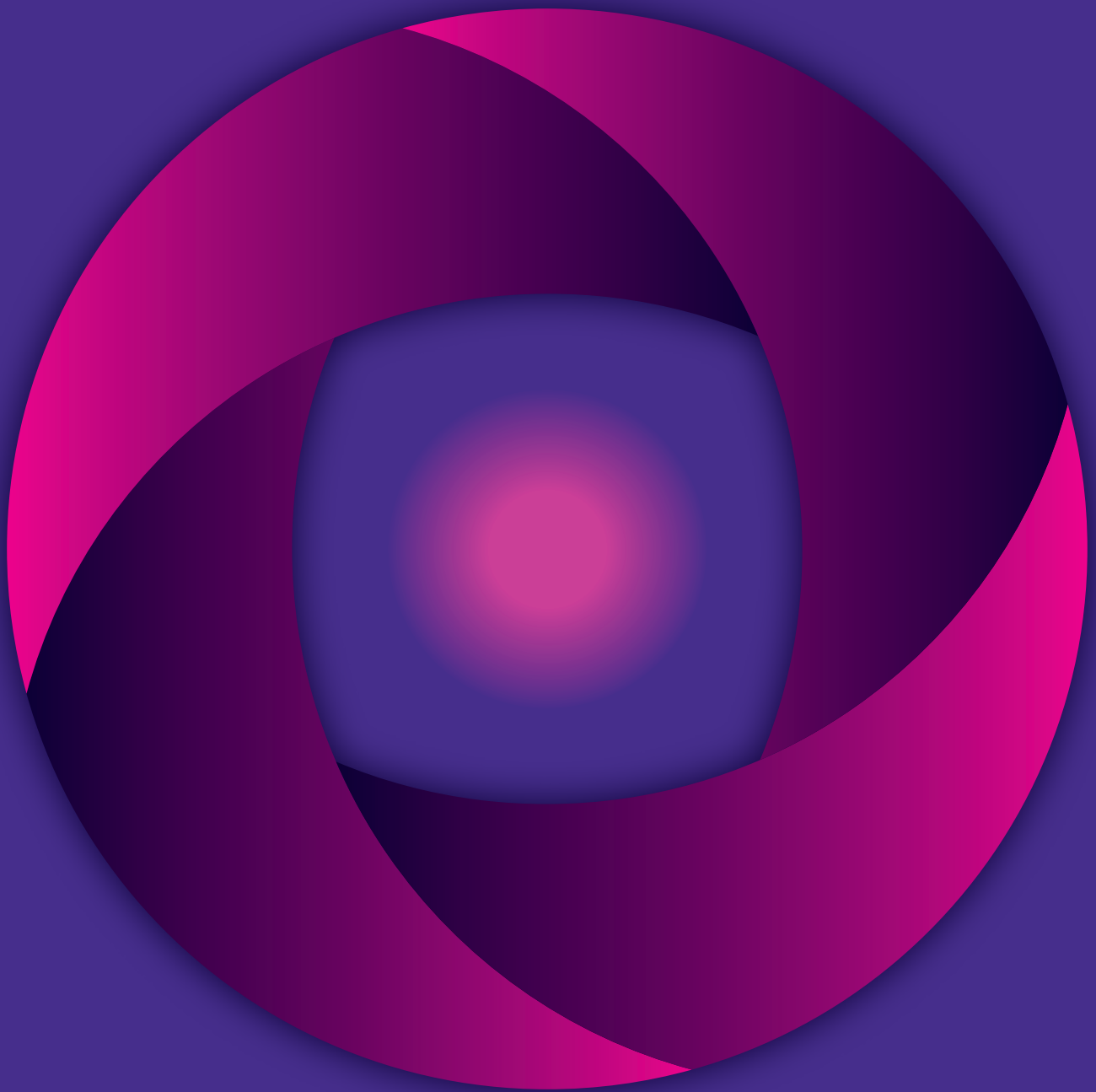




The Women's Charter for Inclusive Constitutional Futures



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Critical Epistemologies Across Borders (CEAB) Team

The Charter was an output of the Critical Epistemologies Across Borders project funded by the North-South Research Programme (NSRP), which is a collaborative scheme delivered by the Higher Education Authority (HEA) on behalf of the Department of Further and Higher Education, Research Innovation and Science (DFHERIS), and the Shared Island Unit at the Department of the Taoiseach. The research leads were Fidelma Ashe Professor of Politics at Ulster University (UU) and Nuala Finnegan Professor of Spanish and Latin American Studies at University College Cork (UCC). The UU research team included, Joanna McMinn and Eilish Rooney. The UCC research team included, Céire Broderick, Carlos Garrido Castellano, Blanca Escudero Fontan and Cara Levey.



The Purpose of the Charter

Constitutions establish a nation's legal principles and values, including the rights and responsibilities of citizens. Any constitutional changes on the island of Ireland will affect the lives of women and other minority groups. Women, and grassroots women in particular, have been viewed as peripheral to constitutional debates and change. Women's exclusion is compounded when they are members of other socially disadvantaged groups. The principles of equality and social justice enshrined in both domestic and international law mean that stakeholders must recognise the importance of women's inclusion in constitutional debates and change. The Charter sets out a number of principles that support inclusionary constitutionalism.

The principles are the result of a collaborative research and consultative process between experts in gender, peace, and conflict research, and grassroots women's groups across the island of Ireland. These principles represent the minimum standards for stakeholders' commitment to inclusive constitutionalism.

We call on stakeholders to adopt, develop, and execute them in relation to their programmatic or organisational context. These principles do not advocate for Irish unity or the retention of Northern Ireland's union with Britain. The aim of the Charter is to ensure that women on the island participate in any discussion or constitutional transition that would affect their lives and the lives of the minority groups to which many women belong.



To download a copy of the full document or to become a signatory of the Charter, please scan the QR CODE above.

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Foreword



Much of the discussion on future constitutional change on the island of Ireland has tended to marginalise women and minority groups, ignoring the fact that we all have ‘skin in the game.’ The process for ‘The Women’s Charter for Inclusive Constitutional Futures’ was itself an inclusive one, involving those who helped to set out these key principles. It is my hope that this will lead to ‘a paradigm shift’ given that a key lesson from the Good Friday Agreement - which incorporated ‘the right of women to full and equal political participation’ - was that implementation was key.

Hence, the work to genuinely engender constitutional changes is also a key part of the process. To all those who had the foresight to see how important engendering the constitutional debate will be for our futures, I am truly grateful.

Professor Monica Mc Williams



International Case Studies

Grassroot women have been important leaders on the island of Ireland. Across the island women have led the way on issues of equality, participation and inclusion. Women worldwide have contributed to constitutional changes. The case studies below illustrate how those contributions and the hard-earned gains accrued for women can be diluted or dismantled. Women want to see any constitutional change on the island promoting long-term sustainable gender-equitable futures.

In **Tunisia**, after the Arab Spring uprisings that began in 2010-11, women contributed to ensuring that violence against women was addressed in constitutional change. The 2014 Tunisian Constitution states: ‘The state takes all necessary measures in order to eradicate violence against women’ (Article 46). Owing to women’s efforts, the 2014 Constitution stated that men and women were equal citizens. A provision on electoral equality was also included, which was reflected in the 2014 electoral law that required candidate lists to alternate between men and women. The dissolution of the 2014 constitution and its replacement with a new constitution in 2022 eroded gains in human rights and protection, and changes to electoral law backpedaled on the gains in women’s political representation.

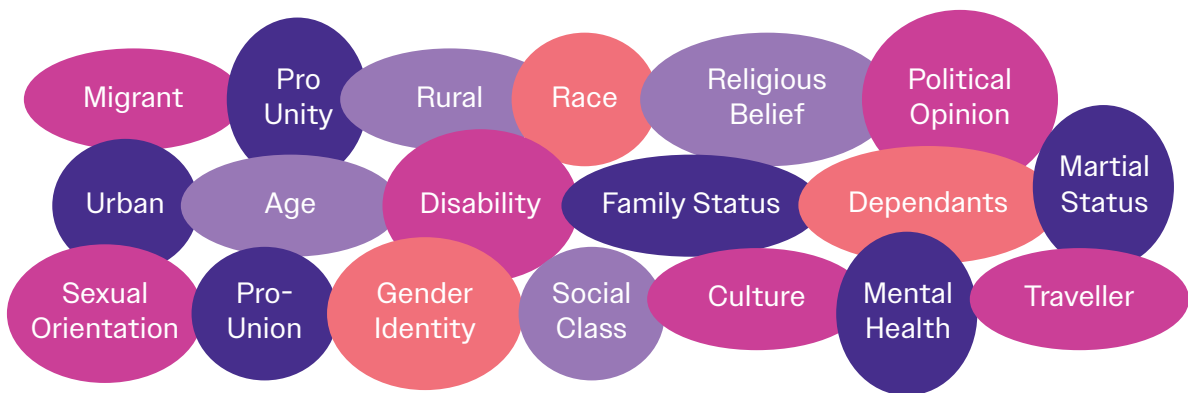
In **South Africa**, the Women’s National Coalition mobilised and educated the population (especially women) during the country’s constitutional reform process (Suteu and Bell, 2018). They consulted nationwide to produce the Women’s Charter for Effective Equality, which then formed the basis for demands to gender sensitise the constitution. In 1996, South Africa signed into law a gender-sensitive constitution and implemented a range of progressive laws regarding women’s rights. Today, South African women continue to face high levels of gender based violence, poverty, and political exclusion.

Chile formed a citizens’ assembly in 2021, to draft a new constitution to replace the 1980 constitution introduced during dictatorial rule. Representatives who were directly elected by the people came from across the social and political spectrum in Chile. The assembly was led by an indigenous feminist leader, Elisa Loncón, and produced a draft constitution that enshrined unparalleled constitutional protections for women (including reproductive rights), sexual and gender minorities, and indigenous communities. The draft constitution was overwhelmingly rejected as too radical in the 2022 referendum. However, according to Zúñiga (2022), the inclusive approach to mobilising constitutional change produced long-term opportunities for women to participate and lead political discussions.

Research Findings

The Critical Epistemologies Across Borders project (2022-24) conducted 7 cross-community, cross-border, weekend residentials with 112 grassroots women from different identity groups. The residentials provided safe spaces for women to share their knowledge of issues related to constitutional change, learn more about constitutional change and create visions of change on the island.

Women's identities



The key research findings from the residentials include:

Women want to participate in discussions on constitutional change on the island.

Women have conflicting views on the island's future.

Women believe that their contribution to debates on constitutional change is undervalued.

Women's participation requires financial and informational resources; childcare; free movement; translators; security; and less formal, structured, and official spaces.

Women have a range of identities and specific groups including but not limited to, disabled, traveller, economically disadvantaged, LGBTQI+ women and migrant women face additional barriers to participation.

Women highlighted that security was a major concern when participating in discussions on constitutional change.

Women prioritised socio-economic issues in any constitutional change.

The Eight Charter Principles

1. Recognise women as key stakeholders in constitutional debates and change.
2. Value women's grassroots knowledge and expertise.
3. Actively facilitate and resource women's participation in consultation with grassroots women and support the development of a women's fund.
4. Be aware that women have a range of identities that can create additional and specific groups such as disabled, rural, traveller, economically disadvantaged, LGBTQI+ women, and migrant women face additional barriers to participation.
5. Strive to ensure that grassroots women have accessible information on issues related to constitutional change.
6. Prioritise the protection of women's security and their right to exercise free speech.
7. Promote the principle that women must be included in sufficient numbers at all levels of discussion and decision-making related to constitutional change.
8. Be responsive to women's concerns related to the framing and implementation of constitutional change.

Commitment to the Charter

The adoption of the Charter will support women's inclusion in constitutional debates and any constitutional change on the island, enhancing women's equality and democratic participation. The Charter is fundamentally about fairness and equity. Commitment to the Charter requires stakeholders to recognise women's right to meaningful involvement in shaping peacebuilding and political change at all levels of decision-making and its encoding in international law. Depending on the nature of the organisation the adoption of the principles requires stakeholders to actively facilitate, resource and value women's participation in constitutional debates and change on the island. Commitment means stakeholders recognise the barriers to participation for specific groups of women and will commit to addressing them within their programmes of work around contemporary constitutional issues.

- **Signatories to the Charter will commit to implementing the principles of the Charter.**
- **Display commitment to the Charter on their website or other published material when relevant.**
- **Actively encourage adoption of the Charter's principles in their organisation.**

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