THE REFERENDUM COMMISSION'S INDEPENDENT

GUIDE



The Children Referendum

Saturday November 10th

www.referendum2012.ie

The Referendum Commission

The Referendum Commission is an independent body set up by the Referendum Act 1998. The Chairperson of the current Commission is Ms Justice Mary Finlay Geoghegan. The other members are: Mr Kieran Coughlan, Clerk of Dáil Éireann; Ms Deirdre Lane, Clerk of Seanad Éireann; Ms Emily O'Reilly, Ombudsman; Mr Seamus McCarthy, Comptroller and Auditor General.

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Message from the Chairperson

On Saturday, November 10th 2012, you will be asked to vote on a proposal to change the Constitution of Ireland. The proposed changes to the Constitution concern the rights of children. The proposal is to add a new Article 42A to the Constitution and to delete the existing Article 42.5.

How you vote in the referendum is for you to decide. However, the Referendum Commission urges you to inform yourself about the proposed change and to vote. The Constitution is important. It is the fundamental law of our State. It was put in place by a referendum of the people and can be changed only by a referendum. It sets the standards for all State activity. It must be respected and obeyed by all including the Dáil and Seanad, the Courts and the public service. It is your Constitution and you have the power to decide whether or not to change it.

In this guide, we provide a short description of the proposed change and the text of certain other existing articles of the Constitution relating to personal rights, family and education which may be relevant to your consideration of the proposal. We will have further information on our website.

This guide does not argue for a yes or no vote but we do strongly encourage you to vote.

M. Finlay Geoghegan

Mary Finlay Geoghegan
Chairperson
Referendum Commission

www.referendum2012.ie



The proposed change to the Constitution

On Saturday, November 10th 2012, you are asked to vote yes or no to a proposal to include in the Constitution a new Article 42A and at the same time remove the current Article 42.5.

If a majority of voters votes yes in this referendum, the existing Article 42.5 will be removed and a new Article 42A will become part of the Constitution. All other articles of the Constitution will remain in place.

If a majority votes no, there will be no change to the Constitution.

While the proposed new Article has a number of parts to it, you may only vote yes or no to the total proposal. You may not vote to adopt only part of the proposed Article 42A nor may you vote to adopt it and retain Article 42.5 in its present form.

The proposed new Article

Children Article 42A

1 The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights.

2 **1°** In exceptional cases, where the parents, regardless of their marital status, fail in their duty towards their children to such extent that the safety or welfare of any of their children is likely to be prejudicially affected, the State as guardian of the common good shall, by proportionate means as provided by law, endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

2° Provision shall be made by law for the adoption of any child where the parents have failed for such a period of time as may be prescribed by law in their duty towards the child and where the best interests of the child so require.

3 Provision shall be made by law for the voluntary placement for adoption and the adoption of any child.

4 **1°** Provision shall be made by law that in the resolution of all proceedings–

i brought by the State, as guardian of the common good, for the purpose of preventing the safety and welfare of any child from being prejudicially affected, or

ii concerning the adoption, guardianship or custody of, or access to, any child,

the best interests of the child shall be the paramount consideration.

2° Provision shall be made by law for securing, as far as practicable, that in all proceedings referred to in subsection 1° of this section in respect of any child who is capable of forming his or her own views, the views of the child shall be ascertained and given due weight having regard to the age and maturity of the child.

What are the proposed changes to the Constitution?

There are four main elements to the proposal.

1. Explicit obligation to protect and vindicate rights of children

If adopted, the proposed Article 42A.1 will introduce an explicit statement in the Constitution recognising and affirming that children have natural and imprescriptible rights and stating that the State has an obligation to ensure, as far as practicable, that those rights are protected and vindicated. The Courts have held "imprescriptible", in other articles of the Constitution, to mean that which "cannot be lost by the passage of time or abandoned by non-exercise" or "lost or forfeited through the wrongful act of a third party".

At present, the Constitution does not contain an explicit guarantee by the State to protect and vindicate the rights of all children in these terms. However, the existing Article 42.5 does refer to the natural and imprescriptible rights of the child as a matter to which the State shall have due regard when trying to supply the place of parents who fail in their duty towards their children. In the absence of an explicit guarantee, the Courts have identified certain children's rights from this Article and from other articles of the Constitution.

The new Article 42A.1 includes a statement in respect of children's rights which is explicit, is concerned solely with the rights of children and recognises and affirms such rights in a single clause. The rights referred to in the proposal are not listed. It will be a matter for the Courts, on a case by case basis, to identify the rights protected by this provision.

2. State intervention if parents fail in their duty

The existing Article 42.5 would be replaced by the proposed Article 42A.2.1°.

Article 42.5

In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

Article 42A.2.1°

In exceptional cases, where the parents, regardless of their marital status, fail in their duty towards their children to such extent that the safety or welfare of any of their children is likely to be prejudicially affected, the State as guardian of the common good shall, by proportionate means as provided by law, endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

At present, the Constitution provides in Article 42.5 that the State, as guardian of the common good, may intervene and try to supply the place of the parents if the parents fail in their duty towards the child. The State may intervene only in exceptional cases and the intervention must have due regard for the child's rights.

This will remain the position if the proposal to amend the Constitution is passed. However, there will be a number of changes.

The changes will be:

- The proposed new Article explicitly provides that it applies to all parents whether or not they are married to each other.
- The existing Article provides that intervention may occur if the parents fail in their duty towards the child for physical or moral reasons. The proposed new Article provides that the intervention may occur if the parents fail in their duty towards their children to such an extent that the child's safety or welfare is likely to be prejudicially affected.
- The existing Article requires the State to use **appropriate** means and does not require that those means be set out in law. The proposed new Article provides that the State's intervention must use **proportionate** means which must be set out in law.

3. Adoption

The proposed change to the Constitution contains two provisions dealing with adoption.

- If the proposal is passed, the proposed Article 42A.2.2° will mean that the State must put laws in place allowing for the adoption of any child, whether or not the parents are married to each other, if the following conditions are met:
  - That the parents have failed in their duty towards the child for a period of time, this period to be specified in law.
  - That the best interests of the child require that adoption take place.
- The proposed Article 42A.3 will mean that laws must be passed to allow for any child to be adopted by being voluntarily placed for adoption.

Current adoption law allows for the child of unmarried parents to be placed for adoption and to be adopted. At present, there is no law permitting married parents to voluntarily place a child for adoption. Adoption law at present provides that orders for the adoption of children of married parents may be made only in very limited circumstances involving the effective abandonment of parental rights.

4. Best interests and views of the child



Many of the current laws relating to children provide that, in making decisions in particular cases, the Courts must consider the "best interests" or the "welfare" of the child to be the paramount consideration. There is no specific requirement to this effect expressed in the text of the Constitution at present.

The proposed Article 42A.4.1° makes explicit reference to the best interests of the child as the paramount consideration when significant decisions in relation to the child are being made. It means that laws must be passed to require that the best interests of the child must be the paramount consideration when a Court is making any decision in relation to:

- Proceedings taken by the State where it intervenes to protect the safety and welfare of a child.
- Issues of adoption, guardianship, custody of, or access to, a child in proceedings between any persons.

The proposed Article 42A.4.2° provides that laws must be passed which require that in the above proceedings, as far as practicable, the views of a child capable of forming his or her own views be obtained and given due weight having regard to the age and maturity of the child.

The views of the child are obtained and taken into account in many court proceedings at present but there is no explicit constitutional reference to the views of the child as a consideration in determining proceedings.

Other articles of the Constitution

If the proposed Article 42A becomes part of the Constitution, it will be read in conjunction with other relevant articles.

The following articles appear the most relevant in this context. They (except for Article 42.5) will remain in place if the new Article 42A is included in the Constitution.

Personal Rights Article 40

...

3 **1°** The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.

2° The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen.

...

The Family Article 41

1 **1°** The State recognises the Family 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.

2° The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State.

...

3 **1°** 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.

...

Education Article 42

1 The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.

2 Parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State.

3 **1°** The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State.

2° The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.

4 The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation.

5 In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

Article 42.5 above will be deleted if the referendum proposal is passed.


MAKE SURE YOU'RE INFORMED
BEFORE YOU VOTE
SATURDAY NOVEMBER 10TH
BÍ CINNTE GO BHFUIL TÚ AR AN
EOLAS SULA VÓTÁLFAIDH TÚ
DÉ SATHAIRN 10 SAMHAIN

Airteagail eile den Bhunreacht

Má thagann Airteagal 42A chun bheith mar chuid den Bhunreacht, léifear é i gcomhar le hairteagail ábhartha eile.

Is cosúil gurb iad na hairteagail seo a leanas na cinn is ábhartha sa chomhthéacs seo. Beidh feidhm leo fós (seachas Airteagal 42.5) má chuirtear Airteagal nua 42A leis an mBunreacht.

Bunchearta Airteagal 40

...

3 **1°** Ráthaíonn an Stát gan cur isteach lena dhlíthe ar chearta pearsanta aon saoránaigh, agus ráthaíonn fós na cearta sin a chosaint is a shuíomh lena dhlíthe sa mhéid gur féidir é.

2° Déanfaidh an Stát, go sonrach, lena dhlíthe, beatha agus pearsa agus dea-chlú agus maoinchearta an uile shaoránaigh a chosaint ar ionsaí éagórach chomh fada lena chumas, agus iad a shuíomh i gcás éagóra.

...

An Teaghlach Airteagal 41

1 **1°** Admhaíonn an Stát gurb é an Teaghlach is buíon-aonad príomha bunaidh don chomhdhaonnacht de réir nádúir, agus gur foras morálta é ag a bhfuil cearta doshannta dochloíte is ársa agus is airde ná aon reacht daonna.

2° Ós é an Teaghlach is fotha riachtanach don ord chomhdhaonnach agus ós éigeantach é do leas an Náisiúin agus an Stáit, ráthaíonn an Stát comhshuíomh agus údarás an Teaghlaigh a chaomhnú.

...

3 **1°** Ós ar an bPósadh atá an Teaghlach bunaithe gabhann an Stát air féin coimirce faoi leith a dhéanamh ar ord an phósta agus é a chosaint ar ionsaí.

...

Oideachas Airteagal 42

1 Admhaíonn an Stát gurb é an Teaghlach is múinteoir príomha dúchasach don leanbh, agus ráthaíonn gan cur isteach ar cheart doshannta ná ar dhualgas doshannta tuistí chun oideachas de réir a n-acmhainne a chur ar fáil dá gclainn i gcúrsaí creidimh, moráltachta, intleachta, coirp agus comhdhaonnachta.

2 Tig le tuistí an t-oideachas sin a chur ar fáil dá gclainn ag baile nó i scoileanna príobháideacha nó i scoileanna a admhaítear nó a bhunaítear ag an Stát.

3 **1°** Ní cead don Stát a chur d'fhiacha ar thuistí, in aghaidh a gcoinsiasa nó a rogha dleathaí, a gclann a chur ar scoileanna a bhunaítear ag an Stát nó ar aon chineál áirithe scoile a ainmnítear ag an Stát.

2° Ach ós é an Stát caomhnóir leasa an phobail ní foláir dó, toisc cor an lae, é a dhéanamh éigeantach minimum áirithe oideachais a thabhairt do na leanaí i gcúrsaí moráltachta, intleachta agus comhdhaonnachta.

4 Ní foláir don Stát socrú a dhéanamh chun bunoideachas a bheith ar fáil in aisce, agus iarracht a dhéanamh chun cabhrú go réasúnta agus chun cur le tionscnamh oideachais idir phríobháideach agus chumannta agus, nuair is riachtanas chun leasa an phobail é, áiseanna nó fundúireachtaí eile oideachais a chur ar fáil, ag féachaint go cuí, áfach, do chearta tuistí, go mór mór maidir le múnlú na haigne i gcúrsaí creidimh is moráltachta.

5 I gcásanna neamhchoiteanna nuair a tharlaíonn, ar chúiseanna corpartha nó ar chúiseanna morálta, nach ndéanaid na tuistí a ndualgais dá gclainn, ní foláir don Stát, ós é an Stát caomhnóir leasa an phobail, iarracht a dhéanamh le beart oiriúnach chun ionad na dtuistí a ghlacadh, ag féachaint go cuí i gcónaí, áfach, do chearta nádúrtha dochloíte an linbh.

Scriosfar Airteagal 42.5 thuas más amhlaidh go rithfear an togra reifrinn.

Is iad seo a leanas na hathruithe:

- Foráiltear go follasach san Airteagal nua atá molta go mbaineann sé le gach aon tuismitheoir, cibé iad pósta le chéile nó gan a bheith.
- Foráiltear leis an Airteagal reatha gur féidir idirghabháil a dhéanamh nuair a tharlaíonn nach ndéanann na tuismitheoirí a ndualgais dá gclann ar chúiseanna fisiciúla nó morálta. Foráiltear leis an Airteagal nua atá molta go bhféadfar an idirghabháil a dhéanamh nuair a tharlaíonn nach ndéanann na tuismitheoirí a ndualgais dá gclann sa mhéid gur dócha go ndéanfar dochar do shábháilteacht nó do leas an linbh.
- Ceanglaítear leis an Airteagal reatha ar an Stát bealaí **iomchuí** a úsáid agus ní éilítear ann go leagfaí síos sa dlí iad. Foráiltear leis an Airteagal nua atá molta nach mór bealaí **comhréireacha** a úsáid in idirghabháil an Stáit, agus nach mór na bealaí sin a bheith leagtha síos sa dlí.

3. Uchtáil

Tá dhá fhoráil ina bpléitear le huchtáil san athrú atá beartaithe ar an mBunreacht.

- Má ritear an moladh, ciallóidh Airteagal 42A.2.2° atá molta go gcaithfidh an Stát dlíthe a chur i bhfeidhm lena gceadófar uchtáil aon linbh, cibé má tá na tuismitheoirí pósta le chéile nó nach bhfuil, má chomhlíontar na coinníollacha seo a leanas:
  - Nach ndearna na tuismitheoirí a ndualgais dá leanbh ar feadh tréimhse ama, sonrófar an tréimhse sin i ndlí.
  - Gur cheart uchtáil a dhéanamh ar mhaithe le barr leasa an linbh.
- Ciallóidh Airteagal 42A.3 atá molta go gcaithfear dlíthe a rith lena ligfear d'aon leanbh a uchtáil trí é nó í a shuíomh go saorálach le haghaidh uchtála.

Ligtear leis an dlí uchtála reatha do leanbh tuismitheoirí neamhphósta a shuíomh le haghaidh uchtála agus a uchtáil. Faoi láthair, níl aon dlí ann lena gceadaítear do thuismitheoirí pósta leanbh a shuíomh go saorálach le haghaidh uchtála. Foráiltear le dlí uchtála faoi láthair nach féidir orduithe a dhéanamh le haghaidh leanaí tuismitheoirí pósta a uchtáil ach amháin in imthosca an-teoranta a bhaineann go bunúsach le cearta tuismitheoirí a thréigean.

4. Tuairimí agus barr leasa an linbh



Foráiltear i gcuid mhaith de na dlíthe reatha a bhaineann le leanaí nach mór do na Cúirteanna, agus iad ag déanamh cinntí i gcásanna áirithe, glacadh leis gur ní ró-thábhachtach é "barr leasa" nó "leas" an linbh. Níl aon cheanglas sonrach maidir leis sin tugtha i dtéacs an Bhunreachta faoi láthair.

Déantar tagairt fhollasach in Airteagal 42A.4.1° atá molta gur ní ró-thábhachtach é barr leasa an linbh nuair atáthar ag déanamh cinntí suntasacha maidir leis an leanbh. Ciallaíonn sé nach mór dlíthe a rith lena n-éileofar gur ní ró-thábhachtach a bheidh i mbarr leasa an linbh nuair a bheidh cinneadh á dhéanamh ag cúirt maidir leo seo a leanas:

- Imeachtaí a thabharfaidh an Stát, nuair a dhéanann sé idirghabháil chun sábháilteacht agus leas linbh a chosaint.
- Saincheisteanna a bhaineann le huchtáil, caomhnóireacht, nó coimeád aon linbh, nó rochtain ar aon leanbh in imeachtaí idir aon daoine.

Foráiltear le hAirteagal 42A.4.2° atá molta nach mór dlíthe a rith lena gceanglaítear sna himeachtaí thuas, sa mhéid gur féidir é, go bhfaighfí barúlacha linbh ar féidir leis nó léi teacht ar a bharúlacha féin nó ar a barúlacha féin agus go dtabharfaí tromachar cuí do na barúlacha sin ag féachaint d'aois agus d'aibíocht an linbh.

Faightear agus cuirtear barúlacha an linbh san áireamh in go leor imeachtaí cúirte faoi láthair ach níl aon tagairt fhollasach sa Bhunreacht do bharúlacha an linbh mar chomaoin nuair a bhíonn imeachtaí á gcinneadh.

Cad iad na hathruithe atá beartaithe ar an mBunreacht?

Is iad seo a leanas na hathruithe.

1. Oibleagáid fhollasach chun cearta leanaí a chosaint agus a shuíomh

Má ghlactar é, tabharfar isteach le hAirteagal 42A.1 atá molta ráiteas follasach sa Bhunreacht ina n-aithneofar agus ina ndeimhneofar go bhfuil cearta nádúrtha dochloíte ag leanaí, agus ina luafar go bhfuil dualgas ar an Stát a chinntiú, sa mhéid gur féidir é, go ndéantar na cearta sin a chosaint agus a shuíomh. Ghlac na Cúirteanna leis gur chiallaigh "dochloíte" in airteagail eile den Bhunreacht rud "nach féidir a chailleadh trí imeacht ama nó a thréigean trí neamhchleachtadh" nó rud "nach féidir a chailleadh nó a fhorghéilleadh trí ghníomh éagórach tríú páirtí".

Faoi láthair, níl ráthaíocht fhollasach sa Bhunreacht ag an Stát chun na cearta atá ag gach uile leanbh a chosaint agus a shuíomh sna téarmaí sin. Mar sin féin, tagraíonn Airteagal reatha 42.5 do chearta nádúrtha dochloíte an linbh mar ábhar a bhféachfaidh an Stát go cuí air nuair a dhéanfaidh sé iarracht ionad na dtuistí a ghlacadh nuair a tharlaíonn sé nach ndéanann siad a ndualgais dá gclann. In éagmais ráthaíochta follasaí, d'aithin na Cúirteanna go bhfuil cearta áirithe ag leanaí as an Airteagal sin agus as airteagail eile den Bhunreacht.

Tá ráiteas in Airteagal nua 42A.1 maidir le cearta leanaí atá follasach, a bhaineann le cearta leanaí agus sin amháin agus a aithníonn agus a dheimhníonn cearta den sórt sin in aon chlásal amháin. Níl na cearta dá dtagraítear sa mholadh liostaithe. Is faoi na Cúirteanna a bheidh sé, ar bhonn na gcásanna aonair, na cearta atá cosanta faoin bhforáil seo a aithint.

2. Idirghabháil an Stáit má mhainníonn ar thuismitheoirí ina ndualgais

Chuirfí Airteagal 42A.2.1° atá molta in ionad Airteagal 42.5 atá ann cheana.

Airteagal 42.5

I gcásanna neamhchoiteanna nuair a tharlaíonn, ar chúiseanna corpartha nó ar chúiseanna morálta, nach ndéanaid na tuistí a ndualgais dá gclainn, ní foláir don Stát, ós é an Stát caomhnóir leasa an phobail, iarracht a dhéanamh le beart oiriúnach chun ionad na dtuistí a ghlacadh, ag féachaint go cuí i gcónaí, áfach, do chearta nádúrtha dochloíte an linbh.

Airteagal 42A.2.1°

I gcásanna neamhchoiteanna nuair a tharlaíonn nach ndéanann na tuistí, gan beann ar a stádas pósta, a ndualgais dá gclann sa mhéid gur dócha go ndéanfar dochar do shábháilteacht nó do leas aon linbh dá gclann, ní foláir don Stát, ós é an Stát caomhnóir leasa an phobail, iarracht a dhéanamh, le beart comhréireach mar a shocraítear le dlí, chun ionad na dtuistí a ghlacadh, ag féachaint go cuí i gcónaí, áfach, do chearta nádúrtha dochloíte an linbh.

Faoi láthair, foráiltear in Airteagal 42.5 den Bhunreacht gur féidir leis an Stát, mar chaomhnóir leas an phobail, idirghabháil a dhéanamh agus iarracht a dhéanamh ionad na dtuistí a ghlacadh nuair a tharlaíonn nach ndéanann na tuistí a ndualgais dá gclann. Ní fhéadfaidh an Stát idirghabháil a dhéanamh ach i gcásanna neamhchoiteanna agus ní mór don idirghabháil féachaint go cuí ar chearta an linbh.

Beidh sé sin amhlaidh má ritear an moladh chun an Bunreacht a leasú. Beidh roinnt athruithe i gceist áfach.



An t-athrú atá beartaithe ar an mBunreacht

Ar an Satharn, an 10 Samhain 2012, iarrfar ort vótáil ar son nó in aghaidh molta chun Airteagal nua 42A a chur leis an mBunreacht agus ag an am céanna Airteagal 42.5 mar atá a bhaint.

Má vótálann móramh na vótálaithe ar son an mholta sa reifreann seo, bainfear Airteagal reatha 42.5 agus beidh Airteagal nua 42A mar chuid den Bhunreacht. Beidh feidhm i gcónaí le gach Airteagal eile den Bhunreacht.

Má vótálann an móramh in aghaidh an mholta, ní dhéanfar aon athrú ar an mBunreacht.

Cé go bhfuil roinnt codanna ag baint leis an Airteagal nua atá molta, ní fhéadfaidh tú ach vótáil ar son nó in aghaidh an mholta ina iomláine. Ní féidir leat vótáil chun díreach cuid d'Airteagal 42A atá molta a ghlacadh ná ní féidir leat vótáil chun glacadh leis agus Airteagal 42.5 mar atá sé faoi láthair a choimeád ach an oiread.

An tAirteagal nua atá molta

Leanaí Airteagal 42A

1 Admhaíonn agus deimhníonn an Stát cearta nádúrtha dochloíte na leanaí uile agus ní foláir dó na cearta sin a chosaint is a shuíomh lena dhlíthe sa mhéid gur féidir é.

2 **1°** I gcásanna neamhchoiteanna nuair a tharlaíonn nach ndéanann na tuistí, gan beann ar a stádas pósta, a ndualgais dá gclann sa mhéid gur dócha go ndéanfar dochar do shábháilteacht nó do leas aon linbh dá gclann, ní foláir don Stát, ós é an Stát caomhnóir leasa an phobail, iarracht a dhéanamh, le beart comhréireach mar a shocraítear le dlí, chun ionad na dtuistí a ghlacadh, ag féachaint go cuí i gcónaí, áfach, do chearta nádúrtha dochloíte an linbh.

2° Déanfar socrú le dlí chun aon leanbh a uchtáil i gcás nach ndearna na tuistí a ndualgais don leanbh ar feadh cibé tréimhse ama a ordófar le dlí agus nuair is riachtanas ar mhaithe le barr leasa an linbh é.

3 Déanfar socrú le dlí chun aon leanbh a shuíomh go saorálach le haghaidh uchtála agus a uchtáil.

4 **1°** Déanfar socrú le dlí go measfar, le linn na n-imeachtaí uile-

i a thabharfaidh an Stát, ós é an Stát caomhnóir leasa an phobail, chun nach ndéanfar dochar do shábháilteacht ná do leas aon linbh, nó

ii a bhaineann le huchtáil, caomhnóireacht nó coimeád aon linbh, nó rochtain ar aon leanbh,

a réiteach, gur ní ró-thábhachtach é barr leasa an linbh.

2° Déanfar socrú le dlí chun a chur in áirithe, sa mhéid gur féidir é, go ndéanfar sna himeachtaí uile dá dtagraítear i bhfo-alt 1° den alt seo i leith aon linbh ar féidir leis nó léi teacht ar a bharúlacha féin nó ar a barúlacha féin, barúlacha an linbh a fháil agus tromachar cuí a thabhairt dóibh ag féachaint d'aois agus d'aibíocht an linbh.

An Coimisiún Reifrinn

Is comhlacht neamhspleách é an Coimisiún Reifrinn a bunaíodh faoi Acht an Reifrinn, 1998. Is í an Breitheamh Onórach Mary Finlay Geoghegan Cathaoirleach an Choimisiúin reatha. Is iad seo a leanas na comhaltaí eile: an tUasal Kieran Coughlan, Cléireach Dháil Éireann; an tUasal Deirdre Lane, Cléireach Sheanad Éireann; an tUasal Emily O'Reilly, an tOmbudsman; an tUasal Seamus McCarthy, an tArd-Reachtaire Cuntas agus Ciste.

An Coimisiún Reifrinn

An Coimisiún Reifrinn
18 Sráid Líosain Íochtarach,
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Gréasán: www.referendum2012.ie
Twitter: @RefComm2012

Tá an foilseachán seo ar fáil in Braille, ar dlúthdhiosca agus i bhformáid mhórchló ó NCBI. Tá sé ar fáil freisin i dTeanga Chomharthaíochta na hÉireann ar shuíomh idirlíon Chumann Bodhar na hÉireann (www.irishdeafsociety.ie) agus DeafHear.ie

Arna phriontáil in Éirinn ar pháipéar arna fháil ó foraois a bhainistítear ar bhealach inbhuanaithe.



Teachtaireacht ón gCathaoirleach

Ar an Satharn, an 10 Samhain 2012, iarrfar ort vóta a chaitheamh maidir le moladh chun Bunreacht na hÉireann a athrú. Baineann na hathruithe atá beartaithe ar an mBunreacht le cearta leanaí. Leis an moladh cuirfear Airteagal nua 42A leis an mBunreacht agus scriosfar Airteagal reatha 42.5.

Is fútsa cinneadh a dhéanamh faoi conas a chaitheann tú do vóta sa reifreann. Mar sin féin, molann an Coimisiún Reifrinn duit tú féin a chur ar an eolas faoin athrú atá molta, agus do vóta a chaitheamh. Tá an Bunreacht tábhachtach. Is é an Bunreacht dlí bunúsach ár Stáit. Cuireadh i bhfeidhm é le reifreann na ndaoine agus ní féidir é a athrú ach amháin le reifreann. Leagtar síos ann na caighdeáin le haghaidh ghníomhaíocht uile an Stáit. Ní mór do gach duine urraim a thabhairt dó agus géilleadh dó, lena n-áirítear an Dáil agus an Seanad, na Cúirteanna agus an tseirbhís phoiblí. Is leatsa an Bunreacht agus tá sé de chumhacht agatsa cinneadh a dhéanamh cibé é a athrú nó gan é a athrú.

Sa treoir seo, tugaimid tuairisc ghearr ar an athrú atá beartaithe mar aon le téacs airteagal reatha áirithe eile den Bhunreacht a bhaineann le bunchearta, leis an teaghlach agus le hoideachas agus d'fhéadfaidís seo a bheith ábhartha agus tú i mbun machnaimh ar an moladh. Foilseoimid tuilleadh eolais ar ár suíomh Gréasáin.

Ní dhéantar argóint sa treoir seo ar son vóta ar son nó in aghaidh an mholta, ach molaimid duit go láidir do vóta a chaitheamh.

M. Finlay Geoghegan

Mary Finlay Geoghegan
Cathaoirleach
Coimisiún Reifrinn

www.referendum2012.ie

TREOIR

NEAMHSPLEÁCH ÓN gCOIMISIÚN REIFRINN



An Reifreann

Leanaí

Dé Sathairn 10 Samhain

www.referendum2012.ie