





INTRODUCTION:

The Constitution is the basis of Irish law and contains a section which guarantees fundamental rights for all Irish citizens. These rights are expressly stated in Articles 40-44. The constitution has a high status in contrast to legislation and may only be changed by a majority of voters in a referendum. Examples of recent referendum include the *Thirty-sixth Amendment of the Constitution of Ireland*. This allows the Oireachtas to legislate for abortion.

✚ Open this link for the full Irish Constitution. <https://www.irishstatutebook.ie/eli/cons/en/html>

What Are Personal Rights?

Personal rights are provided for under Article 40 of the Irish Constitution. Personal rights include the following,

1. Equality Before The Law

This ensures that all Irish citizens are equal in the eyes of the law. In other words, it doesn't matter what your status is, how much money you have, where you come from, or what you look like, the law will treat you the same as every other person residing in Ireland.



2. Right To Life (Article 40.4)

As human life is sacred and precious, all citizens have a right to live their life to the fullest. The [Health \(Regulation of Termination of Pregnancy\) Act 2018](#) was incorporated into the statute book on 20 December 2018. This act made abortions legal in Ireland. This right links in with bodily integrity, personal liberty and arguably the right to privacy.



3. The Right To Have A Jury

You have a legal right to have a jury when you are on trial for a criminal matter in Ireland. There are limited times when a jury is involved in civil cases. The jury are selected randomly to ensure you get a fair, just and reasonable verdict.





4. The Right To Fair Procedures:

Acting in accordance with Article 34.1, the role of the courts is to administer justice. Thus, all courts and public branches should act in an objective manner. The law implies that everyone is innocent till proven guilty, therefore all citizens are given the chance to prove their innocence regardless of their background or status

Free Legal Aid:

Legal aid ensures that people who have a low income are entitled to legal representation. Any breach or refusal to comply with free legal aid procedures may result in a breach of constitutional law.

1. Civil trials (Civil Legal Aid Act 1995)
2. Criminal trials (Criminal Justice (Legal Aid) Act 1962)



✚ See <https://www.flac.ie/> for more information of free legal aid.

5. Bodily Integrity (Article 40.3.1)

As an Irish citizen, you have a right to protect your body from violation. You have a choice of what happens to your body. Bodily integrity ranges from torture to medical treatment.



6. The Right To Earn A Livelihood

You have the right to earn a living to support your daily needs. The Irish constitution protects your legal right to work and earn a livelihood from unfair procedures.



7. The Right To Privacy

Despite the right to privacy not being expressly stated, it is interpreted that the constitution is in favour of protecting your privacy for instance, data protection, medical records, secret ballots and vaccination information. The right of privacy can also apply to your property.



8. Freedom Of Association (Article 40.6.1.iii)

Irish people have a legal right to create unions and associations for instance, politics, charity and more. Considering political issues today, many citizens are involved in creating and assisting charities for certain groups of people for instance, homeless people and Ukrainian citizens.



9. Personal Liberty (Article 40.4)



All citizens have the right to freedom and liberty in society. Despite this, there are times where the law may intervene with your personal liberty for instance, being in Gardai custody. Having freedom in society allows you to move freely in Ireland. To travel, you need to obtain an Irish passport. Citizens have the right to challenge their imprisonment before the courts.

10. Freedom Of Assembly (40.6.1.ii).

All Irish citizens have the right to peacefully protest, meet and gather in public or privately for instance, protests regarding covid-19 vaccinations and lockdowns occurred recently to advocate for personal human rights.



11. Inviolability of a citizen's dwelling (Article 40.5)



All Irish citizens have a legal right to have privacy in their home. This means that no other person can enter into your home without your consent. For instance, the gardai can only enter your home with a warrant

12. Freedom of expression (Article 40.6.1.i)

This allows for citizens to freely express their opinion without any interference. Importantly, you must be careful not to use words that might ruin someone's reputation.





Family Rights Under Article 40 – 42:

The family is viewed as a vital part of the Irish constitution thus, it is only right that a number of protections are afforded to them. The protections afforded to married people are as follows,



The right to privacy in your marriage



The right to have free primary education



The right to any choose religion as desired



The right to make important decisions together for instance, family planning

The Rights Of Children:

In 2015, Article 42 A was incorporated into the Irish Constitution. The new section established the state's role was to endorse children's rights. Children's rights are as follows

1. Adoption rights
2. Guardianship rights
3. Custody rights
4. Access rights
5. Safety and welfare of the child





Property Rights (Article 43):

All citizens have a legal right to purchase, own, inherit and transfer property. Once you own property, you have a right to do whatever you choose for example, renting out the property to tenants. Property rights are protected under Article 43. At the beginning of March 2022, the Minister for Housing, Darragh O'Brien, affirmed that a referendum on inserting a right to housing in the Constitution could be held as early as next year.



Religious Rights (Article 44):

Considering the variety of religions in Ireland today, it's important to recognise that all citizens are entitled to practice and believe whatever religion they want to without being discriminated against. This right extends to workplaces, schools and colleges.





Summary Of Rights Under The Irish Constitution:

Children's Rights	The Right To Earn A Living	Freedom Of Association	The Right To Fair Procedures
Freedom Of Assembly	Property Rights	Family Rights	The Right To Fair Procedures
The Right To Life	Freedom Of Expression	Equality Before The Law	Religious Freedom
Bodily Integrity	Privacy Rights	Trial By Jury	Personal Liberty
Inviolability Of A Citizen's Dwelling			



The Irish Constitution



The European Convention Human Rights

EU law refers to the law of the European Union. EU Law consists of the following law,

1. Treaties

Below are some treaties incorporated into EU Law

- Treaty of EU
- Treaty on the Functioning of the EU
- The Brexit withdrawal agreement



2. EU Legislation created directly by EU institutions

- Regulations
- Directives
- Directives

What Is The European Convention On Human Rights?

The European Convention on Human Rights (ECHR) protects the human rights of citizens in EU member states.

What Countries Are In The EU?

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

How Do These Rights Effect People Living In Ireland?

The Eu is the only institution with powers to legislate in a wide range of fields without the explicit consent of its members. Article 29 of the Irish Constitution establishes that EU law has a direct effect on Irish Law.

What Is The European Court Of Human Rights?

The European Court of Human Rights protects the rights of EU citizens. It assists the EU by imposing sanctions on member states regarding violations of EU law.



What Rights Are Protected Under The European Convention?

The Right To Life (Article 2)	Freedom From Torture (Article 3)	The Right To Liberty (Article 5)	Freedom From Slavery (Article 4)
The Right To A Fair Trial (Article 6)	The Right Not To Be Punished For Something That Wasn't Against The Law At The Time (Article 7)	The Right To Respect For Family And Private Life (Article 8)	Freedom Of Thought, Conscience And Religion (Article 9)
The Right To Participate In Free Elections (Protocol 1, Article 3)	The Right To Education (Protocol 1, Article 2)	Abolition Of The Death Penalty (Protocol 13)	The Right To Protection Of Property (Protocol 1, Article 1)
The Right Not To Be Discriminated Against In Respect Of These Rights (Article 14)	The Right To Marry And Start A Family (Article 12)	Freedom Of Assembly (Article 11)	Freedom Of Expression (Article 10)

See link for full Human Rights convention
https://www.echr.coe.int/documents/convention_eng.pdf



EU Court of Human Rights