

An Taoiseach Enda Kenny
Department of the Taoiseach,
Government Buildings,
Upper Merrion Street,
Dublin 2

26th June 2012

Re: Constitutional Convention

Dear Taoiseach,

We welcome your Government's decision to establish a Constitutional Convention. This could be a critical opportunity to update and strengthen Bunreacht na hÉireann, the most definitive statement of our country's collective values.

We note with regret that, to date, there has been no formal consultation with civil society about the form or content of the Constitutional Convention. We consider that a meaningful consultation with civil society groups should take place before the Government's proposals are finalised. It is vital that the Government maximise public participation and engagement in the work of the convention.

The list of issues already identified by your Government for review by the Convention is worthy of examination. However, the list is too restrictive and fails to take advantage of the initiative your Government has shown in establishing the Constitutional Convention and providing for a moment of such historical significance. Nor does it match the ambition of the Programme for Government commitment that "by the end of our term in government, Ireland will be recognised as a modern, fair, socially inclusive and equal society".

In view of the economic uncertainty faced by Ireland, when the protection of economic and social rights has never been more important, it is disappointing that the Government has thus far failed to expressly commit to the examination of these issues by the Convention. Ireland's international commitments under human rights law must

be recognised in our domestic laws, including the commitment to protect economic, social and cultural rights, such as health, housing, and adequate income.

Domestic incorporation of these human rights has also been recommended by the UN Committee on Economic, Social and Cultural Rights, the UN Special Representative on Extreme Poverty and the Council of Europe Commissioner for Human Rights. It also makes sense in the context of Ireland having recently signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. An examination of how Bunreacht na hÉireann protects these rights is long overdue.

We urge the Government to include economic, social and cultural rights on the agenda of the Constitutional Convention with immediate effect, and to ensure that the Convention is given sufficient time to interrogate these issues.

We understand that you are prepared to consider whether other topics could be considered at a later date, and that you will consult with opposition parties and the Chair of the Convention at the appropriate time. However, we believe that there is a significant danger that neither the time nor the resources will be available for the examination of these issues unless a commitment is made to do so from the outset.

We, the undersigned, urge you and your Government to engage in a consultation process with civil society regarding the Constitutional Convention and support the inclusion of economic, social and cultural rights on its agenda. The Convention should have a mandate to ensure that Ireland's international human rights are recognised, understood by political and civil society stakeholders and written into Bunreacht na hÉireann.

Any correspondence on this matter should be directed to Colm O'Gorman, Executive Director, Amnesty International Ireland, 48 Fleet Street, Dublin 2.

Yours sincerely,

Colm O'Gorman, Executive Director, Amnesty International Ireland;
Michael Nugent, Chairperson, Atheist Ireland;
Jack Dunphy, Chairperson, Community Action Network;

Ignazio Saiz, Executive Director, Centre for Economic and Social Rights;
Joyce Loughan, CEO, Focus Ireland;
Brian Sheehan, Director, Gay and Lesbian Equality Network;
Mark Kelly, Director, Irish Council for Civil Liberties;
Liam Herrick, Executive Director, Irish Penal Reform Trust;
Brid O'Brien, Head of Policy and Media, Irish National Organisation of the Unemployed;
Natalya Perstova, Project Worker, Mayo Intercultural Action;
Fiona Finn, CEO, NASC;
Maria Joyce, Acting Coordinator, National Traveller Women's Forum;
Orla O'Connor, Acting CEO, National Women's Council of Ireland;
Patricia Conboy, Director, Older and Bolder;
Martin Collins, Co-Director, Pavee Point;
Ruairí McKiernan, Founder SpunOut.ie, Member of the Council of State;
Jack O'Connor, General President, SIPTU;
Nat O'Connor, Director, TASC;
Deirdre Garvey, Director of Advocacy, The Wheel;
Conor O'Mahony, Director of Graduate Studies, Faculty of Law, University College Cork.

cc. Tánaiste Eamon Gilmore, Department of Foreign Affairs and Trade, 80 St Stephen's Green, Dublin 2.