

# APPENDIX 1

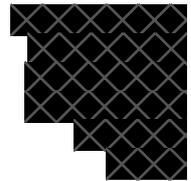
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# Atheist Ireland

Promoting atheism, reason and ethical secularism

Web: [atheist.ie](http://atheist.ie)

Email: [info@atheist.ie](mailto:info@atheist.ie)



16<sup>th</sup> November 2018

**Attn:** Minister for Defence, Paul Kehoe T.D.  
Department of Defence,  
Newbridge,  
Co Kildare,  
W12 AD93.

### Re: Religious Discrimination in Military Chaplaincy

Dear Minister Kehoe,

Following some complaints that we have received from current and former members of the Irish Defence Forces, Atheist Ireland has recently completed processing a Freedom of Information request about Military Chaplains. We have acquired formal confirmation of what you'll already be aware of, which is that **Defence Force Regulation A3 Section 1, requires Chaplains to be appointed by bishops** and approved by you as Minister. Previous statements in Dáil Éireann by your predecessors have indicated that there is one Church of Ireland Chaplain in the Irish Military, with all of the others being Roman Catholic priests. The Employment Equality Act stipulates that discrimination on the religion ground shall be taken to have occurred, where one person is treated less favourably than another because:

*"one has a different religious belief from the other, or one has a religious belief and the other has not"*

**There are many non-religious chaplains working in Ireland. That publicly-funded chaplain positions are appointed by bishops, treats potential non-religious applicants less favourably. There is no reason why State-funded Chaplaincy positions should be appointed by bishops in secret, rather than open to applications from those of all faiths and none.** Moreover, it is difficult to see how the allocation of publicly-funded salaries at the discretion of bishops, could be consistent with Article 44.2 of the Constitution.

The most recent census indicates that circa 10% of the Irish population is non-religious. This represents more than all of the other minority groups combined. It is reasonable to anticipate a commensurate proportion of non-religious members within the Irish Defence Forces. Since the current Defence Force Regulations obviate any possibility of a non-religious Irish Military Chaplain, members of the Defence Forces who lack religious belief are therefore treated less favourably. In this context, Atheist Ireland is also aware of anecdotal reports



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about mandatory religiosity within the Irish Defence Forces, and unfavourable treatment of those who seek to avoid religiosity during the course of their service.

It is often said that *“there are no atheists in foxholes”*, but this is simply not true. In fact, there are more atheists in foxholes than chaplains in foxholes. For example, Steven Hewett is an atheist and an Irish citizen, who has served in the U.S. Army. While deployed to Afghanistan, Staff Sergeant Hewett earned a Bronze Star, a Combat Action Badge and several other medals. Steven has given the following short statement to Atheist Ireland:

*“I have proudly served alongside a diverse group of soldiers with a variety of different religious beliefs. Our military encompasses people from all walks of life, faiths and beliefs; from Christians, Jews, Buddhists, Muslims, Wiccans, Pagans ... and yes even atheists who do not believe in any God. We serve our country and families not due to our religious belief but for the purpose of ensuring that our freedoms are not trampled upon by others. Yet the freedom to be given counsel within our military (whether it be spiritual or not) by a Chaplain of like mind, is denied to many of us by the very government that we would give our life to defend.”*

Staff Sergeant Hewett served alongside Muslim and Christian soldiers when he was deployed. Whereas Christian soldiers had access to the counsel of a Chaplain, Muslim soldiers often did not, and Staff Sergeant Hewett did not as an atheist. Steven has since campaigned for religious equality for all minorities in the military, so that nobody is treated less favourably due to their religion. It is not acceptable for any government to send its military into harm's way, while disrespecting the philosophical convictions of those in uniform. It should not be necessary for you to wait for litigation that will require you to change the current Defence Force Regulations, especially since legal complaints on this issue are already proceeding in other jurisdictions<sup>1</sup>. Rather, we would urge you to immediately review these regulations in order to bring them into line with the Irish Defence Forces Equality Policy, with the Employment Equality Act, with the Irish Constitution and with Article 9 of the European Convention on Human Rights.

Other European countries have long since recognised and addressed this issue. For example, Commander Erwin Kamp is a non-religious Chaplain in the Dutch Armed Forces, who has said that non-religious Chaplains within the Dutch Military:

*“took part in every deployment from Lebanon to Afghanistan. We organise the same activities for our military, veterans and their families as our Christian colleagues.”*

Other Government Departments in Ireland have also already taken action to reform how publicly-funded Chaplains within their purview are appointed. Atheist Ireland has previously worked with the Department of Education and Skills<sup>2</sup> on this topic. Our campaign resulted in the Higher Education Authority issuing the following instructions to all third level educational institutes in the country:

- *“All institutes to ensure that Chaplaincy and other support services are available to students of all faiths in keeping with their responsibilities under the Irish Constitution and that the use of lay chaplains could be considered as a means to address that.”*
- *“All institutions must continue to ensure that public sector appointment criteria and procurement guidelines are followed in the process of providing Chaplaincy services.”*
- *“Any institutions with ‘legacy’ arrangements in place which did not involve a formal process of appointment or procurement in line with public sector rules or guidelines should seek to do so as a matter of priority within 12 months.”*

There is no reason why the Department of Defence should have a lesser commitment to human rights or to the Irish Constitution than any other Department. Moreover, it would be absolutely unacceptable to suggest

<sup>1</sup> <https://www.theguardian.com/australia-news/2018/aug/03/military-chaplains-could-be-atheists-if-discrimination-complaint-upheld>

<sup>2</sup> <https://atheist.ie/2016/06/hea-enforce-atheist-ireland-recommendations/>



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that non-Christian members of the Defence Forces can be treated with equality, by offering them access to counsel from a Christian votary appointed by a bishop. Such a position would be a clear abuse of human rights and inconsistent with Article 44.3 of the Irish Constitution. Serving members of our Defence Forces are entitled to counsel from the best qualified person to provide it, and not merely the person preferred by a bishop.

It is understood that there may be occasions when members of the Defence Forces do not have the same freedom of movement as third level students, and that this may have implications for access to religious services. However, this makes it even more important to ensure that there is full equality within the Defence Forces, since travel to alternative services may be impossible at times. **An analogous situation may be identified within the Irish Prison Service, which has previously recruited Chaplains using the Public Appointments Service<sup>3</sup>. There is no reason why Irish Military Chaplains should not also be selected by an open and fair process, which can ensure that the superior candidate is appointed, based on established best practice in the public sector.**

At the time of writing, the Irish Defence Forces are advertising an open and transparent recruitment process for medical doctors<sup>4</sup>, which is designed to select the best candidate, who can offer the best medical care to those currently serving in the Irish Military. Why must the Defence Forces Regulations stipulate that those who will provide pastoral or spiritual counsel, must instead be appointed at the discretion of a bishop, rather than through a similarly open and transparent process designed to select the best candidate?

Yours Sincerely,

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John Hamill.

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<sup>3</sup> <https://www.irishprisons.ie/information-centre/recruitment/>

<sup>4</sup> [http://www.military.ie/fileadmin/user\\_upload/images/careers/booklets/18-07-04\\_July\\_Final\\_DE\\_MO\\_Short\\_Service\\_Commission\\_TnCs\\_2018\\_-\\_2019.pdf](http://www.military.ie/fileadmin/user_upload/images/careers/booklets/18-07-04_July_Final_DE_MO_Short_Service_Commission_TnCs_2018_-_2019.pdf)



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Seirbhís Phríosúin na hÉireann  
IRISH PRISON SERVICE

### CANDIDATES INFORMATION BOOKLET

PLEASE READ CAREFULLY

Open competition for appointment to the position of

**Head Chaplain  
in the  
Irish Prison Service**

**Closing Date: 13<sup>th</sup> January, 2020**

Circular 33/2019

The Irish Prison Service is committed to a policy of equal opportunity.  
The Irish Prison Service will run this competition in compliance with the Code of Practice for Appointment to Positions in the Civil Service and Public Service prepared by the Commission for Public Service Appointments (CPSA)  
Codes of practice are published by the CPSA and are available on [www.cpsa.ie](http://www.cpsa.ie)

Contact: Eleanor McMahon  
Irish Prison Service HQ  
IDA Business Park  
Ballinalee Road  
Co. Longford

Email: [ipsrecruitment@irishprisons.ie](mailto:ipsrecruitment@irishprisons.ie)

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ServicesRFT2016/01213/12704

**Request for Tenders dated 8<sup>th</sup> June 2016  
for the provision of  
Chaplaincy Service**

**Tender procedure: Open procedure**

**Tender Deadline 17.30pm 29<sup>th</sup> June 2016**

### Appendix 1: Requirements and Specifications

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Tenderers must address each of the issues and requirements in this part of the RFT and submit a detailed description in each case which demonstrates how these issues and requirements will be dealt with / met and their approach to the proposed delivery of the Services. A mere affirmative statement by the Tenderer that it can/will do so or a reiteration of the tender requirements is NOT sufficient in this regard.

Background – DkIT wishes to procure a Chaplaincy Service to provide welfare type support for students. The service will support students in the transition to college life and provide ongoing support for international students.

#### Principal Duties and Responsibilities:

- Provide pastoral care and support to students and staff.
- Provide ongoing support for students living away from home, particularly international students, including working with the International Office to develop events especially during holiday times.
- Provide welfare type support to students registered with the Disability Office, providing practical supports to facilitate their transition to third level
- Provide support in conjunction with the Student Counselling Service to the college community in the case of death of a student or staff member.
- Support students and their families during and after bereavement.
- Support students in the aftermath of getting bad news, arranging transport etc.
- Follow through on student home, hospital, court and other visits.
- Work closely with Community Garda and the Students Union to ensure students are safe and secure and that they appreciate the responsibilities of renting and living in the local community.
- Work with the Student Services, Students Union and community agencies to develop events that support students.
- Support for students regarding issues around delayed/non advancement (academic).
- Assist in the administration of the Student Assistance and Hardship Funds.
- Support students to connect with local religious and non-religious communities.
- Provide spiritual direction for students and staff encompassing all religions, beliefs and creeds
- Participate in the IT Chaplains Association and the Chaplains Network @ Third Level meetings and training events.
- Carry out other such duties as directed that may arise from time to time

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Mr John McVeigh  
Arch Diocese of Armagh  
Ara Coeli  
BT617QY  
Armagh  
United Kingdom

10/08/2016

### Tender for Supply of Chaplaincy Service

Dear Mr McVeigh

I refer to your tender in respect of the above. We have now concluded our evaluation of tenders and I am pleased to inform you that your company is the preferred bidder. This award will be issued for an initial period of twelve (12) months with the option to extend twice for a further twelve (12) months on each occasion.

I would emphasise that this notification is provisional and does not create legally binding relations with any party. A contract award decision must in all cases be open to review before contract conclusion. The contracting institution must allow at least 14 calendar days between the date of dispatch of this information ('notice of award') and the date on which it proposes to enter the contract. This standstill notice is issued as required by the Remedies Directive (2007/66/EC) and the implementing Irish recommendations (SI 130 of 2010).

I will be in touch with you again at the end of the standstill period to discuss the details of the contract. I would like to take this opportunity to thank you for your time and effort in your submission and look forward to working with you in the future.

If you require any further information please contact me.

\*ours Faithfully

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Deirdre Gika