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Explanatory Memorandum](#)

An Bille um an Aonú Leasú is Fiche
ar an mBunreacht (Uimh. 4), 1999

Twenty-First Amendment of the
Constitution (No. 4) Bill, 1999

Mar a tionscnaíodh
As initiated



**TWENTY-FIRST AMENDMENT OF THE CONSTITUTION
(No. 4) BILL, 1999**

As initiated

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Article 40 of the Constitution.
2. Citation.

SCHEDULE

Part I

Part II



**AN BILLE UM AN AONÚ LEASÚ IS FICHE AR AN
mBUNREACTH (UIMH. 4), 1999**

Mar a tionscnaíodh

RIAR NA nALT

Alt

1. Airteagal 40 den Bhunreacht a leasú.
2. Lua.

AN SCEIDEAL

Cuid I

Cuid II



**TWENTY-FIRST AMENDMENT OF THE CONSTITUTION
(NO. 4) BILL, 1999**

BILL

entitled

AN ACT TO AMEND THE CONSTITUTION. 5

WHEREAS by virtue of Article 46 of the Constitution any provision of the Constitution may be amended in the manner provided by that Article:

AND WHEREAS it is proposed to amend Article 40 of the Constitution: 10

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Amendment of
Article 40 of the
Constitution.

1.—Article 40 of the Constitution is hereby amended as follows:

- (a) the section the text of which is set out in *Part I* of the *Schedule* to this Act shall be substituted for section 1 of the Irish text, 15
- (b) the section the text of which is set out in *Part II* of the *Schedule* to this Act shall be substituted for section 1 of the English text.

Citation.

2.—(1) The amendment of the Constitution effected by this Act 20 shall be called the Twenty-First Amendment of the Constitution.

(2) This Act may be cited as the Twenty-First Amendment of the Constitution Act, 1999.



AN BILLE UM AN AONÚ LEASÚ IS FICHE AR AN
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BILLE

dá ngairtear

5 ACHT CHUN AN BUNREACTH A LEASÚ.

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreacht, foráil ar bith den Bhunreacht a leasú ar an modh a shocraítear leis an Airteagal sin:

10 AGUS DE BHRÍ go bhfuil beartaithe Airteagal 40 den Bhunreacht a leasú:

ACHTAÍTEAR AG AN OIREACHTAS AR AN ÁBHAR SIN
MAR A LEANAS:

1.—Leasaítear leis seo mar a leanas Airteagal 40 den Bhunreacht: Airteagal 40 den
Bhunreacht a leasú.

15 (a) cuirfear an t-alt a bhfuil an téacs de leagtha amach i *gCuid I* den *Sceideal* a ghabhann leis an Acht seo in ionad alt 1 den téacs Gaeilge,

(b) cuirfear an t-alt a bhfuil an téacs de leagtha amach i *gCuid II* den *Sceideal* a ghabhann leis an Acht seo in ionad alt 1 den téacs Sacs-Bhéarla.

20 2.—(1) An tAonú Leasú is Fiche ar an mBunreacht a thabharfar Lua.
ar an leasú a dhéantar ar an mBunreacht leis an Acht seo.

(2) Féadfar an tAcht um an Aonú Leasú is Fiche ar an mBunreacht, 1999, a ghairm den Acht seo.

SCHEDULE

Part I

1. Beidh an ceart ag gach duine chun comhionannais i láthair an dlí.

Ní cead aon idirdhealú, díreach nó neamhdhíreach, a dhéanamh go neamhchóir in aghaidh aon duine ar aon fhoras mar chine, dath, teanga, náisiúntacht, bunadh náisiúnta, comhdhaonnach nó eitneach, aois, inscne, míchumas, gnéaschlao-nadh, saíocht, creideamh, tuairimí polaitíochta nó tuairimí eile, fréamhshliocht nó stádas pósta, teaghlach nó stádas eile, nó toisc gur den lucht siúil é nó i. Féadfar féachaint do dhifríochtaí iomchuí, áfach.

Ní chuireann aon ní dá bhfuil san alt seo toirmeasc le bearta teoranta comhréireacha ar mhaithe le cosaint agus dul chun cinn daoine atá faoi mhíbhuntáiste neamhchóir mar gheall ar idirdhealú nó mar gheall ar eisiamh geilleagrach nó comhdhaonnach ionas go mbeidh siad in ann, sa mhéid gur féidir é, a gcearta agus a saoirsí a theachtadh go hiomlán agus go comhionann.

Go sonrach, féadfaidh an Stát oibleagáid a chur ar aicmí áirithe nó ar gach aicme den phobal bearta réasúnta a dhéanamh chun freastal ar riachtanais daoine atá faoi mhíchumas coirp nó meabhrach, d'ainneoin go bhféadfaidh costas teacht as saoráidí cuí nó cóir chuí a chur ar fáil chuige sin.

Part II

1. All persons shall have the right to equality before the law.

No person shall unfairly suffer discrimination, direct or indirect, on any ground such as race, colour, language, nationality, national, social or ethnic origin, membership of the Traveller community, age, gender, disability, sexual orientation, culture, religion, political or other opinion, birth or marital, family or other status. Regard may, however, be had to relevant differences.

Nothing in this section prohibits measures of a limited and proportionate nature for the protection and advancement of persons unfairly disadvantaged by discrimination or economic or social exclusion in order to enable, as far as practicable, the full and equal enjoyment by them of their rights and freedoms.

In particular, the State may impose an obligation on some or all sections of the community to take reasonable steps to accommodate the needs of persons with a physical or mental disability, notwithstanding that the provision for that purpose of appropriate facilities or treatment may give rise to a cost.

AN SCEIDEAL

Cuid I

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Ní chuireann aon ní dá bhfuil san alt seo toirmeasc le bearta teoranta comhréireacha ar mhaithe le cosaint agus dul chuinn daoine atá faoi mhíbhuntáiste neamhchóir mar gheall ar idirdhealú nó mar gheall ar eisiámh geilleagrach nó comhdhaonnach ionas go mbeidh siad in ann, sa mhéid gur féidir é, a gcearta agus a saoirsí a theachtadh go hiomlán agus go comhionann.

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Cuid II

1. All persons shall have the right to equality before the law.

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Nothing in this section prohibits measures of a limited and proportionate nature for the protection and advancement of persons unfairly disadvantaged by discrimination or economic or social exclusion in order to enable, as far as practicable, the full and equal enjoyment by them of their rights and freedoms.

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TWENTY-FIRST AMENDMENT OF THE CONSTITUTION
(NO. 4) BILL, 1999**

EXPLANATORY MEMORANDUM

Purpose of Bill

The purpose of the Bill is to amend Article 40 of the Constitution (“Personal Rights”) by making extended provision relating to the right to equality before the law.

The new section prohibits unfair discrimination and sets out an indicative list of unfair grounds. An exemption is provided in favour of affirmative action, or positive discrimination. It is also provided that, in particular, the State may impose obligations to take reasonable steps to accommodate the needs of persons with a physical or mental disability.

Provisions of Bill

Section 1 amends Article 40 of the Constitution by substituting a new section for section 1, the text of which is set out in the Schedule to the Bill.

Section 2 is a standard provision relating to the citation of the Bill and amendment.

*An Teachta Ruairí Ó Cuinn,
Samhain, 1999.*