

The Constitution, Gender and Reform

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Overview

- How the Constitution works
- Women in Politics and Public Life
- Women in the Home
- Marriage Equality
- Abortion
- Socio-Economic Rights

How the Constitution works

- Short vague document
- Symbolic value
- Establishes institutions
- Personal rights
- Requirement, prohibition and permission
- Unintended consequences – 8th amd
- Method and purpose of working paper

Women in Politics and Public Life

- **Recommendation: Mixed constituency/list system**
- PR/STV and women
- List only systems
- Mixed systems
- One part of the puzzle
- **Recommendation: Art 16 Gender quotas**
- **Recommendation: consultative groups and active citizenship**

Women in the Home

- **Recommendation: Gender neutral recognition of care work**
- Art 41.2 and contemporary Ireland
- Women's disproportionate share of care work
- Invisibility of carers
- CRG recommendation + community
- Symbol – Socio-economic rights also needed

Marriage Equality

- **Recommendation: Gender Neutral definition of marriage**
- Constitution protects but does not define marriage
- Interpretation by courts
- ‘Living document’ approach
- Definition necessarily short (Canadian Act)
- Symbolic value

Abortion

- **Recommendation: Legalising abortion by adding caveat to 40.3.3^o**
- Const right to abortion where life in danger
- No legislation – lack of certainty
- If legalising abortion, removal of 40.3.3^o risks unintended consequences
- Specific caveat, requiring legislation and stating basis of right (health and/or wellbeing)

Socio-Economic Rights

- **Recommendation: Express inclusion socio-economic rights**
- Rights to health, housing, social welfare and adequate standard of living. Expand existing right to education
- Women less economically and socially secure
- Positive and negative duties
- Progressive realisation seems inevitable

Additional material

- Right to equality
- Definition of the family
- Relationship of const to EU and international law