

# **SUBMISSION TO THE ALL-PARTY COMMITTEE ON THE CONSTITUTION RE THE FAMILY**

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## **1. THE CONSTITUTIONAL FAMILY**

The family is the fundamental social unit. Article 41.1.1 of Bunreacht na hEireann recognises the special position of the family and gives it inalienable and imprescriptible rights, antecedent and superior to all positive law. Article 41.3.1 pledges the State to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack. The *All Party Oireachtas Committee on the Constitution (APOCC)* should not broaden this constitutional definition of the family.

## **2. HOW SHOULD ONE STRIKE A BALANCE BETWEEN THE RIGHTS OF THE FAMILY AS A UNIT AND THE RIGHTS OF INDIVIDUAL MEMBERS?**

The Constitution already does this; firstly by Article 41 which contains the main provisions relating to family and secondly, by Article 40.3.1 which deals with personal rights. The identification of personal rights under Article 40.3.1 are common to all citizens. The rights of the family as a unit and the rights of the individual members of the family are complementary.

## **3. IS IT POSSIBLE TO GIVE CONSTITUTIONAL PROTECTION TO FAMILIES OTHER THAN THOSE BASED ON MARRIAGE?**

Every individual, because of their inherent human dignity, must be protected by the State. The family based on marriage is guaranteed protection under the Constitution and this must remain. It is not possible to give constitutional protection to families other than those based on marriage because the family is a union of a man and woman in the lifelong covenant of marriage. Unions not based on marriage already have protection by the personal rights identified under Article 40.3. Where siblings or other family members reside together, some legal protection with regard to say, distribution of property etc, could be provided. The Constitution currently recognises that the family based on marriage offers the stability and security needed by society. This must not be weakened by affording the same status to other unions.

## **4. WHO HAS THE RIGHT TO MARRY?**

The legal right to marry should be restricted to one man and one woman, in the best interest of the nation's children and our society. The primary purpose of marriage is to rear children in a loving and secure environment. Children being adopted are entitled to an adoptive mother and an adoptive father, to fulfill the roles of a natural mother and father. Homosexual and lesbian unions should not be given the status of marriage.

## **5. WHO HAS THE RIGHT TO ADOPT CHILDREN?**

Homosexual and lesbian couples should never have the right to adopt children. They cannot

provide the secure and loving best environment that children require. Parents of Irish children would be horrified to think that their children could, in the event of their deaths, be adopted by homosexuals or lesbians.

### **6. IS THE CONSTITUTION'S REFERENCE TO A WOMAN'S LIFE WITHIN THE HOME A DATED ONE THAT SHOULD BE CHANGED?**

Absolutely not. It is an important provision and one that reflects the desire of the majority of Irish women, as shown in many surveys, to stay at home and rear their children. Mothers who make many sacrifices to rear their children at home do the State an inestimable and unrewarded service. Article 41.2 should not be changed - instead the APOCC should recommend to the State that it fulfills its obligations to protect the mother at home.

### **7. WHAT ARE THE RIGHTS OF NATURAL MOTHERS AND NATURAL FATHERS?**

The rights of the natural mother are already protected under Article 40 of the Constitution. A natural father's rights should have the same recognition as those of a natural mother.

### **8. SHOULD THE RIGHTS OF THE CHILD BE GIVEN AN EXPANDED CONSTITUTIONAL PROTECTION, AND SHOULD THE CONSTITUTION BE CHANGED IN VIEW OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD?**

The child already enjoys Constitutional protection which must be upheld by the State and the Constitution should not be amended to reflect the UN Convention on the rights of the child, or any other extra-territorial conventions.

### **9. THE STATE AND THE FAMILY**

Despite the Constitutional protection afforded to the family based on marriage, the State continues to fail in its duty to protect and support the family, and has introduced a blatantly anti-family tax measure - tax individualisation - which actively discriminates against single-income families. The APOCC should urge the State to reverse that policy immediately.

### **10. BUNREACT NA HEIREANN**

The rights of the Family under the Constitution should not be interfered with. Articles 41, 42 and 40.3 reflect the opinions of the majority of Irish people and the best practice for our nation, our children and our society.

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*This is my submission to the All Party Oireachtas Committee on the Constitution re the Family*

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