

Appendix A: Eighth Amendment in the context of the provisions of the Constitution

FUNDAMENTAL RIGHTS (page 152) (Note A)

PERSONAL RIGHTS (page 152)

ARTICLE 40 (page 152)

1. All citizens shall, as human persons, be held equal before the law.

This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function.

2. [No titles of nobility].

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.

3° The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.

This subsection shall not limit freedom to travel between the State and another state.

Eight Amendment
7th October, 1983
(Notes B and C)

Thirteenth Amendment
23rd December, 1992

Expert Advisory Group Paper

This subsection shall not limit freedom to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services lawfully available in another state.

Fourteenth Amendment
23rd December, 1992

4. [Personal liberty].
5. [Inviolability of the dwelling].
6. [Guarantee of liberty for exercise by the citizens of right to –
 - freedom of expression
 - assemble
 - form associations].

NOTES

Note A: Fundamental Rights also include:

- Article 41: The Family.
- Article 41: Education.
- Article 42A: Children.
- Article 43: Private Property.
- Article 44: Religion.

Note B: The proposed Twelfth Amendment of the Constitution, which dealt with the right to life of the unborn, was rejected by the people in a referendum on 25th November, 1992. (page vi).

Note C: Proposed Twenty Fifth Amendment of the Constitution [Protection of Human Life in Pregnancy] was rejected by the people in a referendum on 6th March, 2002 (page xii).

Pages references refer to Government Publications edition, October 2015.