



MINCEIRS WHIDEN
"TRAVELLERS TALKING"



Referendums on Family and Care Briefing Document

On the 8th of March 2024, the Government will hold two referendums on amendments to Article 41 in the Irish Constitution.¹ The first referendum will focus on the definition of family and the second on care.² Given that family life and caring for kin is central to Traveller and Roma culture, it is important that Traveller and Roma voices are a part of this conversation.

In the last thirty years, there have been several calls to amend or remove Article 41. When the Constitution was being drafted, its treatment of women in Article 41 was the single biggest issue that was debated both inside and outside the Dáil. Society is changing, as are family units within the Traveller and Roma communities, with more cohabiting couples, single parent families and same-sex relationships and marriages. Care has also evolved with all members of the family making contributions.

This briefing document outlines the proposed amendments to Article 41, explains the motivation for the amendments and clearly outlines the impact of voting 'yes' or voting 'no'. It also outlines important information for Travellers and Roma voting in the referendums.

There are two parts to the suggested amendments:

The Family Amendment

Article 41.1 currently states: "The State recognises the Family, **whether founded on marriage or on other durable relationships**, as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law."

Proposed to change Article 41.3 by deleting text shown in bold:

"The State pledges itself to guard with special care the institution of Marriage, **on which the Family is founded**, and to protect it against attack."

The motivation behind this amendment is to broaden the definition of family in the Constitution to reflect the evolving family unit in modern Ireland. As well as families consisting of husband and wife, it will include families not based on marriage or on blood ties; single parent families; those cohabiting; those in a same-sex marriage; civil unions and same-sex relationships; parent-child families.

¹ The Constitution is an important legal document as it sets out the rules and principles as to how the Irish state should be run. The Constitution describes the fundamental rights that every Irish citizen is entitled to. These rights are protected by the Constitution through Articles.

² The referendums are recommendations from a Citizen's Assembly on Gender Equality which took place in 2020-2021.

Legal effect of a YES vote	Legal effect of a NO vote
<p>The Constitution will change.</p> <ul style="list-style-type: none"> ● The constitutional protection of the Family would be given to both the Family based on marriage and the Family founded on “<i>other durable relationships</i>”. ● The Family founded on marriage means the unit based on a marriage between two people without distinction as to their sex. ● The Family founded on <i>other durable relationships</i> means a Family based on different types of committed and continuing relationships other than marriage. ● Therefore, different types of family units would have the same constitutional rights and protections. ● The institution of Marriage will continue to be recognised as an institution that the State must guard with special care and protection. ● There will be no changes to existing marriages between men and women. ● There will be no changes to existing same-sex marriages. ● Nobody’s rights will be removed or diluted. 	<p>The Constitution will remain the same.</p> <ul style="list-style-type: none"> ● Article 41.1 would therefore continue to give special constitutional status only to the Family based on marriage between two people, without distinction as to their sex. ● Article 41.3 would also continue to recognise Marriage as an institution that the State must guard with special care and protection.

The Care Amendment

Article 41.2.1 currently states that: “The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.”

Article 41.2.2 of the Constitution currently refers to the importance of the life of women within the home for the good of society. And that the State should try ensure that mothers should not have to go out to work and neglect their “duties in the home”

The two proposed amendments are to **delete** Article 41.2.1 and Article 41.2.2 and insert a new Article 42B, as shown below:

“The State recognises that the provision of care, by members of a family to one another by reason of the bonds that exist among them, gives to society a support without which the common good cannot be achieved, and shall strive to support such provision.”

The motivation behind this amendment is to remove sexist language - the reference to women’s duties in the home - from the Constitution, and replace it with language that recognises the value of all forms of care in the family.

The Legal effect of a YES vote	The Legal effect of a NO vote
<p>The Constitution will change. 2 Articles will be deleted and a new one added.</p> <ul style="list-style-type: none">• The new Article would recognise that for the good of society, the care provided by family members to each other is just as important, regardless of the type of relationship.• The new Article would declare that the State would “strive to support” the provision of such care within families.	<p>The Constitution will remain the same.</p> <ul style="list-style-type: none">• Article 41.2 would continue to state that for the good of society, a woman’s place is in the home.• It would also continue to require the State to try to make sure that mothers should not have to work in order to fulfill their “duties in the home”.

How to vote in the Referendums:

You can vote if you are:

- 18 years or over on the day of the vote
- Resident in Ireland
- Registered to vote

Check the Register:

- It’s very easy to register to vote or to check that your details are accurate and up to date. You can do this by visiting: <http://www.checktheregister.ie>

When do I have to register?

- The deadline to register and update your details for standard voting for the referendums taking place on 8 March 2024 is: 20 February 2024

- The deadline to register for a postal vote for the referendums taking place on 8 March 2024 is: 12 February 2024.

For more information:

- [Government proposed wording for Referendums](#)
- [Various articles and debates on the upcoming Referendums](#)
- [Watch: Referendums on Family and Care Explained](#)
- [The Upcoming Referenda in March on Gender and the Family Explained](#)
- [Information on voting in the Referendum](#)