



**Tipperary ETB/CTI
is Failing in its Duty
to Promote and Respect
Human Rights**

**Report by Atheist Ireland
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4. Summary

1. Overview

Tipperary Education and Training Board (ETB), through its Central Technical Institute (CTI) in Clonmel, is failing in its statutory obligation to promote and protect the rights of minorities in their schools, based on the details of a recent case at the Workplace Relations Commission (WRC).

These are some of the key points to note:

- (a) Tipperary ETB/CTI is disrespecting the religious and philosophical convictions of parents and their children.
- (b) The CTI in Clonmel is presented as an alternative to denominational schools. It is referred to as multi-denominational.
- (c) There is no indication that it has a Christian ethos on the websites of the ETB or the CTI, in the Department of Education's Whole School Evaluation Report of the CTI in 2006, or in the South Tipperary VEC Education Plan 2011-2015.
- (d) Despite this, Tipperary ETB told the WRC that the CTI has a Christian ethos, and said that this ethos is reflected in the CTI's Religious Education Policy as decided by the school's Board of Management in 2014.
- (e) Tipperary ETB and its schools have an obligation to promote human rights under the Irish Human Rights & Equality Commission Act 2014.
- (f) The Religious Education Policy of Tipperary ETB's Central Technical Institute is dated 3 December 2014. This means that, whatever the status of this policy, the ETB had an obligation to ensure that it was in accordance with human rights standards (Section 42 Irish Human Rights & Equality Commission Act 2014).
- (g) Under the ETB Act 2013 responsibility for the development of policy rests with the Education and Training Board and is a reserved function. That means that the elected members of the ETB must take decisions about policy themselves. The implementation of policy is an executive function.
- (h) At this stage, there is no record of when Tipperary ETB ratified the Religious Education Policy of the CTI, as distinct from ratifying the minutes of the CTI Board. There is no information on whether Tipperary ETB took into account its obligation to promote and protect the human rights of its staff and the persons to whom it provides services.
- (i) Tipperary ETB is acting as if it is supporting the school in upholding a Christian ethos that has been decided on by the school's Board of Management. But legally it is the ETB, as the Patron, that is responsible for deciding on the ethos. The Board of Management has no autonomy to decide on ethos. As a subcommittee of the ETB, the school's Board of Management has a duty to uphold the ethos that has been decided by the ETB.

- (j) There is no indication when Tipperary ETB/CTI put in place the religious ethos of the school, that is referred to as a tradition by the Workplace Relations Commission in the case, and that predated the Religious Education Policy.
- (k) The WRC says that the religious ethos is reflected in the CTI's Religious Education policy, but that policy is not published on the website of Tipperary ETB or the CTI.
- (l) The published minutes on the website of Tipperary ETB have no record of when the Religious Education Policy of the CTI was ratified, or any discussion of their obligation to protect the human rights of staff, parents and their children in schools where they are the Patron.
- (m) Even if Tipperary ETB/CTI has ratified this Religious Education Policy, that does not equate to Tipperary ETB deciding on a religious or Christian ethos for the CTI. The WRC concluded that the Christian ethos predated the Religious Education Policy, and that the Policy merely reflected the pre-existing ethos.
- (n) Whatever the status of this Religious Education Policy, and whatever the ethos of the CTI, we will show in this report how that policy and ethos fails to respect and promote respect for the human rights of minorities in the school in accordance with the obligations of Tipperary ETB/CTI under the IHREC Act.

Jane Donnelly
Human Rights Officer
Atheist Ireland

Michael Nugent
Chairperson
Atheist Ireland

September 2017

2. Status of Tipperary ETB/CTI Ethos & RE Policy

2.1 Mission Statement of Tipperary ETB

The religious ethos of Tipperary ETB/CTI is not published on their websites. The only place that we can find reference to it is in the Religious Education Policy submitted to the WRC.

This is the Mission Statement of Tipperary ETB.

Tipperary Education and Training Board delivers a quality education and training service to the people of Tipperary.

Aims

- *To develop our recognised role within the community as a provider of quality, locally based, accessible education and training opportunities for all age groups;*
- *To continue to provide cohesive, flexible, and inclusive support services, through a consultative and professional approach;*
- *In line with the overall provision and implementation of its policies and services, this ETB undertakes to facilitate, encourage and support the ongoing professional training and development of its entire staff team*

The vision for Tipperary ETB underpins the existing School and Adult Education Plans and informs all of the actions designed to make our vision a reality.

- *Student/Learner centred*
- *Commitment to Excellence*
- *A Culture of Teamwork*
- *Promotion of Partnerships*
- *Openness to change*

2.2 General Mission Statement of the CTI

This is the published Mission Statement of the school.

The Role of our school is to facilitate the students of Clonmel and its environs in the acquisition of General and specialised education. We seek:

- *To encourage the development of the full person through imparting knowledge and skills and through inculcating values;*
- *To develop critical thinking and to promote informed decision-making skills in students;*
- *To bring students to an awareness of their identity in a multi-denominational, multi-racial, multi-cultural context;*
- *to enable the transition to further education;*
- *to encourage the participation of parents in the education of their children;*
- *to respond to the educational needs of the local community.*

The above mission statements give no indication that the ETB/CTI in Tipperary has a religious purpose, or objectives that are to be pursued while promoting religious values.

2.3 Whole School Evaluation Report of the CTI in 2006

In March 2006 the Department of Education conducted a Whole School Evaluation of Clonmel CTI. This Report did not indicate that the school had a religious ethos, never mind a mostly Christian one.

Under the heading 'Characteristic Spirit of the school' the Report says:

The school's mission statement states that "The role of our school is to facilitate the students of Clonmel and its environs in the acquisition of general and specialised education". The statement adds that it seeks, to encourage the development of the full person through imparting knowledge and skills and through inculcating values, to bring students to an awareness of their identity in a multi-denominational, multi-cultural context, to enable the transition to further education, to encourage the participation of parents in the education of their children and to respond to the educational needs of the local community.

It was seen that such a mission was manifested and reflected in the policies, practices and atmosphere in the school. The stated school vision "that no person who wishes to pursue the personal and social advantage of a valid education shall be excluded from such opportunity for any reason whatsoever" was seen to be given testimony by the daily interaction among all members of the school community. Inspectors noted that the school's central focus of attention was the welfare of the students, as witnessed in their academic, personal, spiritual, social, and civic development. School staff clearly set high but realistic standards for their students and the level of care, interest and commitment shown by them to their students and to one another is to be applauded. As one parent commented: "We are happy to support the school, particularly when we see the tremendous effort made by the teachers in the school."

2.4 South Tipperary VEC Education Plan 2011-2015

Before the ETBs were formed in 2013, the CTI was run by South Tipperary Vocational Education Committee. In its Education Plan 2011-2015, South Tipperary VEC stated:

The mission of South Tipperary VEC is to provide a quality education service for all people in South Tipperary in an environment that is learner centred and values equality and diversity.

In meeting the Mission Statement, South Tipperary VEC will be guided by key principles and will endeavour to do the following:

- To create an environment that facilitates learners to achieve their full potential.*
- To promote social inclusion and have equality of opportunity, access and outcome for all.*
- To recognise education as a lifelong learning experience that includes certification as part of a student centred approach.*
- To maintain a commitment to excellence and an openness to change.*
- To promote a culture of teamwork internally and a partnership approach externally.*

2.5 Religious Education Policy of the CTI in 2014

Despite all of the above, the Religious Education Policy of the CTI, that was presented to Workplace Relations Commission, states that its ethos is Christian:

“Ours is a co-ed school, its ethos being Christian and Irish. We are proud of our national identity, heritage and traditions, while extending a welcome to those students of different traditions and denominations. The school shall be a safe location where mutual courtesy and respect, justice and equality permeate all interpersonal contacts. These principles underlie all policies of the school, some of which principles are explicit, some other implicit but all based on consensus and ownership by the entire school community.

CTI is a school under the auspices of Tipperary E.T.B. It is a multi-Denominational school, which does not discriminate regarding student admission on the basis of religion, culture, gender, sexual orientation, race, political opinion and social or national origin. However our school community is part of a wider community, primarily composed of Roman Catholics, and the majority of our students are Roman Catholics, and the ethos of the school reflects this. Therefore Religious Education is a fundamental component of the curriculum in the school. Religious Education is not concerned with indoctrination or teaching a person a way of life. It focus on enabling students to speak the language of religion; to comprehend and appreciate the place of religious and philosophical beliefs and practices in human life; to understand the need for dialogue among peoples of all faiths and none.”

The Scope of the Policy

1. At CTI, our Religious Education Policy permeates the life of the whole school community.“

One of the signatories of the Policy is a Catholic Diocesan Advisor. The Irish Catholic Bishops Conference has said that:

“The Diocesan Advisor is an employee of the local diocese whose concern is the catechetical programme in post-primary schools.”

The Diocesan Advisor represents the Catholic Bishops.

3. How the ETB/CTI Fails to Respect Human Rights

3.1 Obligations on ETB under the IHREC Act 2014

The Irish Human Rights & Equality Commission Act 2014 places an obligation on the ETB to promote human rights. Section 42 of the Act States that:

- (1) A public body shall, in the performance of its functions, have regard to the need to*
- (a) eliminate discrimination,*
- (b) promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and*
- (c) protect the human rights of its members, staff and the persons to whom it provides services.*

3.2 The Religious Education Policy and the Catholic Church

The Respondent at the WRC case is Tipperary ETB. The WRC stated that:

“It is clear that the Respondent has an established Christian ethos and it adduced evidence that the placement of the May altar is a long standing tradition which it practices every year in keeping with this ethos.”

The teaching of religion in schools such as the CTI is governed by Circular Letters from the Department of Education & Skills. This duty comes from Section 15 of the Education Act 1998, which states:

A board shall perform the functions conferred on it and on a school by this Act and in carrying out its functions the board shall (a) do so in accordance with the policies determined by the Minister from time to time,

In this case, the relevant policies are outlined in Circular Letter 73/74 and Circular Letter 7/79. Tipperary ETB in its Board of Management handbook states:

Religious Worship and Instruction
Arrangements in this regard shall be in accordance with DES Circular Letters 73/74 and 7/79 or as so amended.

But these Circular Letters only refer to the teaching of religious instruction and worship. Tipperary ETB/CTI have gone a further step from what is required under these Circular Letters from the Department of Education. The Circular Letters do not require Tipperary ETB/CTI to implement a religious ethos, or to require all staff to uphold that religious ethos.

Yet, according to the scope of the Religious Education policy, religious education permeates the life of the whole school community. There is no indication of how minorities can opt out of this ethos. As the ethos reflects Catholic Religious Education, it is not objective, critical and pluralistic, and it is pursuing an aim of indoctrination by not respecting minority parents' religious or philosophical convictions.

The Religious Education Policy was signed off by a representative of the Catholic Church, because it is in accordance with Catholic Church teachings. The educational philosophy of the Catholic Church is not in accordance with human rights law, as it does not promote religious pluralism, and it is not objective, critical and pluralistic, because that is against the teaching of the Catholic Church in relation to religious education.

The Catholic Church has recently stated the following to the NCCA in relation to Pluralism and Freedom of Religion in religious education.

“These approaches require teachers to adopt and promote a pluralist approach to religion. This is an approach to religion that goes against the philosophical basis of Catholic religious education. Such a contradiction would place teachers in a very difficult position where conflicting philosophical approaches to religious education would have the potential to create significant confusion.”

The ethos of Tipperary ETB/CTI, which is based on Roman Catholic teaching, is not pluralistic as that goes against the educational philosophy of Catholic Religious Education. This religious ethos is not passive; its very purpose is to influence, as that is its mission.

3.3 Teaching of Religion in the ETB schools

There are two components to the teaching of religion in ETB schools, that the Religious Education policy of Tipperary ETB and the CTI does not outline clearly. The Religious Education Policy states that:

“Faith Formation is governed by the majority religion, 90% of the students being Roman Catholic. Students are offered faith formation in addition to RE as a subject.”

Faith formation is integrated into the state Religious Education subject. There are not two separate subjects in ETB schools.

One of those components is the State Religious Education Course, which is supposed to be suitable for all religions and none. This course does not meet human rights standards, as it does not respect the philosophical convictions of non-religious parents and their children. It is an exam subject at Junior and Leaving Certificate. Non-Religious parents have a right to opt out their children from this course as it is against their conscience.

The other component is religious instruction and worship. The teaching of religious instruction and worship is as per Circular Letter 73/74 from the Department of Education and also Circular Letter 7/79. Both these Circulars from the Department of Education oblige the ETBs to have religious instruction and worship for two and a half hours per week, for all students. This religious instruction and worship is not confined to Catholic Religious instruction. Circular Letter 7/79 obliges the ETBs to ensure that any Religion Teachers are approved by the relevant religious denomination. Non-religious parents and religious minorities have a right to opt out their children from this course as it is against their conscience.

Notwithstanding the two distinct components of Religion in the CTI, as far as we are aware nearly all ETB schools have combined the State Religious course with Catholic religious instruction and worship. Parents are never informed that this is happening and most of these RE course are made compulsory. In the vast majority of ETBs religion is a core subject. This means that students cannot pick another subject if their parents do manage to opt them out.

There is not enough time in the second level schedule for Catholic religious instruction and the State RE course. The Religious Education policy of Tipperary ETB/CTI is a reflection of what is happening with regard to the teaching of religion in ETBs in general.

It is clear from the Religious Education Policy with regard to faith formation that Tipperary ETB and the CTI are fulfilling their obligation under Circular Letters 73/74 and 7/79 to ensure that there is religious instruction and worship in the school for Catholic students. In fact the school is obliged to have religious instruction and worship for all the various denominations that attend the school.

Circular Letter 73/74 only refers to religious instruction and worship, not a religious ethos. It does not require that Catholic religious instruction inform all subjects under the curriculum.

3.4 Hiring of Religion teachers in Tipperary ETB/CTI

Circular Letter 7/79 refers to the hiring of Religion teachers. It is clear from this Circular Letter that the hiring of teachers to teach Catholic religious instruction must be approved by the relevant religious authority. In the case of the CTI, this is the Catholic Church. As the Diocesan Advisor has signed Tipperary ETB/CTI Religious Education policy we can assume that the teaching of religious instruction and worship in the school is in line with the teachings of the Catholic Church.

There is no obligation on any school to seek approval from a religious authority to teach the second level State religion course at Junior and Leaving certificate. Because Catholic religious instruction and worship are combined in Tipperary ETB/CTI, teachers of religion must have the relevant catholic training and be approved by the Catholic Church.

3.5 The Role of the Diocesan Advisor

The above is reflected by the Conference of Catholic Bishops in a Document called The Role of the Diocesan Advisor for Post-Primary Religious Education

“The local Education and Training Board (ETB) in the Republic of Ireland. Since the ETB has responsibility to provide ‘religious instruction’ in vocational schools and community colleges, under the provisions of Circular 7/79 and the Model Agreements of Designated Community Colleges and the Deeds of Trust of Community schools, the Diocesan Advisor should foster links with the local ETB, ideally through the CEO or Education Officer. This could be done through an annual report or meeting.

3. Appointments

Since, ‘in his own diocese, the local Ordinary has the right to appoint or to approve teachers of religion and, if religious or moral considerations require it, the right to

remove them or demand that they be removed' (Code of Canon Law #805), the Diocesan Advisor may be required to participate in selection/interview boards for teachers of religion. While undertaking this task, the Diocesan Advisor will conform to regulations governing such boards by, for example, the local ETB or the community schools concerned. Furthermore, the Diocesan Advisor will be mindful that he/she is the representative of the Catholic bishop on such boards."

It is clear from the above that teachers of Religion in Tipperary ETB/CTI must be approved by the Catholic Church before appointment. Obviously teachers who have not taken the particular modules in Catholic religious education in teacher training colleges such as DCU will not get approval by the Diocesan Advisor, who represents the local Bishop on the Board that is doing the hiring. There is also the issue of "religious or moral" considerations, which can mean that the lifestyle of a teacher of religion must reflect Catholic social teaching or they will not be approved and appointed.

Tipperary ETB/CTI are using Section 37 of the Employment Equality Act to opt out of equality laws. This is in fact a school that supports religious discrimination, contrary to their stated claim in their ethos.

It is not only Religious Education teachers that are subject to Section 37. All teachers in Tipperary ETB/CTI are now obliged to uphold a religious ethos which is based on the beliefs of the majority who attend the school. In the case in question it was a computer science teacher that Tipperary ETB/CTI claimed was obliged to uphold their ethos.

3.6 The UN Human Rights Committee

In their concluding observations in 2014 the UN Human Rights Committee stated the following with regard to Section 37. Again ETB schools and colleges are presented as the alternative to denominational schools as they were not established for religious purposes.

Freedom of religion

The Committee is concerned at the slow pace of progress in amending the provisions of the Constitution that oblige individuals wishing to take up senior public office positions, such as President, members of the Council of State and members of the judiciary, to take religious oaths. It is also concerned about the slow progress in increasing access to secular education through the establishment of non-denominational schools, divestment of the patronage of schools and the phasing out of integrated religious curricula in schools accommodating minority faith or non-faith children. It expresses further concern that under section 37 (1) of the Employment Equality Acts, religious-owned institutions, including in the fields of education and health, can discriminate against employees or prospective employees to protect the religious ethos of the institution (arts. 2, 18, 25 and 27).

The State party should take concrete steps to amend articles 12, 31 and 34 of the Constitution that require religious oaths to take up senior public office positions, taking into account the Committee's general comment No. 22 (1993) on freedom of thought, conscience and religion, concerning the right not to be compelled to reveal one's

thoughts or adherence to a religion or belief in public. It should also introduce legislation to prohibit discrimination in access to schools on the grounds of religion, belief or other status, and ensure that there are diverse school types and curriculum options available throughout the State party to meet the needs of minority faith or non-faith children. It should further amend section 37 (1) of the Employment Equality Act in a way that bars all forms of discrimination in employment in the fields of education and health.

3.7 Failure of the RE Policy to respect all parents' convictions

The European Court has defined in case law what respecting parents' religious and philosophical convictions means in relation to education.

Respecting Parents Convictions is defined by the European Court as follows:

(c) Article 2 of Protocol No. 1 does not permit a distinction to be drawn between religious instruction and other subjects. It enjoins the State to respect parents' convictions, be they religious or philosophical, throughout the entire State education programme (see Kjeldsen, Busk Madsen and Pedersen, cited above, p. 25, §51). That duty is broad in its extent as it applies not only to the content of education and the manner of its provision but also to the performance of all the "functions" assumed by the State. 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)."(Folgero v Norway 29/06/2007)

3.8 The requirement to be objective, critical and pluralistic

In order to ensure respect for all parents convictions the curriculum must be delivered in an objective, critical and pluralistic manner, as otherwise the school is pursuing an aim of indoctrination by not respecting parents' religious or philosophical convictions.

Religious education in Tipperary ETB/CTI is not delivered in an objective, critical and pluralistic manner as that is against Catholic Church teaching. The Religious Education Policy of Tipperary ETB/CTI claims that Religious education in the school is not indoctrination or teaching a way of life.

This is based on Catholic Church teaching, not human rights law. Tipperary ETB/CTI is obliged to "(c) protect the human rights of its members, staff and the persons to whom it provides services" (IHRC Act). Tipperary ETB/CTI is not obliged to base its ethos on Catholic Religious Education, but is obliged to protect the human rights of teachers, parents and children in the school.

The European Court has stated:

(h) The second sentence of Article 2 of Protocol No. 1 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 (ibid.). (Folgero v Norway 29.06.07)

3.9 The legal requirement is to not strike a balance

Tipperary ETB/CTI stated at the WRC that:

“In all cases where there are competing religious beliefs, an employer is required to strike some form of balance between them.”

The above statement by Tipperary ETB is not in accordance with their obligation to uphold human rights under Section 42 of the IHREC Act 2014. Tipperary ETB is not required to strike ‘some form of balance’. Human Rights law states that:-

“This being so, the duty to respect parental convictions in this sphere cannot be overridden by the alleged necessity of striking a balance between the conflicting views involved, nor is the Government's policy to move gradually towards the abolition of corporal punishment in itself sufficient to comply with this duty,” (Campbell & Cosans v UK – February 1982)

The human right to ‘respect’ is an absolute right, not to be balanced against the rights of others or one that can be gradually achieved. This is another key point as Tipperary ETB/CTI stated in the WRC that they were required to have some sort of balance between conflicting views. Under human rights law you cannot balance the ‘right to respect’ of some parents’ convictions against the rights of a majority of parents to their ‘right to respect’, in a particular school. The ‘right to respect’ is absolute and cannot be overridden by the alleged necessity of striking a balance between the conflicting views involved.

There are also issues in relation to the right to privacy under Article 8 of the European Convention and that is not mentioned either in the Religious Education Policy. Differentiated teaching is not sufficient as the European Court has said this was not consonant with parents’ right to respect for their convictions under Article 11 of Protocol 1.

The European Court found that expecting parents to identify the areas of a religion course that did not respect their philosophical convictions was an unacceptable burden and also put parents in the position that they had to reveal their convictions. This raises issues under Article 9 of the European Convention as individuals have the right not to be obliged to reveal their religious and philosophical convictions even indirectly. Differentiated teaching would not suffice as the European Court stated that this was not consonant with parents’ right to respect for their convictions under Article II of Protocol 1 (the right to education).

3.10 The Right to Opt out of Religion is not enough

The Religious Education policy says of its scope:

“Our Religious Education Policy permeates the life of the whole school community. Religious Education is a compulsory subject Regardless of Religious Belief all students are obliged to follow the RE programme, because it is a fundamental component of the curriculum.”

After declaring that Religion is compulsory, the Policy goes on to state that students can opt out if their parents put that in writing. The Religious Education Policy gives the three options for parents who want to opt out their children. There is no suggestion here of students picking another subject. The options are:

- “1. Staying within the R.E classroom following specific/educationally appropriate work assigned by teacher.*
- 2. Parents/Guardians removing their son or daughter from the school premises for the duration of RE.*
- 3. Parents Guardians providing supervision within the school for their son or daughter during RE classes.”*

There is nothing in the policy regarding opting out of the religious ethos of the school. The policy states that religious ceremonies are inclusive of all faith traditions. There is no indication in the policy of how specific religious ceremonies are inclusive of other religions.

One of the stated aims of the Religious Education Policy is:

“To promote through religious education the spiritual and overall development of the students.”

Promoting the spiritual education of the children of atheist and secular parents through religious education does not constitute respect for their philosophical convictions under Article 11 of Protocol 1 of the European Convention.

According to the Religious Education Policy, religion is a core subject. No other subject is provided for those students that are opted out of formal religion classes because of conscience. This is not an inclusive approach to implementing an opt out.

The UN Human Rights Committee in its General Comment on Article 18 (The right to Freedom of Religion and belief) Stated that:

“The Committee is of the view that Article 18(4) permits public school instruction in subjects such as general history of religions and ethics if it is given in a neutral and objective way. The liberty of parents or legal guardians to ensure their children receive religious and moral education in conformity with their own convictions, set forth in Article 18(4) is related to the guarantees of the freedom to teach a religion or belief stated in Article 18(1). The Committee notes that public education that includes instruction in a particular religion or belief is inconsistent with Article 18(4) unless

provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians.”

The provision for opting out of religion classes in Tipperary ETB/CTI is no different than opting out of religion classes in denominational schools under the patronage of the Catholic Church. ETB schools are supposed to be the alternative to denominational schools. No other course is provided because religion is a core subject in Tipperary ETB/CTI and students are left sitting in the class.

There is no indication in the policy what happens to students that try and opt out of religious ceremonies and how much time is taken up with religious ceremonies and prayers in the school. No non-discriminatory exemptions or alternative are provided in Tipperary ETB/CTI that would accommodate minorities who are supposed to be attending the only school in the area that is not under religious patronage and that is supposed to be inclusive, promote and protect their human rights.

There is a widely held belief that the positive obligation on the ETBs to respect parents' convictions only applies to parents with religious beliefs. The rights of atheist and secular parents are viewed as a negative right, or in other words the right to opt out. But this view is mistaken. For example the European Court has found that secularism is a philosophical conviction protected by Article 9 of and Article 11 of Protocol 1 of the European Convention.

The European Court has stated that the positive obligation under Article 11 of Protocol 1 (the right to education) gives parents the right to demand respect for their religious and philosophical convictions. Opting out of religion classes and a religious ethos is not sufficient to ensure respect for the philosophical convictions of atheist and secular families in ETB schools.

The Religious Education Policy of Tipperary ETB/CTI undermines the human rights of minorities. On the ground there really is no difference between a denominational school and an ETB in relation to religion. Both types of schools are failing to promote respect for the rights of parents and to ensure that their Constitutional and human rights are protected.

4. Summary

Tipperary Education and Training Board (ETB), through its Central Technical Institute (CTI) in Clonmel, is failing in its statutory obligation to promote and protect the rights of minorities in their schools, based on the details of a recent case at the Workplace Relations Commission (WRC).

Atheist Ireland will continue to seek answers to the important questions that we have raised in this analysis. We will continue to promote a secular education system, where the State does not directly or indirectly breach the human rights of students, parents and teachers.