**Special Rapporteur on freedom of religion or belief, pursuant to resolution 40/10 of the Human Rights Council**

**“Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16”**

**Submission of Ireland**

**June 2020**

**Legislative, policy and institutional frameworks and measures protecting minority communities against discrimination and violence**

*Constitutional Provisions*

Article 44 of the Irish Constitution specifically protects religious freedom. Article 44.2.1 states *“Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen”.*

*Non-discrimination legislation*

The Irish Employment Equality Acts 1998 to 2015 outlaw discrimination in the workplace no matter what a person’s religious beliefs are, or if the person has no religious beliefs (the religion ground). The Equal Status Acts 2000 to 2018 prohibit discrimination in the provision of goods and services, accommodation and education, including on the ground of religion. There are nine grounds of non-discrimination set out in legislation: gender, marital status, family status, age, disability, sexual orientation, race, membership of the Traveller community and religion. The legislation is designed to promote equality, prohibit discrimination and victimisation, and allow positive measures to ensure full equality across the nine grounds.

*Irish Human Rights and Equality Commission (IHREC)*

IHREC, Ireland’s A-status national human rights and equality institution, aims to protect and promote human rights and equality in Ireland and build a culture of respect for human rights, equality and intercultural understanding in the State. The Commission, through its legal functions, can provide practical assistance, including under specific circumstances, legal representation, to persons in vindicating their rights under human rights and anti-discrimination legislation, in particular under the Employment Equality Acts 1998 to 2015, the Equal Status Acts 2000 to 2015, the European Convention on Human Rights Acts 2003 and 2014, and more generally in relation to the protection and promotion of human rights and equality.

**Blasphemy**

Ireland has abolished constitutional and legislative provisions which formerly made blasphemy a criminal offence. The constitutional provision was removed in November 2018 following a referendum, and the statutory provisions were repealed in December 2019. While this offence had not been prosecuted by the State since the nineteenth century, it was considered that maintaining it in force was inappropriate in a modern and diverse democracy.

In October 2018, a referendum approving the removal from Article 40.6.1˚i of the Irish Constitution of the requirement that publishing blasphemous material should be a criminal offence, was passed with 64.85 per cent of voters voting in favour.

The Blasphemy (Abolition of Offences and Related Matters) Act 2019 was enacted in December 2019 to give effect to the outcome of the referendum by abolishing the statutory offence of blasphemy.

Speaking on the commencement of the Blasphemy (Abolition of Offences) Act in January 2020, the Minister for Justice and Equality, Charles Flanagan T.D. noted that “the very notion of criminalising blasphemy, with the risk of a chilling effect on free expression and public debate, has no place in the Constitution or the laws of a modern Republic. Ireland is a country of increasing diversity. The right to express differing viewpoints in a forthright and critical manner is a right to be cherished and upheld”.

Minister Flanagan also emphasised that “these changes are not an attack on religious beliefs. Nor are they intended to privilege one set of values over another. It is a simple acknowledgement that the meaning of the concept of blasphemy is unclear in a modern state, and that the concept is rooted in a distant past where fealty to the state was conflated with fealty to a particular religion”.

**Non-discrimination in Education**

*Patronage of Schools*

In Ireland, the Constitution recognises parents as the primary educator of their child and protects the parents’ right to choose a school type for the child.

A patronage process is run after it has been decided, based on demographic analysis, that a new school is required.  This patronage process is open to all patron bodies and prospective patrons. Parental preferences for each patron, from parents of children who reside in the school planning areas concerned, together with the extent of diversity currently available in these areas, are key to decisions in relation to the outcome of this process.

Since 2011, new schools are generally only established in areas of demographic growth to ensure that every child has access to a school place and since then, 83 new schools have opened to meet demand for schooling provision in areas of demographic growth (44 primary schools and 39 post-primary schools). 77 of these schools have a multi-denominational ethos.

*School Admissions*

The Education (Admission to Schools) Act 2018, was signed into law on the 18th July 2018. The overall objective of the Act is to provide a new framework for school enrolment that is designed to ensure that every child is treated fairly and that the way in which schools decide on applications for admission is structured, fair and transparent.

In 2018, a number of sections of the act were commenced, including a provision amending the Equal Status Act 2000 to prohibit the use of religion as a selection criterion in all recognised primary school admissions. There are protections provided here to ensure that a child of a minority religion can access a school providing a religious instruction or religious education programme consistent with his or her religious beliefs.

In January 2020, further sections of the act were commenced introducing new laws around admission to schools. These provisions will apply to admission processes for the 2021/2022 school year onwards and require schools to draft and publish new admission polices following consultation with patrons, staff and parents.

The new arrangements will ensure greater transparency, equity and consistency in how school admission processes operate generally.

*Bullying in Schools*

[National Anti-Bullying Procedures for Primary and Post Primary Schools](https://www.education.ie/en/Publications/Policy-Reports/Anti-Bullying-Procedures-for-Primary-and-Post-Primary-Schools.pdf) have been implemented in all schools throughout the country since 2013. The procedures are designed to give direction and guidance to school authorities and school personnel in preventing and tackle all forms of school-based bullying behaviour amongst their pupils including identity-based bullying.

**Holocaust education and remembrance**

The Holocaust Education Trust Ireland (HETI) has developed an educational programme, relating to the teaching of the Holocaust in Ireland. The programme receives funding from the Department of Education and Skills.

The programme includes the Certificate in Holocaust Education, a one year part-time course for teachers run by HETI and Trinity College Dublin. It provides tuition on the historical significance and contemporary resonances of the Holocaust.

Other initiatives include the Crocus Project where 15,000 primary and post primary pupils plant crocus bulbs in memory of the children who perished in the Holocaust. The project is a tangible way to introduce the subject and raises awareness about the dangers of discrimination, prejudice and bigotry. Other outreach programmes include public lectures, school programmes, teacher seminars and cultural projects.

The Holocaust Memorial Day commemoration is designed to cherish the memory of all of the victims of the Holocaust, and serves as a constant reminder of the dangers of racism and discrimination. Representative persons from across the spectrum of Irish civic society are invited to attend.

Ireland is a member of the International Holocaust Remembrance Alliance, the purpose of which is to place political and social leaders’ support behind the need for Holocaust education, remembrance and research, both nationally and internationally.

In 2012 a Standing Committee on Holocaust Education, Research and Remembrance was established consisting of representatives of the Department of Foreign Affairs and Trade, Department of Education and Skills, Department of Justice and Equality, HETI, Irish Jewish Museum and academia.

**International engagement to promote freedom of religion or belief**

Ireland strongly condemns all forms of persecution on the basis of religion or belief, reflected in Ireland’s commitment to promoting freedom of religion or belief in *The Global Island: Ireland’s Foreign Policy for a Changing World*.

Ireland consistently raises issues of racism and intolerance, and advocates for inclusive societies, in international human rights fora. Ireland routinely supports resolutions on freedom of religion or belief at the Human Rights Council and the UN General Assembly, and consistently makes recommendations on freedom of religion or belief in the context of the Universal Periodic Review.

During Ireland’s Presidency of the Council of the European Union in 2013, Ireland played a key role in the development and adoption of the EU Guidelines on Freedom of Religion or Belief. These provide a framework for the promotion of freedom of religion and belief in the EU’s external human rights policy.