

# Congregationalist Church of the Flying Spaghetti Monster



---

**Parties:** Mr John Hamill  
Congregationalist Church of the Flying Spaghetti Monster

v

Mr Owen Keegan  
Dublin City Council

**Issue:** Equal Status Act  
ADJ-00011817  
CA-00016014

**Date:** 22nd March 2018

**Location:** Lansdowne House, Dublin 4

---

## 1. Introduction

### 1.1

This case relates to discrimination on the religion ground by Dublin City Council (DCC) contrary to the Equal Status Act. It is not alleged that DCC singled out Mr John Hamill or any other members of the Congregationalist Church of the Flying Spaghetti Monster (CCFSM) in order to discriminate against them specifically. Rather, in providing a service to the public, DCC awarded undue privilege (including the support of public funds) exclusively to members of mainstream religions only. Any citizen not sharing these mainstream religious beliefs (including Mr John Hamill) was excluded from these privileges, and thereby discriminated against on the religion ground.

### 1.2

The group of people discriminated against by DCC includes all people who do not profess mainstream religious beliefs. The basis on which this discrimination was applied, was explicitly related to religious belief and membership of a religious organisation. For example, the Alliance of Former Muslims (Ireland) organisation has written publicly about how they were discriminated against by DCC, on the basis that their members no longer profess Islamic beliefs, while the members of the mainstream Islamic groups were privileged by comparison (see Appendix 1). Similarly, Mr John Hamill and by extension the other members of the CCFSM, have also been discriminated against as they do not profess mainstream religious beliefs.

### 1.3

Discriminating on the religion ground, with regard to which groups of people will be supported by DCC using public funds, is contrary to the Equal Status Act and Article 44.2.1 of the Constitution. This is also contrary to Article 44.2.2 of the Constitution, as DCC is awarding public funds to support one religious group, to the exclusion of all other religious groups. DCC is a public body providing a range of public services, and the manner in which DCC has provided these services has discriminated against the Complainant on the religion ground.

### 1.4

Section 3.2(e) of the Equal Status Act 2000, provides inter alia that discrimination shall be taken to have occurred where one person is treated less favourably than another because "*one has a different religious belief than another*". In this case, DCC has provided financial support to faith-based values and activities, so long as those faith-based values and activities relate to the mainstream religions. If a person has a religious belief that is included within the mainstream religions, then the faith-based activities and the faith-based values of that person can be financially supported by DCC using public funds. Conversely, because the Complainant has religious beliefs that are excluded by the mainstream religions for purely theological reasons, DCC has treated the Complainant less favourably. The Workplace Relations Commission is therefore asked to adjudicate that in providing a service to the public, DCC as the Respondent has discriminated on the religion ground, contrary to the Equal Status Act.

## 2. Narrative

### 2.1

On 25th July 2017, the Complainant wrote to Mr Owen Keegan regarding the Dublin City Interfaith Forum (DCIF) banner that he had erected on the Dublin City Council (DCC) offices (see Appendix 2). This banner was funded by the Respondent from public monies. The banner included the logos of both DCC and the DCIF (see Appendix 3). It was explained to Mr Keegan that the DCIF is not a religiously inclusive group that will allow those of any religion to join and attend. Rather, it is exclusionary in that it will accept or reject applications from various religions on a purely theological basis. Specifically, this correspondence reported to Mr Keegan that the CCFSM had been excluded from the DCIF for theological reasons.

## 2.2

In this correspondence of 25th July 2017, it was further explained to Mr Keegan that as a private organisation, it was understood that the DCIF had no obligation to accept a membership application from the CCFSM. However, it was outlined that as a public body, DCC was not at liberty to discriminate against different religious groups on a purely theological basis. That is, whatever public facilities that are extended to the DCIF by DCC, should also be available to the other religious groups that are not members of the DCIF, on a fully equitable basis. Otherwise, DCC would be allowing the theologically-based decisions of the DCIF, to determine which citizens are and are not permitted to access public facilities. This letter of 25th July 2017 described for Mr Keegan why privileging one religious group to the exclusion of all others, is religious discrimination contrary to the Equality Acts.

## 2.3

On 3rd August 2017, Mr Keegan responded in writing (see Appendix 4). This letter from Mr Keegan seemed to assume that the CCFSM was asking him to arrange for its membership of the DCIF. Specifically, he stated that he was not in a position to arrange for such membership and that he could not help in this regard.

## 2.4

On 4th August 2017, the CCFSM responded to Mr Keegan in order to clear up this confusion (see Appendix 5). It was explained that the membership application sent by the CCFSM towards DCIF had already been formally rejected and that it was understood that there was no possibility to change this decision. It was further explained that the CCFSM was not asking for Mr Keegan to arrange for membership of DCIF but rather for Mr Keegan to treat the CCFSM in an equitable manner, as compared to how he has treated other religious groups. That is, whereas Mr Keegan had erected a temporary banner on DCC offices for the DCIF, it was requested that he erect a similar banner for the CCFSM for the same period of time.

## 2.5

On 9th August 2017, Mr Keegan wrote back to the CCFSM indicating that despite the clarification that had been offered, DCC would continue to discriminate against the CCFSM, based purely on the theological decisions that had been taken by the DCIF (see Appendix 6).

## 2.6

On 14th August 2017, an ES1 Form (along with a blank ES2 Form) was delivered to the Respondent by registered post (see Appendix 7). This ES1 Form outlined the discriminatory behaviour described herein and also asked the following questions of the Respondent:

- (i) *What are the objective criteria used by DCC to determine which religious groups it will support by the display of banners and which religious groups it will not support?*
- (ii) *Which specific criteria were used to decide that the DCIF should receive the support of DCC, while my Church should not receive the same support?*
- (iii) *Before agreeing to display the DCIF banner, did DCC advertise these plans such that those of religious convictions and beliefs not represented by the DCIF, could have an equal opportunity to participate?*
- (iv) *There are many other religious groups in Ireland that are not represented by the DCIF, for example the Ahmadi Muslim community. Is it the policy of DCC to discriminate against all other religious groups, which are not represented by the DCIF? Will other interfaith groups also be refused a similar banner or is it only my Church that is being discriminated against?*
- (v) *Does DCC unconditionally trust the DCIF to make decisions on which religious groups may or may not join the DCIF and therefore on which religious groups may have their aims represented on banners erected by DCC? On what basis has DCC assigned this responsibility to DCIF?*
- (vi) *Was a vote taken by councillors to determine which religious groups would be supported through the display of banners by DCC and which would be excluded?*

- Alternatively, has an executive decision been made to support some religious groups but not others? When was this decision made with respect to the support that DCC will offer and who was involved with making it?*
- (vii) Does DCC have a policy that describes how different religious groups should be treated and is the behaviour with respect to banners consistent with this policy?*

## 2.7

The Respondent did not reply to this ES1 Form and did not attempt to answer any of the questions enumerated above. Consequently, an ES3 Form was submitted on 27th November 2017, which requested mediation (see Appendix 8). The Respondent refused mediation, thereby precipitating the present hearing.

## 3. Complainant Arguments

### 3.1

In this case, the Respondent has refused to reply to the ES1 Form and has refused to offer any answers to the questions provided therein. The refusal to engage with the Complainant on these issues, stands in stark contrast to the detailed and continued engagement with the DCIF (see examples in Appendix 9). For example, DCC made significant efforts in order to support the DCIF in many areas, whereas with respect to the Complainant, DCC would not even provide the simple courtesy of answering the questions in the ES1 Form. It is reasonable to consider that this is further evidence of discrimination. There is no objective reason why the Respondent would refuse to reply to the ES1 Form and refuse to answer the straightforward questions therein.

### 3.2

One part of the support provided by DCC to the DCIF, related to forwarding materials to Mr Patsy McGarry at *The Irish Times* (this suggestion, made by Ms Grainne Kelly at DCC, is included in Appendix 9). Mr McGarry has been the Religious Affairs Correspondent at that newspaper since 1997. The fact that Mr McGarry's name was raised by DCC in connection with this issue, clearly indicates that DCC considered their activities with the DCIF to be primarily related to religion. This fact adds further weight to the evidence that the discrimination applied by DCC in this case was on the religious ground.

### 3.3

The exclusion of the CCFSM from the DCIF was for purely theological reasons and this is perfectly acceptable. It is the prerogative of explicitly religious groups to make such religious decisions. The CCFSM made no complaint about this exclusion. Just as it is perfectly acceptable for an individual religious denomination to exclude those who disagree with their theology, it is also perfectly acceptable for an interfaith group to exclude any particular Church for theological reasons. What is not acceptable, is that such theological considerations should be used to determine which citizens are and are not permitted to access public services and public funds. Neither is it acceptable for such theological considerations to be used as the basis on which some citizens will be discriminated against by public bodies. DCC should not use banners on their offices to advertise their religious discrimination.

### 3.4

The members of the CCFSM wish to participate in the public life of Dublin city on exactly the same terms as other citizens of other religions. They do not feel that the theological decisions made by the DCIF should be used by DCC to treat them in any lesser a manner than those of any other religion. They would like their values and their aims to be considered by the Respondent, on the exactly same basis as the values and aims of other religious groups. In deciding that the aims of other religious groups should be promoted using public money, but that the quite different aims of the CCFSM should not be promoted, purely because of theological differences, DCC is discriminating against the CCFSM on the religion ground.

### 3.5

The CCFSM has previously been an active participant within interfaith activities that have taken place in the greater Dublin area. In November of 2016, the Complainant gave a formal presentation on the CCFSM at Maynooth University, as part of the Diversity Week organised by the chaplaincy there. The theme of that Diversity Week was 'Celebrating Difference' and other contributions included those from the Islamic Cultural Centre, the Jewish Council of Ireland and Zen Buddhism Ireland. There is absolutely no reason why the CCFSM should not be fully included on equal terms with other Irish religious groups, within any activities that the Respondent funds to promote religious aims and values. To exclude any particular religion from such funding, represents overt discrimination on the religious ground.

### 3.6

The UN Human Rights Committee, in paragraph 2 of General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights (see Appendix 10) states that:

*"Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community."*

This provision directly describes the behaviour of the Respondent, in their discrimination against newly established religious beliefs, by their privileging of the traditional religions. Such discrimination is contrary to the Equality Acts and contrary to the right to freedom of thought, conscience and religion, as described in Article 18 of the International Covenant on Civil and Political Rights. Furthermore, the exclusion of the CCFSM from the DCIF by the mainstream religions, has been interpreted by members of the CCFSM as hostility towards a religious minority by a predominant religious community. Contrary to the explicit views described in General Comment 22 then, by supporting this exclusionary act of hostility towards religious minorities, the Respondent has compounded and aggravated their religious discrimination, by reinforcing this discrimination through the disbursement of public funds.

### 3.7

In order to respect the human rights of all religious minorities, it is not necessary for the Respondent to make any special awards or to offer any special treatment to the Complainant. It is only necessary for the Respondent to treat those of all faiths and none equally, without making any discrimination between the treatment of one group and another based on religious belief. The Respondent has failed to behave with the appropriate equality in this case, and instead has discriminated on the religion ground.

### 3.8

On 3rd August 2017, the Respondent wrote that public money was allocated to "*publicise*" the aims and values of one religious group, while refusing to support a different religious group in the same manner. This represents a clear prima facie case of religious discrimination. According to the Equality Act therefore, the Respondent is required to provide an objective reason for this differing treatment of one religious group as compared to another religious group. No objective reason has been offered despite many opportunities to do so.

### 3.9

The Respondent in this case has offered no objective reason for treating the CCFSM as one particular religious group in Dublin, differently from the DCIF as another religious group in Dublin. The only reason why these groups have been treated differently is because the Respondent is

privileging mainstream religions, and discriminating against religious minorities. This represents discrimination on the religion ground, contrary to the Equal Status Act.

#### **4. Initial Respondent Arguments**

##### **4.1**

The only explanation initially offered by the Respondent to explain their discriminatory behaviour with respect to this case, has been that:

*"... the erection of the inter faith Charter banner on the Civic Offices was a once off gesture on the part of the Council designed to publicise the Charter."*

There is no derogation within equality law, providing that discriminatory policies will become lawful if they are only intended to be applied once. This statement from the Respondent is an explicit admission that they intended to publicise and promote the religious aims and values of some citizens, while excluding the differing aims and values of others from outside the mainstream religions. The fact that this policy may only be applied for one banner, offers no mitigation whatsoever, with respect to whether or not the policy discriminates on the religion ground.

##### **4.2**

Since this is the only explanation that has been offered by the Respondent, and since the Respondent has refused to respond to the ES1 Form or answer any of the questions therein, it is suggested that any subsequent arguments offered by the Respondent should be treated with some suspicion. That is, the reasons why the current policy for supporting one specific set of faith-based aims and values, have already been described. A full opportunity to offer further explanation has been afforded to the Respondent and rejected by the Respondent. It must be considered that any subsequent arguments to be offered on a post hoc basis, may be retrospectively contrived.

##### **4.3**

If the arguments offered by the Respondent are adjudicated to be acceptable in this case, then a very dangerous precedent will have been set. If erecting this banner as a once off gesture is acceptable, then why would it be unacceptable to fund a different once off project in the future, which promotes say the Roman Catholic faith to the exclusion of all non-Catholics? If this once off gesture is acceptable even while it excludes non-mainstream faiths, then why would it be unacceptable to fund a different once off project in the future, which excludes say all Jews? If DCC decided to launch an advertising campaign to publicise businesses in the city, and excluded say all Muslim-owned businesses, would such a use of public funds be deemed not to be discriminatory so long as the campaign was a once-off gesture? The Respondent has described a policy whereby promoting the faith values of one religious group to the exclusion of different values from those outside that religious group, is deemed acceptable if it is a once off gesture. Even if erecting the banner to promote religious faith values was always intended to be a once off gesture, this does not permit the Respondent to act in a discriminatory manner. Instead, the Respondent should have allowed all religious groups to have an equal opportunity to participate in the gesture. If it is established that it is permissible to act in a discriminatory manner, on the basis that the act of discrimination is a once off gesture, then almost any project that is funded by a public body in future could discriminate on the religion ground, simply by describing their project as a once-off.

#### **5. Legal Arguments from Respondent**

##### **5.1**

On 14th March 2018, the Respondent composed a submission with respect to this case. It is important to note that at no point in this submission did the Respondent offer an objective reason

why their treatment of the CCFSM was different from their treatment of the DCIF. The Respondent has now been offered four separate opportunities to describe what objective criteria were used to justify the less advantageous treatment of the CCFSM as compared to the DCIF. These occasions were their response to the letter of 25th July 2017, their response to the letter of 4th August 2017, the blank ES2 Form that was provided with the ES1 Form delivered on 14th August 2017, and their submission to this hearing. On each of these four occasions, the Respondent has confirmed in writing that they spent public money to "*publicise*" the aims and values of one religious group while excluding other religious groups, and refused to offer any objective reasons for this differing treatment. The legal arguments offered by the Respondent are limited to spurious attempts to avoid accountability, each of which are considered in turn below.

### 5.2 Absence of Locus Standi

The Respondent argues that the Complainant lacks the necessary locus standi, as the CCFSM is not a religion. This argument assumes that only members of a religion may be the victims of religious discrimination, which is clearly erroneous. If DCC decided that no member of the Alliance of Former Muslims (Ireland) organisation could benefit from public funding on the basis that they are no longer religious, then this policy would represent religious discrimination even though 'Former Muslim' is not a religion. It is entirely possible for a person who is not a member of any religion, to nevertheless be the victim of religious discrimination. Specifically, in this case DCC is privileging the mainstream religions and discriminating against all citizens who do not hold mainstream religious beliefs. Mr John Hamill, and by extension all members of the CCFSM, have been discriminated against by DCC as they do not hold mainstream religious beliefs. The adjudication of this issue need take no account of whether the CCFSM is a religion or not. That issue is not relevant to whether or not the policy of DCC constitutes religious discrimination against those who do not have mainstream religious beliefs. The Complainant has locus standi because he does not have mainstream religious beliefs.

### 5.3

The Respondent cites several cases in order to argue that the CCFSM is not a religion. None of the cases cited involve the CCFSM in any way and none of the cases make any judgement as to whether the CCFSM is a religion or not. None of these cases are at all relevant to the CCFSM. While all Churches with a congregationalist polity are minority denominations, even a passing curiosity with respect to the beliefs of the Complainant would have allowed DCC to distinguish a congregationalist denomination like CCFSM, from the plaintiffs in the cases cited. For example, Wikipedia defines congregationalism as follows:

*"... congregationalism, is a system of church governance ("ecclesiastical polity") in which every local church congregation is independent, ecclesiastically sovereign, or "autonomous". Its first articulation in writing is the Cambridge Platform of 1648 in New England."*

The Constitution of the CCFSM is provided in Appendix 11 and is fully consistent with the constitutions used by many other congregationalist denominations over four hundred years (with some alterations made by the members of the CCFSM, according to the terms of the Constitution).

### 5.4

The cases cited by the Respondent involve the Australian Pastafarian Organisation, a Mr Noel Mulryan and a Mr Stephen Cavanaugh. The Complainant has never met any of these people, or spoken to anyone involved in their organisations, or communicated with any of these people in any way, either electronically or otherwise. Their cases are cited by the Respondent in order to argue (in paragraph 5 of the Respondent's submission) that the CCFSM is a "*parody of religion*". In fact, Article 3(F) within the Constitution of the CCFSM clearly states that any member of the CCFSM using the Pastafarian identity for humour, parody or satire, must be immediately expelled. As such, not only do the cases cited by the Respondent not involve the CCFSM in any way, but the plaintiffs in those cases would not be welcome as members of the CCFSM, and any member of the CCFSM behaving in the manner described by these cases, would be immediately expelled. The aims and

values of the plaintiffs in the cases cited by the Respondent, are diametrically opposed to the aims and values of the CCFSM. Nothing about the CCFSM can be learned from the cases cited by the Respondent. If the adjudication of this case will determine whether or not the CCFSM is a religion, then it should do so by reference to the CCFSM alone, and not by ascribing to the CCFSM the behaviours, aims and values of those who are diametrically opposed to the CCFSM.

#### 5.5

In paragraph 12 of the Respondent's submission, there is a reference to comments from the European Court of Human Rights, stating that:

*"The right to freedom of thought, conscience and religion denotes a view that attains a certain level of cogency, seriousness, cohesion and importance."*

Article 3(G) within the Constitution of the CCFSM requires all members of the CCFSM to be secular, for explicitly theological reasons. All members of the CCFSM are secularists and like many other religions, the CCFSM supports secularism. The CCFSM believes that the operation of the civil powers in any nation must be entirely independent from religious powers, and that they should always remain separate. Purely from this express theological commitment to secularism in the CCFSM Constitution, the CCFSM has been determined to have philosophical convictions with the same protections as any other religious beliefs. The European Court has found that secularism is a philosophical conviction protected by Article 9 of the European Convention on Human Rights. Paragraph 58 within the judgement of the European Court in the *"Lautsi v Italy"* case (see Appendix 12) states that:

*"Secondly, the Court emphasises that the supporters of secularism are able to lay claim to views attaining the 'level of cogency, seriousness, cohesion and importance' required for them to be considered 'convictions' within the meaning of Articles 9 of the Convention and 2 of Protocol No. 1 (see Campbell and Cosans v The United Kingdom, 25 February 1982, § 36, Series A no. 48). More precisely, their views must be regarded as 'philosophical convictions', within the meaning of the second sentence of Article 2 of Protocol No. 1 ..."*

All supporters of secularism, including the supporters of secularism that may base such support on their theological commitments to the tenets of the CCFSM, must enjoy the protections of Article 9.

#### 5.6

In addition to a commitment to secularism, the CCFSM contains a deep set of other theological convictions, which inform a weighty and substantial aspect of the lives of the entire CCFSM congregation. These theological beliefs include a respect for the fundamental rights of all other citizens and also extend to a range of other serious, cogent, important and cohesive religious convictions. There is an open invitation to either the adjudicator, or to any other member of the WRC, or to any member of DCC, to attend our monthly worship in Dublin in order to witness these aspects of our religion. In this context, any judgement with respect to whether or not the CCFSM is a religion, should also pay careful attention to the comments of the European Court of Human Rights in the case of *"Manoussakis and Others versus Greece"*. Paragraph 47 of this judgement (see Appendix 13) states that:

*"The right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate."*

Furthermore, in paragraph 11 of the *"European Court of Human Rights Overview Of The Court's Case Law On Freedom Of Religion"* (see Appendix 14), it is stated that:

*"The Convention institutions do not have competence to define religion, but it must be interpreted non-restrictively. Religious beliefs cannot be limited to the "main" religions. The religion in question does have to be identifiable, though an applicant's wish to describe his*

*or her belief as a religion will be favourably regarded in the event of an unjustified interference by the State. There is hardly any case-law concerning the main religions because the tenets are known and the relations with the States are well established. However, the issue is more delicate regarding minority religions and new religious groups that are sometimes called "sects" at national level. According to the Court's current case-law, all religious groups and their members enjoy equal protection under the Convention."*

As described in paragraph 5.2 of this submission, this case does not require any adjudication as to whether or not the CCFSM is a religion. However, if such an adjudication is to be made, then it should be based on the characteristics of the CCFSM only, and not those of other unrelated parties. Careful consideration should also be given to case law from the European Court of Human Rights.

#### 5.7 Absence of Notification

In paragraph 14 of the Respondent's submission, it is stated that in the letter of 25th July 2017 and the letter of 4th August 2017, no notification was provided that the Complainant would seek redress under the Equal Status Act. Of course this is correct, since at the time when those letters were written, the Complainant fully expected that the CCFSM would be treated equally by DCC, in comparison to their treatment of the DCIF. No discriminatory behaviour was manifest when those letters were written.

#### 5.8

The discriminatory act on the part of the Respondent took place on 9th August 2017, when DCC wrote to confirm that they would treat the CCFSM less favourably than the DCIF, and would have *"nothing to add"* to further discussions on this topic. On 14th August 2017, an ES1 Form and a blank ES2 Form were delivered to DCC by registered post. These documents included all of the associated guidance and explanatory notes, as required to provide the relevant notifications according to Section 21(2) of the Equal Status Acts.

#### 5.9

Proper and correct notification according to Section 21(2) of the Equal Status Act was given to DCC on 14th August 2017, in the form of an ES1 Form, a blank ES2 Form and all of the associated guidance and explanatory notes. Despite receiving this material, DCC declined to answer any of the questions on the ES1 Form. Consequently, an ES3 Form was submitted on 27th November 2017, which requested mediation between the parties. The Respondent refused mediation, thereby precipitating the present hearing

#### 5.10 Proper Complainant

The Respondent's submission argues that the Complainant is not the Proper Complainant, by making a series of false assertions. For example, in paragraph 15 of the Respondent's submission it is stated that:

*"... the complainant alleged that the absence of the Church of the Flying Spaghetti Monster from the Dublin City Interfaith Forum constituted discrimination on grounds of religious belief."*

This is not true. In fact, the specific correspondence of 25th July 2017 referred to here, explicitly states that the DCIF is a private religious organisation that does not have obligations with respect to religious discrimination under the Equal Status Acts, whereas DCC does. To quote from that correspondence:

*"... I had assumed that the DCIF was purely a private organisation, which does not have any statutory obligations in this regard. In contrast, Dublin City Council does have a legal responsibility not to discriminate on a religious basis."*

When the DCIF as a private religious organisation decided to exclude the CCFSM from their membership, this did not represent religious discrimination and no complaint was made alleging that it did. However, if DCC decides to exclude minority religions like the CCFSM while privileging mainstream religious groups like the DCIF, then this is overt religious discrimination. Consequently, contrary to the Respondent's submission, it is proper that this complaint is made towards DCC and not DCIF.

#### 5.11

In paragraph 16 of the Respondent's submission, an argument is made based on a false and erroneous quotation from the ES1 Form provided by the Complainant. The quotation used in the Respondent's submission is as follows:

*"congregation was Church of the Flying Spaghetti Monster of which I am a member was excluded from the DCIF for an illogical reason."*

In contrast, the actual text included by the Complainant in the ES1 Form was as follows:

*"... the Congregationalist Church of the Flying Spaghetti Monster of which I am a member, was excluded from the DCIF for theological reasons."*

The difference between the false and erroneous quotation in the Respondent's submission, as compared to the actual quotation from the ES1 Form, is significant as the Respondent has misidentified the Complainant. The Complainant is Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster. The Complainant is not a congregation of the Church of the Flying Spaghetti Monster.

#### 5.12

At all times and in all correspondence to the Respondent, the Complainant in this case has been presented as Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster. At no time did the Complainant propose to be representing any of the other bodies cited by the Respondent. At no time was the Complainant presented as a congregation. In the initial letter of 25th July 2017, it was specifically stated that a request to DCC was being made by Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster. In the letter of 4th August 2017, it was specifically stated that a request to DCC was being made by Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster. The ES1 Form and the ES3 Form were both submitted by Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster. The discrimination by DCC was against Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster. Consequently, the Proper Complainant in this case is Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster.

## 6. Remedy

### 6.1

The adjudication of this case should make clear that the behaviour of the Respondent represents discrimination on the religious ground. The Respondent should be instructed that with respect to the funding of future projects, those of all faiths and none should be treated equally. The Respondent should be further instructed that where there is planning for future once off gestures, there remains a duty to treat those of all faiths and none equally, and that such situations do not imply a derogation that permits religious discrimination.

### 6.2

The Respondent has used public money to fund a project to promote the values of one faith group, to the exclusion of those from non-mainstream religions. By way of remedy, the Respondent

should be instructed to fund a further project on an equal basis, which offers an equivalent opportunity to those faith groups who were previously excluded. This may be achieved by issuing an open invite, to which any interested parties may respond. For example, the CCFSM proposed that the Respondent should support a Charter that includes the following statement.

*"To strive towards the equal acceptance of all faiths and none without exception, according to human rights law and the Equality Acts."*

This values statement should be uncontroversial. However, it is a values statement that the religiously exclusionary DCIF does not support, but the CCFSM does support. To date, the Respondent has publicised and promoted the faith values of the religiously exclusionary DCIF, while refusing to consider the values of other religious groups on an equal basis. The Respondent should be instructed to allow other groups, which are not represented by the DCIF, the opportunity to suggest an alternative more inclusive Charter. Such a religiously inclusive Charter should be supported by the Respondent using at least as much public funding, as they have already used to support the Charter of the religiously exclusionary DCIF organisation.

### 6.3

The adjudication of this case should also provide for further punitive remedies as required to demonstrate to other public bodies, that they may not behave in the same manner as DCC.

## 7. Conclusion

### 7.1

There is a clear prima facie case that DCC is treating people differently based on their religion. On 3rd August 2017, the CEO of DCC wrote that he would allocate public money to "*publicise*" the aims and values of one religious group, while refusing to support a different religious group in the same manner. Consequently, there is an onus on the Respondent to provide an objective reason for this differing treatment. No objective reason has been offered. The differing treatment provided to a mainstream religious group as compared to a minority religious group, represents religious discrimination contrary to the Equal Status Act. This differing treatment involved not only the investment of public monies to "*publicise*" the aims and values of one exclusionary religious group, but also extended to promoting these activities within the national media, while refusing to even answer the questions asked by the CCFSM in an ES1 Form.

### 7.2

In this case, the Respondent has stated in writing that public funds have been allocated to "*publicise*" the aims of one religiously exclusionary faith group. The religious aims that have been promoted by the Respondent with public money, include:

*"... developing programmes which reflect the joint fundamental values of our faith."*

The fundamental faith values being publicised by DCC are those of the mainstream religions and they are explicitly not the fundamental faith values of the Complainant. While using public funds to promote the aims and fundamental faith values of one religious group, the Respondent is refusing to treat another religious group in an equitable manner. The Respondent is openly stating in writing that they are discriminating on the religion ground.

### 7.3

The Civil Registration Service maintains an online list accessible from their web site, of the officially recognised religious bodies in Ireland, which have registered a wedding solemniser. It is important to note that this is not an exhaustive list of all the different Churches in the country. This is merely that subset of religions, which are interested to perform their own State-recognised marriage ceremonies. For example, the Ahmadi Muslims are a well-organised religion in Ireland but are not

included on the list as they do not perform State-recognised wedding ceremonies. Nevertheless, there are more than 54 different religions listed by the Civil Registration Service in Dublin alone (see Appendix 15). In contrast, the DCIF includes representatives of only 17 different religions (also listed in Appendix 15). Consequently, the DCIF represents less than one third of the religions in Dublin (at most). The stated policy of the Respondent to fund a once off gesture only for the DCIF while excluding all other faiths, discriminates against more than two thirds of the religions in the city.

#### 7.4

The CCFSM is one of the religions in Dublin that has been discriminated against by the Respondent. The Constitution of the CCFSM is more inclusive than the DCIF, which is an exclusionary religious group that for theological reasons, has decided to limit itself to a small minority of the Dublin religions only. Notwithstanding this, the Respondent has decided to discriminate against the large majority of religions in Dublin, which are not members of the DCIF.

#### 7.5

The Respondent has argued that there is an absence of locus standi with respect to the complaint. However, the Respondent is privileging mainstream religious and thereby discriminating against those outside of the mainstream religions. The adjudication should indicate that the Complainant has locus standi as he is not a member of a mainstream religion. Whether the CCFSM is considered to be a religion or not, is irrelevant to this case.

#### 7.6

According to Section 3.2(e) of the Equal Status Act, discrimination on the religion ground will have occurred if the Respondent treated one person less favourably than another because:

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

The Complainant has been treated less favourably than the DCIF because the DCIF professes mainstream religious beliefs, whereas the Complainant does not. In order to meet the definition of discrimination on the religion ground, it is only required that the Complainant has been treated less favourably because of different religious beliefs. The Respondent contends that the Complainant's beliefs are not religious. Even if this were true and the Complainant's beliefs were deemed to be non-religious, the behaviour of the Respondent would still represent discrimination on the religion ground. This is because the Respondent would still have treated the Complainant less favourably than the DCIF, since the DCIF holds mainstream religious beliefs and the Complainant does not share those mainstream religious beliefs. The Respondent should have ensured that all public funding was equally available to those of all faiths and none without discrimination, instead of insisting that some public funds should only be available to those with mainstream religious beliefs.

#### 7.7

The Respondent has argued that a person who is not a member of a religion does not have locus standi to submit a complaint with respect to discrimination on the religion ground. The Respondent's argument in this regard is not consistent with Section 3.2(e) of the Equal Status Act, which explicitly states that even those who do not have a religious belief may be victims of discrimination on the religious ground. Consequently, it is not the function of the adjudication to determine whether or not the CCFSM is a religion or not. The function of the adjudication is to decide whether the policies of DCC treated the Complainant less favourably than the DCIF, because the members of the DCIF profess mainstream religious beliefs and the members of the CCFSM do not.

#### 7.8

The Respondent has argued that there is an absence of notification with respect to the complaint. However, the act of discrimination took place on 9th August 2017 and the ES1 Form provided by

the Complainant was delivered by registered post on 14th August 2017. This represents notification as required by the Equal Status Act.

7.9

The Respondent has argued that there is not a Proper Complainant with respect to this case. However, the request to DCC was made by Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster. The discrimination was an act of DCC towards Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster. Consequently, it is proper that this complaint is made against DCC by Mr John Hamill, who is a member of the Congregationalist Church of the Flying Spaghetti Monster.

Signed 21st March 2018:

---

Mr John Hamill  
Ordained Minister  
Congregationalist Church of the Flying Spaghetti Monster

## Appendix 1



# Alliance of Former Muslims (Ireland)

Delivering Empowerment, Defending the Enlightenment

[Mission Statement](#) [Contact Us](#) [Blog & Social Media](#) [Previous History](#)

AUGUST 22, 2017

## Shame On Dublin City Council

*The Clonskeagh Mosque (ICCI) believes in the death penalty for apostasy, and wants strict blasphemy laws to be introduced in Ireland. One would hope, therefore, that any support provided by the Irish State to this institution is offered to ex-Muslims as well, in the interests of fairness and human rights. Alas, judging by the behaviour of Dublin City Council, this appears to be wishful thinking.*

In early August 2017, Dublin City Council agreed to erect a banner on its Civic Offices in support of the Dublin City Interfaith Forum, representing the various faiths in Ireland. Suspecting that the Council had no plans to extend similar support to atheistic groups, Alliance of Former Muslims (Ireland) sent an email to its chair, Owen Keegan, reminding him of the Council's legal responsibility towards those of no religion:

 **Alliance of Former Muslims - Ireland**  Aug 11 (12 days ago)   

to chiefexecutive 

Dear Mr. Keegan,

We are writing to you on behalf of Alliance of Former Muslims (Ireland). Recently, it has come to our attention that Dublin City Council has lent its support to the Dublin City Interfaith Forum (DCIF), which includes representatives of the Islamic Cultural Centre of Ireland (ICCI). This concerns us, as the Council does not appear to be offering similar support to ex-Muslims and other non-believers.

We draw your attention to the Equal Status Act 2000, which outlaws discrimination in the provision of services that are generally available to the public, whether provided by the State or the private sector. This includes discrimination against those of no religion, as described in section 3, subsection 2, part (e):

*(2) As between any two persons, the discriminatory grounds (and the descriptions of those grounds for the purposes of this Act) are:*

*(e) that one has a different religious belief from the other, or that one has a religious belief and the other has not (the "religion ground")*

The Council is providing a service to the citizens of Dublin. If the Council is willing to display the DCIF banner and to host Hussein Halawa at the Mansion House, but is not willing to provide a similar service for ex-Muslims and other atheists, then by definition, the Council is guilty of discrimination against those of no religion.

We hope the Council gives ample time to our concerns. Alliance of Former Muslims (Ireland) exists to create a safe space for apostates in Ireland; we would like to think that the Council supports our work. We will leave you with section 2 of General Comment 22 on the International Covenant on Civil and Political Rights, which protects both freedom of religion and freedom from religion:

*Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms "belief" and "religion" are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community.*

Yours sincerely,

Alliance of Former Muslims (Ireland)

The Council's reply was evasive in the extreme. Being unable to refute the charge of discrimination, Mr. Keegan's only recourse was to describe the banner as a "once-off gesture", to be taken down by the end of August. It could hardly be a more feeble response:

 Aug 14 (9 days ago) ☆

Alliance of Former Muslims (Ireland)

The contents of your e-mail of 11 August 2017 in relation to a banner on the Civic Offices promoting the Charter of the Dublin City Interfaith Forum (DCIF) has been noted.

The Council, through the Office of the former Lord Mayor, Councillor Brendan Carr supported the DCIF Charter initiative through the erection of the banner on the Civic Offices. This was a once off gesture on the part of the Council designed to publicise the Charter. The banner is due to be taken down before the end of August. It is not proposed to erect any other banner in its place.

Regards

Chief Executives Office  
Dublin City Council

The dismissive nature of this reply betrays the Council's antipathy towards ex-Muslims. Contrast this with their fawning over Hussein Halawa, the imam of the Clonskeagh Mosque, who features prominently on the [Council website](#). We take exception to this gross imbalance, and have stated it explicitly in our response to the Council:

 Aug 14 (9 days ago) ☆

Dear Mr. Keegan,

This is to acknowledge your recent correspondence. We must say that the curt nature of your reply contrasts starkly with the magnanimity shown by the Council towards Hussein Halawa and his colleagues.

As we did not receive a clear answer to our request, permit us to restate it. In accordance with both the Equal Status Act 2000 and the International Covenant on Civil and Political Rights, will the Council offer the same service to ex-Muslims as it has to the ICCI?

Whether or not displaying the DCIF banner is a 'once-off gesture' is irrelevant, as is its presence only until the end of August. Any services provided by the Council must not discriminate against those of no religion, regardless of their frequency or duration.

We hope the Council gives due consideration to these points. We await your reply with earnest, as an indicator of the Irish State's support for the rights of apostates.

Yours sincerely,

Alliance of Former Muslims (Ireland)

That last email was sent on August 14<sup>th</sup>. The Council has yet to reply, though it would seem unlikely. We are not entirely surprised at the Council's approach, being a State institution: we have already seen how multicultural appeasers work to [undermine the asylum claims](#) of ex-Muslims in Ireland. We invite the reader to follow us on Twitter, to be kept abreast of these issues and much more.

## **Appendix 2**

Congregationalist Church of the Flying Spaghetti Monster  
c/o 2 The Fairways  
Church Heath  
Castleblayney  
Co. Monaghan

25th July 2017

Attn: Mr Owen Keegan  
Chief Executive,  
Dublin City Council  
Civic Offices  
Block 3, Floor 0  
Wood Quay  
Dublin 8  
D08 RF3F

### **Re: Formal Application for DCIF Membership**

Dear Mr Keegan,

On Tuesday 20th December 2016, the Lord Mayor of Dublin helped to launch the Charter of the of the Dublin City Interfaith Forum (DCIF) at a reception in the Mansion House. At around this time, Dublin County Council also helped promote this event on your web site. The Charter includes a commitment to the following aims:

*"To encourage dialogue between people of different beliefs and faiths in all spheres of life, to eradicate misunderstanding, intolerance and exclusion, and extend openness and understanding between our different faith communities.*

*To focus our efforts on encouraging the young towards real acceptance of religious diversity by developing programmes which reflect the joint fundamental values of our faiths while maintaining our own individual beliefs.*

*To develop our appreciation of religious differences and diversity to focus on our similarities, shared values and common respect for humanity and planet.*

*To create social conditions that will allow all to share peace, joy and hope."*

My Church agrees with these aims and with all of the other aims described within the Charter. As such, we formally applied to join the Dublin City Interfaith Forum on 19th January 2017. I attach my letter of application for your information. Subsequently, I wrote to all members of the DCIF on 19th April 2017, repeating the desire of my Church to join the DCIF. Unfortunately, we have been excluded, which has been a terrible disappointment to our members in Dublin.

I believe that the exclusion of my Church from the DCIF, is entirely inconsistent with the four aims described above. As you can see from my written application to join the DCIF, while I quoted some human rights law that is applicable in this area, I had assumed that the DCIF was purely a private organisation, which does not have any statutory obligations

in this regard. In contrast, Dublin City Council does have a legal responsibility not to discriminate on a religious basis.

I note that the Charter of the DCIF is now displayed on the offices of Dublin City Council at Wood Quay. Since the DCIF is a religiously exclusionary organisation and since the DCIF Charter is clearly not intended to be inclusive of my faith, I would like to formally apply for a similar space on which to display some aims of the Congregationalist Church of the Flying Spaghetti Monster.

For your convenience, I have attached the constitution of our Church. The text of the aims that we would like to display on your office building (with our logo in place of the DCIF logo) is identical to the aims of the DCIF Charter, with the exception of a single additional aim. The additional aim that will distinguish our display from the exclusionary DCIF Charter, is:

*"To strive towards the equal acceptance of all faiths without exception, according to human rights law and the Equality Acts."*

Finally, I have also noticed that the Dublin City Council logo appears on the DCIF Charter as published on the DCIF web site. May I ask if the activities of the DCIF receive any funding from Dublin City Council and if Dublin City Council supports organisations that discriminate against minority religions?

Praise be His noodly appendages.

Yours Sincerely,

---

John Hamill.  
Ordained Minister,  
Congregationalist Church of the Flying Spaghetti Monster.



## Dublin City Interfaith Charter

We, as representatives of our respective faiths, communities and organisations members of Dublin City Interfaith Forum, commit to the following aims:

**To commit** to, and freely practice, our religious beliefs, customs and practices and accept the freedom of others to do likewise.

**To dedicate** ourselves to the values of peace, justice, solidarity and defence of the dignity of each human being as a valued member of our shared society.

**To promote** dialogue between the different communities of belief co-existing in our city; we believe this to be fundamental to guaranteeing the necessary conditions for living together in peace, justice and solidarity.

**To share** our experiences, and strengthen our collaboration and partnership, so we will jointly be able to build a better society, city and country.

**To encourage** dialogue between people of different beliefs and faiths in all spheres of life, to eradicate misunderstanding, intolerance and exclusion, and extend openness and understanding between our different faith communities.

**To focus** our efforts on encouraging the young towards real acceptance of religious diversity by developing programmes which reflect the joint fundamental values of our faiths while maintaining our own individual beliefs.

**To develop** our appreciation of religious differences and diversity to focus on our similarities, shared values and common respect for humanity and planet.

**To create** social conditions that will allow all to share peace, joy and hope.

Having committed to this charter we will seek to agree a schedule of projects and programmes in partnership and supported by local government to further its aims.



## Appendix 4



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

Oifig an Phríomhfhéidhmeannaigh Oifig na Cathrach, An Ché Adhmaid, D08 RF3F  
*Oifigeach Poiblí Ainmnithe faoin Acht um Brústocaireacht a Rialáil 2015*

Chief Executive's Office, Civic Offices, Wood Quay, D08 RF3F  
*Designated Public Official under the Regulation of Lobbying Act 2015*

T. 01 222 2100 F. 01 222 2097 E. [chiefexecutive@dublincity.ie](mailto:chiefexecutive@dublincity.ie)

Mr John Hamill  
Ordained Minister  
Congregationalist Church of the Flying Spaghetti Monster  
C/o The Fairways  
Church Heath  
Castleblaney  
Co. Monaghan

3 August 2017

### *Formal Application for DCIF Membership*

Dear Mr Hamill,

I wish to acknowledge receipt of your letter of 25 July 2017 in relation to your application for membership of the Dublin City Interfaith Forum (DCIF).

The issue of your organisation's membership of the DCIF is not a matter for Dublin City Council.

While the Council, through the Office of the Lord Mayor, supported the DCIF Charter Initiative it does not provide any direct financial support for the DCIF.

Finally, the erection of the inter faith Charter banner on the Civic Offices was a once off gesture on the part of the Council designed to publicise the Charter. The banner is due to be taken down before the end of August. It is not proposed to erect any other banner in its place.

Yours sincerely

  
Owen P Keegan  
Chief Executive

## **Appendix 5**

Congregationalist Church of the Flying Spaghetti Monster  
c/o 2 The Fairways  
Church Heath  
Castleblayney  
Co. Monaghan

4th August 2017

Attn: Mr Owen Keegan  
Chief Executive,  
Dublin City Council  
Civic Offices  
Block 3, Floor 0  
Wood Quay  
Dublin 8  
D08 RF3F

### **Re: Formal Application For DCC Support**

Dear Mr Keegan,

Thank you for your letter dated 3rd August 2017. I appreciate your prompt reply but I must clear up some confusion. I was not writing to you in order to apply for membership of the DCIF. I was writing to you in order to report that my application for membership of DCIF had already been refused. Consequently, I am asking that DCC should provide exactly and precisely the same support to my Church as you have to the members of the Churches in the DCIF.

I understand from your correspondence that this support included the temporary erection of a banner at the DCC offices. I'll be delighted to arrange of the erection of a similar banner, of the same size and for the same duration, as the banner that you have used to support the DCIF.

The text of the aims that my Church would like to display on your office building (with our logo in place of the DCIF logo) is identical to the aims of the DCIF Charter, with the exception of a single additional aim. The additional aim that will distinguish our display from the exclusionary DCIF Charter, is:

*"To strive towards the equal acceptance of all faiths without exception, according to human rights law and the Equality Acts."*

I'm sure that DCC does not wish to act in a sectarian manner by supporting some religions but not others. I'm sure that DCC does not wish to limit its support only to religious groups that act in a sectarian and religiously exclusionary manner, while discriminating against the minority religions that have been excluded in this manner. As such, I'm sure that you will wish to offer equal support to all religions by offering my Church exactly the same support that you have offered to Churches in the DCIF.

You have told me that DCIF membership for my Church is not a matter for you to become involved with. I agree with that assertion. However, where DCIF is shown to be a sectarian organisation that excludes minority Churches, then any support provided to the DCIF by

DCC, while at the same time DCC excluded other Churches, is most certainly a matter for you personally. I believe that if DCC behaved in this manner, by offering support to some Churches but not others, then you would be in clear breach of the Equality Acts by discriminating on the religious ground. There is no objective reason for you to discriminate against my religious group as compared to the DCIF. Consequently, I will look forward to your early consideration of this matter and the erection of a banner to display the aims of my Church at your offices.

Praise be His noodly appendages.

Yours Sincerely,

---

John Hamill.  
Ordained Minister,  
Congregationalist Church of the Flying Spaghetti Monster.

## Appendix 6



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

Oifig an Phríomhtheidhmeánaigh Oifig na Cathrach, An Ché Adhmaid, D08 RF3F  
*Oifigeach Poiblí Ainmnithe faoin Acht um Brústeoiríocht a Rialáil 2015*

Chief Executive's Office, Civic Offices, Wood Quay, D08 RF3F  
*Designated Public Official under the Regulation of Lobbying Act 2015*

T. 01 222 2100 F. 01 222 2097 E. [chiefexecutive@dublincity.ie](mailto:chiefexecutive@dublincity.ie)

Mr John Hamill  
Ordained Minister  
Congregationalist Church of the Flying Spaghetti Monster  
C/o The Fairways  
Church Heath  
Castleblancy  
Co. Monaghan

9 August 2017

Dear Mr Hamill,

I refer to your letter of 4 August 2017 and to previous correspondence in relation to the erection of a banner promoting the DCIF Charter on the Civic Offices.

I have noted the contents of your letter.

I have nothing to add to my reply of 3 August 2017.

Yours sincerely,

Owen P Keegan  
Chief Executive Officer

## **Appendix 11**



# **Congregationalist Church of the Flying Spaghetti Monster**

## **Article 1**

### *Name & Governance.*

The name of this fellowship shall be The Congregationalist Church of the Flying Spaghetti Monster. Governance of this fellowship shall be through the Church Meetings, being the Church Members gathered under the guidance of the Flying Spaghetti Monster.

## **Article 2**

### *Mission Statement.*

The purposes for which this fellowship was formed and is continuing are as follows:

A)

To maintain a centre of Pastafarian life and influence in the community and to support a fellowship of Congregationalist Churches of the Flying Spaghetti Monster throughout the world.

B)

To develop a depth of spiritual knowledge and commitment within the fellowship and proclaim clearly to those outside of the fellowship, the love of the Flying Spaghetti Monster offered towards them and in particular the need for truth.

C)

To do such things and to have and exercise such rights, privileges and powers conferred by law upon a religious corporation or Church as may from time to time seem good to the Church Meeting under the guidance of the Flying Spaghetti Monster.

D)

While recognising the expedience and privilege of seeking the advice of other Pastafarian Churches and associating with them for mutual advantage and service to others, to remain a free and autonomous body in matters of Church governance and not to accept any form of ecclesiastical constitution or authority other than that formed and accepted by the Church Meeting under the guidance of the Flying Spaghetti Monster.

E)

All Members of The Congregationalist Church of the Flying Spaghetti Monster shall proactively oppose the use of the Pastafarian identity or references to his Noddleness the Flying Spaghetti Monster, for purposes relating to humour, parody or satire.

### **Article 3**

#### *Role and Responsibility of Members.*

Members shall:

- A)  
Set aside time for private devotions, seeking to grow in Pastafarian stature and faith.
- B)  
Gather together for worship regularly.
- C)  
Support the Ministry of the Church practically in every way possible.
- D)  
Work through the Church body and structure.
- E)  
Attend Church Meetings regularly.
- F)  
Immediately expel from The Congregationalist Church of the Flying Spaghetti Monster, any Member found to be using the Pastafarian identity, or making reference to the Flying Spaghetti Monster, for purposes relating to humour, parody or satire.
- G)  
Recognise that there is no compulsion in religion and support a secular State for a pluralist people, such that the civil law should remain entirely neutral in matters of belief, allowing all people to practice their faith according to full respect for the human right to the freedom of religion.

### **Article 4**

#### *Membership.*

Acceptance into membership shall be following a recommendation to the Church Meeting, following interview. All new members shall be required to undergo instruction in Congregationalist polity. Members shall be accepted into Church Membership during worship at the first available service after approval at a Church Meeting.

### **Article 5**

#### *Ministry.*

A Minister shall have in charge the spiritual welfare and growth of the Congregation. Appointment of a Minister shall involve accreditation according to a format determined by the Church Meeting. The role of the Minister shall include the specification of the format for the ceremonies and celebrations of the Church Meeting, all of which to include the recitation of the Covenant.

### **Article 6**

#### *Alteration of Constitution.*

This constitution may only be amended at a General Church Meeting. All members shall be notified of the proposed amendments in writing at least three weeks before a General Church Meeting. Changes will take effect from the date of the next General Church Meeting.

### **COVENANT**

*"We, this Congregationalist Church of the Flying Spaghetti Monster, having given ourselves to one another, according to His will, do promise and covenant and dedicate ourselves in the presence of His Noodleness to walk together in love and in all His laws and ordinances, through the power of the Flying Spaghetti Monster. R'amen".*

## **STANDING ORDERS**

### *ORDER 1: Church Meetings.*

1.1

Voting at Church Meetings shall be limited to members only. By the specific invitation of the Church, non-members may contribute to Church Meeting discussions.

1.2

The Chair at Church Meetings shall normally be taken by a Minister but, if a Meeting agrees, any other person may Chair the Meeting.

1.3

Only those attending a Meeting will be eligible to vote. No proxy votes are accepted at any Meeting.

1.4

Except when a written ballot is carried out, the method of voting at all meetings shall be by a show of hands. The Chairperson, upon request from the floor, may deem it desirable to use ballot papers when decisions may be of a personal nature.

1.5 All decisions at Church Meetings require a 75% majority of those present (except where otherwise stated).

### *ORDER 2: Position of Standing Orders.*

2.1

Standing Orders may be amended, or added to, upon the agreement of any Church Meeting. Changes will take effect from the next Church Meeting.

### *ORDER 3: Openness and Transparency.*

3.1

All Church Meetings shall be open to the public. Any person of any faith shall be made welcome at any Church Meeting they wish to attend. There shall be no impediment to the recording of Church Meetings by any person or group.

## **Appendix 12**

GRAND CHAMBER  
CASE OF LAUTSI AND OTHERS v. ITALY  
*(Application no. 30814/06)*

JUDGMENT

STRASBOURG

18 March 2011

*This judgment is final but may be subject to editorial revision.*

Court to rule on the compatibility of the presence of crucifixes in State-school classrooms with the principle of secularism as enshrined in Italian law.

58. Secondly, the Court emphasises that the supporters of secularism are able to lay claim to views attaining the “level of cogency, seriousness, cohesion and importance” required for them to be considered “convictions” within the meaning of Articles 9 of the Convention and 2 of Protocol No. 1 (see *Campbell and Cosans v. the United Kingdom*, 25 February 1982, § 36, Series A no. 48). More precisely, their views must be regarded as “philosophical convictions”, within the meaning of the second sentence of Article 2 of Protocol No. 1, given that they are worthy of “respect ‘in a democratic society’”, are not incompatible with human dignity and do not conflict with the fundamental right of the child to education (*ibid.*).

*1. The case of the first applicant*

**a. General principles**

59. The Court reiterates that in the area of education and teaching Article 2 of Protocol No. 1 is in principle the *lex specialis* in relation to Article 9 of the Convention. That is so at least where, as in the present case, the dispute concerns the obligation laid on Contracting States by the second sentence of Article 2 to respect, when exercising the functions they assume in that area, the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions (see *Folgerø and Others v. Norway* [GC], no. 15472/02, § 84, ECHR 2007-VIII, § 84).

The complaint in question should therefore be examined mainly from the standpoint of the second sentence of Article 2 of Protocol No. 1 (see also *Appel-Irrgang and Others v. Germany* (dec.), no. 45216/07, ECHR 2009-...).

60. Nevertheless, that provision should be read in the light not only of the first sentence of the same Article, but also, in particular, of Article 9 of the Convention (see, for example, *Folgerø*, cited above, § 84), which guarantees freedom of thought, conscience and religion, including the freedom not to belong to a religion, and which imposes on Contracting States a “duty of neutrality and impartiality”.

In that connection, it should be pointed out that States have responsibility for ensuring, neutrally and impartially, the exercise of various religions, faiths and beliefs. Their role is to help maintain public order, religious harmony and tolerance in a democratic society, particularly between opposing groups (see, for example, *Leyla Şahin v. Turkey* [GC], no. 44774/98, § 107, ECHR 2005-XI). That concerns both relations between believers and non-believers and relations between the adherents of various religions, faiths and beliefs.

**Appendix 13**



COUR EUROPÉENNE DES DROITS DE L'HOMME  
EUROPEAN COURT OF HUMAN RIGHTS

COURT (CHAMBER)

**CASE OF MANOUSSAKIS AND OTHERS v. GREECE**

*(Application no. 18748/91)*

JUDGMENT

STRASBOURG

26 September 1996

decisions applying it. The Court's task is to determine whether the measures taken at national level were justified in principle and proportionate.

In delimiting the extent of the margin of appreciation in the present case the Court must have regard to what is at stake, namely the need to secure true religious pluralism, an inherent feature of the notion of a democratic society (see the above-mentioned Kokkinakis judgment, p. 17, para. 31). Further, considerable weight has to be attached to that need when it comes to determining, pursuant to paragraph 2 of Article 9 (art. 9-2), whether the restriction was proportionate to the legitimate aim pursued. The restrictions imposed on the freedom to manifest religion by the provisions of Law no. 1363/1938 and of the decree of 20 May/2 June 1939 call for very strict scrutiny by the Court.

45. The Court notes in the first place that Law no. 1363/1938 and the decree of 20 May/2 June 1939 - which concerns churches and places of worship that are not part of the Greek Orthodox Church - allow far-reaching interference by the political, administrative and ecclesiastical authorities with the exercise of religious freedom. In addition to the numerous formal conditions prescribed in section 1 (1) and (3) of the decree, some of which confer a very wide discretion on the police, mayor or chairman of the district council, there exists in practice the possibility for the Minister of Education and Religious Affairs to defer his reply indefinitely - the decree does not lay down any time-limit - or to refuse his authorisation without explanation or without giving a valid reason. In this respect, the Court observes that the decree empowers the Minister - in particular when determining whether the number of those requesting an authorisation corresponds to that mentioned in the decree (section 1 (1) (a)) - to assess whether there is a "real need" for the religious community in question to set up a church. This criterion may in itself constitute grounds for refusal, without reference to the conditions laid down in Article 13 para. 2 of the Constitution.

46. The Government maintained that the power of the Minister of Education and Religious Affairs to grant or refuse the authorisation requested was not discretionary. He was under a duty to grant the authorisation if he found that the three conditions set down in Article 13 para. 2 of the Constitution were satisfied, namely that it must be in respect of a known religion, that there must be no risk of prejudicing public order or public morals and that there is no danger of proselytism.

47. The Court observes that, in reviewing the lawfulness of refusals to grant the authorisation, the Supreme Administrative Court has developed case-law limiting the Minister's power in this matter and according the local ecclesiastical authority a purely consultative role (see paragraph 26 above).

The right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether

religious beliefs or the means used to express such beliefs are legitimate. Accordingly, the Court takes the view that the authorisation requirement under Law no. 1363/1938 and the decree of 20 May/2 June 1939 is consistent with Article 9 of the Convention (art. 9) only in so far as it is intended to allow the Minister to verify whether the formal conditions laid down in those enactments are satisfied.

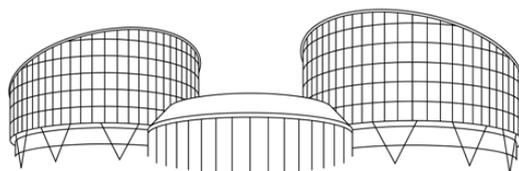
48. It appears from the evidence and from the numerous other cases cited by the applicants and not contested by the Government that the State has tended to use the possibilities afforded by the above-mentioned provisions to impose rigid, or indeed prohibitive, conditions on practice of religious beliefs by certain non-Orthodox movements, in particular Jehovah's Witnesses. Admittedly the Supreme Administrative Court quashes for lack of reasons any unjustified refusal to grant an authorisation, but the extensive case-law in this field seems to show a clear tendency on the part of the administrative and ecclesiastical authorities to use these provisions to restrict the activities of faiths outside the Orthodox Church.

49. In the instant case the applicants were prosecuted and convicted for having operated a place of worship without first obtaining the authorisations required by law.

50. In their memorial the Government maintained that under section 1 (1) of the decree of 20 May/2 June 1939 an authorisation from the local bishop was necessary only for the construction and operation of a church and not for a place of worship as in the present case. An application to the Minister of Education and Religious Affairs, indeed one such as that submitted by the applicants, was sufficient.

51. The Court notes, nevertheless, that both the Heraklion public prosecutor's office, when it was bringing proceedings against the applicants (see paragraph 12 above), and the Heraklion Criminal Court sitting on appeal, in its judgment of 15 February 1990 (see paragraph 15 above), relied expressly on the lack of the bishop's authorisation as well as the lack of an authorisation from the Minister of Education and Religious Affairs. The latter, in response to five requests made by the applicants between 25 October 1983 and 10 December 1984, replied that he was examining their file. To date, as far as the Court is aware, the applicants have not received an express decision. Moreover, at the hearing a representative of the Government himself described the Minister's conduct as unfair and attributed it to the difficulty that the latter might have had in giving legally valid reasons for an express decision refusing the authorisation or to his fear that he might provide the applicants with grounds for appealing to the Supreme Administrative Court to challenge an express administrative decision.

52. In these circumstances the Court considers that the Government cannot rely on the applicants' failure to comply with a legal formality to



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

**RESEARCH DIVISION  
DIVISION DE LA RECHERCHE**

---

*Overview of the Court's case-law on  
freedom of religion*

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## I. SCOPE OF THE RIGHT TO FREEDOM OF RELIGION

### 1) *Scope of protection of Article 9 ratione materiae*

9. Whilst Article 9 of the Convention concerns freedom of religion in particular, the protection afforded by this provision is much broader and applies to all personal, political, philosophical, moral and, of course, religious convictions. It extends to ideas, philosophical convictions of all kinds, with the express mention of a person's religious beliefs, and their own way of apprehending their personal and social life. For example, as a philosophy, pacifism falls within the scope of application of Article 9 of the Convention, since the attitude of a pacifist can be regarded as a "*belief*".

10. Personal convictions are more than mere opinions. They are ideas that have attained a certain level of cogency, seriousness, cohesion and importance. It must be possible to identify the formal content of convictions.

11. The Convention institutions do not have competence to define religion, but it must be interpreted non-restrictively. Religious beliefs cannot be limited to the "*main*" religions. The religion in question does have to be identifiable, though an applicant's wish to describe his or her belief as a religion will be favourably regarded in the event of an unjustified interference by the State. There is hardly any case-law concerning the main religions because the tenets are known and the relations with the States are well established. However, the issue is more delicate regarding minority religions and new religious groups that are sometimes called "*sects*" at national level. According to the Court's current case-law, all religious groups and their members enjoy equal protection under the Convention.

12. The issue of new religious movements was brought before the Court in the case of *Fédération chrétienne des témoins de Jéhovah de France v. France* ((dec.), no. 53430/99, ECHR 2001-XI). The Court observed that the French legislation in question aimed to strengthen preventive and punitive action against sectarian movements infringing human rights and fundamental freedoms. It specified that it was not the Court's task to rule on legislation *in abstracto* and that it could not therefore express a view as to the compatibility of the provisions of the French legislation with the Convention, but gave some valuable guidance nonetheless. While noting that in so far as the impugned legislation targeted sects – a term which it did not define – it provided for their dissolution, but observed that such a measure could be ordered only by the courts and where certain conditions were satisfied, in particular where there had been final convictions of the sect concerned or of its leaders for one or more of an exhaustively listed set of offences – a situation in which the applicant association should not normally have any reason to fear finding itself. Impugning Parliament's

## **Appendix 15**

Dublin based religions listed by the Civil Registration Service on their web site<sup>1</sup>:

1. Roman Catholic
2. Church of Ireland
3. Presbyterian
4. Baptist
5. Methodist
6. Religious Society of Friends
7. Jehova's Witnesses
8. The Church of Jesus Christ of Latter-Day Saints
9. Transfiguration Church
10. Life Renewal Ministries
11. Lighthouse Church
12. Christian Brethren
13. Abundant Life Church
14. Mountains of Fire and Miracles Church
15. Hope and Glory Ministries
16. South Church
17. Islamic Community
18. Victory Fellowship Church
19. Christ Healing Evangelical Church
20. Calvary Mission Ireland
21. Plumblin Ministries Ireland
22. One Spirit Interfaith Foundation
23. Assemblies of God
24. Elim Ministries
25. Chinese Gospel Church
26. Congregational Union of Ireland
27. Spiritualist Union of Ireland
28. The National Spiritual Assembly of the Bahá'ís of Ireland
29. Solid Rock Church of God
30. Tower of Power International Ministries
31. Church of Christ
32. Kingdom Dominion Church
33. Trinity Church Network
34. Dublin Buddhist Center
35. Grace Ministries
36. Lifegate Bible Church
37. New Life Ministries
38. Abundant Grace Assembly
39. Unitarian Church
40. Orthodox Church
41. Temple of Éiriú
42. Redeemed Christian Church of God
43. Pagan Life Rites
44. The Oratory Society
45. Cornerstone Church
46. Seventh-Day Adventist Church
47. Dominion Chapel
48. Christian Friends
49. Vineyard Church
50. Babul-Ilm Society

---

<sup>1</sup> <http://www.welfare.ie/en/downloads/RegisterOfSolemnisers.pdf>

51. Arann Reformed Church
52. Every Nation Church
53. Antiochian Orthodox Christian Church
54. Jewish Community

Religions that are members of the DCIF<sup>2</sup>:

1. National Spiritual Assembly of the Bahá'ís of Ireland
2. Dublin Buddhist Centre
3. Soka Gakkai International
4. Roman Catholic
5. Church of Ireland
6. Presbyterian
7. Methodist
8. Orthodox Church
9. Redeemed Christian Church
10. Hindu Cultural Center
11. Éire Vedanta
12. Jewish Progressive Community
13. Hebrew Congregation
14. Islamic Cultural Centre
15. Ahlul Bayt Islamic Centre
16. Dublin City Mosque
17. Sikh Community

---

<sup>2</sup> <https://www.dublincityinterfaithforum.org/members/>