



AN COINBHINSIÚN AR AN mBUNREACTH
THE CONVENTION ON THE CONSTITUTION

Ninth Report of the Convention on the Constitution

Conclusions and final recommendations

March, 2014

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1. Chairman's Introduction

Introduction

The establishment of the Constitutional Convention was a very significant event in the political life of our country. The Convention represented a new and exciting way of examining constitutional reform; one that puts the People – to whom the Constitution belongs – at the very heart of the process. For the first time anywhere in the world, randomly selected citizens worked side by side with elected representatives in an innovative and dynamic approach to examining constitutional reform.

It represented a leap of faith that 100 citizens, 66 chosen as representative of Irish society from the electoral register, 33 from politics, and an independent Chairman, could make informed recommendations about what is best for our country and its future.

The invitation to the political parties in Northern Ireland to participate in the Convention reflected the new political reality on the island, shaped by the Good Friday Agreement and the St Andrews Agreement, and the political structures and possibilities which have emerged from these Agreements. It was also gratifying that four of the Northern parties, the Alliance Party, the Green Party, Sinn Féin, and the SDLP, accepted the invitation to participate.

It is fair to say that we set about our task against a background of cynicism from a number of politicians and commentators. There was scepticism about the agenda of issues we had been given, deemed by some to be too narrow. Others questioned if this model of deliberative democracy, involving citizens and politicians, would work at all. There were very few examples of similar initiatives internationally and therefore we would be working through uncharted territory.

Other voices questioned whether the Government would take the exercise seriously – notwithstanding the fact that the Oireachtas Resolutions contained the clear commitment that, within four months of the Convention producing a report on an issue, the Government would provide a response to each recommendation of the Convention and, if accepting the recommendation, would indicate the timeframe it envisages for the holding of any related referendum.

Eighteen months on we have completed our work. We have discussed and made recommendations on the eight issues specified in the Oireachtas resolution which established the Convention. In addition, we discussed and made recommendations on two additional issues - Dail Reform, and Economic, Social & Cultural Rights - which the Convention examined in line with the latitude provided in the Oireachtas resolution.

This final report deals mainly with the issues which citizens and interest groups would have liked the Convention to discuss but it was not possible to do so within the timeframe set down in the Oireachtas Resolutions. The report notes the view of the Convention members that there should be another Convention established and draws some lessons which have been learned in operating the current one. This summary of lessons learned represents

preliminary thoughts and it will be necessary to examine the evidence of the Convention's operation to draw more detailed conclusions.

From my perspective as Chairman, I would like to provide some personal reflections on how the Convention did its work. I want to acknowledge the contribution made by a number of people. I will conclude with some thoughts on the significance of the Convention's work for our wider Irish society.

How did the Convention work?

At the first working meeting of the Convention in January 2013, I proposed five operational principles that should underpin our work.

The first principle was **Openness**: the Convention would operate with complete transparency with all plenary sessions being broadcast live on our website and all documentation being freely available. We would be open to hearing from all sections of society on any issue. And all sections of society took us at our word:

- We received 2,500 public submissions.
- There were 350,000 visits to our website from 144 countries.
- There were over 100 hours of live web streaming of the ten meetings.
- We held regional meetings in nine venues around the country to hear what the public had to say about constitutional change;
- In September, 2013 when we discussed a proposal to extend voting rights in presidential elections to citizens living outside the state, we hosted a global conversation, involving representatives of Irish communities in Australia, Germany, France, the UK, the US and Canada. So we made a conscious effort to reach out, not only to Irish citizens living on this island, but to the global Irish wherever they were in the world.

The second was **Fairness**: it was important that the full spectrum of views be heard on every issue and that the briefing material for Convention members should be of the highest quality. For each of our nine meetings, we were fortunate to have access to some of the best minds and most eminent experts in the country and wider afield.

We were tasked to deal with a number of sensitive and complex issues, such as same sex marriage and blasphemy. We tried very hard to ensure both sides of the argument were fairly represented to Convention members, both through our choice of independent experts who provided information and through the balance of various advocacy groups who presented to the Convention.

The third principle was **Equality of voice**. There were some initial concerns that politicians, with their greater expertise in public affairs and public speaking than most citizen members, would dominate proceedings. Therefore, the principle that there should be an equality of voice amongst all Convention members, including citizens, Oireachtas members and members of the Northern Ireland Assembly was of critical importance. As it turned out, this was not a problem. The citizen members proved more than capable of holding their own in

the discussions and the interaction between citizens and politicians was a particular highlight of the way the debate was conducted.

The fourth principle was **Efficiency**. Our meetings took place at weekends over a day and a half, during which expert presentations were made, advocacy groups were listened to and Convention members engaged in roundtable discussions. People were absorbing a lot of information, weighing up arguments and eventually making up their minds in order to vote on an issue at the end of Sunday morning.

This all required detailed planning of the agenda for meetings. We made effective use of a Steering Group of citizens and politicians, in planning agendas and agreeing on experts and advocacy groups. This involved tight time-keeping, strict chairing, and Convention members being disciplined in their interventions.

The final principle was **Collegiality**. It was clear from the beginning that, if our group of 100 people were to succeed in our task, we would have to operate in a spirit of collegiality, friendship and common purpose. We worked hard to create a warm and cheerful atmosphere and an environment where we could consider sensitive issues in a respectful manner. Many close friendships have been forged over these weekends and, for quite a few members, being part of this Convention has been an immensely enriching personal experience. This has all contributed to the commitment and seriousness of purpose with which the members of the Convention, citizens and politicians, have carried out their work.

During the year it was also a great pleasure to have observers as our guests at Convention meetings. There was great interest in our proceedings from home and abroad from parliaments, the academic and diplomatic communities and civil society and other organisations. One of the highlights was a delegation of a number of distinguished parliamentarians from the 'Arab Spring' countries including Libya, Tunisia, Egypt and Yemen who were visiting Ireland at the invitation of the Irish Section of AWEPA (European Parliamentarians with Africa) to participate in 'Reconstituting Constitutions, 2014'. The delegation attended the plenary meeting to observe the Convention's model of deliberative democracy in action and to address the members on their reflections from their respective points of view.

The eight issues originally set for the Convention by the Oireachtas and the two additional topics chosen by the Convention members have resulted in 38 recommendations for reform, at least 18 of which would involve reform of the text of the Constitution. Full details of the Convention recommendations are set out at Appendix D.

Over the past year, the Convention has collected a vast quantity of valuable documentation and video footage of the issues which were considered by the Convention, much of which will be useful for public information purposes should the issues proceed to a referendum. It may also be important for reference or educational purposes in the future. This material will be properly archived in the coming months and will remain available at www.constitution.ie.

Acknowledgments

As we come to the end of an exciting 18-month journey, I think it is important to acknowledge the significant contribution made by many people to the overall success of the initiative.

Members

First, I would like to pay a special tribute to the Convention members who willingly gave up 10 weekends of their busy lives to represent their families, their communities and Irish society. They applied themselves enthusiastically and diligently to an ambitious work programme and acquitted themselves admirably.

Steering Group

The Steering Group represented the members and performed the very important function of preparing the detail of how to tackle each subject and how each weekend should be managed. The citizen members of the Group (Owen Finnegan, Sorcha O'Neill, Aideen Larkin, Chris Lyons and Michelle Killeen) often travelled long distances to Leinster House mid-week to attend steering group meetings.

Academic & Legal Team

I would like to thank the Academic and Legal Team for all their advisory work over the past 18 months, including recommending outstanding experts. The members of this multi-talented and quixotic team are Prof. David Farrell (University College Dublin), Research Director of the Convention, Dr. Clodagh Harris (University College Cork), Lia O'Hegarty, Dr. Eoin O'Malley (Dublin City University) and Dr. Jane Suiter (Dublin City University), Deputy Research Director of the Convention. They were ably assisted in their work by two interns, Colm Byrne and Paul Deane.

The Convention members were deeply impressed by the quality of our many experts who gave up their time so freely during the year. They willingly shared an impressive depth of knowledge in clear and concise language and their wisdom forms an important part of the success of the Convention.

Facilitators & Notetakers

Many Convention members praised the facilitators and note-takers for the critical role they played at every meeting. Roundtable discussions are a key feature of the Convention model and they simply would not have worked without the skilful management of the team of dedicated enthusiasts.

The Grand Hotel

I thank Matthew Ryan...and Paula, Stephen, Dermot and the rest of the team at the Grand Hotel – for their hospitality, for their top-quality service and for granting every unreasonable request we made.....thanks also to Louise and Richie and the other chefs in the kitchen for the wizardry and for the cake, for which they are now so famous.

Broadcasting and Interpretation

Well done to Conor O'Brien, Norah-Ann Barron, Ciara Hughes, Pamela Prendiville and the rest of the team: the Convention meetings were watched by tens of thousands of people in 144 countries all over the world, thanks to the professionalism, expertise and (occasional)

alchemy of Pi Communications. Thanks also for making us look as good as we liked to think we were. Thanks also to the team at GaeLink for the Irish language translation services.

Website

As we reached out to all parts of Irish society and further afield, our website was both our shop-window and our home for the many thousands of public documents. Many thanks to Liam Church, CEO and the rest of the team at Escher Group for their hard work and for allowing us to use their top-quality public engagement software. Thanks also to An Post for hosting our material for the past 18 months.

Communications Team

Many thanks to Q4, who looked after the media side of things for the Convention – Martin Mackin, Peter Berry and Síle Murphy. Thanks also to Ken Curtin (@kencurtin) who was an invaluable source of information, expertise and occasionally inspiration as he tweeted his way through nine of our meetings. Suzy Byrne (@suzybie) deserves a special mention for inventing the #ccven hashtag.

Convention Secretariat

The Secretariat played a critical role in the smooth and effective operation of the Convention. Richard Holland, Nason Fallon and Amy Brennan showed great diligence, attention to detail and were assiduous in supporting the members. As Head of the Secretariat, Art O'Leary brought a valuable experience of working in the Houses of the Oireachtas and considerable creativity in planning and organising the meetings: he is an outstanding public servant.

Many thanks also to Mary Timmins and the rest of the team in Protocol Division in the Department of the Taoiseach for their invaluable support at each plenary meeting.

Concluding comments

It has been an immense privilege for my fellow Convention members and I to have participated in this innovative and historic process. Our work may lead to changes in our Constitution, the document which reflects the values and aspirations of our society and defines and guarantees our rights as citizens.

The scale of public engagement with the Convention over the past eighteen months shows that citizens care about our Constitution and what is written in it. That engagement was reflected in the many written submissions, in the interest taken by the public in our proceedings, and in the vigorous debates that took place at nine public meetings around the country.

The establishment of the Convention with citizens and politicians was an innovative experiment in deliberative democracy. One interesting outcome was the increased level of mutual respect that developed between citizens and politicians as they worked together. With the help of our Academic and Legal Team, we have documented how the Convention worked and attempted to learn lessons, which could be of relevance if another Convention is established or if some other process of deliberative democracy is tried, in Ireland or other

countries. As a society we will face many challenges in the future: having a healthy democracy will be a crucial asset in facing these challenges.

I believe the members of the Convention carried out the task given to them by the Oireachtas with a seriousness of purpose and a deep sense of their responsibility as citizens - while also having a lot of fun, as is seen in the section 'Voices of the Convention' in this report. We are conscious that our work is but one step in the process of Constitutional change. The next steps in the process will be the debate of our reports in the Oireachtas and decisions by Government on which issues the people should vote by referendum to change the Constitution.

Here lies a real challenge. In a number of referendums in recent years, many of the voting public have not engaged adequately with the issue before them and voting turnout has been low. If the solemn process of constitutional reform is to be properly carried out, our political system, in association with our wider society, needs to improve the way we organise and engage with the public in relation to referendums.

In my opening address to the Convention in Dublin Castle on 1st December 2012, I noted that 'Trust in the political system has diminished. In some of our public discourse, there is a cynicism and a sense of alienation which is unhealthy for our society and, ultimately, dangerous for our democracy'.

As we conclude the work of the Convention, I am heartened by the fact that, in spite of that cynicism, many people still care about what is written in our Constitution, about political values and standards, about investing in the health of our democracy in order to create a better future for our country. I hope our work in the Convention has contributed to that vision of a better future.

Tom Arnold
Chairman

2. Conclusions and final recommendations

2.1 Further proposals for constitutional reform

Resolutions in the Houses of the Oireachtas in July 2012 defined the work programme for the Convention - to examine and make recommendations on eight specific aspects of the Constitution and, having completed these eight issues, 'such other relevant constitutional amendments that the Convention might recommend'.

Over 800 submissions were received by the Convention on topics for constitutional reform which didn't form part of the original terms of reference set down by the Houses of the Oireachtas. In addition, the Convention consulted widely, hosting nine regional meetings across the country during October and November, 2013 giving the public an opportunity to participate in the process. In December, 2013, and following presentations of high-level summaries of the main themes emerging from our consultations, Convention members were asked to select the themes they wished to deal with over the final two plenary meetings, for which they had received an extension of time. The outcome of this ballot was that "Dáil Reform" and "Economic, Social and Cultural Rights" were chosen for the final two meetings held in February 2014.

Following the announcement of that decision, a number of organisations and individuals expressed great disappointment that their particular priorities had not been selected for consideration by the Convention. This was the background to the discussion at the plenary meeting on 23 February, 2014, the aim of which was to assess if the Convention wished to express a view on which (if any) of the other topics should be considered by a future Convention, or otherwise.

The members again considered the large number of submissions from members of the public under the 'Any Other Amendments' element of the work programme. They also reflected on issues raised at the nine regional meetings and other issues that arose during the course of Convention meetings. Members had also previously received a briefing on the work of the Constitution Review Group and the All-Party Oireachtas Committees on Constitutional Reform. In their final ballot of February 2014, members were asked to choose up to five issues for constitutional reform, which they felt should be prioritised for consideration by the Government, the Oireachtas or any future Convention.

The full results of the ballot are set out at Appendix C.

Environment (52% of Convention members felt that it merited further consideration)

The word 'environment' is not mentioned in the Constitution (although Article 10 states that natural resources belong to the State). Indeed, as one submission pointed out, the drafters of 1937 could hardly have foreseen the severity of the threats to Ireland's environment today. Many submissions were received recommending on or more of the following options:

- Declaring environmental protection or stewardship as a fundamental constitutional **principle**. At an aspirational level, caretaking Ireland's environment for future generations is a spiritual and moral duty.

- Declaring that all citizens have **fundamental rights** to a clean / safe / ecologically sound environment. (These rights could be enforced by the courts.)
- Enumerating **procedural rights**: All citizens should have rights to **participate** in environmental and planning decisions, and rights to **information** on the environment.
- Declaring that the State has a **duty** to maintain / improve the environment. (This duty could be enforced by the courts.)
- Declaring that all laws must pay due regard to the conservation of our natural heritage and built environment.
- Declaring that wildlife / biodiversity / ecosystems are entitled to respect and protection.
- Recognising that landscape belongs to all and should be enjoyed by all, by way of more “open access” to the countryside and public rights of way.

Seanad Reform (52%)

A significant recurring theme in the Convention’s work programme has been political reform. The Convention has already made a series of recommendations on electoral reform and on Dáil reform and a majority has now recommended that Seanad Reform also be considered. Many submissions were received and most agree that the Seanad is not working as currently constituted. However the question remains, could there be meaningful reform within the restrictions of the constitution or should reform be contemplated outside those restrictions?

Local Government Reform (35%)

Like Dáil and Seanad Reform, local government reform arose during the course of a number of Convention meetings and was also raised many times at the regional meetings all over the country. Local government is mentioned in the Constitution but this only mandates that regular elections should be held. Many submissions called for powers to be specified in the Constitution.

Definition of the Family (29%)

A number of submissions sought to repeal Article 41.3.1 on the definition of the family - that "[t]he State pledges itself to guard with special care the institution of Marriage, on which the Family is founded". The effect is that non-marital family unit members are not guaranteed the same degree of protection.

Separation of Church and State (27%)

There were a mix of submissions, some calling, in various ways, for the Constitution to be secularised (to remove religious references) and others calling for it to be left as it is.

Specific submissions seeking change covered:

- Religious oath for office holders: office holders should not be required to swear a religious oath and should they be offered a secular option instead?
- All religious references should be removed from the Preamble;
- Secularisation the Constitution overall: Several submissions argued for the removal of all religious references throughout the Constitution, with particular reference to revising Article 44;

- Separating Church and State: religious orders should not continue to have a role in managing national public institutions such as schools and hospitals.

Right to Die (21%)

A number of submissions called for a constitutional provision to allow for an assisted peaceful death.

Appointment of Judges (19%)

There were a number of suggestions that the essentially political nature of judicial appointments was inappropriate and might weaken their independences from politics.

Private Property Rights (17%)

There were a number of submissions on both sides of the debate – some saying that the State should guarantee to pass no law attempting to abolish the right of private ownership and others saying that these property rights should be regulated by reference to the principles of social justice.

Abortion (15%)

There were many calls for the repeal of Article 40.3.3, from various sides of the abortion argument: “The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.”

Bill of Rights (15%)

A detailed submission proposed that the Constitutional Convention should consider amending the Constitution to improve its human rights provisions. The submission maintained that the Convention is bound to consider this matter because its mandate requires it to have “appropriate regard” to the Good Friday Agreement in its deliberations. In this regard, the Good Friday Agreement does contain specific obligations on the governments of the UK and Ireland in respect of the protection of human rights.

Even though some measures have been implemented (including the establishment of the two Human Rights commissions and the incorporation of the ECHR in both jurisdictions), there is still an outstanding obligation on the Irish Government to improve the protection of human rights in the Irish Constitution which (it is argued) is still deficient.

The Referendum Process (15%)

The challenges associated with holding referendums arose on a number of occasions during the course of the year and was the subject of a number of submissions varying from fundamental issues, such as whether referendums should be required for essentially minor changes to whether the process of the Referendum Commission is suitable to stimulate debate in referendum campaigns.

2.2 The Convention model

This new Convention model has been perceived by many as having been successful and has shown that politicians and citizens can work together in a fair and respectful environment. The citizens (in particular) have clearly demonstrated that they can grasp complex and often technical legal and constitutional issues when they are presented with the information in an impartial manner and are also given safe opportunities to ask questions and discuss matters in informal sessions.

An important feature of the Convention has been the significant level of public engagement, as evidenced by the number of submissions, the number of people who followed our proceedings and the range of individuals and civil society groups who wished to engage with the Convention.

Should the Government establish another Convention on the Constitution?

100% of the members balloted on this question said that there should be a second Convention.

A key point raised, reflecting the views previously expressed by a number of members, was that prior to any consideration of reconvening the Convention in some form, it would be prudent to await actions taken on foot of the Convention's current recommendations and the outcomes of the three referendums already agreed to and any others that might be added to the list in due course. Convention members were reminded that it is the prerogative of the Government to accept or not accept any of its recommendations.

Reflecting on the time required to complete the cycle from considering and making recommendations on an issue to the holding of a referendum, it was suggested that realistically this is an exercise that can only be achieved once in the lifetime of any Dáil. It was also suggested that, should a re-convening of the Convention be considered that the outstanding topics of the current Convention could form the basis of a future agenda.

The Sinn Féin party made a submission to Convention members on a fresh mandate and a comprehensive remit for constitutional change – set out at Appendix E. It proposed that a new Convention be established to pursue a 'three-module' approach: (1) prioritising outstanding obligations under the Good Friday Agreement, for example, the enhancement of fundamental human rights; (2) reflecting the public demand for the renewal of the political institutions; and (3) including other matters for constitutional change.

Feedback from the members on what worked well and what could be improved for any future Convention.

In addition to the question of whether there should be another Convention in the future, members also had a brief opportunity during the course of the last plenary meeting to discuss the work of the Convention and possible enhancements for the future. They documented their thoughts on the matter in a subsequent ballot and these views are reflected below.

Format and Structure

The vast majority of members appeared happy with the format and structure of the weekends. The mix of presentations by academic and legal experts and the contribution of advocates on both sides of the debate seems to have covered all of the ground and given the members sufficient information on which to base a decision at the conclusion of the proceedings.

The gap in knowledge, particularly between politicians and some citizens was apparent on a number of occasions. The feedback from the members was that additional briefing papers, holding “masterclasses” on the Friday evenings in advance of the weekend meetings and the availability of experts to answer questions was of considerable assistance in bringing them up to speed on some of the more complex topics.

Roundtable discussions

Members were all of the view that the private roundtable discussions were a key feature of each weekend, where they got to discuss the detail of the issues under consideration. The mix of (4) citizens and (2) politicians at each table was important, as was changing the line-up at each table every weekend. The importance of impartial facilitation was highlighted and Members were unanimous in the view that the skilful management of the table discussions was critical, allowing each member to make a contribution and ensuring that the discussion was held in a fair and respectful manner.

Membership of the Convention

The majority of members felt that the 2-to-1 mix of politicians and citizens struck the right balance, although a small number felt that there were too many politicians and that they tended to dominate the “open” sessions. In general, the citizen members felt that the politicians were generous with their time and knowledge and the citizens seemed genuinely surprised at the breadth of the normal political workload. It is clear that both politicians and citizens learned a lot from each other during the course of the year. Ensuring a full attendance at each meeting, using substitutes where members are not available (even at short notice) was highlighted.

A number of members felt strongly that, as citizens of the State, emigrants should also form part of the Convention membership, in view of their status and the perspective which they might bring to the forum. However, this was not a unanimous view amongst the members.

Timeframe

There was a strong view expressed that almost all members would have preferred more time to discuss some of the issues, particularly those of a more technical or complex nature. Members would have clearly welcomed the opportunity to develop a deeper expertise in the electoral system and Dáil reform before being asked to make recommendations on the subjects.

Topics for discussion

Several members felt that some of the topics were not suitable for the current Convention format and that it would be easier in future to answer YES/NO questions e.g. same-sex marriage, voting age, blasphemy etc. It is ironic that two of the subjects with which the

members appeared to struggle most were the two they chose themselves (Dail Reform and Economic, Social and Cultural Rights) and it was a challenge to retain a focus within in single weekends on such wide-ranging topics.

Experts

Members were deeply impressed with the quality and impartial nature of the experts who gave so freely of their time during the year to prepare briefing papers, make presentations and answer questions. Many of these experts are international leaders in their fields and the Convention members realised how fortunate they were to have had the benefit of their expertise. The Academic and Legal Team were commended for recruiting these experts and for mentoring them.

Advocacy Groups & Members of the public

The role of civil society groups in the Convention process was highly-praised and the members warmly welcomed the “colour” and real-life experience which they brought to the debate. Members also felt that that the public submissions were an important additional resource as they prepared for meetings.

Chairman and the secretariat

Members were generous with their remarks about the considerate and effective chairing of the meetings and the logistical side of running the Convention. The secretariat learned a lot during the year and will produce a Guide to running a Convention (should one be established in future), including the more detailed suggestions made during the feedback process.

3. Convention Voices

This chapter captures some final thoughts and observations of the citizens and politicians after their 18-month journey as members of Ireland's first Convention on the Constitution.

"I will never forget my time on the Convention with a brilliant group of well-meaning strangers who eventually became good friends. It has definitely been the most rewarding experience of my life."

"I hope that this form of direct democracy will lead to a better opinion of decision-making by members of the public and greater citizen involvement on the political process."

"I enjoyed the experience and it has made me want to get more involved with things rather than being a spectator."

"On a personal level, I enjoyed my participation immensely – I learned quite a lot and met some wonderful people."

"I have a new-found respect for TDs and Senators for all the work they do and try to do and their contribution to the Convention discussions."

"I got hugged by a stranger at the press conference after the same-sex marriage weekend – I know how important some of these constitutional issues were to people in this country."

"I learned an awful lot about politics and topics I never knew much about, which I found fascinating."

"The interaction between politicians and citizens was excellent – I was amazed at the long hours they work – their lives are public property but they love it!!"

"At the start I wasn't sure what I was getting involved in but as time went on, I realised how important it was to many people and I now have opinions on subjects I would never have thought about."

"The power of open, reasoned and informed discussion was brought home to me on 3 occasions when I ended up voting the opposite way to what I had intended at the start of the weekend."

"I admit to feeling a bit envious of those who might be eligible to partake in any future convention."

"Any cynicism I had towards politicians has disappeared now that I realise that their role demands hard work and empathy and a lot of other qualities."

"I was continually amazed at our belief in our abilities to work through complicated constitutional issues and arrive at a result which reflected the views of participants."

“After many years, I FINALLY have something to brag to the neighbours about.”

“Giving up a few weekends seems like a small price to pay for the experience and the memories it has given me.”

“It wasn’t always fun and games, at times the topics were quite heavy, discussions became heated and we’ve had a few emotional moments along the way – these memories will last a lifetime.”

“With little knowledge of politics or the constitution, I found that it was made easy for us to understand – I was never made feel ridiculous and everyone was approachable.”

“We ended up with a real sense of community and many friendships were made that will last long into the future.”

“The highlight for me was Finbarr in a Spiderman Onesie!!” (at dinner during our weekend meeting at Hallowe’en)

“I had never previously done any public speaking so the Convention helped my develop my confidence and find my voice.”

“The experience opened my mind and I am proud to say it was my small part to serve my country.”

“As a retired person, it gave me the brainstorming challenge that I have not had for some time.”

“Even though I never stood up to talk, I knew that every opinion I gave at the table was included in the feedback and as a result I felt that I participated as much as those who spoke in the public sessions.”

“Young people are often forgotten or ignored when it comes to changing rules and I believe that having people in the 18-24 bracket definitely added to the debate.”

“It highlights the need for ongoing constitutional review and appropriate reform to reflect societal changes in Ireland.”

“It made me realise that my view of the world is just that and is no more right or wrong than the next person’s – a great learning experience for me.”

“In some small way, I feel a link to those wise men who originally hammered out a remarkable set of basic laws for a new State.”

“There is so much that I learned from the experience – I was, quite simply, hooked.”

“I feel empowered to continue on with this journey and get involved in organisations who campaign for change, for equality for all and who make a difference.”

"I am proud of our people and was very encouraged to have seen a glimpse of the future of our country when the younger people came to talk to us about different matters."

"A REAL exercise in REAL democracy - We had votes without a whip system – and the sky didn't fall."

"Day1 Dublin Castle 'We won't be pushed around by you politicians' – citizens to politicians;
Final Day – Kisses, hugs and tears between citizens and politicians"

"I'd like to thank everyone who was involved – I am going to miss you all."

Appendix A: Convention on the Constitution – Terms of Reference

<p>“Go gceadaíonn Dáil Éireann:</p> <p>Coinbhinsiún ar an mBunreacht a ghairm chun breithniú a dhéanamh ar na nithe seo a leanas agus chun cibé moltaí a dhéanamh is cuí leis agus chun tuairisciú do Thithe an Oireachtais:</p> <p>(i) téarma oifige na hUachtaránachta a laghdú go cúig bliana agus é a chur ar comhfhad leis na toghcháin áitiúla agus leis na toghcháin don Eoraip;</p> <p>(ii) an aois vótála a laghdú go 17 mbliana;</p> <p>(iii) an córas toghcháin don Dáil a athbhreithniú;</p> <p>(iv) an ceart a thabhairt do shaoránaigh a bhfuil cónaí orthu lasmuigh den Stát chun vótáil i dtoghcháin Uachtaráin in ambasáidí de chuid na hÉireann, nó ar shlí eile;</p> <p>(v) foráil maidir le pósadh comhghnéis;</p> <p>(vi) leasú a dhéanamh ar an gclásal i dtaobh ról na mban sa teaghlach agus rannpháirteachas níos mó ag mná sa saol poiblí a spreagadh;</p> <p>(vii) rannpháirteachas na mban sa pholaitíocht a mhéadú;</p> <p>(viii) an cion arb é diamhaslú é a bhaint as an mBunreacht; agus</p> <p>(ix) tar éis na tuarascálacha thuas a chríochnú, cibé leasuithe iomchuí eile ar an mBunreacht a bheidh molta aige; agus</p> <p>go dtugann sí dá haire:</p> <p>— gur 100 duine mar a leanas a bheidh i gcomhaltas an Choinbhinsiúin:</p> <p>— Cathaoirleach a bheidh le ceapadh ag an Rialtas;</p> <p>— 66 shaoránach atá i dteideal vótáil i reifreann, arna roghnú go hamasach sa chaoi go mbeidh siad ionadaitheach do shochaí na hÉireann i gcoitinne;</p>	<p>That Dáil Éireann:</p> <p>approves the calling of a Convention on the Constitution to consider the following matters and to make such recommendations as it sees fit and report to the Houses of the Oireachtas:</p> <p>(i) reducing the Presidential term of office to five years and aligning it with the local and European elections;</p> <p>(ii) reducing the voting age to 17;</p> <p>(iii) review of the Dáil electoral system;</p> <p>(iv) giving citizens resident outside the State the right to vote in Presidential elections at Irish embassies, or otherwise;</p> <p>(v) provision for same-sex marriage;</p> <p>(vi) amending the clause on the role of women in the home and encouraging greater participation of women in public life;</p> <p>(vii) increasing the participation of women in politics;</p> <p>(viii) removal of the offence of blasphemy from the Constitution; and</p> <p>(ix) following completion of the above reports, such other relevant constitutional amendments that may be recommended by it; and</p> <p>notes that:</p> <p>— membership of the Convention will consist of 100 persons as follows:</p> <p>— a Chairperson to be appointed by the Government;</p> <p>— 66 citizens entitled to vote at a referendum, randomly selected so as to be broadly representative of Irish society;</p>
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<p>— comhalta de Thionól Thuaisceart Éireann as gach páirtí de na páirtithe polaitíochta sa Tionól a ghlacfaidh le cuireadh ón Rialtas; agus</p> <p>— comhaltaí de thithe an Oireachtais, chun ionadaíocht neamhchlaonta a dhéanamh ar na Tithe;</p> <p>— féadfar ionadaithe a cheapadh faoi réir na gcritéar roghnóireachta thuas, agus beidh na hionadaithe sin in ann páirt a ghlacadh sna himeachtaí agus vótáil faoina n-ainm féin;</p> <p>— comhaontóidh an Coinbhinsiún a rialacha níos imeachta féin d’fhonn a ghnó a sheoladh go héifeachtach ar shlí a bheidh chomh heacnamúil agus is féidir;</p> <p>— beidh aird chúig ag an gCoinbhinsiún ar Chomhaontú Aoine an Chéasta agus ar Chomhaontú Chill Rímhinn;</p> <p>— tráth nach déanaí ná dhá mhí tar éis dháta na chéad éisteachta poiblí a thionólfadh an Coinbhinsiún tabharfaidh an Coinbhinsiún tuarascáil do Thithe an Oireachtais agus déanfaidh sé moltaí dóibh ar gach ceann de na nithe atá leagtha amach ag (i) agus (ii) thuas;</p> <p>- tuairisceoidh an Coinbhinsiún do Thithe an Oireachtais agus déanfaidh sé moltaí dóibh ar gach ní eile a luaithe a bheidh a phléití críochnaithe aige agus, in aon chás, tráth nach déanaí ná bliain amháin ó dháta na chéad éisteachta poiblí;</p> <p>— féadfaidh an Coinbhinsiún aighneachtaí a iarraidh agus glacadh leo ó chomhlachtaí leasmhara agus lorgóidh sé cibé comhairle shaineolaíoch is dóigh leis is inmhianaithe;</p> <p>— déanfar gach ní a bheidh os comhair an Choinbhinsiúin a chinneadh trí thromlach de vótaí na gcomhaltaí a bheidh i láthair agus a vótálfadh, seachas an Cathaoirleach a mbeidh vóta cinniúna aige nó aici i gcás comhionannas vótaí; agus</p>	<p>— a member of the Northern Ireland Assembly from each of the political parties in the Assembly which accepts an invitation from the Government; and</p> <p>— members of the Houses of the Oireachtas, so as to be impartially representative of the Houses;</p> <p>— substitutes may be appointed subject to the selection criteria above, who will be entitled to contribute to the proceedings and vote in their own name;</p> <p>— the Convention will agree its own rules of procedure for the effective conduct of its business in as economical manner as possible;</p> <p>— the Convention will have appropriate regard to the Good Friday Agreement and the St. Andrews Agreement;</p> <p>— not later than two months from the date of the first public hearing held by the Convention, the Convention will make a report and recommendation to the Houses of the Oireachtas on each of the matters set out at (i) and (ii) above;</p> <p>— the Convention will report and make recommendations to the Houses of the Oireachtas on each remaining matter as soon as it has completed its deliberations, but in any event not later than one year from the date of the first public hearing;</p> <p>— the Convention may invite and accept submissions from interested bodies and will seek such expert advice as it considers desirable;</p> <p>— all matters before the Convention will be determined by a majority of the votes of members present and voting, other than the Chairperson who will have a casting vote in the case of an equality of votes; and</p>
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<p>— tabharfaidh an Rialtas freagra san Oireachtas laistigh de cheithre mhí ar gach moladh a dhéanfaidh an Coinbhinsiún agus, má tá sé chun glacadh leis an moladh, cuirfidh sé an creat ama in iúl ar lena linn atá sé ag brath aon reifreann gaolmhar a sheoladh.</p>	<p>— the Government will provide in the Oireachtas a response to each recommendation of the Convention within four months and, if accepting the recommendation, will indicate the timeframe it envisages for the holding of any related referendum.”</p>
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Appendix B: Rules and procedures

1. Timing, Frequency and Openness of meetings

Meetings of the Convention will generally take place in a hotel at weekends (Saturdays and Sundays) during 2013. At least one meeting will be held outside Dublin. It is proposed to hold one meeting per month, with the exception of July and August. Members of the public will not have access to the meetings but the plenary sessions will be streamed live at www.constitution.ie.

2. Role and duties of the Chairperson

The Chairperson shall be the sole judge of order and shall be responsible for the smooth running of the Convention in accordance with these rules and the terms of the Resolution of the Houses of the Oireachtas of 10 July, 2012. He shall engage such support services as are necessary for the effective administration of the forum and, from time to time, make such recommendations to the Convention on the management of business as he sees fit.

3. Work Programme

The work programme shall be agreed by the Convention on foot of a proposal by the Chairman. The programme shall be reviewed regularly but any subsequent changes shall only take effect with the agreement of the Convention.

4. Steering Group

A Steering Group shall be established to support the Convention in the efficient and effective discharge of its role and functions. In practice, the Group shall assist with planning and operational issues associated with the work programme. The Steering Group shall consist of the Chairperson and representatives from the political parties, the public members and such other representatives as the Convention sees fit.

5. Debates/speaking arrangements

The format and structure of speaking arrangements shall be agreed in advance and as a general principle, all contributions by members should be brief, respectful and non-repetitive. Any member wishing to speak should indicate and will be called upon by the Chairperson, who will endeavour to ensure fairness in the allocation of speaking time to all members. In an effort to make most efficient use of time in plenary session, members are encouraged to use the opportunity of roundtable discussions to express their views, ask further question of the experts and deliberate with one another. These discussions can be reflected in a brief report to the plenary session.

6. Tabling and Circulation of Papers

All documents received by the Convention secretariat shall be made available to all members of the Convention via the www.constitution.ie website. Alternative arrangements will be made for those members who are not in a position to access the site. Deadlines for receipt of submissions and circulation of documents in advance of plenary meetings should be agreed by the Convention.

7. Presentations to the Convention

Following receipt of submissions on any matter, the Convention may choose to hear oral presentations from any representative group or individual to assist in its deliberations. For the efficient administration of the process, the Steering Group may wish to make recommendations in relation to the selection of interested bodies to present to the Convention. Invitations shall be issued by the Chairperson on behalf of the Convention.

8. Voting

Votes, if required, shall be by secret ballot of the members present and voting. Votes shall be overseen by the Chair with the support of at least 2 members of the Convention.

9. Advisory Panel

The Convention shall establish an advisory panel of academics, constitutional lawyers and others with demonstrated expertise, for access to such expert advice as it considers desirable. The process for selection and appointment of any such advisers shall be agreed by the Convention, on the advice of the Steering Committee.

10. Irish language facilities

A simultaneous translation service from Irish into English will be available for all plenary sessions of the forum.

11. Press and Communications

Authorised members of the media shall be permitted to attend plenary sessions of the Convention, subject to such terms and conditions as may be laid down by the Convention. As a general principle, the Chairperson shall act as spokesperson in relation to administrative or procedural matters.

12. Reports

Reports of the Convention shall be published as soon as practicable after a decision has been reached at each meeting. It shall be possible to finalise the detail of the content of each report other than in plenary session, subject to the agreement of the Convention.

13. Review of Procedures

The Chairperson shall consult with members of the Convention and other interested parties and conduct such reviews of the procedures and administration of the Convention as he sees fit.

14. Convention secretariat

The Chairperson shall have direction and control over the staff of the secretariat and other supports and resources available, subject to the wishes of the Convention.

Appendix C: Ballot results - constitutional amendments which Convention members feel should be considered by the Government, the Oireachtas or any future Convention.

Issue	% vote
Environmental Protection	52%
Seanad Reform	52%
Local Government Reform	35%
Definition of the Family	29%
Separation of Church and State – secularisation of the Constitution	27%
Right to Die – providing for an assisted peaceful death	21%
Courts Service and the appointment of Judges	19%
Private Property Rights	17%
Abortion – the repeal of Article 40.3.3	15%
Bill of Rights – the further protection of human rights	15%
The Referendum Process	15%
The Irish Language	14%
Constitutional provision for Freedom of Information	12%
Pensions	12%
Constitutional provision Equality budgeting	12%
Constitutional provision for the Ombudsman	10%
Mental Health	10%
Right to vote for all citizens in all elections	10%
Amendment of the Preamble	8%
Role and powers of the President	6%
International relations, Third-level education, Economic Policy and issues associated with the referendum on same-sex marriage	(Each) 3%
Official recognition of Irish sign language, Official name of the State, Animal rights, Children’s rights, Role of the Comptroller & Auditor General, Gender Recognition, Awarding of Honours, Civil service Reform, Immigration, “Recall” Voting, a general revision of the Constitution.	(Each) 1%

Appendix D - Outcomes of the Convention on the Constitution

(*recommendations requiring a change to the Constitution)

Topics	Recommendations of the Constitutional Convention	Current state of play
Reduction of the Presidential term of office to five years and the alignment with local and European elections.	1) No change to length of the Presidential term of office. 2) *Reduce the age of candidacy for Presidential candidates 3) *Give citizens a say in the nomination process for presidential candidates.	Government has committed to holding a referendum on 2) and to refer 3) to the relevant Oireachtas committee for further consideration.
Reduction of the voting age to 17.	4) *Voting age should be reduced to 16.	Government has committed to holding a referendum on this issue.
Amendment to the clause on the role of women in the home & encouraging greater participation of women in public life .	5) *Article 41.2 (on the role of women) should be made gender-neutral to include other carers both 'in the home' and 'beyond the home' 6) Re a.41.2.2 (the state's support for carers) the state should provide 'a reasonable level of support'.	Government has established task forces to investigate further and report back by 31 October, 2014.
Increasing the participation of women in politics .	7) *The Constitution should be amended to include an explicit provision on gender equality. 8) Apart from constitutional reform, there should be more government action to encourage greater participation of women in politics. 9) *The Constitution should be amended to include 'gender-inclusive' language.	Government has established task forces to investigate further and report back by 31 October, 2014.
Provision for same-sex marriage .	10) *The Constitution should be amended to allow for same-sex marriage (and this amendment should be 'directive') 11) If the amendment is carried then the State should enact laws incorporating necessary changed arrangements in regard to the parentage, guardianship and upbringing of children.	Government has committed to holding a referendum on 10).

<p>Review of the Dáil electoral system.</p>	<p>12) The existing (STV) electoral system should be amended to ensure that the smallest constituency size is a 5-seater and to remove the alphabetical order of candidates on the ballot paper.</p> <p>13) The state should establish an Electoral Commission.</p> <p>14) Polling hours/days should be extended.</p> <p>15) There should be greater access to postal voting.</p> <p>16) The accuracy of the electoral register should be improved.</p> <p>17) Measures should be introduced to increase electoral turnout.</p> <p>18) Education programmes should be introduced in schools.</p> <p>19) *There should be non-parliamentary ministers in government.</p> <p>20) *Members of the Dáil should be required to resign their seats on being appointed to ministerial office.</p> <p>21) *Citizen-initiatives should be introduced (both for influencing the parliamentary agenda and for the calling of referendums).</p>	<p>Government response expected in Spring, 2014.</p>
<p>Giving the right to vote in presidential elections to citizens resident outside the State.</p>	<p>22) * Citizens resident outside the State should have the right to vote in Presidential elections.</p>	<p>Government response expected in Spring, 2014.</p>
<p>Removal of the offence of blasphemy from the Constitution.</p>	<p>23) *The offence of blasphemy should be removed from the Constitution and replaced with an offence of incitement to religious hatred.</p> <p>24) Creation of a new set of detailed legislative provisions to include incitement to hatred on a statutory footing.</p>	<p>Government response expected in Spring, 2014.</p>
<p>Dáil Reform</p>	<p>25) *Enhance the office of the Ceann Comhairle.</p> <p>26) *Election of the Ceann Comhairle by secret ballot.</p> <p>27) *Include reference to Dáil Committees in the Constitution.</p> <p>28) *Amend Article 17.2 relating to prior government approval for expenditure proposals.</p> <p>29) Dáil Reform Committee to include external members and former TDs.</p> <p>30) Dáil Reform Committee to bring forward proposals for genuine Dáil reform.</p>	<p>Government response expected in Summer, 2014.</p>

	<p>31) Members to set the Dáil agenda in a forum chaired by the Ceann Comhairle.</p> <p>32) Proportionate allocation of committee chairs and a secret ballot for their election.</p> <p>33) More technical and professional resources to the committees.</p> <p>34) The Working Group of Committee Chairs should be given the power to call the Taoiseach.</p> <p>35) More “free votes” on Dáil and committee business.</p> <p>36) Create a procedure to allow all TDs to make recommendations that involve a charge on the public purse or the people.</p>	
<p>Economic, Social and Cultural Rights</p>	<p>37) *Enhanced constitutional protection of economic, social and cultural rights; to be realized progressively, subject to maximum available resources and to be justiciable.</p> <p>38) *Specific additional rights should be enumerated in the Constitution (housing, social security, essential health care, language & cultural rights and rights of people with disabilities)</p>	<p>Government response expected during Summer, 2014.</p>

Appendix E – Submission from the Sinn Féin Party for “A Fresh Mandate and a Comprehensive Remit for Constitutional Change”

The need for comprehensive constitutional change in this state has been recognised by all the political parties either during or following the last general election campaign in 2011. But this has been apparent since at least 1996 when the final report of the Constitution Review Group recommended extensive amendments covering a wide range of constitutional provisions, following its systematic examination of the text. Subsequent Oireachtas Committees on the Constitution likewise examined and made recommendations for change across several key areas, but this work was left unfinished when the last Dáil and Seanad were dissolved. There is no sense in the effort and other public resources dedicated to this endeavour over the years going to waste. That constructive work remains to be consolidated and built upon. It should not have been shelved.

However, it is the current climate of widespread public distrust of the political system in the wake of corruption scandals and the economic crisis that makes the need for constitutional renewal, led by citizens, more urgent than ever. Moreover, 15 years after its endorsement and the subsequent amendment of Articles 2 and 3, the other obligations under the Good Friday Agreement requiring constitutional change remain outstanding and should be implemented as a matter of priority. As we approach the centenary of 1916, the project of a truly national dialogue on constitutional renewal, as another step on the road to unity, peace and reconciliation, would be a fitting tribute to the vision of the founders and signatories of the Proclamation.

The Constitutional Convention will shortly have completed a relatively successful pilot exercise in deliberative democracy, having considered and voted positions on a handful of proposals for constitutional amendment.

This trial run has demonstrated the wisdom of a hybrid membership model for such a Convention, wherein a 2/3 majority of the Convention consists of randomly selected private citizen members that are representative of the voting age population demographically, complemented by a 1/3 minority of democratically elected public citizen members that are representative of the voting population's political opinions – under the leadership of an independent Chair and supported by a competent Secretariat.

In contrast to our general support of its formula for composition, from the outset Sinn Féin has criticised the existing Oireachtas mandate for the Constitutional Convention on a number of grounds: its narrow, apparently random and piecemeal agenda; its artificially short time frame; the non-binding and purely advisory nature of its recommendations; and the limitations on northern and diasporic representation, as well as on general public consultation and participation. Instead, we believe that constitutional reform should be: a) comprehensive; b) systematic; c) fully inclusive; d) cognisant of the outstanding constitutional change obligations under the Good Friday Agreement.

Therefore, in light of the above and based upon an assessment of its strengths and weaknesses demonstrated to date, we make the following proposals for consideration by the Oireachtas:

1. The Oireachtas should issue a fresh mandate for a second Convention, with a new membership and a new remit.
2. As previously, the terms of the new Oireachtas mandate should again require the Convention to 'have appropriate regard' to the Good Friday Agreement.
3. The general formula for the composition of the membership should be retained. However the random selection should be performed by an accountable public body entrusted with the collection of demographic data and confidential handling of personal information, such as the Central Statistics Office, not a private for profit company. The demographic factors taken into account in the random selection process should be appropriately extended to ensure that the citizen panel is more fully representative of the population (ie by way of representativeness of northern and diasporic citizens, ethnic minorities including Travellers and new citizens, citizens with disabilities, and citizens from the Gaeltachtaí).
4. The remit of the second Convention should be sufficiently broad to permit comprehensive and systematic consideration of all outstanding constitutional matters. It should set a specific but also realistic timeframe.
5. For the sake of efficiency and coherence, the work of the second Convention should be divided into coherent modules.
6. The first module should prioritise the outstanding Good Friday Agreement obligation under Strand 3, Part 6 (or 'Rights, Safeguards and Equality of Opportunity'), paragraph 9 to 'bring forward measures to strengthen and underpin the constitutional protection of human rights' by 'taking account of the work of the All-Party Oireachtas Committee on the Constitution and the Report of the Constitution Review Group', and ensuring that resulting proposals 'will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights'. Other fundamental rights issues, including but not limited to those identified during the course of the Convention's public consultation process (such as environmental rights and family rights) could be considered under this module.
7. The second module should address the public demand for renewal of the political institutions. This would include the need for a review of the separation of powers between the legislature, the executive, the judiciary and the citizenry for the sufficiency of checks and balances. It would also include a consideration of the democratic safeguards needed for increased accountability in public decision-making, and to help end corruption. Within this module, Seanad reform, local government reform, and participatory democratic mechanisms should be given priority. In addition, given that the current Convention was forced to defer deliberations on the issue, appropriate representation in the Dáil of citizens resident outside the State, in both the north and in the diaspora, should also be considered.

8. A third module could consider any other constitutional matters that have been previously identified but would not otherwise be included in either the first or second priority modules. Such issues could include the constitutionalisation of military neutrality, the need for constitutional separation of Church and State, and the contradictions between the Irish and English versions of the constitutional text.
9. The current Convention Chair and Secretariat have provided good solid service and should be given the option to continue in their current roles if they so wish, in the interests of continuity and so that the second Convention may retain the benefit of their experience.
10. The independent academic expert support provided to each module should be selected through a transparent process, based on relevant qualifications and experience, and also a willingness to declare any past or present political affiliation or other possible grounds for perception of political bias. Given the degree of their influence over the content of proceedings during the current Convention, the academic and legal team should vary with each module, so that the members of the second Convention can benefit from a wider range of academic perspectives.
11. Public interest advocacy groups should continue to have access to the Convention on the same basis as currently. The principle of balanced debate should continue to be adhered to.
12. In addition to the existing points of general public access through live webcasting, the online submission facility, and the limited late-stage series of meetings on 'Any Other Amendments', the second Convention should adopt a more proactive programme of public consultation and inclusion at the outset, with the cooperation of the schools and third level institutions, as well as the community and voluntary groups and sectoral NGOs who can help involve those marginalised citizens generally excluded from involvement in public life. The budget for the second Convention should include sufficient resources to support this.