

# **Submission from Atheist Ireland to Constitutional Convention on Economic, Social and Cultural Rights Without Discrimination**



## **1. Atheist Ireland and our reasons for making this submission**

1.1 Atheist Ireland is an advocacy group for atheism, reason and ethical secularism. We are participants in the dialogue process between the Government and religious and philosophical bodies. We also work with other advocacy groups who are seeking to bring about an ethical society. Specifically with regard to this submission, we are involved in the ESC Rights Initiative and the Equality and Rights Alliance.

1.2 We are making this submission for three reasons:

- (a) Atheist Ireland promotes an ethical, secular Ireland. There is a correspondence between increased economic progress, increased social equality, and increased rational secular values within societies around the world.
- (b) An ethical state should focus on how best to protect the rights of the most vulnerable members of our society. This is particularly important during times of austerity. Protecting ESC Rights in the Constitution would make it less likely that these rights could be sacrificed when the state is facing difficult economic decisions.
- (c) The UN Covenant guarantees ESC rights without discrimination. Irish law currently discriminates against atheist and secular citizens, and against women, with regard to three ESC Rights: the right to education, to just and favorable conditions of work, and to the highest attainable standard of physical and mental health.

## **2. Why the Convention should recommend protecting ESC Rights**

2.1 Ireland has ratified the UN International Covenant on Economic, Social and Cultural Rights (ICESCR), and is thus committed to promoting, protecting and fulfilling these rights. These include the right to work, to just and favorable conditions of work, to social security, to protection and assistance and an adequate standard of living for families, to the highest attainable standard of physical and mental health, to education, and to take part in cultural life.

2.2 Several reputable bodies have recommended that Ireland should examine and/or implement the protection of ESC rights through the Constitution. These include the UN Committee on ESC Rights, the Irish Constitutional Review Group, and the All-Party Oireachtas Committee on the Constitution.

2.3 It is particularly important during times of austerity that an ethical state should focus on how best to protect the rights of the most vulnerable members of our society. Including ESC Rights in the Constitution would make it less likely that these rights could be sacrificed when the state is facing difficult economic decisions.

### **3. ESC Rights where Irish law discriminates on religious grounds**

3.1 The UN International Covenant on Economic, Social and Cultural Rights (ICESCR) states that ESC rights are guaranteed to all without discrimination on the grounds of, among other grounds, religion. Irish law currently discriminates against atheists, as well as secular religious citizens, with regard to three ESC Rights, and discriminates against women with regard to one of those rights.

- (a) The right to education - Irish law discriminates against atheists in access to education, by allowing religious primary schools an explicit exemption from our equality laws to enable them to discriminate in access on the grounds of religion. Irish law also allows publicly funded schools to operate generally according to a denominational religious ethos. The UN Human Rights Committee has told Ireland that the state discriminates against secular parents by failing to provide non-denominational schools around the country.
- (b) The right to just and favorable conditions of work - Irish law discriminates against workers who are, or who wish to be, employed by publicly funded institutions that have a religious ethos, such as schools and hospitals and training colleges, by allowing those institutions an explicit exemption from our equality laws to enable them to discriminate on the grounds of religion, in order to protect the religious ethos of the institutions.
- (c) The right to the highest attainable standard of physical and mental health - Irish law discriminates against women who wish to terminate a pregnancy in order to maintain the highest attainable standard of physical and mental health. Women do not have the same right as men to physical and mental health when living in Ireland. Irish law also allows publicly funded hospitals to operate generally according to a denominational religious ethos, instead of basing healthcare decisions on compassion, human rights, personal autonomy, and the medical needs of patients.

### **4. Our recommendation**

4.1 Atheist Ireland asks the Convention to add the protection of ESC Rights onto its agenda, and to recommend to the Government to examine how best to protect ESC rights through the Constitution, without discrimination on any of the grounds listed in the ICESCR.

Michael Nugent,  
Chairperson, Atheist Ireland  
chair@atheist.ie

Jane Donnelly,  
Human Rights Officer, Atheist Ireland  
humanrights@atheist.ie

<http://atheist.ie>