



**TWENTY-EIGHTH AMENDMENT OF THE CONSTITUTION
BILL 2007**

As initiated

ARRANGEMENT OF SECTIONS

Section

1. Amendment of the Constitution.
2. Citation.

SCHEDULE

PART 1

PART 2



**AN BILLE UM AN OCHTÚ LEASÚ IS FICHE AR AN
mBUNREACTH 2007**

Mar a tionscnaíodh

RIAR NA nALT

Alt

1. An Bunreacht a leasú.
2. Lua.

AN SCEIDEAL

CUID 1

CUID 2



**TWENTY-EIGHTH AMENDMENT OF THE CONSTITUTION
BILL 2007**

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 the Constitution:

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS 10
FOLLOWS:

Amendment of the
Constitution.

1.—The Constitution is hereby amended as follows:

- (a) section 5 of the Irish text of Article 42 shall be repealed,
- (b) section 5 of the English text of Article 42 shall be repealed,
- (c) the Article the text of which is set out in *Part 1* of the 15
Schedule shall be inserted after Article 42 of the Irish
text,
- (d) the Article the text of which is set out in *Part 2* of the
Schedule shall be inserted after Article 42 of the English 20
text.

Citation.

2.—The amendment of the Constitution effected by this Act shall be called the Twenty-eighth Amendment of the Constitution.

This Act may be cited as the Twenty-eighth Amendment of the Constitution Act 2007.



AN BILLE UM AN OCHTÚ LEASÚ IS FICHE AR AN
mBUNREACTH 2007

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:

AGUS DE BHRÍ go bhfuil beartaithe an Bunreacht a leasú:

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

1.—Leasaítear an Bunreacht leis seo mar a leanas:

An Bunreacht a
leasú.

(a) aisghairfear alt 5 den téacs Gaeilge d’Airteagal 42,

(b) aisghairfear alt 5 den téacs Sacs-Bhéarla d’Airteagal 42,

15 (c) cuirfear an tAirteagal a bhfuil an téacs de leagtha amach i
gCuid 1 den *Sceideal* isteach i ndiaidh Airteagal 42 den
téacs Gaeilge,

20 (d) cuirfear an tAirteagal a bhfuil an téacs de leagtha amach i
gCuid 2 den *Sceideal* isteach i ndiaidh Airteagal 42 den
téacs Sacs-Bhéarla.

2.—(1) An tOchtú 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 Ochtú Leasú is Fiche ar an
mBunreacht 2007 a ghairm den Acht seo.

SCHEDULE

PART 1

LEANAÍ

Airteagal 42(A)

1. Admhaíonn agus deimhníonn an Stát cearta nádúrtha dochloíte gach linbh. 5
2. 1° I gcásanna neamhchoiteanna nuair a tharlaíonn, ar chúiseanna corpartha nó ar chúiseanna morálta, nach ndéanann tuistí aon linbh a ndualgas don leanbh sin, ní foláir don Stát, ós é an Stát caomhnóir leas 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. 10
- 2° Féadfar socrú a dhéanamh le dlí maidir le leanbh a uchtáil nuair nach bhfuil a ndualgas déanta, ar feadh cibé tréimhse a fhorordófar le dlí, ag na tuistí don leanbh agus nuair is riachtanas chun leasa an linbh é. 15
3. Féadfar socrú a dhéanamh le dlí maidir le haon leanbh a shuíomh go saorálach lena uchtáil agus maidir le huchtáil aon linbh.
4. Féadfar socrú a dhéanamh le dlí, in imeachtaí os comhair aon chúirte i ndáil le huchtáil, caomhnóireacht nó coimeád aon linbh, nó i ndáil le rochtain ar aon leanbh, go ndéanfaidh an chúirt iarracht chun leas an linbh sin a áirithiú. 20
5. 1° Féadfar socrú a dhéanamh le dlí maidir le faisnéis a bhailiú agus a mhalartú ar faisnéis í a bhaineann le leanaí, nó daoine eile de cibé aicme nó aicmí a fhorordófar le dlí, a chur i mbaol nó i ndáil le dúshaothrú gnéasach nó mí-úsáid ghnéasach a dhéanamh orthu nó i ndáil leis an bpriacal go dtarlóidh na nithe sin. 25
- 2° Ní dhéanann aon fhoráil atá sa Bhunreacht seo aon dlí lena ndéantar socrú maidir le cionta dliteanais iomláin nó dliteanais dhocht a dhéantar in aghaidh linbh faoi bhun 18 mbliana d'aois, nó i dtaca le leanbh den sórt sin, a chur ó bhail dlí. 30
- 3° Ní dhéanann forálacha an ailt seo den Airteagal seo teorainn a chur, in aon slí, le cumhachtaí an Oireachtais chun socrú a dhéanamh le dlí maidir le cionta eile dliteanais iomláin nó dliteanais dhocht. 35

PART 2

CHILDREN

Article 42(A)

1. The State acknowledges and affirms the natural and imprescriptible rights of all children. 40

AN SCEIDEAL

CUID 1

LEANAÍ

Airteagal 42(A).

- 5 1. Admhaíonn agus deimhníonn an Stát cearta nádúrtha dochloíte gach linbh.
2. 1° I gcásanna neamhchoiteanna nuair a tharlaíonn, ar chúiseanna corpartha nó ar chúiseanna morálta, nach ndéanann tuistí aon linbh a ndualgas don leanbh sin, ní foláir don Stát, ós é an Stát caomhnóir leas 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.
- 10
- 2° Féadfar socrú a dhéanamh le dlí maidir le leanbh a uchtáil nuair nach bhfuil a ndualgas déanta, ar feadh cibé tréimhse a fhorordófar le dlí, ag na tuistí don leanbh agus nuair is riachtanas chun leasa an linbh é.
- 15
3. Féadfar socrú a dhéanamh le dlí maidir le haon leanbh a shuíomh go saorálach lena uchtáil agus maidir le huchtáil aon linbh.
4. Féadfar socrú a dhéanamh le dlí, in imeachtaí os comhair aon chúirte i ndáil le huchtáil, caomhnóireacht nó coimeád aon linbh, nó i ndáil le rochtain ar aon leanbh, go ndéanfaidh an chúirt iarracht chun leas an linbh sin a áirithiú.
- 20
5. 1° Féadfar socrú a dhéanamh le dlí maidir le faisnéis a bhailiú agus a mhalartú ar faisnéis í a bhaineann le leanaí, nó daoine eile de cibé aicme nó aicmí a fhorordófar le dlí, a chur i mbaol nó i ndáil le dúshaothrú gnéasach nó mí-úsáid ghnéasach a dhéanamh orthu nó i ndáil leis an bpriacal go dtarlóidh na nithe sin.
- 25
- 2° Ní dhéanann aon fhoráil atá sa Bhunreacht seo aon dlí lena ndéantar socrú maidir le cionta dliteanais iomláin nó dliteanais dhocht a dhéantar in aghaidh linbh faoi bhun 18 mbliana d'aois, nó i dtaca le leanbh den sórt sin, a chur ó bhail dlí.
- 30
- 3° Ní dhéanann forálacha an ailt seo den Airteagal seo teorainn a chur, in aon slí, le cumhachtaí an Oireachtais chun socrú a dhéanamh le dlí maidir le cionta eile dliteanais iomláin nó dliteanais dhocht.
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CUID 2

CHILDREN

Article 42(A).

- 40 1. The State acknowledges and affirms the natural and imprescriptible rights of all children.

2. 1° In exceptional cases, where the parents of any child for physical or moral reasons fail in their duty towards such child, 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. 5
- 2° Provision may be made by law for the adoption of a 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 may be made by law for the voluntary placement for adoption and the adoption of any child. 10
4. Provision may be made by law that in proceedings before any court concerning the adoption, guardianship or custody of, or access to, any child, the court shall endeavour to secure the best interests of the child. 15
5. 1° Provision may be made by law for the collection and exchange of information relating to the endangerment, sexual exploitation or sexual abuse, or risk thereof, of children, or other persons of such a class or classes as may be prescribed by law.
- 2° No provision in this Constitution invalidates any law providing for offences of absolute or strict liability committed against or in connection with a child under 18 years of age. 20
- 3° The provisions of this section of this Article do not, in any way, limit the powers of the Oireachtas to provide by law for other offences of absolute or strict liability. 25

- 5 2. 1° In exceptional cases, where the parents of any child for physical or moral reasons fail in their duty towards such child, 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.
- 2° Provision may be made by law for the adoption of a 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.
- 10 3. Provision may be made by law for the voluntary placement for adoption and the adoption of any child.
4. Provision may be made by law that in proceedings before any court concerning the adoption, guardianship or custody of, or access to, any child, the court shall endeavour to secure the best interests of the child.
- 15 5. 1° Provision may be made by law for the collection and exchange of information relating to the endangerment, sexual exploitation or sexual abuse, or risk thereof, of children, or other persons of such a class or classes as may be prescribed by law.
- 20 2° No provision in this Constitution invalidates any law providing for offences of absolute or strict liability committed against or in connection with a child under 18 years of age.
- 25 3° The provisions of this section of this Article do not, in any way, limit the powers of the Oireachtas to provide by law for other offences of absolute or strict liability.