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**An Bille um Chomhionannas San Oideachas, 2015**  
**Equality In Education Bill 2015**

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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EQUALITY IN EDUCATION BILL 2015**

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**EXPLANATORY MEMORANDUM**

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**Background and purpose of the Bill**

The purpose of the Bill is to reform and update the law which currently allows religious ethos institutions providing education to discriminate against children in admitting them to schools based on their religion.

While there must be a system in place to address times when there are more children applying for a school place than there are places available, we believe that any system must be based on human rights and equality with equity of access, parental choice, pluralism, inclusivity and the best interests of the child all playing a role.

This Bill amends the Equal Status Acts to give effect to the principle that no child should be given preferential access to a publicly funded school on the basis of their religion.

In 2008, the UN Human Rights Committee expressed concerns over the rights of minorities within the education system given that the vast majority of schools are Christian ethos and were permitted and expected to teach an ‘integrated curriculum’ whereby Christian teachings are incorporated in to all non-religious subjects such as maths, music and art, rendering opt-out provisions for non-Christian children an impossibility. Given that most schools are religious ethos parents are left with no option but to send their children there which gives rise to concerns around protections of the right to freedom of thought, conscience and religion in schools. The State has not complied with the Human Rights recommendation that “The State Party should increase its efforts to ensure that non-denominational primary education is widely available in all regions of the State party, in view of the increasingly diverse and multi-ethnic composition of the population of the State party.”

Where schools choose to deliver education regarding faith formation, as opposed to broad religious studies, this should take place outside of normal school hours so that children are not precluded from opting out. New school rules should be introduced to replace Rule 68 so that the curriculum used is neutral.

Statistics gathered by the Department of Education and Skills census carried out in the 2013–2014 academic year revealed that 80 per cent of migrant children attended only 25 per cent of schools. Children of minority groups are disadvantaged by the current laws which results in them having to travel further afield to access school places at great inconvenience to their families when schools may legally bar them from entry based on their religion.

The UN Committee on Economic, Social and Cultural Rights 2015 Concluding observations on the third periodic report of Ireland recommended that the State take all necessary measures to bring all relevant laws, including the Equal Status Acts 2001 and the Education (Admission to Schools) Bill 2015 in line with the international human rights standards and to increase the number of nondenominational schools at the primary and post-primary education levels. It further recommended that the admissions policies of all schools be amended with a view to removing all discriminatory criteria for enrolment and establish a regulatory mechanism to monitor school policies, including admissions policies. The UN Human Rights Committee under ICCPR, 2014, European Commission Against Racism and Intolerance, 2013, UN Committee on the Elimination of Racial Discrimination, 2011, Council of Europe Framework Convention on the Protection of National Minorities, 2006, UN Committee on the Rights of the Child, 2006, and UN Committee on the Elimination of all Forms of Racial Discrimination, 2005, have all made recommendations that the State prohibit religious discrimination against children accessing schools.

It is unreasonable to expect parents to establish a school as a method of achieving equal access to education for their children given the enormous demands on resources that this would entail, and the particular difficulties that this would be faced with in areas of disadvantage. In the absence of a speedy divestment of patronage to non-religious organisations or the construction of schools with multi-denominational ethos since these recommendations have been made, it is necessary to ensure the urgent repeal of laws that allow for religious discrimination.

*Section 1* contains the definitions used in the Bill.

*Section 2* provides for the repeal of Section 7(3)(c) of the Equal Status Act 2000.

*Section 3* provides that the Minister shall issue guidelines of good practice to assist schools to evaluate their ethos within 12 months of the enactment of this Act as per recommendation of the Report of the Advisory Group to The Forum on Patronage and Pluralism.

*Section 4* provides for the removal of Rule 68 and mandates the Minister to ensure that faith formation is taught outside of normal school hours and the general curriculum is non-religious. It also allows for the teaching of multi-denominational religious studies that is not part of faith formation.

*Section 5* provides that the Boards of Management develop policies for their school in accordance with the Department's Diversity Protocol and, in consultation with parents and children on the measures the school will put in place to meet their obligations to children and parents within 12 months of the enactment of this Act.

*Section 6* ensures, for clarity, that children may not be discriminated against in accessing a school place based on their religion.

*Section 7* provides for the short title of the Act

*Jonathan O'Brien TD*

*December, 2015.*