



**ICCL observations on  
Gender Equality Committee Proposals  
16 November 2022**

1. The Irish Council for Civil Liberties (ICCL) welcomes the proposals to update the Irish Constitution to reflect current human rights law and standards with regards to non-discrimination and gender equality. We made a submission to the Gender Equality Committee earlier this year. We appreciate the invitation to respond to the Gender Equality Committee's proposed options in its 'Interim Report on Constitutional Change'.

Recommendations for Article 40.1

2. ICCL agrees that the current equality protections in the Irish Constitution are weak and should be strengthened. We fully support the replacement of 'citizens' with 'persons'. This is in line with international and regional human rights law, which is clear that human rights protections must be afforded to all individuals in a State, with limited exceptions.
3. We agree with the stakeholders referenced in the Interim report who queried whether including two grounds of discrimination, namely sex and gender, and excluding other grounds provides a higher level of protection to some individuals in Ireland against discrimination than others.
4. We note that at a minimum the grounds outlined in the international and regional human rights treaties that Ireland is party to should be considered. We draw your attention to the grounds outlined in the non-discrimination provisions of the European Convention on Human Rights, the European Charter on Fundamental Rights and Freedoms and the International Covenant on Civil and Political rights.
5. We note that the grounds in the current Equality Acts in Ireland are currently being reviewed and urge Government to ensure that proposed grounds do not exclude any potential new ground in those Acts. In this regard, we draw particular attention to the proposed inclusion of socio-economic discrimination.
6. We note that the new Hate Crime and Prohibition to Incitement to Hatred and Violence Bill outlines 10 protected characteristics, all of which could be included in the Constitution.
7. We strongly urge Government to ensure that any proposed wording that delineates grounds must not be exhaustive so that it is open to the Courts to include any additional ground of discrimination in the future.
8. Of the two options proposed in the interim report our preference would be for option 2, edited to reflect the grounds identified in the above points. Alternatively,

referencing “non-discrimination on any protected ground” without a list may tackle the risk of excluding non-listed grounds.

#### Recommendations for Article 41.1

Of the two options proposed by the Committee, ICCL supports option 2. If wording is included in relation to specific protections for the family, ICCL recommends including broadly inclusive wording such as ‘all forms of the family’.

#### Recommendations for Article 41.2

Of the three options proposed by the Committee, ICCL supports option 3. In addition, we think there is merit in the second part of the second option, which creates a right to care in accordance with need.