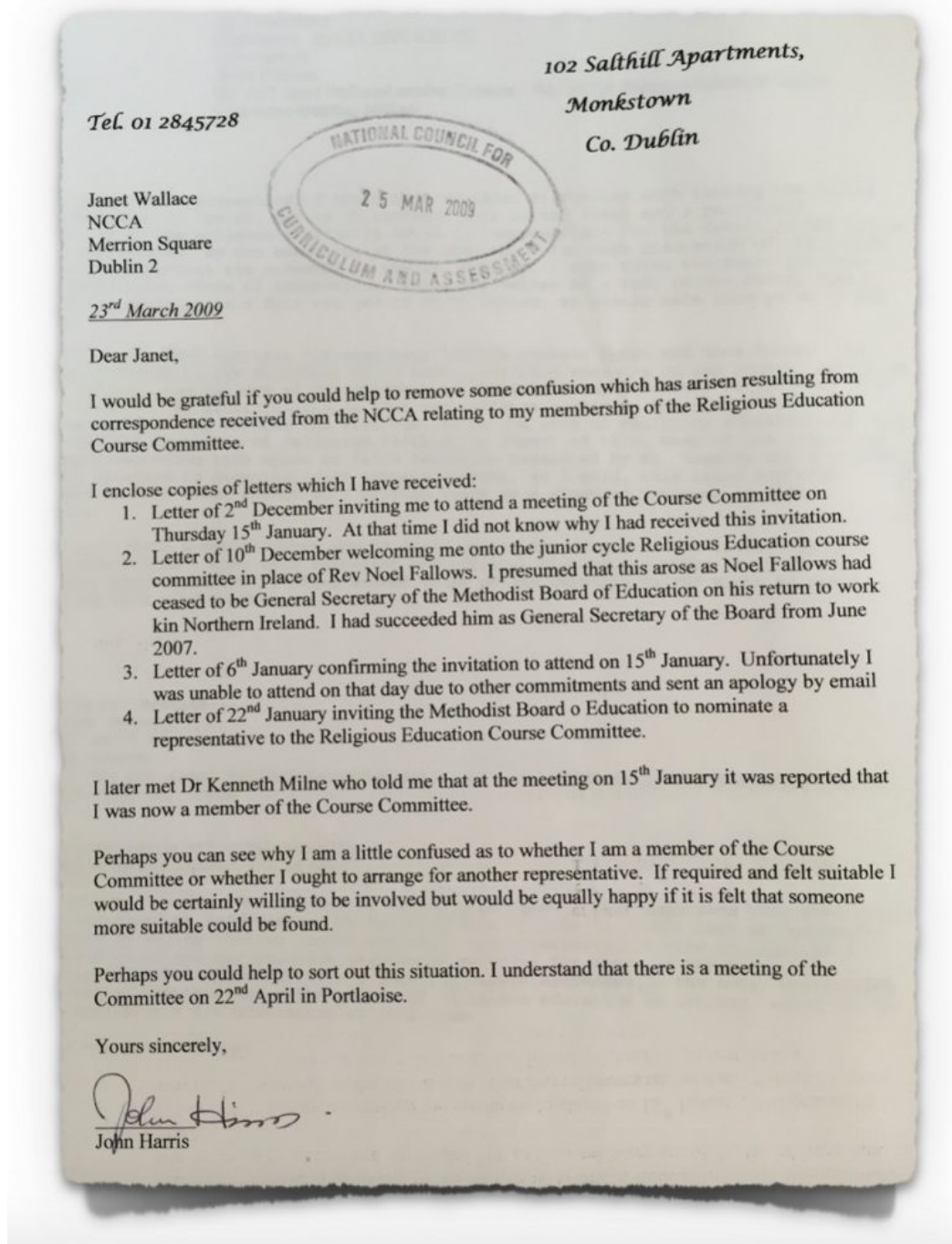
It is also instructive to notice the response from the NCCA when Dr Harris stepped down in June of 2008. Despite Dr Harris making it clear that he had nothing to contribute, the NCCA wrote again to him in December of 2008, welcoming him back onto the Religious Education Course Committee. The Humanists and all other non-Christian religious groups continued to be excluded.



3.7 NCCA Letter to Methodists on 10th December 2008



In fact, the NCCA continued to insist on a Methodist representative on the Course Committee, despite the apparent best efforts of Dr Harris to be excused from participation. This resulted in Dr Harris writing again to the NCCA on 23<sup>rd</sup> March 2009, in an attempt to figure out what the NCCA were trying to achieve with respect to membership of the Course Committee.



3.8 Methodist Letter to NCCA on 23rd March 2009



There is a clear bias here in excluding all non-Christians groups, even though the NCCA knew that they represented larger portions of the Irish population than the Christian groups who were included. Several non-Christian groups were very clearly extremely keen to contribute but continued to be excluded, while the NCCA made strenuous efforts to include Christian denominations, apparently even against the wishes of those Christian groups. In this context, we might wonder then how all of these Christian denominations deliberated with each other on the Course Committee.

The Protestant denominations had some strange contributions to make. During a meeting of the Course Committee on 2<sup>nd</sup> May 1997, it was agreed that Protestant students should be discouraged from studying the practice of other Protestant faith positions. It is unclear why a public body in Ireland, developing a State curriculum for all Irish children, would be engaged in inhibiting children of one Protestant denomination learning about other Protestant denominations.

4.5 A letter had been received from the Ballymascanlon Inter-Church Group welcoming the syllabus, but raising the question of the ecumenical dimension.

\*It suggested that Section E, The Celebration of Faith should, in Part Four, allow for the examination of two Christian denominations instead of just one as at present. This was agreed and it was recommended that the Guidelines stress a choice between the following: Roman Catholic; Orthodox; Reformed traditions. This, for example, so that students of a protestant tradition be discouraged from examining the practice of a second protestant denomination.

3.9 Extract from Course Committee Minutes from 5th February 1997

The contribution from other public bodies who were represented on the Course Committee is also interesting to note. For example, Mr David Hegarty was the representative on the Course Committee from the National Parents Council (Post Primary).

On 20<sup>th</sup> April 2009, he wrote an email addressed "*Dear Fellow Committee Members*" to his colleagues on the Course Committee and expressed a number of views about the direction of the curriculum. Despite the course being intended for students of all faiths and none, his initial concern was that students should be able to refute "*false secular arguments which denigrate religious beliefs and practices*".



1. A substantial amount of the programme seems to be a time waster, of somewhat low academic and instructional value and of no significant formative merit for young people of the Catholic faith. For persons of the Protestant faith, it is difficult for me to see that their time is productively spent pursuing this syllabus. It has to be remembered that repeated studies over the years have shown that Catholic pupils are not in any respect sufficiently instructed in their Catholic faith. Most young people cannot recite the Ten Commandments or recite the act of contrition upon entering secondary school. It would take a second level teacher with miraculous powers of instruction to conduct this programme and rectify the deficiencies of the primary religious instruction programme. A pupil lacking basic religious knowledge, could not make good progress at refuting false secular arguments which denigrate religious beliefs and practices.

3.10 Hegarty comments on secularism from 20th April 2009

Mr Hegarty went on to express concern about an *“indifferentist notion”* that *“all religions beliefs are somehow OK”*. It was My Hegarty’s view that *“a moments informed reflection”* is all that is required to *“realise that this is not so”*.

2. The programme materials are indifferentist in philosophy, promoting a politically correct attitude or world view, developing the notion in a superficial way that all the main world religious beliefs are somehow equal and OK. A moments informed reflection is sufficient to realise that this is not so.

3.11 Hegarty comments on indifferentist notions from 20th April 2009

Perhaps it was the lack of any non-Christian representation on the Course Committee that allowed Mr Hegarty to feel at liberty to express some concerns about *“Catholic pupils whiling away the time learning about yoga and Mohammad”*. It seems that even into 2009, the Course Committee were not fully accepting of the requirement that the curriculum was intended for students of all faiths and none.

Maybe this is not surprising, given how the NCCA went about composing the membership of their Course Committee. No concern about the constitutional and human rights of minorities were raised.





3. Previous parent representatives do not seem to have made any input in ensuring that denominational values would be maintained where this programme is implemented. For example, Catholic pupils whiling away the time learning about yoga and Mohammed etc. while not learning matters relevant to

their own religion, such as the morality of truth, temperance, honesty, duties of citizens etc. In the present moral and ethical crises which young and old find themselves beset by, pupils should be given instruction which would direct them towards virtue.

3.12 Hegarty comments on yoga and Mohammed from 20th April 2009

In fairness to Mr Hegarty though, he was able to explain to his Christian colleagues on the Course Committee, where he derived his views from. Specifically, Mr Hegarty noted that at no point in the Gospels did Jesus instruct the apostles to *"go ye therefore and learn a bit about all religions, sure they are all much the same"*. No doubt, Mr Hegarty is scripturally correct on this point.

4. Pupils should be given proper religious instruction, the time available is very limited, and this time should not be wasted on a superficial treatment of all religions.

I would suggest that a school which teaches the Religious education programme as developed by the NCCA using all of its allotted time of say 2 hours per week at this activity and with pupils spending valuable time on other religions are failing to teach the Catholic faith as obliged by canon law. Such schools are neglecting their obligations to the Church and to parents and pupils who have the prior right to the Catholic faith being taught properly and sufficiently. The command governing the obligation to teach the Catholic faith comes from Our Lord Himself where He commanded the apostles to "go ye therefore and teach all nations, all things whatsoever I have commanded you". ( Or words to that effect.)

It is fitting to consider in the time after Easter that Christ, who suffered crucifixion and death for our sins, did not say, go ye therefore and learn a bit about all religions, sure they are all much the same. I hope that those of the Protestant faith will understand that I am seeking to have their parent/pupils prior rights of instruction duly considered and upheld also.

3.13 Hegarty comments on other religions from 20th April 2009



Since we can see how the Christian denominations and public bodies that were invited to participate on the Course Committee engaged with each other, we might also wonder how they addressed issues relating to non-religious perspectives. One hint is available from a document written by the NCCA on 19<sup>th</sup> April 2010. As part of the roll out of the curriculum, issues raised by teachers were gathered along with proposed responses and resolutions noted by NCCA. The response to the question on "secular humanism" does not inspire confidence.

Page 27 Topic 4.2	identify answers to questions of meaning from two non-religious perspectives  explain the term 'secular humanism'	Would these be more appropriate Higher level?
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*3.14 Issues raised and proposed NCCA resolutions from 19th April 2010*

The additional documents that Atheist Ireland has obtained under Freedom of Information, further describe how the State Religious Education curriculum produced by the NCCA was compromised and how the constitutional and human rights of minorities were ignored.



# Chapter 4

*"It was noted that the substantive issues arose from the provisions of the constitution with particular reference to the endowment by the state of any religion and, also, the issue of discrimination. These issues might arise in relation to the nature of the R.E. syllabus for members of non-Christian Churches or individuals/ groups of no religion. It was further noted that these issues had implications for the structure, format and content of the syllabus ..."*

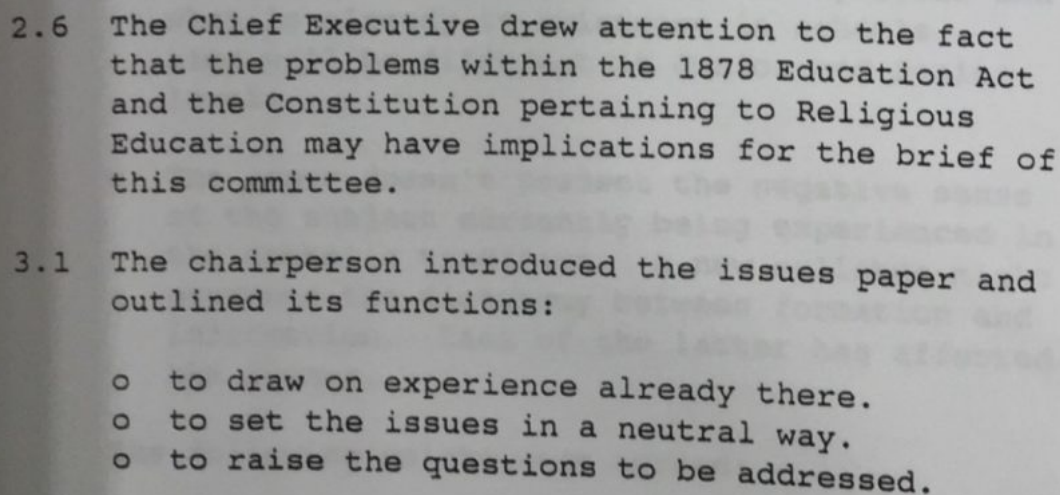
Department of Education  
Memo of Meeting with NCCA



## 4. Original Committee Discussions

As part of the development of the State junior cycle curriculum for Religious Education, the NCCA formed a Religious Education Course Committee (Post Primary).

The inaugural meeting of this Course Committee recognised the legal issues associated with their endeavour, before they even began their work. At the earliest stage of the project, as part of the very first meeting of the Course Committee, the CEO of the NCCA explained the requirement for neutrality.

- 
- 2.6 The Chief Executive drew attention to the fact that the problems within the 1878 Education Act and the Constitution pertaining to Religious Education may have implications for the brief of this committee.
- 3.1 The chairperson introduced the issues paper and outlined its functions:
- o to draw on experience already there.
  - o to set the issues in a neutral way.
  - o to raise the questions to be addressed.

### *4.1 Inaugural NCCA Course Committee Minutes from 22nd February 1993*

The NCCA then entered into correspondence with Department of Education on these legal issues. On 10th March 1994, Micheál Ó'Néill, Assistant Secretary of the Department of Education, wrote to the CEO of the NCCA on a number of different legal questions.

One point was the constitutional prohibition on discrimination based on religion. That is, if a State-administered Religious Education examination course was bias towards say Catholicism, then this would discriminate against citizens of all other faiths and none.



This statutory provision, although requiring appeal, at least has the virtue of certainty. No such certainty attends the constitutional issues raised by the proposal. Earlier proposals for the content of this course focussed on Christian religions. It could therefore be open to a non-Christian student to claim that his Christian counterparts have available to them a course which for reasons of conscience he or she cannot avail of. On these grounds it could be claimed that the examination amounted to the State, contrary to Article 44.2.3 of the Constitution, imposing a disability or making a discrimination on the grounds of religion.

In considering a claim of discrimination in this context, a court could be expected to enquire into the **educational** need for the course, however desirable and valuable it may otherwise be. It is also unlikely that a court would be convinced by the argument that the examination came within the provisions guaranteeing free profession of religion, as it could hardly be said that that the proposed course was necessary for the free practice and profession of the Christian religions. In defending the course and examination before the courts the State would need weighty, objective arguments to justify it on educational grounds. In deciding whether or not to introduce this course, it may be desirable that this Department and the NCCA marshal these arguments so that the strength of the constitutional position can be fully assessed.

4.2 Extract 1 of Letter from DoE to NCCA from 10th March 1994

The view of the Department of Education was that the course would be constitutionally required to be *educational* (as opposed to a course that was involved in faith formation). That is, rather than privileging one religious denomination by teaching that its tenets are true, the course must seek to educate children about various aspects of the phenomenon of religion in a neutral manner.

In his correspondence of 10th March 1994, Micheál Ó'Néill went on to explain to the NCCA a further constitutional requirement for religious neutrality. That is, if the Religious Education course deviates at all from neutral content, which is appropriate for citizens of all faiths and none, then it will also breach the constitutional prohibition on endowing a religious denomination.

Consequently, if publicly-funded teachers who are supposed to be teaching a neutral course about religion, are in fact engaging in Religious Instruction or faith formation with respect to one particular denomination, then this amounts to unconstitutional endowment of that denomination by the State.



In addition to this issue of discrimination, the proposed course raises issues of endowment of religion contrary to Article 44.2.2 of the Constitution. The denominational structure of our educational system is, in all probability, underpinned by the Constitution to an extent which would defeat any claim that State support for denominational schools, per se, amounted to an unconstitutional endowment of religion. A court is likely to take the view that, to the extent that such support represents endowment, the funding of denominational education and the teaching of religion is necessary to uphold the rights of parents to provide for the religious and moral education of their children and the right to freedom of religious expression. In doing so however, a court might also take the view that there should be an endowment of religion only to an extent which is objectively necessary and proportionate to the aim of inculcating moral and religious principles. A formal course of studies, leading to a formal State funded examination could well be considered to go beyond what could be considered necessary for that limited purpose.

4.3 Extract 2 of Letter from DoE to NCCA from 10th March 1994

These legal issues were discussed again by the NCCA Course Committee during their meetings on 5th May 1994, 11th November 1994 and 28th November 1994.

Eventually, the NCCA met with the Department of Education on 27th January 1995. The Department's memorandum of this meeting again noted the constitutional issues and the implication of those legal issues for *"the structure, format and content of the syllabus"*.

Specifically, the Department also linked these requirements around the content of the syllabus, to the rights of *"members of non-Christian Churches or individuals/groups of no religion"*.



R.E.

Memo on Meeting of NCCA with  
Department of Education 27 January 1995

1. Present: Department: Dr. Don Thornhill (Secretary), Seán Mac Gleannáin (Príomhchigire), Tom Boland (Law Officer)

NCCA: Dr. Tom Murphy (Chair), Sr. Pat Murray, (Vice Chair of NCCA and Chair of R.E. Committee); Kenneth Milne (Council Member and Member of R.E. Committee) and Albert O Ceallaigh, Chief Executive.

2. The Secretary expressed the support of the Department for the work of the R.E. committee and indicated its interest in identifying obstacles to progress and to seeking solutions.
3. He indicated a commitment on the part of the Minister to amend the 1878 Act where necessary.
4. It was noted that the substantive issues arose from the provisions of the constitution with particular reference to the endowment by the state of any religion and, also, the issue of discrimination. These issues might arise in relation to the nature of the R.E. syllabus <sup>for members of</sup> non-Christian Churches or individuals/groups of no religion. It was further noted that these issues had implications for the structure, format and content of the syllabus and its assessment where such a syllabus was recognised as an examination subject.

*4.4 Department of Education Memo of NCCA Meeting on 27th January 1995*

In case the need for a pluralist approach to the course was not yet sufficiently clear, a delegation from the Department of the Education attended the NCCA Course Committee meeting on 30th January 1995. This delegation included Don Thornhill, Sean Gleannain and John Boland.

They again referred to the constitutional requirement for the course to be suitable for students of all faiths and none, as otherwise it would breach the constitutional prohibitions on religious discrimination and endowment of a religion.



The real difficulty is the constitutional one. This has two aspects.

1. **Discrimination.** All students, regardless of background have equal entitlements. Might some

of a particular background have an inherent advantage?

2. **Endowment.** In addressing the issue of discrimination it might be possible to err on the issue of endowment.

4.5 Extract 1 from minutes of NCCA Course Committee meeting with DoE from 30th January 1995

The minutes of the meeting are clear that a State Religious Education course cannot involve the Churches teaching the truth of their own doctrines to children. Rather, there is a statement that "*Theology and biblical studies is not the preserve of the churches*". That is, the content of the course must be *educational* in teaching about these areas neutrally and it must not stray into faith formation or Religious Instruction with respect one or other denomination.

2.3 The discussion which followed raised the following points:

Does it all hinge on the differences between R.I. and R.E. The latter has the educational context. This is the context which needs to be emphasised. An unintended spin off of this educational process might be attitudinal development.

We need to remember that for 150 years, the Church has said to the state keep out of this area. There is an enormous educational task to be done here. Theology and biblical studies is not the preserve of the churches.

4.6 Extract 2 from minutes of NCCA Course Committee meeting with DoE from 30th January 1995





The meeting was also clear that religious instruction and faith formation was already catered for within denominational schools as part of instruction with respect to the patron's ethos. A State Religious Education course would then not preclude patrons from continuing with such Religious Instruction or Religious Education but it is noted that the State course must have a "broad pluralist approach". As such, the State Religious Education curriculum cannot be compromised by the denominational interests of one faith.

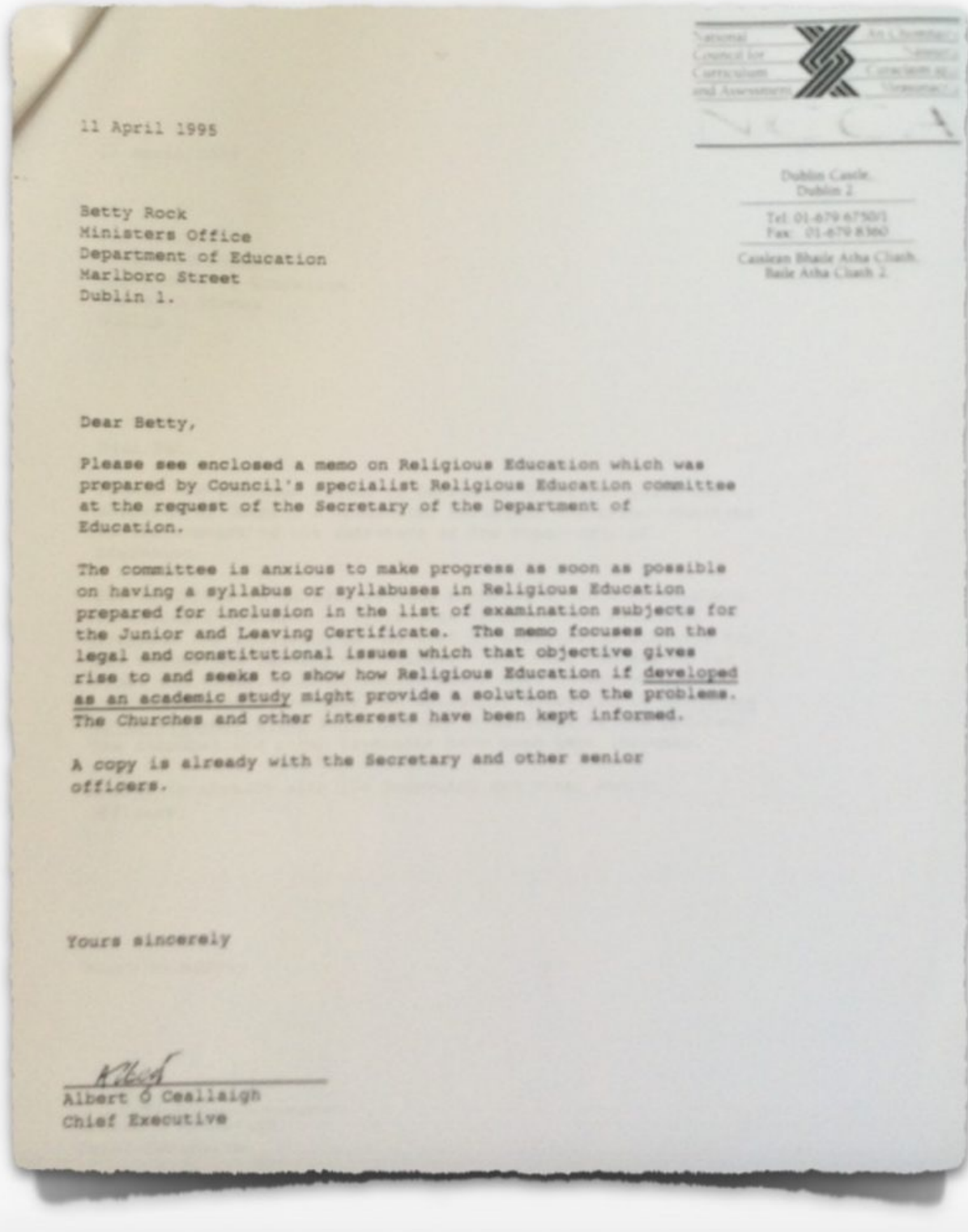
ACTION
At the meeting it was made clear that the provision of a syllabus did not preclude the provision of the churches own syllabuses.
There was a query as to why third level has not proved a problem. It was pointed out that the denominational aspects, in Trinity for example, are funded by the churches.
Any educational emphasis is not forced on us. It is a useful avenue. In the philosophy of the Junior Cert. and the vision of the person inherent in it, religious education is compatible with this.
The Muslim faith in general may not study other faiths.
We will need a broad and pluralist approach.
How can any experiential element be included? Without difficulty if it is not for national certification.
It should be noted that at the meeting, the Department did not equate "spiritual" with "religious".

4.7 Extract 3 from minutes of NCCA Course Committee meeting with DoE from 30th January 1995

On 11th April 1995, the NCCA then wrote back to the Department of Education. The purpose of the correspondence was to accept the legal constraints that had been outlined, in terms of ensuring that the State Religious Education course must be suitable for children of all faiths and none. Specifically, the NCCA emphasises that religion is viewed as a subject for "academic study" as opposed to involving



Religious Instruction or faith formation. This correspondence also indicated that the Churches had been informed of this situation.



4.8 NCCA Letter to Department of Education from 11th April 1995



So there is full awareness within the Department of Education, the NCCA management, the NCCA Course Committee and all of the Churches, that the State Religious Education curriculum must be a pluralist one and suitable for all those of religions and none. For any content within the course to instruct children on behalf of the particular sectional or denominational interests of any one particular Church, would be a breach of two separate Articles of the Irish Constitution.

Furthermore, having positioned the course in this manner and communicated to citizens that the course content is suitable for those of all faiths and none, to then allow Religious Instruction or faith formation to creep into the content in any way, would be a breach of the constitutional rights of both parents and children.

Further documents obtained by Atheist Ireland under the Freedom of Information Act, show how the NCCA engaged in bilateral discussions with the Roman Catholic Church, which resulted in breaching the precise constitutional limits that they had placed on themselves. In this manner, they are continuing to discriminate against non-Christians, with respect to the current State Religious Education course at second level.



# Chapter 5

*"The aims of the syllabuses make it clear that they are not designed to meet the 'faith formation' or 'catechetical' requirements of any religious denomination. However, many schools intend using them as a support for such work in school, particularly at Junior Certificate level. The syllabus for Junior Certificate has been designed to offer this flexibility."*

NCCA Briefing Note for  
the Episcopal Conference



## 5. Merging State Curriculum with Faith Formation

The state Religious Education course at second level (an exam subject) is combined with the "Guidelines for the Faith Formation and Development of Catholic Students" and presented to all parents as suitable for their children. The stated intention of the NCCA was that this must be an optional subject but despite this, the various patron bodies have made it compulsory in the vast majority of schools, including ETB schools and colleges. Under various agreements all ETB/VEC schools and colleges have Catholic Religious Instruction and faith formation as part of the school day.

**Dimensions of Faith Formation and Development**

**EXPLANATORY NOTES**

a) The faith formation dimensions that follow will only make sense when read in conjunction with the State syllabus drawn up by the National Council for Curriculum and Assessment (NCCA).<sup>14</sup>

b) The Section Headings A, B, C, D, E and F in this document are those of the State syllabus.

c) The Aims in sections A to F are those of the State syllabus.

d) Each page has two columns. The left-hand column is headed 'State Syllabus'. The right-hand column is headed 'Faith Formation Dimensions'. Parts 1 to 5 in the left-hand column are those drawn up by the NCCA. Parts 1 to 5 in the right-hand column are those drawn up by the Irish Episcopal Commission for Catechetics.<sup>15</sup>

e) The 'Objectives', 'Description of Content' and 'Key Concepts' of the State syllabus have been omitted for reasons of space. However, the 'faith formation dimensions' correspond to these as closely as possible.

f) The 'Faith Formation Dimensions' column contains references to the biblical data and the official teaching of the Catholic Church which

**SYLLABUS OUTLINE**

Syllabus sections may be taught in any order. It is not necessary to follow the sequence outlined below.

The course consists of two parts.

**Part One**

Students take *any two* of the following:

Section A  
Communities of Faith

Section B  
Foundations of Religion – Christianity

Section C  
Foundations of Religion – Major World Religions

**Part Two**

Students take *all* of the following:

Section D  
The Question of Faith

Section E  
The Celebration of Faith

5.1 Extract from Guidelines for the Faith Formation and Development of Catholic Students

The NCCA and the Department of Education were aware that this would happen, given the lack of available time in a busy schedule for all schools to introduce such a course. The Department of Education and the NCCA failed to take sufficient care to ensure that the rights of all parents and their children were respected. They simply ceded control to the interests of private patron bodies.



From the very start of the work performed by the NCCA Course Committee, there was a recognition that any attempt to add a new State Religious Education course on top of the existing faith formation of the patron, would present timetabling difficulties. This was recorded in the minutes of Course Committee meetings as early as 22<sup>nd</sup> February 1994.

(c) Timetable difficulties

Given the shortage of trained personnel and the demands on timetable space how can a new subject be accommodated on the timetable?

*5.2 Minutes of NCCA Course Committee Meeting from 22nd February 1994*

Making space in the timetable was a continuing issue for the Course Committee and on 21<sup>st</sup> February 1996 there was the first discussion of “*flexibility*” in this regard. It should be noted what this flexibility pertains to. The separation of the patron's Religious Instruction and faith formation content, from the new State curriculum intended for all faiths and none, is a constitutional requirement. Any suggestion of flexibility in this regard can only impinge on the constitutional rights of parents to ensure that the teaching of their children is in conformity with their convictions.

It was suggested that the Council will have to examine the overall structure of the Senior Cycle. It was pointed out that there are 3 years available and that there may be other ways of using these 3 to take pressure off students.

- timetabling is already under pressure. It is the un-examined RE which will need to find flexibility for timetabling.
- Leaving Cert course is too long. It will have to hold its own with other subjects with regard to rigour and balance. May help to define a school as a religious school if it were to be offered to all students.
- It would appear that without serious overhaul, most would envisage the Junior Cert as meeting the catechetical aims of schools.

*5.3 Minutes of NCCA Course Committee Meeting from 21st February 1996*



The Church made no secret of their aspirations with regard to retaining religious instruction and faith formation within the new state Religious Education curriculum.

On 13<sup>th</sup> March 1996, the Irish Bishop's Conference issued a press release about the NCCA course. In the statement, they openly discussed the State curriculum as "*complementing and enhancing*" their current religious instruction and faith formation content, rather than remaining separate, as a new State curriculum for students of all faiths and none.

Bishop Flynn said the bishops welcome this undertaking. They recognised that religion was critical to the development of the whole person and that with examination pressure in schools those subjects not studied for examination purposes could seem to pupils to be of less value.

"It is important to stress, however, that catechists in Catholic secondary schools are doing tremendous work in difficult circumstances. The Bishops see the NCCA proposals as complementing and enhancing what the catechists are already doing."

#### 5.4 Statement from Irish Bishops Conference 13th March 1996

When the early outputs from the efforts of the NCCA Course Committee reached some schools, the intention to merge the new State Religious Education curriculum with the existing Religious Instruction and faith formation content, started to become more overt.

For example, on 6<sup>th</sup> October 1997, Mr Joseph O'Sullivan (Principal of Listowel Comprehensive School) wrote to Fr Donal O'Neill (of the Catholic Catechetical Office) expressing this view in simple arithmetic.

As Mr O'Sullivan points out in his letter (which was copied to the NCCA) even if all of the existing Religious Instruction and faith formation hours within the timetable are merged into the State curriculum, there are still insufficient timetable hours to accommodate the new state Religious Education course.



Re: **R.E. as Examination Subject**

Dear Donal,

My comments relate to the timetabling of the subject. I am quite happy that the content has been well vetted and, as such, I have no problem introducing it into the curriculum as an optional examination subject. However:-

- (1) My catechists are fully utilised with current programme on offer. What power has the hierarchy or the Subject Association or the NCCA to persuade the Department of Education to reduce the Parent/Teacher ratio to provide more human resources? Because:-
- (2) As an option it will require 2 classes of 25 students at Junior Cert. level to create a viable class at Leaving Cert. of roughly 20 students. The following table may help to indicate the number of teaching periods which will be required over a 3 year build-up period.

1998/99	1st Year	-	8 periods (2 class groups)
1999/00	2nd Year	-	8 periods (2 class groups)
2000/01	3rd Year	-	8 periods (2 class groups)
<b>Sub Total</b>			<b>24 Periods</b>

1998/99	Leaving Cert. 1st Year	-	5/6 periods (1 class group)
1999/00	Leaving Cert. 2nd Year	-	5/6 periods (1 class group)
<b>Sub Total</b>			<b>10/12 Periods</b>

**TOTAL** **34/36 Periods**

3. Manpower can be released as follows:-
  - (a) Drop R.E., as it is now, from Leaving Cert. programme. This will release 16 periods in this school.
  - (b) Reduce time allocation at Junior Cert. from 3 periods to 2. This will release a further 15 periods.
  - (c) Total periods released through (a) and (b) 31 still not sufficient!

*5.5 Letter from Joseph O'Sullivan to Fr Donal O'Neill and the NCCA on 6th October 1996*

The intention that the practical implementation of the new course would involve such a merger with the existing Religious Instruction and faith formation content, is quite obvious from Mr O'Sullivan's letter.

This fact was reinforced when Fr O'Neill wrote to the NCCA on 4<sup>th</sup> November 1997, on behalf of the Catholic Catechetical Office. In this letter he summarised the feedback from numerous other schools, which was consistent with the view expressed by Mr O'Sullivan.



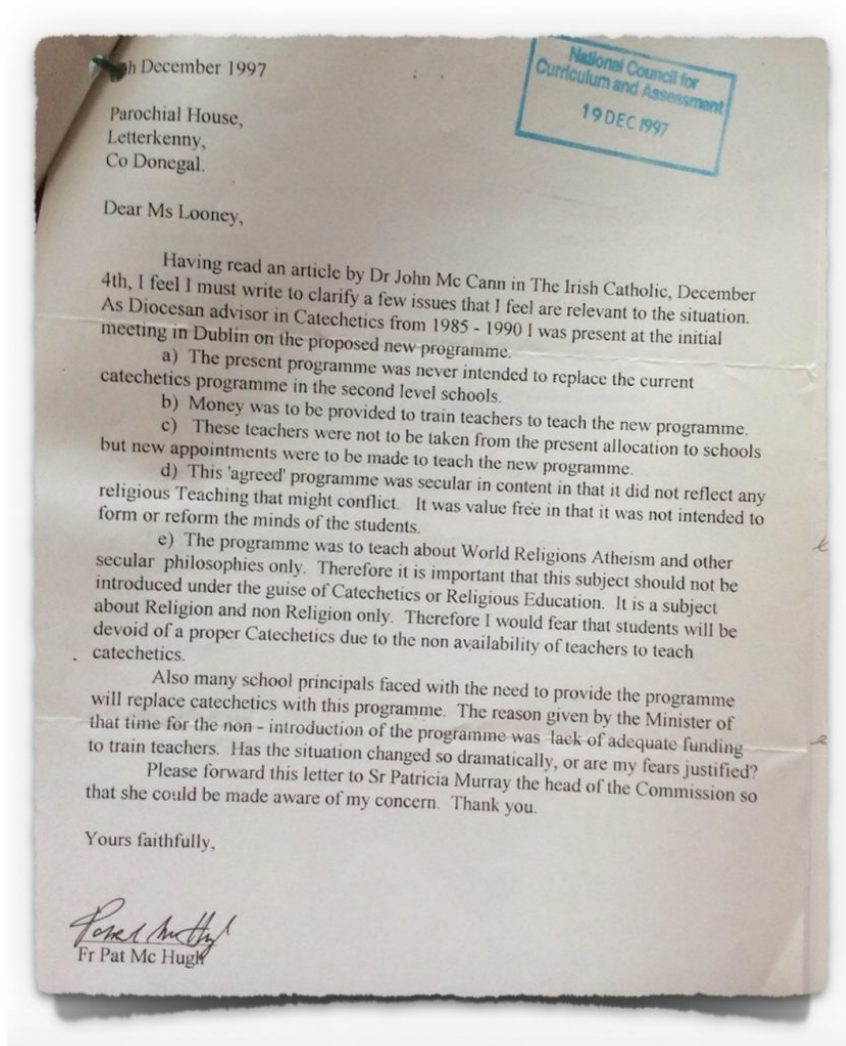


From those who have looked at the revision, there seems to be broad acceptance of the content and structure and quite a deal of interest in the subject. The feedback at this stage seems to centre on the implementation of the subject. The main concerns are:

- the relationship between catechetics and religious education;
- the provision of time on the timetable for another subject;
- the in-service training of teachers to equip them with the knowledge and skills for this challenging subject.

5.6 Letter from Fr Donal O'Neill to NCCA from 4th November 1997

Those involved with the practical implementation of Religious Education, continued to point to out to the NCCA that their “*secular*”, objective course would inevitably be merged with the existing catechetics, as otherwise children would be “*devoid of a proper Catechetics*”. On 5<sup>th</sup> December 1997, Diocesan Adviser Fr Pat McHugh explained this again to the NCCA and also added that “*many school principals faced with the need to provide the programme will replace catechetics with this program*”.

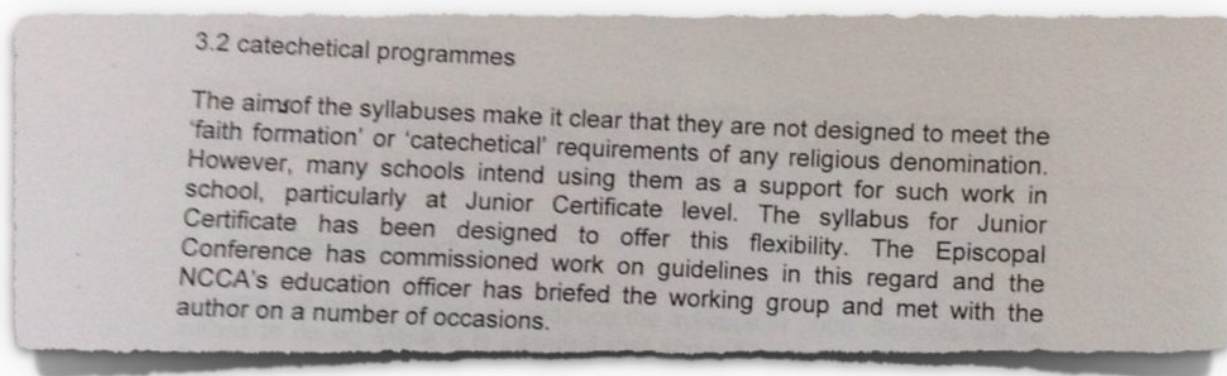


5.7 Letter from Diocesan Adviser to NCCA from 5th December 1997



There was clearly no room in the timetable for separate Religious Instruction and faith formation and an independent “*secular*”, objective Religious Education course. The Church was very clearly unwilling to compromise on Religious Instruction and faith formation and it was entirely obvious that Catholic Religious Instruction and faith formation content would be merged into the NCCA Religious Education course in practice.

In fact, so obvious was this reality that it was overtly expressed within a NCCA briefing note for a meeting with the Episcopal Conference. On 14<sup>th</sup> January 1999, the briefing note was written so that it could be communicated to the bishops that the NCCA knew their course would only be used “*as a support*” for faith formation and that the State course was “*designed to offer this flexibility*”.



#### 5.8 Briefing note in relation to likely concerns of Episcopal Conference 14th January 1999

This position seems to contradict the constitutional constraints that the NCCA themselves recognised for the work of their Course Committee. The legal requirement was for a course that was designed to be suitable for those of all faiths and none. It was explicitly not for a course that was designed to be used merely as a support for Roman Catholic faith formation.

The Department of Education was also aware of the funding and timetabling constraints, which in practice required the merging of the courses. Following direct contacts from the Catholic Catechetical Office, on behalf of the Diocesan Advisers, then Minister Michael Woods responded in writing to Fr O'Neill on the 2<sup>nd</sup> June 2001.

In this correspondence, the Minister acknowledges discussion of the timetabling issues. He further confirms that notwithstanding the views of the NCCA on the timetabling requirements for the State course, patrons will make timetabling arrangements to suit their own agenda. At no stage did the Minister or the NCCA raise the issue of informing parents that Catholic Religious Instruction and the State Religious Education Course would be merged.



Fr. Donal O'Neill  
Chairperson, National Association of Post-Primary  
Diocesan Advisers/Co-ordinators  
Catechetical Offices  
John II Pastoral Centre  
Rock Road  
Killarney  
Co. Kerry.

2 June 2001

Our Ref : 0009339/DG

Dear Fr. O'Neill,

I wish to refer to your correspondence in relation to your concerns regarding the resources allocated to religious education in Post-Primary schools.

I am pleased to note that a meeting between members of your association and officials of my Department accompanied by a representative of the NCCA and the co-ordinator of the Junior Certificate Religious Education support programme has addressed many of the concerns expressed in your letters to me.

My Department acknowledges that there is a need for more trained teachers of Religious Education and would welcome proposals from your organisation regarding the training of non-specialists in Religious Education.

While my Department has given indicative guidelines in relation to the time allocation for the examination subject Religious Education in all schools and suggested time allocation for non examination Religious Education for Vocational Schools, Community Schools and Community Colleges it is a matter for the School Management, Trustees, Board of Governors or VECs on how the curriculum is timetabled.

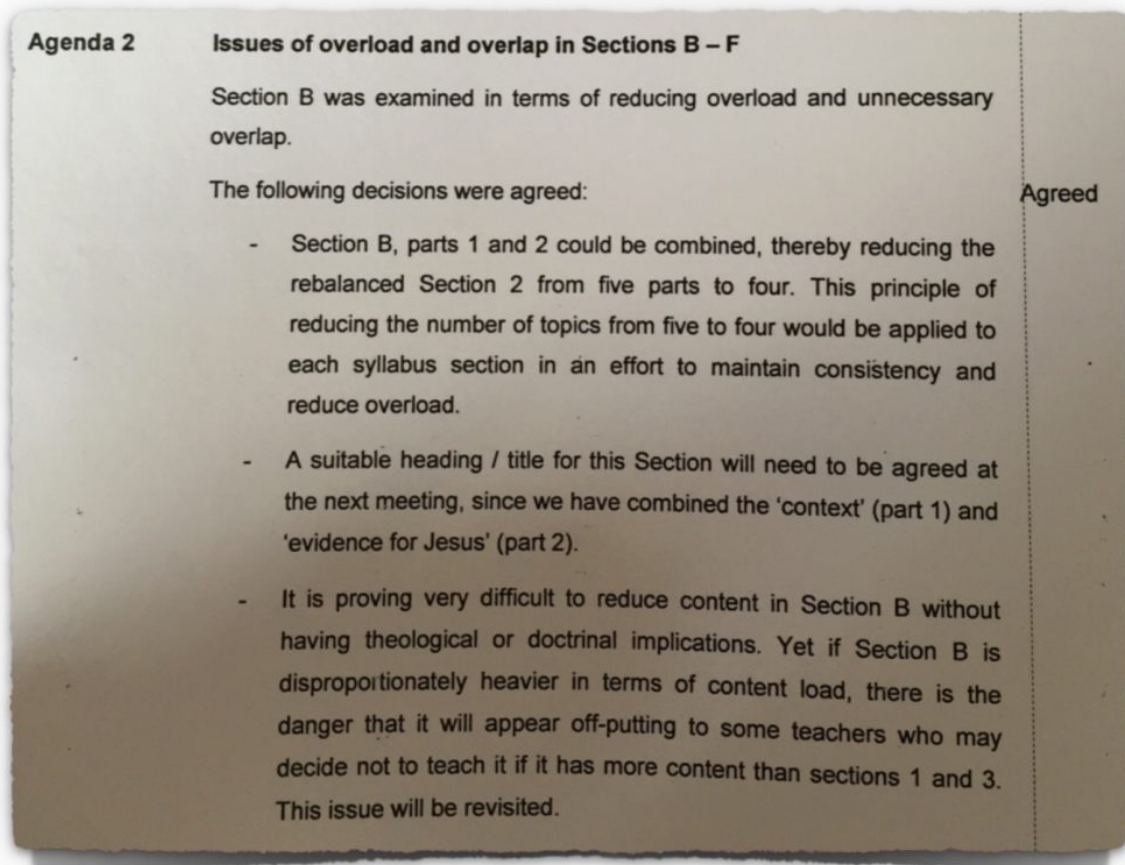
5.9 Letter from Minister Michael Woods to Diocesan Advisers from 2nd June 2001

It is not difficult to guess what timetabling decisions that Roman Catholic schools across the country made, since they had been advertising their plans and intentions to the NCCA for many years. The Catholic schools integrated their own Religious Instruction and faith formation content with the NCCA Religious Education curriculum and then they made this course compulsory for all students. This was despite the NCCA relying on the course being optional, in order to address several legal concerns. This happened not only in second level schools under the patronage of the Catholic Church, but also in all ETB/VEC schools and colleges, and they had various agreements with the Catholic Church to this effect.

If this was an entirely predictable outcome, it was also entirely predictable that there would still continue to be ongoing timetabling pressures even after the new course had been launched. From the Course Committee meeting on 15<sup>th</sup> January 2009,



“*overload and overlap*” became a standing agenda item that was discussed on an repeated basis. In the efforts to reduce the volume of work in the course though, it was noticeable that the items to cut were not determined based on “*academic*” or “*educational*” considerations. Rather, as described in the minutes of the Course Committee meeting from 26<sup>th</sup> May 2009, such decisions were made based on “*theological*” and “*doctrinal*” considerations.



5.10 Minutes of Course Committee meeting from 26th May 2009

If Religious Instruction and faith formation content had already been integrated into the State course in practice and some of the State course had to be cut back by the NCCA, it would make sense that denominational considerations would take priority. It seems that for the NCCA, at this point denominational interests had also taken priority over the constitutional rights of children and their parents.

As the State Religious Education curriculum defined by the NCCA has been merged with the "*Guidelines for the Faith Formation and Development of Catholic Students*", the rights of religious minorities and the non-religious have been systematically ignored.



These Roman Catholic guidelines portray atheists and humanists merely as "*Challenges to Faith*" alongside materialism and fundamentalism, as described in the extract below. This hardly respects the philosophical convictions of the non-religious.

Part Five  
Challenges to Faith

- Faith *does not* keep itself outside human progress.
  - The Gospel message *interprets* challenges to the faith, as does the teaching of the Church.
  - Christianity *transcends* every advancement of culture.
  - Scientific research complying with moral laws does not conflict with faith since science and faith derive from the *same God*.
  - Agnosticism/atheism/religious indifference *can* be interpreted as flight from the ultimate question of existence, that is, God.
- (Jn 1:9)  
(*Catechism of the Catholic Church*, par. 159)  
(*Gaudium et spes*, pars. 4, 36, 57, 62, Vatican II)  
(*Fides et Ratio*, pars. 64-74, John Paul II)

25

5.11 Extract from *Guidelines for the Faith Formation and Development of Catholic Students*

The guidelines for what should be an academic course, developed for students of all faiths and none, includes statements like:

*"Agnosticism/atheism/religious indifference can be interpreted as flight from the ultimate question of existence, that is, God".*

This statement is justified based on references to Christian scripture and the Roman Catholic Catechism. In the Guidelines for Teachers associated with the State Religious Education Course, it is stated that teachers must give attention to:

*"Appreciating the richness of religious traditions and acknowledging the non-religious interpretation of life."*

Merely acknowledging the non-religious interpretation of life does not constitute respect under human rights law. Instructions to teachers that the religious must be appreciated, whereas the non-religious must merely be acknowledged, does not give equal respect to atheist parents and their children. And this comment represents a mere hint of the degree to which the NCCA course has actually been compromised by denominational interests.



# Chapter 6

*"Some committee members felt it was not possible to 'avoid faith language' in writing learning outcomes. This term was clarified for the committee ... Janet Wallace reassured the committee that learning outcomes should be seen as the minimum requirement in the learning process and that these do not preclude engagement, understanding and reflection."*

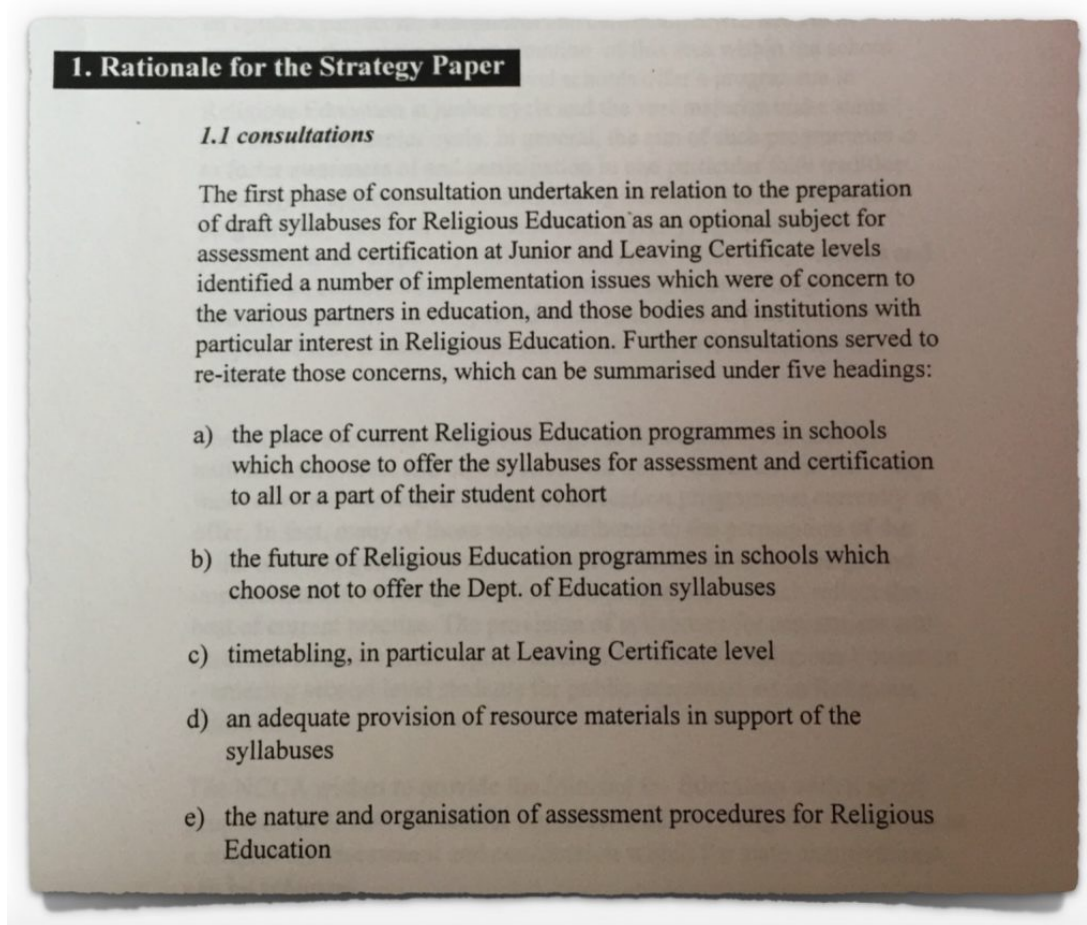
Minutes of NCCA  
Course Committee Meeting



## 6. Delivery Strategy to Schools

On the 19th of November 1997, the NCCA produced a “*Draft Strategy Paper for the Implementation of Religious Education as an optional subject for assessment and certification in the Junior and Leaving Certificate Examinations*”.

The rationale behind this paper was that consultations around the new curriculum had already been completed and the NCCA was now considering the practical implications of rolling out the new course.



6.1 Rationale from the NCCA Strategy Paper of 19th November 1997

The details of this strategy should be of concern to anyone interested in ensuring the independence of the State Religious Education course, from the tenets of any one denomination. Initially, it is noticeable that the NCCA relied heavily on a formal role during the roll out of the course, for Roman Catholic “*diocesan advisers*”.



## 6.2 the Roman Catholic Diocesan Advisers

Most Catholic dioceses have a designated diocesan adviser for Religious Education in post-primary schools; the Archdiocese of Dublin has four full time advisers. Their work includes visiting schools on a regular basis and, in some cases, the organisation of chaplaincy services. The National Association of Diocesan Advisers has been particularly supportive of the work of the NCCA, and the diocesan advisers have been a very important channel of communication of the comments, concerns and suggestions of teachers, principals and managers to the course committee and education officers of the NCCA.

Possible co-operation with diocesan advisers might include:

- identification of schools for the implementation phase
- identification of resource materials currently in use
- dissemination of information
- delivery of in-career support

It should be noted that the diocesan advisers serve only schools under Roman Catholic Management.

### 6.2 Comments on diocesan advisers from NCCA Strategy Paper of 19th November 1997

The NCCA strategy includes a formal recognition that "*diocesan advisers serve only schools under Roman Catholic Management*". This is an overt statement that the Religious Education course is to be delivered differently to Catholic schools than to all other schools, which is not consistent with the obligations of the NCCA.

Specifically, the NCCA had already agreed with the Department of Education, the constitutional considerations that required an "*educational*" course for "*academic study*". They knew that any part of the course that involved faith formation according to denominational interests, would be explicitly unconstitutional, particularly when parents were not informed about this.

An example of how this contradiction was seen by specific schools was also evident when Micheál deBarra, Chairman of the Cork Religious Teachers Association, wrote to the NCCA on January 30th 1998. This letter included some questions on catechists and the role of liturgy and prayer within the new course.





**6. Miscellaneous:**

There are some other related issues that catechists/schools must also consider: the role of liturgy/spirituality/prayer etc. in the new dispensation? Will schools become the providers of academic R.E. only? Would this be a good development? Will the D.A. have a role in the future? Can the question of orthodoxy be assimilated smoothly?

*6.3 Cork RTA letter to NCCA on 30th January 1998*

This would have been a good opportunity for Anne Looney, the CEO of the NCCA, to explain that the State course is not intended to include Roman Catholic prayers prescribed by Roman Catholic diocesan advisers. In fact, when the question is asked "*Will schools become the providers of academic RE only?*", the NCCA already had a large part of the answer to this question. With respect to the State Religious Education course, the NCCA had previously written to the Department of Education on 11th April 1995, stating that their course would be an "*academic study*" of religion. This was an agreed legal limitation on the course, as the Department of Education had already explained in detail (and the NCCA had already accepted) that anything denominational would be unconstitutional as it would discriminate against religious minorities and the non religious.

However, the response to the letter was somewhat different. The CEO of the NCCA did not explain the constitutional limitations that were already agreed for the course. It was not stated that the NCCA would be constitutionally prohibited from facilitating Roman Catholic catechists to teach Roman Catholic prayers within the context of the State Religious Education exam course. Instead, the CEO of the NCCA was happy to foresee a role for catechists and catechetics. No concern was expressed for the rights of parents to ensure that the teaching of their children was in conformity with their convictions or that the state is obliged to respect the rights of all.

**6. Miscellaneous**

Of course there are issues for catechists and catechetics - particularly the future role of school based religious education. But the NCCA initiative is fuel for the debate rather than the forum!!

*6.4 NCCA letter to Cork RTA on 12th February 1998*

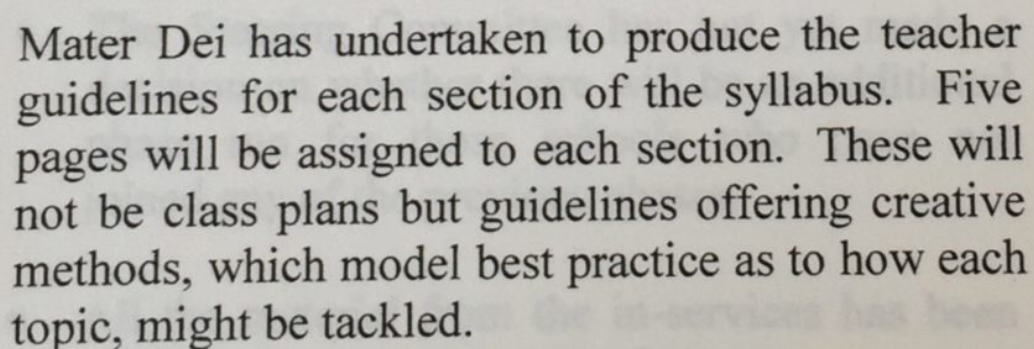
The "*Guidelines for the Faith Formation and Development of Catholic Students*" state that they are for Catholic students, which means that the teachers are supposed to differentiate between Catholic students and students from minority



faiths and the non-religious. This is simply an impossible task and cannot be achieved.

In addition it undermines human rights and it obliges the student to reveal their convictions or lack of adherence to a particular faith. It would also mean that there would be a partial opt out from the course in place. This simply does not happen, since it seems that the course is made compulsory in most schools and parents are never informed that there is an opt out let alone a partial opt out.

This confusion between a State curriculum and the interests of one particular Church was also evident during a meeting of the Course Committee on 30th January 2003. During this meeting it was noted that the Mater Dei Institute would be responsible for developing the teacher guidelines for the course. The Catholic Archbishop of Dublin is the patron of the Mater Dei Institute.



Mater Dei has undertaken to produce the teacher guidelines for each section of the syllabus. Five pages will be assigned to each section. These will not be class plans but guidelines offering creative methods, which model best practice as to how each topic, might be tackled.

*6.5 Extract of minutes from Course Committee of 30th January 2003*

Again, a State curriculum that should be delivered in a manner suitable for students of all faiths and none, is being implemented by an explicitly Roman Catholic organisation.

It is also clear from the documents obtained by Atheist Ireland under Freedom of Information that these issues were not resolved as the course was rolled out. In fact, if anything the tendency towards Roman Catholic faith formation within the State curriculum for Religious Education, seems to be becoming more pronounced.

This specific issue was raised during a meeting of the Course Committee on 15th January 2009.



**Agenda 4****Workshop: Generating learning outcomes****Noted**

The committee were divided into groups and asked to discuss and generate some learning outcomes on each section of the syllabus.

Discussion ensued regarding the difficulties which may arise due to avoiding the use of verbs such as 'know' and 'understand' given the nature of the subject. Some committee members felt that it was not possible to 'avoid faith language' in writing learning outcomes. This term was clarified for the committee. Some concern was expressed at the idea of reducing education to observable targets and the possibility of stifling the learning process.

**Janet Wallace reassured the committee that learning outcomes should be seen as the minimum requirement in the learning process and that these do not preclude engagement, understanding and reflection.**

6.6 Extract from Course Committee minutes from 15th January 2009

Attendees explicitly highlighted a supposed difficulty in avoiding "*faith language*" while delivering the State Religious Education curriculum, which is intended to teach about different religious beliefs. Again, rather than explaining that this would be totally unacceptable within the State Religious Education course that was supposed to be objective (and that it was a breach of the constitutional rights of parents and their children) the NCCA was entirely sanguine about the idea that "*faith language*" would be included within their course content. Again there was no discussion about informing parents what was going on.

The Religious Education Course Committee also agreed guidelines for publishers of the text books to support the Religious Education syllabus. Unfortunately, there was no document on file that outlined what exactly these guidelines are. The NCCA has no control over how any publisher interprets the syllabus but according to a letter on file it does brief the publishers on the underlying principles of the course.

A letter was also received by the NCCA from one Church of Ireland school, in relation to the first book published on the second level Religious Education syllabus. This was the Gill & MacMillan publication, "*All about Faith*". It was clear that on 8th May 2002, the Board of Wilson's Hospital School was extremely unhappy with the book and provided a list of objections to it.





## WILSON'S HOSPITAL SCHOOL

Multyfarnham, Co. Westmeath, Ireland  
email:wilsonsh@iol.ie Website: www.whs.ie  
Tel. (044) 71115. Fax: (044) 71563

Ms. Anne Looney  
N.C.C.A.  
24 Merrion Square  
DUBLIN 2

8<sup>th</sup> May 2002

Dear Ms. Looney

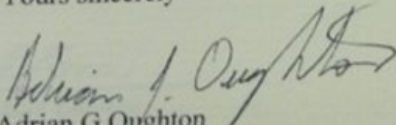
I have been instructed by my Board of Management (Wilson's Hospital School) to bring to your attention their concerns about "All About Faith". This text, the only one on the market, contains material that is, at the least, inappropriate in a non-denominational syllabus.

I recognise of course that you cannot deal with a text, published commercially, but we are aware that the N.C.C.A. has issued a syllabus. Does the text mirror the syllabus? I am anxious to have R.E. introduced as an examination subject, but I have major difficulties if this is the only text available.

I have attached a list of objections to, and inaccuracies, in the text. I have also spoken with the publishers, Gill and MacMillan. I have been instructed to communicate my Board's concern to the House of Bishops of the Church of Ireland and to Dr. Ken Milne.

I await your comments.

Yours sincerely

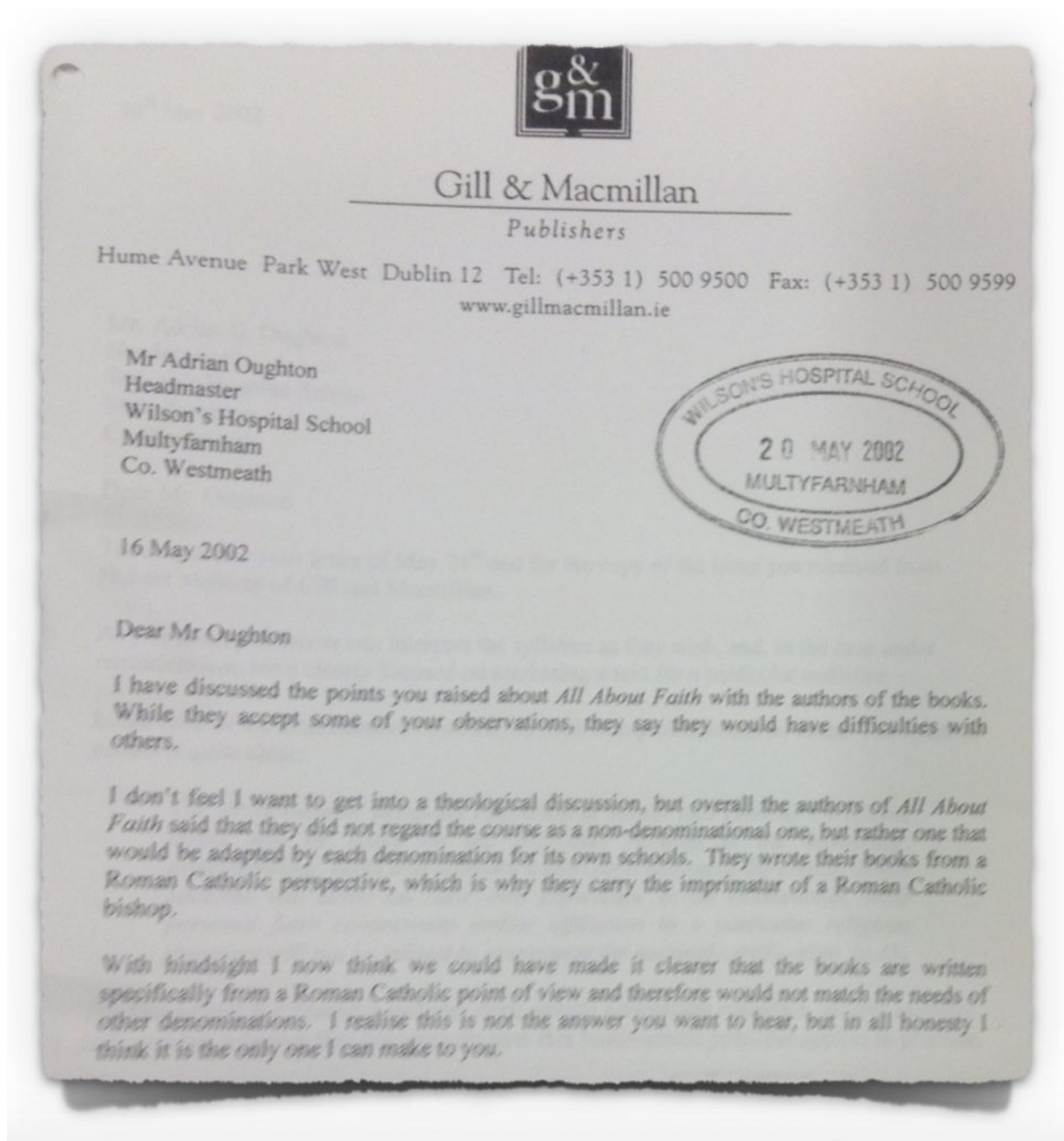
  
Adrian G Oughton  
WARDEN and HEADMASTER

6.7 Letter from Church of Ireland school, 8th May 2002

The response from Gill & MacMillan is enlightening as it states that the authors of "All about Faith", explained that they did not regard the course as non-denominational but one that could be adapted by each denomination for its own



school. They also said that "All About Faith" was written from a Roman Catholic perspective and that is why it carried the imprimatur of a Roman Catholic bishop.

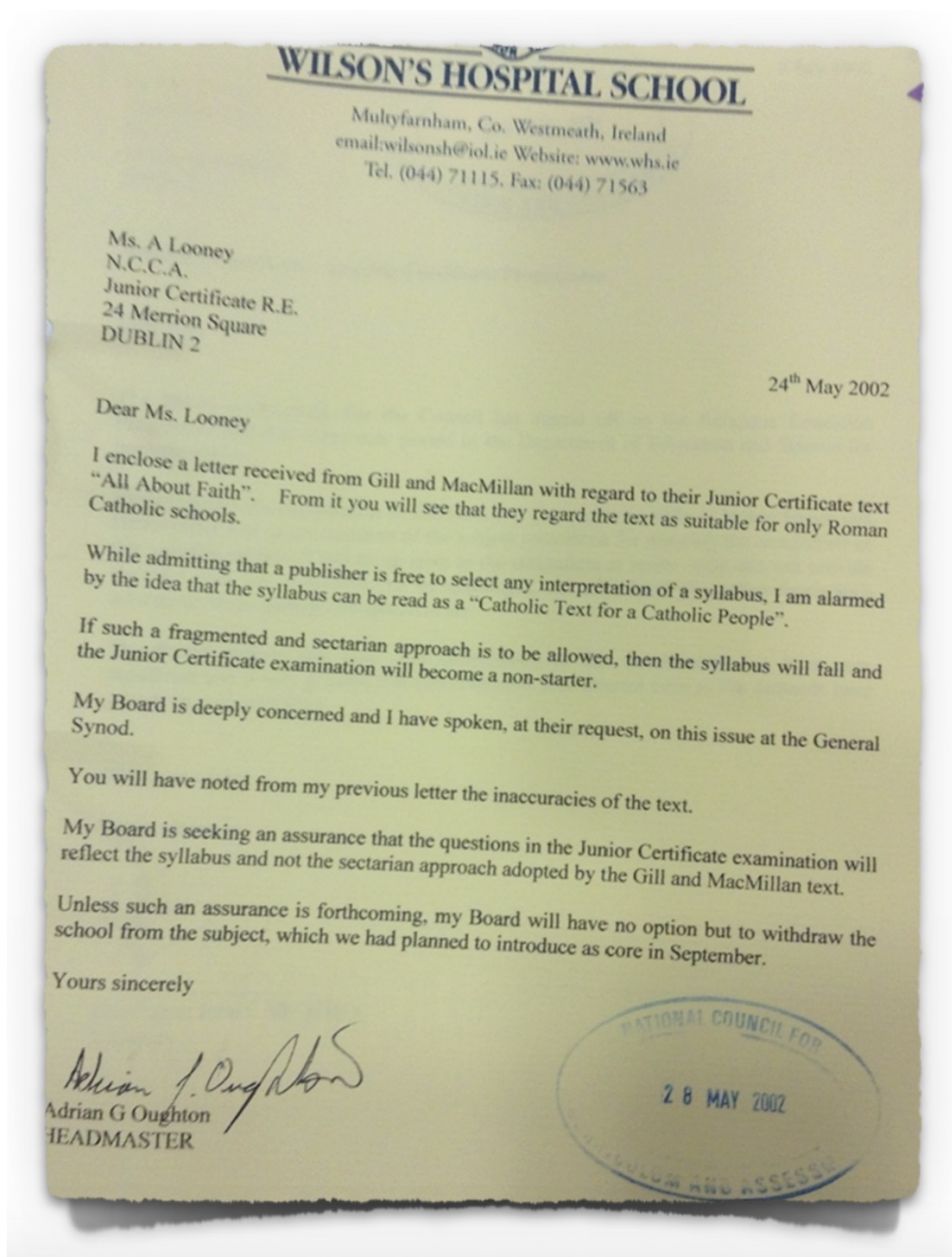


6.8 Letter from Gill & Macmillan, 16th May 2002

This means that a Roman Catholic bishop must sanction any religion book that covers the syllabus that is taught in schools with a Catholic ethos. This includes ETB Community schools and Designated Community Colleges. Non-designated Community Colleges are also obliged to have Catholic Religious Education. For minorities that are forced to take this State Religious Education course, this means that they are obliged to purchase a religion book that is written from the perspective of the Roman Catholic Church and approved by that Church.



Based on this, Wilson's Hospital School threatened withdrawal from the course.



6.9 Letter from Church of Ireland school, 24th May 2002

Even according to the legal limitations that they prescribed for themselves, the NCCA have delivered a course which breaches the constitutional right of parents to respect for their convictions and the right to be free from religious discrimination.



# Chapter 7

*Excessive involvement of religious authorities from one community in decisions that affect the rights of those belonging to another community may itself amount to a violation of the right to freedom of religion or belief*

European Court  
of Human Rights

*"If Barrington J's judgement suggests that a child of a minority religion, or from a non faith background, with no choice but to attend a Roman Catholic school other than withdrawing from formal religion classes, must in effect accept a form of religious education which offends their convictions, then this would appear to elevate one form of parental choice over another, with the majority religion always dictating the outcome. This could hardly respect the rights conferred on all parents by virtue of Article 42 of the Constitution."*

Irish Human Rights Commission Report



## 7. Constitutional and Human Rights Breaches

### 7.1 Legal issues crucial to the roll-out of the course

The NCCA, with the support of the Department of Education, devised and rolled out the State second level Religious Education course in the 1990s and 2000s, before and after the 1998 Education Act 1998. During their initial discussions, the NCCA and the Department recognised that legal issues had to be overcome to introduce such a course.

The legal framework in place was crucial to the roll out of this course. This legal framework gives patron bodies decision-making power over the rights of minorities. The State cedes control to the patron's interests, while relegating the rights of minorities to second class status.

These are preliminary views only, based largely on advice received some time ago. That advice would clearly need to be up-dated and reconsidered in the light of present proposals. Regard must also be had to the judicial review proceedings in respect of chaplains in Community Schools. The issues raised by that case are in some respects comparable to the issues outlined above. I understand however, that while this case is still making its way through the legal system it is unlikely to be heard for another twelve to eighteen months, so it is unlikely to give us much assistance in gaining an insight into the High Court's view of these issues

#### *7.2 Letter from the DoE to the NCCA from 10th March 1995*

The Department of Education initially reported that they were waiting for the judgement in the "*Campaign to Separate Church and State*" case and that the proposed course had to have a sound educational basis. This case is the judicial review referred to in the above letter from the Department of Education to the NCCA from 10th March 1995.

Up to this point, the obvious issue to overcome was Section 5 of the Intermediate Education (Ireland) Act, 1878, which prohibits the holding of examinations in Religious Instruction. Section 5 of the Intermediate Education (Ireland) Act was removed.





3.1 The following points were made in response to the report.

- ◆ The meeting given a clear sense of the support of the Department of Education.
- ◆ Some disappointment was expressed that the Department had not communicated, until the meeting, the reason for delaying.
- ◆ There is a need for the NCCA to be pro-active, to keep the pressure on.
- ◆ Does it suit the Department to delay? Are they reluctant to take a stand?
- ◆ The High Court decision is imminent. It seems reasonable to wait.

7.3 NCCA Course Committee Minutes from 9th November 1995

There were then three distinct legal issues remaining in relation to the course:

1. It is religious discrimination. This is a State examination course that does not respect the philosophical convictions of atheist and secular families (Article 42.1 and Article 42.3.2). It was never intended to provide an education *about* religions, beliefs and ethics. It was always going to be subject to the ethos of schools, which in the vast majority of cases have a Catholic ethos, with the remainder Christian.
2. It is combined with Catholic Religious Instruction and faith formation and is made compulsory in the vast majority of schools, contrary to the right to opt out under Article 44.2.4 of the Constitution.
3. The main beneficiary of this religious endowment was the Catholic Church, with the financial support and prestige of the State therefore behind the Church's efforts to evangelise and keep adherents.

The issues of religious discrimination and the endowment of religion were raised by the Department of Education before the introduction of the course.



2. The recent High Court judgement of the payment of chaplains in community schools was noted. While a clear distinction was made in the judgement between the teaching of religion and the work of the chaplain, the verdict is nonetheless a significant one.

7.4 NCCA Course Committee Minutes from 21st February 1996

### **7.5 The course is not objective, critical and pluralistic**

This State Religious Education course is then not suitable for all students as it is not objective, critical and pluralistic. The second level state Religious Education course is not what it is portrayed to be. It is portrayed to parents as suitable for those of all religions and none, as otherwise it could be viewed as religious discrimination. However, a State exam course at Junior and Leaving Certificate that only respects the rights of religious families is religious discrimination contrary to Section 7-(2),b,c of the Equal Status Act.

Contrary to its stated aims this State Religious Education examination course at Junior and Leaving Certificate is not suitable for those of all religions and none as it is not objective, critical and pluralistic. The aim of the Religious Education course is to only support a religious understanding of the world. It is not an education *about* religions, beliefs and ethics delivered according to human rights principles. The Toledo Guiding Principles on teaching about religions and beliefs, provide an in depth description of these issues.

One of the main aims of the course is to contribute to the moral and spiritual development of all students through Religious Education. It only "*acknowledges*" the non-religious interpretation of life. Students are assessed on their awareness of and respect for the richness of religious traditions but are only assessed on their awareness of the non-religious interpretation of life. Students are not taught to respect the non-religious interpretation of life. At Junior Certificate level, atheists and humanist are portrayed as "*Challenges to faith*" alongside materialism and fundamentalism.

### **7.6 The State disrespects nonreligious philosophical convictions**

In order for the children of non-religious parents to access the course they must endure the disrespect the State has for their parents' philosophical convictions, contrary to Article 42.1, Article 42.3.2 of the Irish Constitution, Article II of Protocol 1 of the European Convention and Article 13 of the International Convention on Economic, Social and Cultural Rights.

Bearing in mind that atheists and the non-religious in general do not support a religious understanding of the world, it is not difficult to understand why they would consider that the rationale and aims adopted by the NCCA Course Committee are

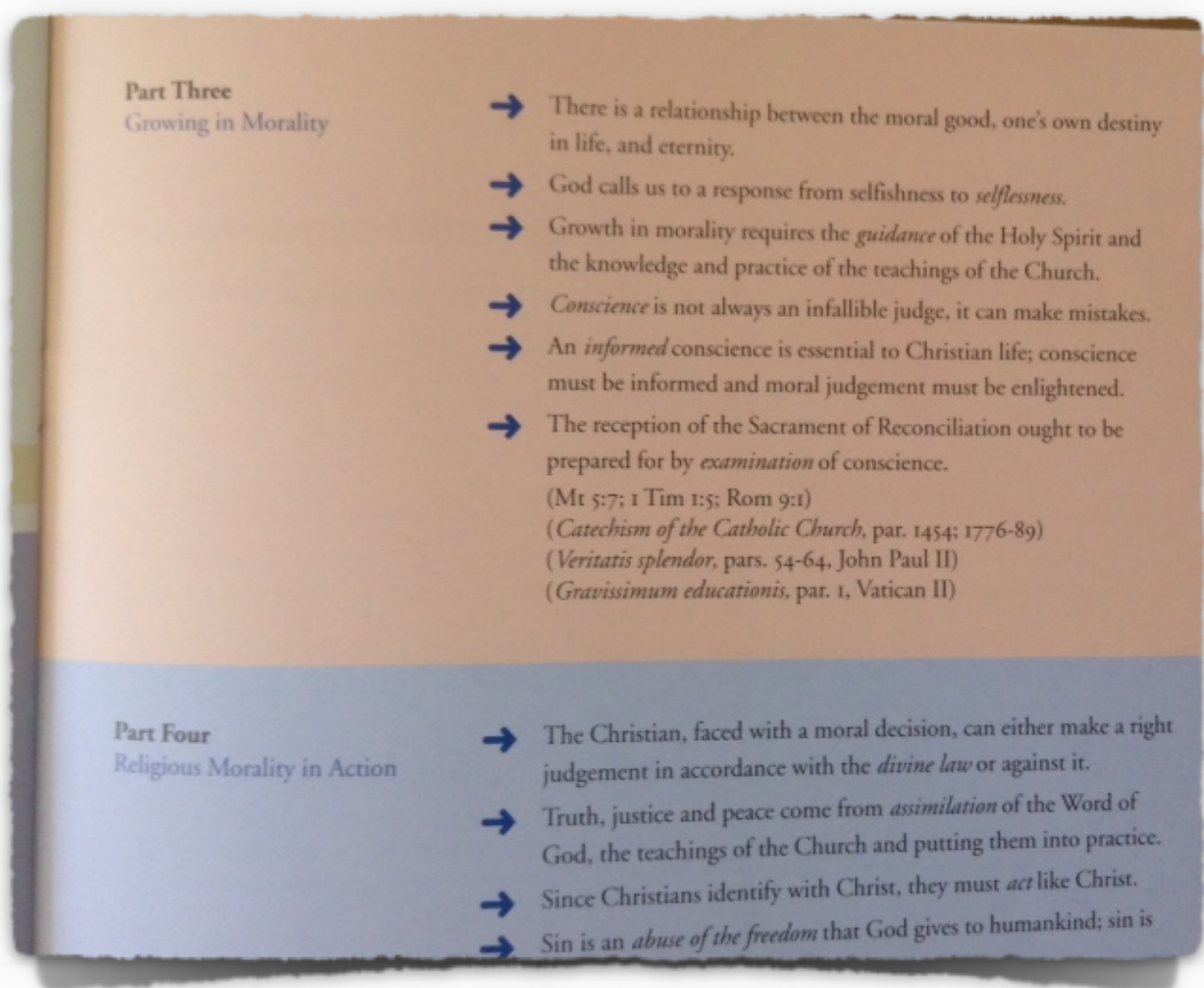


likely to cause their children to face a conflict of allegiance between their school's values and their own. Atheist and non-religious parents can legitimately believe that this course will cause their children to face a conflict between the Religious Education given by schools and their philosophical convictions.

### 7.7 Schools combine the State course with faith formation

In addition to disrespecting parents convictions (Article 42.1) most schools combine the course with Catholic Religious Instruction and faith formation and never inform parents that they are doing this. It seems that the vast majority of schools then make this course compulsory for all students at Junior Certificate level, when there is a right under Article 44.2.4 of the Constitution to opt out of Religious Instruction.

A section from the "*Guidelines of the Faith Formation and Development of Catholic Students*" is depicted below. This document is clear that the purpose of the course is to contribute to the moral education of all students through religion.



7.8 Extract from *Guidelines of the Faith Formation and Development of Catholic Students*



## **7.9 Right to opt out of Religion in the Education Act 1998**

Section 30-2(e) of the Education Act 1998 gives parents the right to opt their child out of any instruction that is against their conscience. Parents should not have to opt their children out of a course that was introduced by the State, as an examination course at both Junior and Leaving Certificate, which was supposed to respect the convictions of all parents. Even if the opt out was recognised in some schools this does not mean that students can choose another subject.

At no point in any of the NCCA documents on this subject, was there any suggestion that there would be any partial exemptions for parents and children that were not Catholic. This was always intended to be an optional course, which would mean that students could choose another subject.

There was no person or organisation from the NCCA, the Religious Education Course Committee or the Department of Education, who pointed out that schools cannot promote the moral and spiritual education of children from atheist and secular families through Religious Education and that the right to opt out must be recognised, guaranteed and supported.

Before the NCCA defined this curriculum, there was Catholic or Protestant Religious Instruction in all schools and this instruction was not State sanctioned and was not an examination subject at Junior and Leaving Certificate. Parents had the right to opt out their child (Article 44.2.4 / Section 30-2(e) Education Act 1998).

There was never any intention to replace the Religious Instruction delivered by patron bodies in schools with a State course on Religious Education. Unfortunately, patron bodies and schools have managed to ensure that Religious Instruction and faith formation are compulsory in nearly all schools.

This Religious Instruction and faith formation is mainly Catholic and it is not confined to schools with a Catholic ethos. It is clear that there is Catholic Religious Instruction in vocational schools (VECs). All ETB/VEC schools, Designated Community Colleges and non-designated Community Colleges have Religious Instruction (mainly Catholic) and they always had.

The IVEA Guidelines for Boards of Management of Vocational, Community Schools, Designated Community Colleges and Non-designated Community Colleges show that all these schools are obliged to have Religious Instruction and worship.

Given the history of the Catholic Church in our education system, that is mainly Catholic Religious Instruction. As such, nearly all schools at second level in our Republic are forcing minorities into Religious Instruction, Religious Education and faith formation, which is contrary to their parents' convictions and the constitutional right to opt out.



## 7.10 Right to non-discrimination in the Equal Status Act

Section 7-(2) of the Equal Status Act states that:

- (2) An educational establishment shall not discriminate in relation to—*
- (b) the access of a student to any course, facility or benefit provided by the establishment,*
- (c) any other term or condition of participation in the establishment by a student,*

It is clear from the Equal Status Act that students from atheist and secular families should have access to the State curriculum without religious discrimination. Unfortunately this is not the case as they have not got access to a course *about* religions, beliefs and ethics.

This is what happens when a State body like the NCCA, colludes with religious bodies, fails to consult minorities and puts together a Course Committee that represents the dominant religions in the education system. This is religious discrimination and it has undermined the constitutional and human rights of minorities.

Article 42.1 of the Irish Constitution obliges the State to respect all parents' convictions and not just religious parents. This right to respect is an inalienable right but despite this, Christian religious bodies were given far too much decision making power on the rights of minorities in relation to the Religious Education syllabus at second level. The NCCA and these Christian bodies failed to recognise that atheist and secular parents have a right to ensure that the teaching of their children is in conformity with their convictions and that the State must respect that right.

## 7.11 Barrington J in Campaign to Separate Church and State Case

In the Campaign to Separate Church and State case, Barrington J stated that:

*"The Constitution therefore distinguishes between religious 'education' and 'religious instruction' - the former being the much wider term. A child who attends a school run by a religious denomination different from his own may have a constitutional right not to attend religious instruction at that school but the Constitution cannot protect him from being influenced, to some degree, by the religious 'ethos' of the school. A religious denomination is not obliged to change the general atmosphere of its school merely to accommodate a child of a different religious persuasion who wishes to attend that school."*

In their report *"Religion & Education; A Human Rights Perspective"*, the Irish Human Rights Commission stated that:



If Barrington J's judgement suggest that a child of a minority religion, or from a non faith background, with no choice but to attend a Roman Catholic school other than withdrawing from formal religion classes, must in effect accept a form of religious education which offends their convictions, then this would appear to elevate one form of parental choice over another, with the majority religion always dictating the outcome. This could hardly respect the rights conferred on all parents by virtue of Article 42 of the Constitution.

*From Irish Human Rights Commission report  
"Religion & Education: A Human Rights Perspective"*

For some reason the NCCA and the Department of Education have used this case as a basis to influence the children of atheist and secular families into a religious way of life through Religious Education. Looking at the words of Barrington J, it is clear that he said the exact opposite.

He spoke of influencing children to "*some degree*" if their parents choose to send them to that particular school. Parents in Ireland do not have a choice, since practically all schools and colleges at second level have Catholic Religious Instruction, faith formation and worship. There are no non-denominational schools at primary or second level in Ireland.

The NCCA, the Department of Education and the Religious Education Committee believe that it is constitutionally permissible to contribute to the moral and spiritual education of the children of atheist and secular families, through Religious Education.

Atheist and secular families do not *choose* to send their children to schools that promote the moral education of their children through Religious Education, where a religious ethos informs all aspects of the daily life of the school. Atheist and secular families are coerced by force of circumstances to send their children to these schools.

## **7.12 Constitutional Right to a Moral Education**

Article 42.1 of the Constitution obliges the State to respect the rights of all parents in relation to the religious and moral education of their children. Article 42.3.1 of the constitution states that:

*The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.*

The constitution obliges the State to ensure that children receive a certain minimum moral education. It does not oblige the State to ensure that all children receive a moral education based on a religious view of life. Unfortunately, this is the rationale behind the introduction of the State Religious Education course. The rationale for this State course elevates the rights of religious parents over atheist and secular parents.



Despite the Irish Constitution recognising the inalienable rights of all parents to ensure that the education of their children is in conformity with their convictions, two of the main aims of the State Religious Education course are:

- ◆ to contribute to the moral and spiritual development of students
- ◆ to appreciate the richness of religious traditions and to acknowledge the non-religious interpretation of life

The rationale for the Religious Education Course states that:

*"Religious Education makes a significant contribution to a curriculum that seeks to provide for the moral development of students. It introduces a variety of ethical codes and norms for behaviour. Students are encouraged to engage critically with these moral systems in an effort to arrive at a thought-through moral stance that will serve as a foundation for the decisions they will face as adults and for the patterns of behaviour and commitment that will mark how they will relate to their local communities and to the world in general."*

In addition to equating morals with only religious belief in the rationale for the course, the NCCA also equated the word *"spiritual"* with religious belief when the Department of Education had already informed them that it did not equate this word with religion.

The rationale states that:

*"From earliest times, the experience of the spiritual and the human search for meaning have frequently found expression in a religious interpretation of life."*

*"While it is the concern of the whole curriculum, built around the principles of knowledge, understanding, skills and attitudes, to promote personal growth and to facilitate the spiritual development of students, Religious Education is well placed to provide students with opportunities for reflection on human experience as well as for understanding and interpretation of that experience. Such opportunities encourage the students' participation in their own conscious and critical development."*

The Department of Education made clear to the NCCA Course Committee that it did not equate the word *"spiritual"* with religion and this was recorded within NCCA Course Committee meeting minutes, on 30th January 1995.

It should be noted that at the meeting, the Department did not equate "spiritual" with "religious".

The State does not equate the word "*spiritual*" with religious belief and in addition, they are not obliged to ensure that all children receive a moral education through Religious Education.

Some of the aims expressed in the rationale for the course represent positive aims, which atheist and secular families could relate to. Unfortunately, the Religious Education syllabus simply does not achieve those aims because it disrespects the philosophical convictions of atheist and secular families and discriminates on religious grounds.

If the aim of any course was to contribute to the moral and spiritual education of all children through atheist education, then we would have religious bodies stating that the rights of families from religious backgrounds are being undermined. It is difficult to understand how the NCCA and the Department of Education can believe that contributing to the moral education of the children of atheist and secular families through Religious Education, would not be considered as against their conscience.

Section 9 (d) of the Education Act 1998 obliges schools to:

*promote the moral, spiritual, social and personal development of students and provide health education for them, in consultation with their parents, having regard to the characteristic spirit of the school,*

We now have all schools promoting the moral and spiritual developments of the children from atheist and secular families through Religious Education.

#### **7.14 European Convention and European Court**

The Rights to Education under Article II of Protocol 1 of the European Convention obliges the State to respect the rights of parents:

*No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.*

One of the General Principles of the European Court of Human Rights in relation to education and respect for all parents convictions states that:

*"The verb "respect" means more than "acknowledge" or "take into account". In addition to a primarily negative undertaking, it implies some positive obligation on the part of the State. The term "conviction", taken on its own, is not synonymous with the words "opinions" and "ideas". It denotes views that attain a certain level of cogency, seriousness, cohesion and importance (see Valsamis, cited above, pp. 2323-24, §§ 25 and 27, and Campbell and Cosans, cited above, pp. 16-17, §§ 36-37)."*





In a case at the European Court of Human Rights in 1996 the court stated that:

The European Court of Human Rights has made it clear that excessive involvement of religious authorities from one community in decisions that affect the rights of those belonging to another community may itself amount to a violation of the right to freedom of religion or belief.

*European Court of Human Rights- Manoussakis v. Greece 1996*

Another General Principle under the Right to Education at the European Court is that:

The second sentence of Article 2 (P1-2) implies on the other hand that the State, in fulfilling the functions assumed by it in regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner. The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions. That is the limit that must not be exceeded."

*General Principle under the Right to Education at the European Court*

If the purpose of the NCCA Religion Course Committee was to respect the rights of all parents they would have ensured that the human rights of all were respected and guaranteed.

### **7.15 The State is Breaching Constitutional and Human Rights**

Disrespecting the philosophical convictions of atheist and secular families is pursuing an aim of indoctrination. The NCCA showed a deference to the Catholic Church while ignoring minorities and disregarding their their right to respect for their philosophical convictions and to ensure that the teaching of their children is in conformity with their convictions.

Even partial exemptions from the areas that are combined with the "*Guidelines for the Faith Formation and Development of Catholic Students*" will not suffice to protect and respect the rights of minorities.



Atheist Ireland briefs and addresses international human rights bodies that monitor Ireland's obligations under human rights treaties. In recent years, nine separate reports from United Nations and Council of Europe Human Rights bodies have told Ireland that it is breaching the human rights of atheist, secular and minority faith parents, children and teachers in Irish schools.

Atheist Ireland has a policy called the Schools Equality PACT (an acronym for Patronage, Access, Curriculum and Teaching) that outlines the legal changes needed. Bizarrely, the Irish State claims it is constitutionally obliged to allow State-funded schools to discriminate against parents and children in this way.



## 7.16 Reminder of Atheist Ireland's Five Recommendations

1. The Minister for Education should immediately issue a Circular Letter informing all schools at second level that:
  - (a) the State Religious Education Course is not compulsory and students can choose another subject, and
  - (b) schools should actively inform students and parents about this.
2. The Minister for Education is proposing a new Education (Admission to Schools) Bill. This Bill should be amended to ensure that:
  - (a) in setting out the characteristic spirit and general objectives of a school,
  - (b) outside of the specific context of faith formation and religious instruction classes where exemptions apply,any information with regard to religion and belief should be delivered in an objective, critical and pluralistic manner that avoids indoctrination.
3. The NCCA is scheduled to review the State Religious Education Course at second level later this year. The Minister for Education should instruct that:
  - (a) the NCCA review of this course should be a fundamental review, taking into account the contents of this report,
  - (b) the members of the review committee should be impartial and free from bias towards any religion or belief,
  - (c) the review committee should consult on the basis of equality with all interested religions and beliefs,
  - (d) the review should take into account both the content of the curriculum and its practical delivery on the ground, and
  - (e) the revised course after the review should have to meet at least the same constitutional and human rights standards as are included in the NCCA's plans for the proposed new course on Religion, Beliefs and Ethics course at primary level.
4. The Minister for Education should ensure that students from minority backgrounds can have access to teacher training, and have access to the teaching profession, without having to teach Catholic Religious Instruction and Formation.
5. The Minister for Education should urgently remove all religious discrimination in the education system:
  - (a) consistently with the equal constitutional and human rights of people of all religions and beliefs,
  - (b) as recommended by nine sets of United Nations and Council of Europe human rights committees, and
  - (c) in the four areas covered by the Atheist Ireland Schools Equality PACT – Patronage, Access, Curriculum, Teaching.



## 8. Glossary and Contacts

Abbreviation	Description
AAI	Atheist Alliance International
CEO	Chief Executive Officer
DCU	Dublin City University
DoE	Department of Education
ETB	Education and Training Board
Fol	Freedom of Information
IVEA	Irish Vocational Educational Association
NCCA	National Council for Curriculum and Assessment
PACT	Patronage, Access, Curriculum, Teachers
RE	Religious Education
VEC	Vocational Education Committee



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