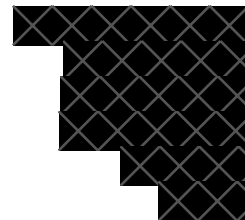


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THE FREE THOUGHT PROPHET PODCAST



22nd June 2020

www.thefreethoughtprophet.com

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,

I refer to my previous correspondence to you of 16th November 2018; and of 12th February 2019; and of 20th April 2019; and of 18th June 2019; and of 16th July 2019; and of 26th September 2019; and of 22nd November 2019; and of 25th January 2020; and of 17th June 2020.

I note that in your recent letter to me of 19th June 2020, you have not taken any action with respect to the issues that I have raised; you have not arrived at any decisions with respect to those issues; and you have not even managed to form an opinion regarding the issues. If there were any reason why you might dismiss the issues that I have described (such that the status quo might then persist in good faith and with a well articulated justification) then of course you would have stated such a reason. However, there is no reason to dismiss those issues, and so your recent correspondence to me describes how the status quo will persist through the simple expedient of ignoring the problems that I have highlighted. Instead of addressing these problems directly, the sum total of your progress over more that seventeenth months of effort, has been to determine that someone else should deal with the problems on some indeterminate date in the future. Since you prefer that someone else instead of you should deal with problems like religious discrimination within the Defence Forces, I'm left wondering why you didn't insist that someone else should be Minister for Defence instead of you.

Your letter to me of 19th June 2020 states that there will be "*a future review of the Military Chaplaincy Service*" and suggests that "*officials from the Department will make contact*" with me "*in the near future*". I would like to confirm that I am interested to participate in

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this review and that as I stated in my correspondence to you of 12th February 2019, and of 16th July 2019:

"I'd like to formally request an advance notification of any plans to recruit any additional military chaplains, as I may be interested in applying for such roles ... I believe that if you were to approve any further chaplaincy roles that are appointed by a bishop, you would be discriminating against me contrary to the Employment Equality Act."

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 in the Defence Forces are appointed by bishops, treats prospective non-religious applicants like myself less favourably. There is no reason why State-funded chaplaincy positions should be appointed by bishops in secret, rather than advertised towards those of all faiths and none. Section 8.5 of the Employment Quality Act states that:

"an employer shall be taken to discriminate against an employee or a prospective employee in relation to access to employment, if the employer discriminates against an employee or prospective employee ... in any arrangements the employer makes for the purposes of deciding to whom employment should be offered ..."

As an employer, if your Department makes arrangements for access to employment as a chaplain, which limits the prospective candidates to only those selected by a bishop, then this would unlawfully discriminate against me as a prospective employee because I have no religious beliefs. 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.

Other Departments providing public services in Ireland have also already taken action to reform how publicly-funded chaplains within their purview are appointed. For example, the Higher Education Authority within the Department of Education and Skills has issued 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."

In contrast, public sector appointment criteria are entirely ignored with respect to the appointment of State-funded chaplains with our Defence Forces. There is no reason why the Department of Defence should have a lesser commitment to public sector

APPENDIX 6

appointment criteria, to equality law, or to the Irish Constitution than any other Department. Moreover, it is absolutely unacceptable for you to suggest that:

"Non-religious care and support services are also provided in the Defence Forces through the Personnel Support Services (PSS) ..."

The chaplaincy function within the Defence Forces states that it *"provides pastoral care and spiritual support"* and such services should be available to members of the Defence Forces from all faiths and none. Non-religious members of the Defence Forces cannot be told that the chaplaincy is not for them, and that they should instead seek support from the PSS. In particular, where there is documentation published by the PPS in relation to issues like bereavement¹, the document refers to the spiritual effects of bereavement and lists those as:

"trying to make sense of what has happened, hostility towards God, searching for meaning and questioning"

For Christian members of the Defence Forces dealing with these issues, there is a long list of contacts provided in the document for full-time chaplains, who are each ready to help with any difficulties. For those members of the Defence Forces who don't believe in any god to either question or develop hostility towards, the contacts provided in the PPS document make it clear that there is no equivalent support whatsoever within the Defence Forces. Instead, non-Christians are invited to go away and talk to someone else outside of the Defence Forces. The PPS is not a non-Christian alternative to the existing Christians-only chaplaincy service, but instead the PPS merely describes further examples of Defence Forces discrimination against non-Christians.

The pastoral, spiritual and philosophical issues that arise when members of the Defence Forces put themselves and others in harm's way, apply to equally to all members of the Defence Forces. It is totally unacceptable for you to provide a chaplaincy service that is appointed by bishops, exclusively in the interests of Christians. It cannot be for Christian bishops to decide how non-Christians within the Defence Forces should be supported. Instead, chaplaincy positions within the Defence Forces should be advertised towards those of all faiths and none, and then appointed to the best candidate for the job, just like chaplaincy positions within the third level education sector and the Irish Prison Service are already appointed today.

The Equal Status Act requires that non-Christian members of our Defence Forces may not be disadvantaged with respect to chaplaincy services, just because they are not Christian. The Employment Equality Act requires that the many talented and highly-qualified non-Christian chaplains in Ireland, may not be disadvantaged in seeking appointment to such positions just because they are not Christian. Moreover, Section 6 of the Defence Forces Act includes an oath for every officer within Oglaiigh na h-Eireann, which declares their loyalty to Bunreacht na hÉireann. Article 44.2.3 of our Constitution insists that the State *"shall not impose any disabilities or make any discrimination on the ground of religious profession, belief or status"*. These legal and constitutional provisions cannot be reconciled with fully State-funded employees of the Defence Forces being appointed by bishops.

¹ <https://www.military.ie/en/public-information/defence-forces-families/publications/defence-forces-bereavement-handbook.pdf>

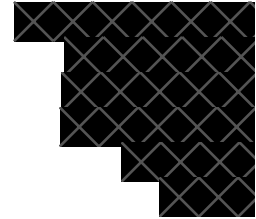
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It is a matter of serious concern that while other Departments have made substantial progress in these areas recently, the progress within the Department of Defence over the last seventeen months has been precisely zero. Since overt religious discrimination continues to persist within the Department of Defence, I would urge you to ensure that the promised "*future review of the Military Chaplaincy Service*" should begin as a matter of priority.

Yours Sincerely,

John Hamill.

THE FREE THOUGHT PROPHET PODCAST



29th June 2020

www.thefreethoughtprophet.com

Attn: Minister for Foreign Affairs and Defence, Simon Coveney T.D.

Department of Foreign Affairs and Defence,
Iveagh House,
80 St Stephen's Green,
Dublin 2,
D02 VY53.

Re: Religious Discrimination in Military Chaplaincy

Dear Minister Coveney,

Defence Force Regulation A3 Section 1, requires that chaplains are appointed by bishops before being approved by you as Minister. Statements in Dáil Éireann by your predecessors have indicated that there is one Church of Ireland Chaplain within the Irish Defence Forces, with all of the others being Roman Catholic priests. The Employment Equality Act and the Equal Status Act stipulate 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”

The provision of a chaplaincy service, which mandates that only Christian members of the Defence Forces may be provided with counsel that is consistent with their philosophical convictions, represents overt sectarian discrimination. Furthermore, the Defence Forces must be aware that there are many non-Christian chaplains working in Ireland today. That publicly-funded chaplain positions are appointed by bishops, treats prospective non-Christian applicants less favourably. There is no reason why State-funded chaplaincy positions should be appointed by bishops in secret, rather than advertised publicly so that they are 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.

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1. Discrimination Against Non-Christian Members Of The Defence Forces

The most recent census in Ireland indicated that circa 10% of the Irish population is non-religious. This represents more than all of the other minority religious 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.

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 me, in the context of his appearance on The Free Thought Prophet podcast:

“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.

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.”

I am not a Christian and my philosophical convictions are explicitly opposed to those described by the tenets of most Christian denominations. It would not be for me therefore, to decide how a devout and pious Roman Catholic within the Defence Forces should be supported through chaplaincy. Similarly, it cannot be for a Roman Catholic bishop or a Roman Catholic priest to decide how non-Christians within the Defence Forces should be supported through chaplaincy. Specifically, Canon Law 528.1 states the following about the obligations of a priest:

"He is to make every effort ... so that the message of the gospel comes also to those who have ceased the practice of their religion or do not profess the true faith."

It is outrageous that the Irish Defence Forces currently pay large salaries to chaplains who are bound to proselytise Christianity, while at the same time imposing regulations that exclude all non-Christians from the chaplaincy. Oglaiġh na h-Eireann has a proud tradition of serving within many United Nations mandated peacekeeping missions. Frequently, those operations have sought to vindicate the Universal Declaration of Human Rights within conflicts that have in large part been religiously inspired. It is incongruous then that the regulations of the Irish Defence Forces are not themselves consistent with Article 18 of the Universal Declaration of Human Rights.

Section 6 of the Defence Forces Act includes an oath for every officer within Oglaiġh na h-Eireann, which declares loyalty to Bunreacht na hÉireann. Article 44.2.3 within that Constitution states as follows:

"The State shall not impose any disabilities or make any discrimination on the ground of religious profession, belief or status."

In contrast, the Defence Forces today explicitly discriminate on the ground of religious belief. Only those with Christian beliefs are appointed as chaplains. Only members of the Defence forces with Christian beliefs may have access to a chaplaincy that is consistent with their philosophical convictions. Non-Christian chaplains and non-Christian members of the Defence Forces are thereby explicitly discriminated against.

In the attached letter to me of 19th June 2020 from your predecessor, it is stated that:

"Non-religious care and support services are also provided in the Defence Forces through the Personnel Support Services (PSS) ..."

The chaplaincy function within the Defence Forces states that it *"provides pastoral care and spiritual support"* and such services should be available to members of the Defence Forces from all faiths and none. Non-religious and Non-Christian members of the Defence Forces cannot be told that the chaplaincy is not for them, and that they should instead seek support only from the PSS. The pastoral, spiritual and philosophical issues that arise when members of the Defence Forces put themselves and others in harm's way, relate equally to all members of the Defence Forces. For example, there are many non-Christian and non-religious perspectives on issues such as mortality and bereavement, which are no less valid than Christian teachings. In this context, it is totally unacceptable to provide a chaplaincy service that is exclusively appointed by bishops, in the interests of Christians only.

Moreover, within the documentation that is published by the PPS in relation to issues like mortality and bereavement¹, the attendant spiritual issues are described as follows:

"trying to make sense of what has happened, hostility towards God, searching for meaning and questioning"

¹ <https://www.military.ie/en/public-information/publications/defence-forces-bereavement-handbook.pdf>

For Christian members of the Defence Forces who wish to deal with such issues through the counsel of a chaplain, there is a list of contact details for thirteen full-time employees who are each ready to articulate the Christian perspective on mortality and bereavement. In contrast, non-religious members of the Defence Forces who also wish to deal with such issues through the counsel of a chaplain, are instructed by the same PPS document to go away to some other organisation outside of the Defence Forces. As such, the PPS is not a non-religious equivalent of the chaplaincy, ready to provide parallel services for the non-religious. Rather, the PPS merely offers further examples of sectarian discrimination within the Defence Forces, whereby all non-Christians and all non-religious are treated less favourably than Christians.

The Equal Status Act requires that non-Christian and non-religious members of our Defence Forces may not be disadvantaged with respect to chaplaincy services, just because they do not adhere to Christian beliefs. It cannot be for Christian bishops to decide how non-Christians within the Defence Forces should be supported. Instead, chaplaincy positions within the Defence Forces should be advertised towards those of all faiths and none, and then appointed to the best candidate for the job.

2. Discrimination Against Non-Christian Chaplains By The Defence Forces

The Employment Equality Act requires that the many talented and highly-qualified non-Christian chaplains in Ireland, may not be disadvantaged in seeking appointment to such positions just because they do not adhere to Christian beliefs. That publicly-funded chaplain positions in the Defence Forces are appointed by bishops, treats prospective non-religious applicants less favourably. Section 8.5 of the Employment Quality Act states that:

"an employer shall be taken to discriminate against an employee or a prospective employee in relation to access to employment, if the employer discriminates against an employee or prospective employee ... in any arrangements the employer makes for the purposes of deciding to whom employment should be offered ..."

As an employer, if your Department makes arrangements for access to employment as a chaplain, which limits the prospective candidates to only those selected by a bishop, then this would unlawfully discriminate against me as a prospective employee because I have no religious beliefs. Similarly, these arrangements also discriminate unlawfully against all non-Christian chaplains who may be prospective employees. I would like to reiterate to you what I stated in my correspondence of 12th February 2019 and of 16th July 2019 to your predecessor, which is that:

"I'd like to formally request an advance notification of any plans to recruit any additional military chaplains, as I may be interested in applying for such roles ... I believe that if you were to approve any further chaplaincy roles that are appointed by a bishop, you would be discriminating against me contrary to the Employment Equality Act."

Other Departments have already taken action to reform how publicly-funded chaplains within their purview are appointed. For example, the Irish Prison Service within the Department of Justice and Equality, has previously used the Public Appointments Service in order to recruit chaplains. Moreover, the Higher Education Authority within the Department of Education and Skills, has issued 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.”*

In contrast, public sector appointment criteria are entirely ignored with respect to the appointment of State-funded chaplains in the Defence Forces. The Department of Foreign Affairs and Defence should not persist in demonstrating a lesser commitment to public sector appointment criteria, to the Employment Equality Act, or to the Irish Constitution than any other Department.

For example, at the time of writing the careers page on the Defence Forces web site² is advertising an open position for an Electrical Artificer, who must have a HETAC Level 7 Degree in Electrical Engineering or Applied Physics. There is no reason why chaplaincy roles should not be advertised in the same way, so that the many highly-qualified chaplains throughout the country might be able to apply. However, instead of appointing the best candidate for the job, the current Defence Forces Regulations ensure that such roles will instead be awarded to a Christian votary selected by a bishop. This constitutes sectarian discrimination against all prospective non-religious and non-Christian chaplains.

3. Conclusion

The Equal Status Act requires that non-Christian and non-religious members of our Defence Forces may not be disadvantaged with respect to chaplaincy services, just because they do not adhere to Christian beliefs. The Employment Equality Act requires that the many talented and highly-qualified non-Christian and non-religious chaplains in Ireland, may not be disadvantaged in seeking appointment to such positions just because they do not adhere to Christian beliefs. Article 44.2.3 of Bunreacht na hÉireann insists that the State shall not discriminate on the basis of religion. Article 14 of the European Convention on Human Rights prohibits discrimination on the basis of religion. These legal and constitutional provisions cannot be reconciled with fully State-funded employees of the Defence Forces being appointed by bishops. As such, I would urge you to immediately delete Defence Force Regulation A3 Section 1, in order to bring these regulations into line with the Irish Defence Forces Equality Policy, with the Equal Status Act, with the Employment Equality Act, with the Irish Constitution and with Article 14 of the European Convention on Human Rights.

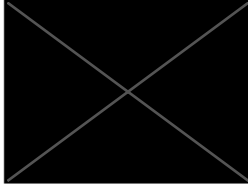
Yours Sincerely,

John Hamill.

² <https://www.military.ie/en/careers/current-competitions/>

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Mr. John Hamill



September 2020

Dear Mr. Hamill

I have been asked by the Minister for Defence, Mr. Simon Coveney, T.D. to reply to your letters dated 29th June and 31st August 2020 regarding Religious Discrimination in Military Chaplaincy.

You have raised various points in your correspondence which will feed into any discussions and examinations being undertaken regarding the Defence Forces Chaplaincy Service.

To this end, the Department has committed to conducting a review of the Chaplaincy Service in the future. A date for initiation of such review has yet to be determined. Once the review has commenced, Departmental officials would be happy to meet up with you to discuss your views and those of other non-Christian chaplains.

I trust that this will be of assistance to you,

Yours Sincerely

Cliona O'Sullivan
Private Secretary to the Minister for Defence
Mr Simon Coveney TD

Anne Behan (Defence)

From: Paula Kelliher
Sent: Thursday 24 September 2020 13:04
To: Sarah Kelly
Subject: FW: Reply to John Hamill reps
Attachments: Reply to John Hamill - September 2020.docx; Hamill Recd 30 June 2020.pdf; Hamill Recd 1 September 2020.pdf; Reply to John Hamill - June 2020.docx

Follow Up Flag: Follow up
Flag Status: Completed

Sarah

Don't want to butt in but would suggest that we don't use the phrase "Non-Christian " Something along the lines of
 Once the review has commenced, Departmental officials would be happy to meet up with you and with others to discuss relevant issues ~~your views and those of other non-Christian chaplains.~~

From: Ann Howard
Sent: 24 September 2020 12:20
To: Sarah Kelly [REDACTED]
Cc: Anne Behan [REDACTED] Paula Kelliher [REDACTED]
Subject: Reply to John Hamill reps

Sarah

Attached please find draft response to Mr Hamill along with copies of his letters dated 29th June and 31st August and a copy of our last response to him.

Regards,

Ann

Ann Howard

Defence Forces Personnel Policy Branch

An Roinn Cosanta

Department of Defence

Bóthar an Stáisiúin, An Droichead Nua, Contae Chill Dara, W12 AD93.

Station Road, Newbridge, Co.Kildare, W12 AD93.

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From: minister Minister@defence.ie
Subject: Defence Forces Chaplaincy Service
Date: 29 September 2020 at 16:29
To: [REDACTED]

Dear Mr. Hamill,

I have been asked by the Minister for Defence, Mr. Simon Coveney, T.D. to reply to your letters dated 29th June and 31st August 2020 regarding Religious Discrimination in Military Chaplaincy.

The Department has committed to conducting a review of the Chaplaincy Service in the future. A date for initiation of such review has yet to be determined. You have raised various points in your correspondence which merit consideration and will feed into discussions and examinations which will be undertaken regarding the Defence Forces Chaplaincy Service.

As a result, the Minister is of the view that it would be inappropriate at this time to comment on the matters raised in your correspondence

Once the review has commenced, Departmental officials would be happy to meet up with you and with others to discuss relevant issues.

I trust that this will be of assistance to you,

Yours Sincerely

Cliona O'Sullivan
Private Secretary to the Minister for Defence
Mr Simon Coveney TD



Fógra taoid Rúndacht: I a an ríomhphost seo agus aon iatan a ghabhann leis rúnda. Is leis an duine / nó daoine sin amháin a bhfuil siad seolta chucu a bhaineann siad agus ní ceart iad a léamh ná a scaoileadh chuig aon tríú páirtí gan cead roimh ré ón Roinn Cosanta. Chun amharc ar an Chairt do Chustaiméirí, cliceáil ar www.defence.ie/system/files/media/file-uploads/2018-06/customer-charter-2017-irish.pdf

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