



Gendering Constitutional Conversations

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TJI
Transitional
Justice Institute

Gendering Constitutional Conversations

A Report on Women's Inclusion
through Constitutional Discussion



An Roinn Gnóthai Eachtracha
Department of Foreign Affairs
RECONCILIATION FUND

THE
JOSEPH
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About the Transitional Justice Institute

TJI is a world-leading law-led multidisciplinary research centre focusing on transitional justice. The study of transitional justice is concerned with how societies deal with transition from conflict or oppression. The Institute's research falls into four main themes: Dealing with the Past; Gender; International Law and International Justice; Social and Economic Rights in Transition. TJI's gender research stream has addressed gaps in our understanding of how conflict affects women, masculinities and sexual and gender minorities. We work with a range of civil society organisations and co-produce research with the communities we seek to serve. Our vision is to produce robust and evidence-based research to inform global and local transitional processes and peacebuilding.



FIDELMA ASHE

Executive Summary

This report details the combined findings from two qualitative research projects that facilitated constitutional conversations between women both North and South of the border conducted by scholars located in TJI between February 2021 and July 2022. These conversations focused on the issue of constitutional change in the form of Irish unity. The research conducted in Northern Ireland (NI), *Gendering Constitutional Conversations and Design in Northern Ireland: The Case of Irish Unification* was funded by the Joseph Rowntree Charitable Trust (JRCT). The Department of Foreign Affairs (DFA), Dublin funded a similar research project *Gendering Cross-Border Debates on The Question of Irish Unification* that was conducted in the Republic of Ireland (ROI). Both projects reflect TJI's aspiration to be responsive to the social justice needs of marginalised communities during transitional processes.


The research project responded to increased political agency around constitutional change in Northern Ireland. Brexit heightened discussion and debate about the prospects of Irish unity and gave rise to new rationales for significant constitutional change on the island of Ireland. Cross-country analysis highlights how discussions of constitutional change open opportunities for women to challenge existing gender inequalities and to shape any reformed or new constitutional arrangement. However, too often, women's voices and aspirations are side-lined in constitutional debates, as are gender equality issues. Women's inclusion in constitutional change is a democratic right and reflects the democratic principle of equal political representation; it is enshrined in international law, and it connects to the maintenance of peace and sustainable societies. This research study provided women, in all their diversity, to consider and discuss issues related to constitutional change.

The research project facilitated women's constitutional discussions through a workshop format. The researchers conducted 20 constitutional conversation workshops in the ROI, in NI, and in border regions. Each workshop was composed of 6-12 women. Due to the COVID19 pandemic the majority of the workshops were facilitated online and lasted approximately 90 minutes. They were designed to create safe spaces for women to discuss the sensitive political issue of constitutional change on the island of Ireland. The workshop participants were shown 4 cards. Each card presented some information on an issue related to constitutional change and each was designed to prompt responses to a specific question related to a constitutional referendum on Irish unity. Women gave individual and group responses to these questions. 20 qualitative interviews were also conducted with key respondents working in advocacy groups across the areas of gender, sexuality and gender identity, social class, disability and race.

The workshops exposed women's desire for spaces to discuss constitutional issues and to become further informed. The research found that women have a range of concerns about constitutional change and about the effect of any change on gender equality, peace, stability, security, inclusion and socio-economic rights. The research participants also highlighted a lack of clarity around structures and processes in current constitutional debates. Many raised concerns about women's inclusion in decision-making settings. A set of recommendations were developed based on findings from the research. An earlier version of these recommendations was presented and considered at a cross-border meeting of the participants in Enniskillen June 2022.

Recommendations

► **Prioritise and actively facilitate the inclusion of women in constitutional debate**

- All stakeholders must recognise the right of women to participate in public or policy debates about constitutional change.
 - Stakeholders must actively invest in facilitating the inclusion of women's participation in public or policy debates about constitutional change.
 - Women must be included in sufficient numbers at all levels of discussion and decision-making relating to constitutional change.
 - The structural/cultural barriers to women's participation in constitutional debates should be recognised and addressed.
 - Stakeholders should strive to produce clear and accessible information on the potential effects of referendum choices for women in advance of a referendum.
- 

► **Locate debates on constitutional change within the sphere of peacebuilding**

- Stakeholders should ensure that international laws on women's right to participate in peacebuilding are implemented in discussions of constitutional change.
 - Peacebuilding processes in the area of constitutional debate and decision-making should be gender sensitive.
 - The effects of the shape and content of constitutional change on women should be carefully considered in advance of a referendum including the effect of economic change and the strengths and/or weaknesses of social security institutions on women's position in society.
 - Inter-community tensions provoked by debates around the national question can silence women. Stakeholders must work to ensure that women's right to security and democratic participation is protected.
 - Gender expertise in the area of constitutional change should be viewed as an important resource for policymakers.
- 

Recommendations

► Recognise women's differences

- When developing strategies to include women in constitutional debate stakeholders should recognise differences between women including but not limited to national identification, social class, location, sexuality and gender identity, age, disability and ethnicity.
- The structural/cultural barriers to *specific groups* of women's inclusions in constitutional debate should be addressed. Strategies should be designed to include hard to reach groups of women in constitutional discussion.
- Tensions provoked by the national question can increase existing insecurities for specific categories of women such as LGBTQI+ women, ethnic minority women, travellers and migrant groups. Stakeholders must work to protect the security and democratic participation of these groups if inter-communal tensions rise in the context of constitutional debate.

► The role of stakeholders

- Stakeholders should ensure the provision and resourcing of spaces for women in all their diversity to discuss constitutional matters at grassroots levels. Grassroots women should have significant input into shaping these spaces and they should include cross-border discussions.
- Stakeholders should recognise women in border communities and other hard to reach groups may need additional resources and expertise to discuss these issues.
- Stakeholders should facilitate discussions with grassroots women on the implications of constitutional discussion and change for women. These discussions will support two-way learning on constitutional matters and should encompass women in all their diversity.
- Training should be offered to stakeholders to promote greater cross-gender discussion and to promote the development of mechanisms for gender inclusion.

Principles for gender inclusion

1.

A set of gender principles reflective of the above recommendations should guide policymaking on constitutional change.

2.

Including women as equal participants in debates and decision-making on constitutional change is both a right and an issue of democratic integrity. Democratic rights and democratic integrity should be protected.

3.

Women have a right that is encoded in international law to meaningful participation in shaping peacebuilding and political change at all levels of decision-making.

4.

Women's participation should be actively facilitated resourced and valued in constitutional conversations. The barriers to participation for specific groups of women should be understood and addressed.

5.

The security of women to participate in constitutional debates and exercise free speech must be protected.

6.

Stakeholders and policymakers should address women's concerns about constitutional change, including how that debate is framed.

7.

The importance of discussions around human rights and socio-economic issues should be recognised as having significant importance for historically marginalised groups including women.

8.

Women should have access to accessible information on issues relating to constitutional change.

”

A set of gender recommendations should guide policymaking on constitutional change

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Participating groups (Workshops)

- *Access 2000 Waterford*
- *Across the Lines, (Manorhamilton)*
- *Border Counties*
- *Falls Women's Centre*
- *Focus, Creggan*
- *Glencree All Island Women's Peacebuilding Network (Enniskerry)*
- *Her Story (Ballymoney Group)*
- *Longford Women's Link*
- *National Collective of Community Based Women's Networks, Dochas (Monaghan)*
- *National Collective of Community-Based Women's Networks, Donegal Women's Network*
- *Northern Ireland Women's Rural Network*
- *Pavee Point Traveller and Roma Centre*
- *Ronanstown Women Community Development Project*
- *Shankill Women's Centre*
- *Women4Women (Dublin)*

Introduction

Brexit has deepened discussions of constitutional change on the Island of Ireland. While Irish unity has always been an aspiration for Irish nationalists, it remained a distant aspiration until the United Kingdom (UK) voted to leave the European Union (EU) in 2016. After Brexit, the case for unity expanded beyond the traditional nationalist claim that Ireland is a single national territory split apart by partition in 1921. Against the background of shifting demographics, the case for unity has been emboldened by Brexit because it now represents a route back into the EU for NI, a region that voted to remain.¹

Consequently, discussions of constitutional change on the island of Ireland have moved to the forefront of public debate. Since Brexit there has been numerous surveys conducted on levels of support for Irish unity and on-going commentary by politicians and academics on the prospects of constitutional change.² New lobbying groups promoting constitutional change have also formed and evolved. While current discussions around unity encompass a range of issues including socio-economic issues and the financial costs of unification, concerns surrounding identity have dominated debates.³ Unionism's identification as belonging to the British nation has been viewed as the central barrier to constitutional change on the island. As nationalists have continued to try to induce unionism into discussions around a new Ireland, identity issues have been sharply delineated as based in competing nationalist identifications. Identities within those blocs, mainly women and historically marginalised identities such as LGBTQI+ identities, have been invoked to strengthen the case for unity in the sense that EU membership will protect identity-based rights.

However, a more dedicated examination of the broader issues that unification raises for these groups has been missing. Historically women, in all their diversity, have been side-lined in constitutional discussion and constitutional change. Grassroots women have found few avenues to shape constitutional conversations on the island and have been excluded historically from constitution-making. In a society that has been so concerned with the history and symbolism that surround identities, the lack of engagement with the historical and cultural positioning of women in constitutional matters is striking.

The project's aim was to facilitate the inclusion of grassroots women's voices in debates on unity by utilising social science methods informed by a community education approach. Through a series of **20 workshops**, North and South of the border, the project provided safe, dialogic spaces for women with a range of cross-cutting identities to discuss unification. Women were prompted to discuss their concerns, fears and to raise questions about constitutional change. Moreover, they were given space to consider which issues had importance for them. The workshop data was further informed through a series of **20 interviews** with women working on the frontline of community and advocacy groups. The insights gained from the project provide a basis for thinking through the gender politics of inclusion and deliberation in unity debates and spotlight key areas of concern for grassroots women. Ireland has not been the only context wherein issues of women's inclusion during constitutional discussion and/or reform has been interrogated. The project drew on the international literature on gender and constitutions in terms of its framing, interpretation of results and recommendations.

¹ University College London (UCL) (2021) Final Report of the Working Group on Irish Unification Referendums, The Constitution Unit. <https://www.ucl.ac.uk/constitution-unit/news/2021/may/new-report-final-report-working-group-irish-unification-referendums> (9 August 2021).

² For example, University of Liverpool (2019) Northern Ireland General Election Survey 2019. <https://www.liverpool.ac.uk/humanities-and-social-sciences/research/research-themes/transforming-conflict/ni-election-survey-19/> (7 August 2021); Ashcroft, MA (2019) My Northern Ireland Survey Finds the Union on A Knife-Edge. <https://lordashcrofthpolls.com/2019/09/my-northern-ireland-survey-finds-the-union-on-a-knife-edge/> (7 August 2021).

³ O'Leary, B (2021) Getting Ready: The Need to Prepare for a Referendum on Reunification. *Irish Studies in International Affairs*, 32 (2): 1-38; Todd, J (2021) Unionism, Identity and Irish Unity: Paradigms, Problems and Paradoxes. *Irish Studies in International Affairs*, 32 (2), 53-77.

Part One: Overview Gender and Constitutions

Gender and constitutions

Constitutions set out the foundational rules and principles that specify how a country should be governed, and the rights of citizens. Due to historical power relationships between men and women, constitutions have been largely 'man made'.⁴ Consequently, the development of constitutionalism, the practice of identifying and/or encoding the principles of governance, has had numerous impacts on gender (in)equality. Historically women were excluded from constitution-making. As Rowley noted in the Irish context: 'We are now certain, since the publication of the papers in relation to the drafting of the [Irish] Constitution, that no woman had any hand, act, or part in drawing it up.'⁵ Absent from its construction, women have frequently been rendered invisible through the language of constitutions reflected in the use of male pronouns. Across the globe, we see examples of 'man made' constitutions that have reproduced gender inequality through an absence of gendered constitutional protections.

Conversely, the language and provisions of constitutions have, in some contexts, prescribed particular roles for women within the nation leading to specific protections for women in national constitutions. Article 41.2.1. of the Irish Constitution reads: 'In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.'⁶ While that article has now been reviewed, it is important to note, as Rowley (1989: 2) does, that: 'In our Constitution, the fixing of the duties, or the "life-within-the-home" of the woman

in direct relation to the state, in the attainment of the common good, is not only problematic, but has created situations of injustice to women.'⁷ The Irish constitution set out national values, but it also constituted a patriarchal image of woman and subscribed their role within the nation.⁸ The UK does not have a written constitution. However, the historical dominance of men in political and legal life means that women remain under-represented in key constitutional areas such as the judiciary and parliament. Therefore, the gender divide in constitutional decision-making in the UK, while declining somewhat, remains.

Due to historical power relationships between men and women, constitutions have been largely 'man made'.

”

⁴ Pateman, C (1988) *The Sexual Contract*, Stanford University Press: Stanford.

⁵ Rowley, R (1989) 'Women and the Irish Constitution'. Paper Based on A Lecture Given to a Meeting of the Constitution Club in Dublin on 3 February 1988, p.1. Online: https://www.academia.edu/466964/Women_and_the_Irish_Constitution#:~:text=The%20Constitution%20refers%20to%20sex%20discrimination%20as%20early,word%20%E2%80%9Ecitizen%E2%80%9F%20refers%20to%20women%20and%20men%20equally.

⁶ [constituteproject.org](https://www.constituteproject.org/countries/Europe/Ireland?lang=en) (2021) 'The Irish Constitution', p.35. Online: <https://www.constituteproject.org/countries/Europe/Ireland?lang=en>

⁷ Rowley, R (1989) Women and the Irish Constitution. Paper Based on A Lecture Given to a Meeting of the Constitution Club in Dublin on 3 February 1988, p.4. Online: https://www.academia.edu/466964/Women_and_the_Irish_Constitution#:~:text=The%20Constitution%20refers%20to%20sex%20discrimination%20as%20early,word%20%E2%80%9Ecitizen%E2%80%9F%20refers%20to%20women%20and%20men%20equally.

⁸ *Ibid.*, 1

As feminist research has continued to highlight the gendered nature of constitutions, there has been a more recent trend towards the use of gender-neutral language in new constitutions. However, the inclusion of non-sexist language does not necessarily address the broader inequities around gender from which constitutions could provide protections or at the very least some guiding values.⁹ 'In essence, women gained formal constitutional equality before the cultural, societal, and even legal underpinnings of the separate and gendered spheres had been fully dismantled.'¹⁰ Therefore, gender neutral protections of rights in constitutions are contradicted by social beliefs and practices,¹¹ reflected in the much lower number of women in constitution-making processes internationally. The underlying norms around gender and constitutions include the privileging of the public life, historically associated with men, over private life, historically associated with women. Moreover, the retention of unreconstructed gendered visions of the nation continue to impact on women's lived equality.

There is no doubt that constitutions matter to women because their construction can either facilitate or hinder progression on gender equality. As Suteu and Bell observe:

As the fundamental legal text of the state, constitutions, encapsulate the basic values and rules of government; set up the key political and legal institutions; and establish the fundamental rights and responsibilities of individuals, including women. As such, new constitutions and constitutional reforms offer both opportunities and threats to the advancement of human rights and gender equality.¹²

”

**There is no doubt
that constitutions
matter to women.**

⁹ Dziedzic, A and Samararatne, D (2019) 'Women and Constitutions in Action', Melbourne Legal Studies Research Paper Series No. 884. Online: <https://deliverypdf.ssrn.com/delivery.php?ID=640110006084084005100125082004030100116083053041025023023027097000020084077085104022097032122107040035018094069101029074104112111087030019015012124125068092089028091066045118101001082086069068092070082113016111030064028098023023031113108019112099087&EXT=pdf&INDEX=TRUE>

¹⁰ Rubio-Marín, R (2020) 'Women and Participatory Constitutionalism', *International Journal of Constitutional Law*, 18 (1), pp. 233–259.

¹¹ *Ibid.*

¹² Suteu, S and Bell, C (2018) 'Women, Constitution-making And Peace Processes', UN Women, p.6. Online: [UNWOMEN_Constitution-making%20Brief_Final.pdf](https://www.unwomen.org/en/digital-library/publications/2018/06/unwomens-constitution-making-and-peace-processes)

New or revised constitutions offer a route to progress on women's equality. However, the history of women's exclusion and the continuing impact of wider gender inequalities means that while progress on democratic gender representation has been made, degrees of progress are context specific. For example, Sweden has 48.2% representation of women in its lower house, while countries such as Ireland have struggled to increase women's representation to significant levels.¹³ In 2019, the representation of women in the lower house, Dáil Éireann, stood at 22.2%.¹⁴ In effect, the spectre of gendered constitutional pasts continues to haunt current forms of constitutional government. While legislative assemblies do not necessarily exclusively oversee constitutional change, we know that regardless of the mechanism utilised to frame and enact constitutional change it is usual for women to be under-represented. Internationally Suteu and Bell cite the 2017 *Inclusive Security*¹⁵ study that shows a trend between 1990 and 2015 towards 'greater participation, of women in constitution building. However, the representation of women remains low, particularly in post-conflict constitutions. Those constitutions analysed for that period demonstrated that only 20% of members of formal constitution-reform bodies had been women'.¹⁶

Given the contemporary gendered shape of constitution making and reform any engagement with constitutional change that seeks to prioritise the inclusion and participation of women needs to be located within a framework that recognises that constitutions have historically reflected societal prejudices about women's role in political life.

They have reproduced those prejudices and, in some contexts such as Ireland, they have led to a copper fastening of gender stereotypes into the value system of the nation. In short, gender-sensitive constitutional reform or constitution-making needs to acknowledge that constitutions have been shaped by conservative gender ideologies and have been implicated in the reproduction of those ideologies. No doubt, increasing levels of women's representation in legislative assemblies must be a central element in terms of constitutional gender progress because it makes women visible in constitutional debate and change, challenges the old gender ideologies, and increases the prospects of substantive constitutional change that advances the equality of women. However, it is not sufficient to support women's participation. Inclusion must be much broader than increasing the number of women politicians.



¹³ Women in National Parliaments (2019). Online: <http://archive.ipu.org/wmn-e/classif.htm>

¹⁴ Ibid.

¹⁵ Inclusive Security (2017) 'How Women Influence Constitution Making after Conflict or Unrest: Lessons from Eight Case Studies'. Online: <https://www.inclusivesecurity.org/publication/women-influence-constitution-making-conflictunrest/>

¹⁶ Suteu, S and Bell, C (2018) 'Women, Constitution-making And Peace Processes, UN Women, p.6. Online: [UNWOMEN_Constitution-making%20Brief_Final.pdf](https://www.unwomen.org/en/digital-library/publications/2018/06/unwomens-constitution-making-and-peace-processes)

Gendering Constitutions

In Tunisia despite facing obstacles in terms of gaining meaningful participation women succeeded in inserting article 46 into the 2014 Constitution: 'The state commits to protect women's established rights and works to strengthen and develop those rights,' and guarantees 'equality of opportunities between women and men to have access to all levels of responsibility and in all domains.'¹⁷ However, even if increased gender parity exists in constitution-making bodies, it does not guarantee that constitutional reform and change will be gender-sensitive. In Nepal, the Constituent Assembly was tasked with drafting the country's new constitution. Women composed around 30% of the Assembly but the 2015 constitutional provisions on citizenship discriminated against single women and same-sex couples, and they fall below international standards on sexual and reproductive rights.¹⁸ What we do know from the Tunisian case is that when the higher representation of women in constitution-making bodies combines with civil society struggles progressive transitional change is possible.

The case of the Scottish Independence vote (2012) is also instructive in terms of how women can insert gender equality concerns into broader constitutional debates. Women For Independence (WFI) and Women Together (WT) were women-led organisations that developed in the period prior to the Scottish Independence vote. 'WFI framed the independence referendum as an opportunity to construct a new, more gender equal Scotland...'¹⁹ WFI developed an agenda for change through independence, a new Scotland, based around

gender justice, socio-economic rights, and a strong welfare system.²⁰ WFI remains active in the arena of constitutional change and constitutional issues. Their Womanifesto for Independence published in 2021 set out five policy areas: human rights as women's rights, health and wellbeing, the economy, food and the environment, and immigration.²¹

Strong representations by civil society, grassroots groups have an essential function in constitutional reform. The constitutional agenda has been framed in contexts dominated by men and has therefore been shaped by specific concerns. This is even more evident in contexts wherein there has been a history of political violence. In these contexts, national identity becomes the master identity and securing and/or balancing nationalist-based rights dominates the political narrative. In NI, in every decade since partition, nationalist-based rights have been privileged by both communities over the rights of all other identities both politically and socially.²² Democratising constitutionalism requires the explicit recognition of the historical positioning of women in constitutions and its continuing effects. It is this aspect that civil society actors make visible and challenge.

¹⁷ Constitute.org, Tunisia's Constitution of 2014, p.9.

¹⁸ Online: https://www.constituteproject.org/constitution/Tunisia_2014.pdf

¹⁹ Amnesty International (2016) 'Nepal: New Constitution Fails to Adequately Protect Women and Marginalized Communities. <https://www.amnesty.org/en/documents/asa31/3664/2016/en/#:~:text=Amnesty%20International%20is%20concerned%20by%20several%20provisions%20of,righ%20of%20women%20and%20marginalized%20communities%2C%20including%20Dalits.>

²⁰ McAngus, G and Rummery, K (2018) Campaigning for the Female Vote in the Scottish Independence Referendum: Comparing Women for Independence and Women Together Scottish Affairs, Volume 27 Issue 2, Page 145-168. Online: <https://www.eupublishing.com/doi/full/10.3366/scot.2018.0234>

²¹ Kenny, M. (2014). 'Engendering the independence debate' Scottish Affairs, 23(3), pp. 323–331.

²² Women for Independence, Womanifesto. Online: https://www.wfi.scot/wp-content/uploads/2021/06/Wfi_womanifesto_A4.pdf.

²³ Ashe, F (2019) *Gender, Nationalism and Conflict Transformation*, Routledge: London: New York.

Barriers to Women's Inclusion

Understanding constitutional change from a gender perspective necessitates mapping the barriers to inclusion in constitutional debate and reform. In effect, the conflict in NI preserved a hierarchy of groups in terms of participation in political debate and constitutional matters. Grassroots women, LGBTQI+, minority ethnic groups, migrants, travellers, and other marginalised groups are not viewed as relevant actors in political decision-making around constitutional issues, yet all have suffered multiple discriminations often reinforced and preserved through elements of the NI conflict.²³ Moreover, these identities struggle for equality and have too often been placed outside of the boundaries of the constitutional question in NI. In effect, they have been relegated to the arena of human rights in a way that separates those rights from the dynamics of the region's conflict.²⁴ In the current context of constitutional debate, this hierarchy of groups is reflected in the primacy of unionist inclusion and nationalist accommodation in public debates. The effects of constitutional change on the rights of other identities are relegated to secondary or even tertiary status. These exclusions must be challenged if an inclusionary approach is to develop and, not least, because any constitutional change on the island will drive political, social, and economic shifts that will impact multiple identities including women.

Moreover, any constitutional change will be viewed as part of the process of building peace on the island. That vision of peace must be inclusive to have democratic legitimacy, but inclusion cannot be reduced solely to unionist participation, all identities must be allowed to shape any vision of a new or restructured society. However, while these ideals are accepted in liberal democratic societies, the dynamics of conflict affected liberal democratic societies do not always provide the conditions for inclusive approaches to constitutional change as a means of peacebuilding.

At its core, constitution making is a difficult and messy process. Men and women across all parties and groups jockey to gain as much influence as possible, rhetoric often becomes heated, and every participant wants a particular vision to be achieved, ratcheting up the stakes. It's even more complex and arduous for women advocates both inside and outside the process, as they face a range of gendered challenges often unknown or unrealized by their male counterparts.²⁵

²³ Ibid.

²⁴ Ibid.

²⁵ Tamara, N. and O'Reilly M. (2018) 'A Women's Guide Constitution Making', Inclusive Security, p. 10. Online: <https://www.inclusivesecurity.org/wp-content/uploads/2018/02/Womens-Guide-to-Constitution-Making.pdf>

These challenges include but are not limited to, the continued representation of women as non-political and the delegitimization of the importance of women as political actors in the context of constitutional change. The masculinised and elite nature of models of decision-making also represent obstacles to those women operating both within and outside of formal politics. As the 'heat' around constitutional issues increases in conflict transformational societies, risks around participation in debate may increase. There is also an issue in terms of which women are included in political debate and constitutional reform. As Tamara and O'Reilly note, when there is 'a general lack of recognition for women's diverse identities; when women are seen as a monolithic group, women from underserved or underrepresented minorities are further marginalized and silenced'²⁶ Grassroots women constitute one of those under-represented, marginalised and silenced minorities. Women's cross-cutting identities mean that they may experience exclusions from constitutional debate and constitutional change based on age, class, sexuality, location, disability and/or ethnicity. Gender sensitive approaches to constitutional change therefore need to encompass several principles and practices some codified in instruments of international law, including UN Resolution 1325 on Women, Peace and Security.²⁷

Those principles and practices are important guides to what we can expect from governments when formal processes of negotiation begin. However, addressing the barriers to inclusion in shaping agendas prior to any process of change, the period when priorities are defined, discussed, and contested is crucial. The process of gendering constitutional conversations must start long before any process of constitutional change or reform begins. Women need to be able to participate in framing that agenda if there is to be any hope of the inclusion of gender equality in any overall process of constitutional remodelling.

Opening space for women's voices

The research was designed to enable the inclusion of grassroots women in constitutional conversations. Utilising generous and much-needed support from our funders, the researchers devised methods that enabled women in all their diversity to discuss constitutional matters. Our workshops, interviews and cross-border meetings did not displace difficult discussions surrounding unification and the retention of the union, issues that can be challenging for women from diverse backgrounds to discuss. The emphasis was placed on ensuring safe, dialogic spaces for women to have *difficult conversations* about matters relating to constitutional change throughout the duration of the project.

The process of gendering constitutional conversations must start long before any process of change or reform begins.

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²⁶ Ibid.

²⁷ United National Security Council (2000) Resolution 1325, p3. Online: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES1325%20.pdf> The resolution reaffirmed the contribution of women to peacebuilding and advocated for their inclusion in building peace and security in conflict transformational societies.

Part Two: Making Women Visible - Hearing Women's Voices

Research as Praxis

Praxis orientated research seeks to create forms of knowledge that lead to emancipatory effects through illuminating the lived experience of social groups,²⁸ in this case, historically excluded social groups. The overarching aim of praxis orientated research is to harness social science to the achievement of greater social justice. For, the North American scholar, Nancy Fraser, social justice for historically marginalised groups requires 3 elements, recognition, representation, and redistribution. Recognition requires parity of esteem with other social groups and necessitates strategies to challenge the stereotypes and ideologies that legitimise the misrecognition of these groups as inferior. Increased political representation is required to include those historically denied equal representation in making decisions. The redistribution of the economic and political resources that enable privileged groups to secure their interests over subjugated groups is necessary to challenge long-standing inequalities.²⁹

In praxis research, how we understand constitutional change, is informed by the voices of those who lack parity of esteem with other groups and whose experiences are dismissed, denied or excluded. Therefore, concepts such as Fraser's must be considered in relation to the actual lives of marginalised people. Lather argues that 'not only must theory illuminate the lived experience of progressive social groups; it must also be illuminated by their struggles', and we would add their aspirations.³⁰ This kind of research attempts to provide spaces for marginalised groups to develop a 'consciousness of their own situation' and positioning in societies.³¹

The research is exploratory, primarily concerned with finding new insights in partnership with marginalised communities in ways that serve those communities' justice aspirations.

Research Aim

To create safe, inclusionary, cross-community, and cross-border spaces for women to engage in conversations about Northern Ireland/Ireland's constitutional future.

Methodology

As above in July 2020, we were awarded funding by JRCT to conduct a series of participatory workshops with women in NI. Extensive preparatory work was conducted before the submission of that funding application, which included dedicated discussions with women's sector organisations. A participatory constitutional conversations methodology was piloted, disseminated, and opened to academic peer-review in the cross-border TJI Constitutional Futures Conference held in Belfast in 2020.³² The conference was organised to discuss the ethics and technicalities of constitutional change, referendums in Ireland and other UK jurisdictions. The JRCT grant funded women's constitutional conversations research in NI and in border regions. In February 2021, DFA provided financial support through its Reconciliation Fund to extend the project and apply similar methodologies in ROI. Combined the JRCT and the DFA funded research **consisted of 20 research workshops** with women's groups and **20 interviews** with women who worked in the community and voluntary sectors in NI and the ROI. A comprehensive set of ethical protocols that protected participants and their data were implemented and the research received ethical approval from Ulster University.

²⁸ Lather, P. (1986) 'Research as Praxis', p.259. Online: <https://eclass.uowm.gr/modules/document/file.php/NURED263/Lather%20Research%20as%20Praxis%201986%20HER.pdf>

²⁹ Fraser, N (1990) 'Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy' Social Text, 25/26, pp. 56-80.

³⁰ Lather, P. (1986) 'Research as Praxis', p.259. Online: <https://eclass.uowm.gr/modules/document/file.php/NURED263/Lather%20Research%20as%20Praxis%201986%20HER.pdf> p. 55.

³¹ Gramsci, A. quoted in Salamini, L. (1981) *The Sociology of Political Praxis: An Introduction to Gramsci's Theory*, Routledge & Kegan Paul: Boston, P. 73:

³² Rooney, E, O'Connell, R, Ashe, F, Gormley Heenan, C, Harvey, C, O'Donoghue, A, O'Mahony, C, O'Rourke, C, Suiter, J, Suteu, S, Whysall, A, and Wyn Jones, R (2020) *Deliberating Constitutional Futures*. Transitional Justice Institute. https://pure.ulster.ac.uk/ws/portalfiles/portal/87361960/TJI_Report.pdf.

Workshops: Sampling

The researchers identified women's groups in ROI using the National Women's Council Ireland (NWCi) list of affiliated organisations. The NI groups were identified through existing knowledge of a range of women's groups in NI and the NI Council for Voluntary Action (NICVA). Groups were selected based on location, composition and willingness to participate. We targeted groups in border areas that are composed of catholic and protestant women. Border areas were deeply affected by the NI conflict and conversations about constitutional change remain extremely sensitive. However, those sensitivities can lead to the marginalisation of women's voices in on-going political debates creating silences and further exclusions. Urban and rural groups were selected as were groups likely to include higher numbers of ethnic minority women, travellers, and young women, and groups with a mix of working-class and middle-class women were also targeted. We contacted LGBTQI+ groups and disabled groups but due to COVID19 and timelines, we were unable to organise a workshop and moved to using interviews to capture those voices. Women were asked to identify as baby boomers, generation x, and millennials for example to ensure we had included women from different age groups.

Invitations were sent out to the groups identified and conversations were opened around the aims, objectives of the research and the content of the workshops. Given the focus of the conversations, some groups were cautious about participating. The researchers had meetings with groups to answer questions and allay any concerns about participation in the workshops. A vital element of those conversations was to reinforce that the research project adopted no position on the constitutional question and that its aim was to provide a safe space for women to discuss constitutional change wherein all positions were respected. The research team worked with the participating groups to build trust in relation to issues about safety and the diversity of viewpoints.

Workshop methodology

The workshops utilised a methodological approach developed, piloted, and evaluated by Eilish Rooney. A set of four flashcards provided a focus for the participants' individual and shared perspectives on constitutional change.

The cards explore 4 thematic areas:

A.
**Constitutional
Conversations - Have
Your Say (What is a referendum)**

B.
**What matters most about
holding a referendum?**

C.
Preparation

D.
**Everyone has a say -
sharing the island**

It was intended that workshops would be facilitated face to face at participating organisations premises and/or venues. However, COVID19 restrictions meant that the workshops had to be adapted to a virtual environment and were delivered online. The amount of text on the cards was reduced to better suit an online environment and Zoom was used to enable workshop participation. After an introduction to the research, participants read each card and then discussed the card in break-out groups. Using the Zoom share function supported by Jamboard each participant was able to give an anonymised answer to the questions on each card. The online methodology was piloted during a workshop with research student volunteers and was revised to eradicate any flaws in the online design of the workshops prior to delivery. The Jamboard function proved popular because it was relatively easy to use, provided anonymity and meant that participants did not need to worry about spelling and grammar. After Jamboard responses were submitted by each participant, the breakout groups were ended, and each breakout group shared a summary of their discussion with the other(s).



Interview Methodology

20 additional face-to-face, semi-structured interviews were conducted with key women located in civil society organisations to assess the findings from the project in relation to the broader context of NI and ROI politics. Originally, the sample of respondents was to be drawn from women's community group coordinators involved in the workshops. However, due to COVID19 and timelines, it was not possible to have all the identities that we wanted to include represented in the research. The interview participants were therefore chosen in relation to those groups.

Community and voluntary sector professionals working in the LGBTQI+ sector, those working with ethnic minority communities, advocates for disability rights, and seasoned activists in the women's sector were contacted and invited to participate in an interview. Interview themes included the inclusion/exclusion of women in constitutional debates and its effects, barriers to inclusion and routes to participation. The interviews lasted around 45 to 60 minutes. The time requested from interviewees was reduced – they were intended to be longer but were shortened due to the immense time pressures that COVID19 had placed on the community and voluntary sector. Often interviewees were juggling additional work commitments, dealing with shifting working practices, home-schooling of children, and providing support for older and sick relatives. These factors also impacted on some women's ability to participate in the workshops. That so many participated in the research under pandemic conditions reflects how important the issue of constitutional change is to women.

Part Three: Findings and Recommendations

Thematic analysis was conducted to code, analyse and interpret the qualitative data from the workshops and interviews. As the aim of the research was to enable women to speak about constitutional change a selection of the raw data is included below and is discussed in the interpretative analysis of the participating groups collective responses to the questions. Some of the raw data has been edited slightly in the interests of clarity and to preserve the intended meaning of comments.

Findings

A.

Constitutional Conversations - Have Your Say (What is a referendum)

Overall, the groups believed that referendums were important when significant constitutional change is proposed but argued that there can be weaknesses in the methods of holding referendums.

The participants considered referendums a democratic and fair means of letting citizens decide on an issue that affects their lives. However, they also identified some flaws in the process. They noted restrictions on voting rights for those who have not gained citizenship and raised concerns about the nature and validity of information provided to voters. Additionally, they emphasised the need to address the potentially divisive nature of referendums and some women asked if this referendum was necessary. The groups also identified issues that a referendum raises for women including socio-economic issues, the role of elites and the broader political context in NI. They underscored their concerns about the representation of women's interests in referendums and stressed the need for clear and accessible information on the potential effects of referendum choices for women. These themes were considered further in relation to question 2. The table below details women's concerns in their own words. The first column represents women's views on general matters relating to referendums, while column 2 represents women's views on a constitutional referendum in the Irish context. Column 3 lists concerns relating to gender equality in a referendum on constitutional change.

DFA STUDY FINDINGS

General issues	The Irish Context	Gender Equality
Positive Effects of Referendums	Issues	Marginalisation
<p>They respect individual opinions.</p> <p>They are democratic and fair.</p> <p>Everyone can have their say on an issue that affects their lives.</p>	<p>Not everyone in Ireland has a vote, for example, if they are categorised as non-citizens.</p> <p>How would we know when the majority of the people want a referendum?</p>	<p>A proportion of the population do not vote – why?</p> <p>TDs (elites) may not protect women's interests in referendum processes.</p>

DFA STUDY FINDINGS *(continued)*

General issues	The Irish Context	Gender Equality
Positive Effects of Referendums	Issues	Marginalisation
<p>Referendums appeal to younger people in Ireland.</p>	<p>We need to recognise that unity is aspirational rather than a demand.</p> <p>The Republic is in the EU which may benefit NI.</p> <p>The republic is viewed as more liberal on social issues which may be relevant.</p>	<p>Groups may be marginalised. Women's must be able to input into referendum design.</p> <p>More focus is required on marginalised communities, including voting drives.</p> <p>The implications for minority groups including women are not clear.</p>
Negative Effects of Referendums	Ethno-nationalist issues	Information
<p>A referendum is a broad instrument that does not deal with complexities.</p> <p>The process is decided for us. The way that change is sold to people is very important.</p> <p>Recent referendums expose the potential for manipulation by elites.</p>	<p>If only one community decided to vote (boycott by other) the result may not be accepted by the other.</p> <p>A referendum may create more division.</p> <p>Referendums can divide families and communities 51% in NI would leave 49% disenfranchised.</p>	<p>There is a lack of accessible information and a dearth of information around the effects on women, and not enough education.</p>

JRCT STUDY FINDINGS

General issues	The Irish Context	Gender Equality
Positive Effects of Referendums	Issues	Marginalisation
<p>Referendums are important to allow everyone to have their say.</p> <p>Referendums are important for the younger generation – it is their future.</p> <p>Referendums expand knowledge and we hear different opinions.</p> <p>Important as a legal framework and context.</p>	<p>Better to increase cooperation through the N/S Council.</p> <p>In NI it goes to the heart of people's identity and needs handled with care.</p> <p>People vote along family lines without fully understanding the issues.</p> <p>We need assurances around free healthcare, welfare, and benefits before we can vote in a border poll.</p> <p>The government does not represent the people.</p>	<p>We need conversations that include diverse and marginalised communities including women, ethnic minorities, and people from different faiths.</p>
Negative Effects of Referendums	Ethno-nationalist issues	Information
<p>Those in power can influence the referendum question.</p> <p>The pandemic is a bigger problem.</p> <p>Identity is complex we can't have a simple yes, no choice.</p> <p>We are more worried about grassroots problems.</p>	<p>Society in NI is too unsettled – we need relationship building.</p> <p>Fear a border poll will lead to cynical violence designed to gain the upper hand.</p> <p>Fear that a border poll will provide an excuse for criminal elements to cash in on identity conflict.</p>	<p>We need to know what change looks like.</p> <p>We don't fully understand all the issues.</p> <p>Social media is full of untruths We need so much consultation on it.</p> <p>We need to look at education.</p>

JRCT STUDY FINDINGS *(continued)*

General issues	The Irish Context	Gender Equality
Negative Effects of Referendums	Ethno-nationalist issues	Information
<p>At the moment, it is about surviving – there are too many more important issues.</p> <p>A shared island is not necessarily about a unity referendum.</p> <p>The UK needs to settle down after Brexit before we have another referendum.</p> <p>Living a good, safe life need to be provided for first – a referendum is a diversion.</p>	<p>Politicians need to consult everyone not just the party faithful.</p> <p>Community propaganda is high.</p> <p>Politicians are giving out misinformation on the constitutional question – we need more grassroot discussion.</p> <p>There is scaremongering going on by politicians. Unity is not just about NI it requires huge changes, for example healthcare is means tested.</p> <p>The hype around a referendum is coming from the north and the 2 big parties will go to war and continue to bully their way to power.</p>	<p>Need to have health, housing, education, and employment secured and mapped out before discussing unification.</p> <p>A women's fund would be a possibility.</p>

B.

What Matters Most About Holding a Referendum (on the constitutional question in NI)?

In response to question 2 the participants highlighted a range of issues relating to the holding of a referendum. Column 1 reflects women's recognition of the meta-dynamics around constitutional change and the conflicting positions of different nationalist groups. Column 2 reflects women's reflections on socio-economic issues and constitutional processes. Column 3 highlights the range of gender issues that women raised during the discussion of this card.

Several groups raised the issue of divisiveness and highlighted options for reducing inter-communal tensions. Concerns around the leadership abilities of politicians and concerns about the impact on community relationships were more pronounced in the NI workshops. Brexit was invoked by several groups as an example of a divisive referendum that lacked a solid and valid informational foundation. One participant commented that the most important thing in a referendum is to avoid the 'mess that was Brexit'. Participants often stressed the need for inclusion of all communities and the need for accessible information on related issues. Those women located on the border found the prospect of divisiveness most concerning with one participant describing it as 'scary'. Another noted they were worried about change and about 'what would happen to us at the border?' The effects of divisiveness on specific gender and sexual groups were also highlighted by the interviewees.

In terms of women's inclusion, each participating group highlighted similar issues. All underline the need to include women and other historically marginalised groups in any process of constitutional change. Several groups argued that inclusion needed to be at all-levels and some of the groups highlighted the importance of feminist representation. Rights and equality were common themes in the workshops, with specific groups emphasizing the need for agreement on the framework for human rights. Again, participants also raised concerns around how childcare, healthcare and all other services would operate if there was constitutional change.³³ Moreover, some asked how would constitutional change on the island affect women economically?



³³ This finding closely aligns with findings in McEvoy, J., Todd, J., & Walsh, D. (2022). Participatory Constitutionalism and the Agenda for Change: Socio-economic Issues in Irish Constitutional Debates. *Irish Studies in International Affairs* 33(2), 140-171. These researchers engaged with a range of grassroots groups including women's groups.

DFA STUDY

Ethno-nationalist issues	Constitutional process	Gender equality issues
Tradition and Culture.	It is important to avoid the flaws in the Brexit referendum. We need to know what we are voting for.	There should be consultation with all groups and their inclusion in constitutional processes.
A border poll may become a sectarian headcount.	I am worried about a top down approach.	What are the gender equality issues in terms of NI leaving the EU? We need information.
Not jeopardising peace.	Neutral research is needed on the pros and cons.	Lack of consultation – these things are decided for us. Who can we trust to represent women's interests?
The diversity of views in ROI and NI are hard to reconcile.	Media bias is a potential problem as is lack of debate.	What will be the cost of a divorce? Provision of discussion spaces.
Whose perspectives are seen and heard?	A Bill of Rights is needed.	Conversations about what unites and divides people on the island, including women are needed.
Reinforcement of polarisation.	Hate speech needs to be addressed.	Community representation required in all discussions.
There as so many historical divisions.	There needs to be a clear separation of church and state e.g., health care.	Gender equality at every step of the process.
Peace is fragile.	A common curriculum North and South on the history of the island.	How would different gender rights in the 2 jurisdictions become blended?
Fear of false equivalence between ethno-nationalist identities.	Understanding different systems North and South.	More information on the nature and shape of constitutional change required.
Fear of loss of identity 'Die-hard' unionists will never agree.	European membership can offer protection from our governments.	
Only one political party seems to be calling for constitutional change.	Trust issues in relation to the British PM who has shown potential to break agreements.	
Concerns that one ethno-nationalist groups becomes a minority.	Monitoring of the validity of publicly available information including fact checking.	
History and conditioning.		

<p>Disintegration of the GFA leading to inter-community ethno-nationalist violence is a concern. Could provoke violence.</p> <p>It is not just about a legal framework we need a shared vision of the society.</p> <p>A referendum is not inevitable.</p> <p>We enter a terrain where there will be winners and losers. We need to change the language</p>	<p>A well thought out media strategy that is bias free.</p> <p>EU financial support. NI losing financial support from UK.</p> <p>ROI is not known for solving complex problems 'what would a UI look like?'</p> <p>Assessments of the benefits of constitutional change in health, education and economy.</p> <p>Learning from other models internationally and assessment of CA methodology.</p> <p>What is the model for constitutional change? Is it integration or something else?</p> <p>A lot of planning is necessary. The time required will be longer than 7 years.</p> <p>Creative work around history is needed.</p> <p>Worried about macho posturing with no accountability in terms of its effects.</p> <p>Conversations about what we share at the grassroots.</p> <p>Need safe spaces to talk.</p> <p>Issues about who is an Irish citizen needs to be examined more generally.</p> <p>Starting to prepare kids at school to participate in these debates.</p>	<p>Cross-border discussions involving women and other minority groups are needed.</p> <p>Long-term planning and consultation with a wide range of groups.</p> <p>Timing and preparation are important to avoid division - division also harms women.</p> <p>Gender representation in all bodies and in all power-structures.</p> <p>Conversational forums with all at the table – men and women, education is the key.</p> <p>Key information sessions such as this one needed.</p> <p>Can women provide a feminist lens in terms of processes and problems?</p> <p>Where are the points of influence?</p> <p>Will we lose free health care?</p> <p>Information on the different benefits systems.</p> <p>Ownership of outcome is required to prevent violence.</p> <p>Will women's reproductive rights and health care needs be protected?</p>
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JRCT STUDY

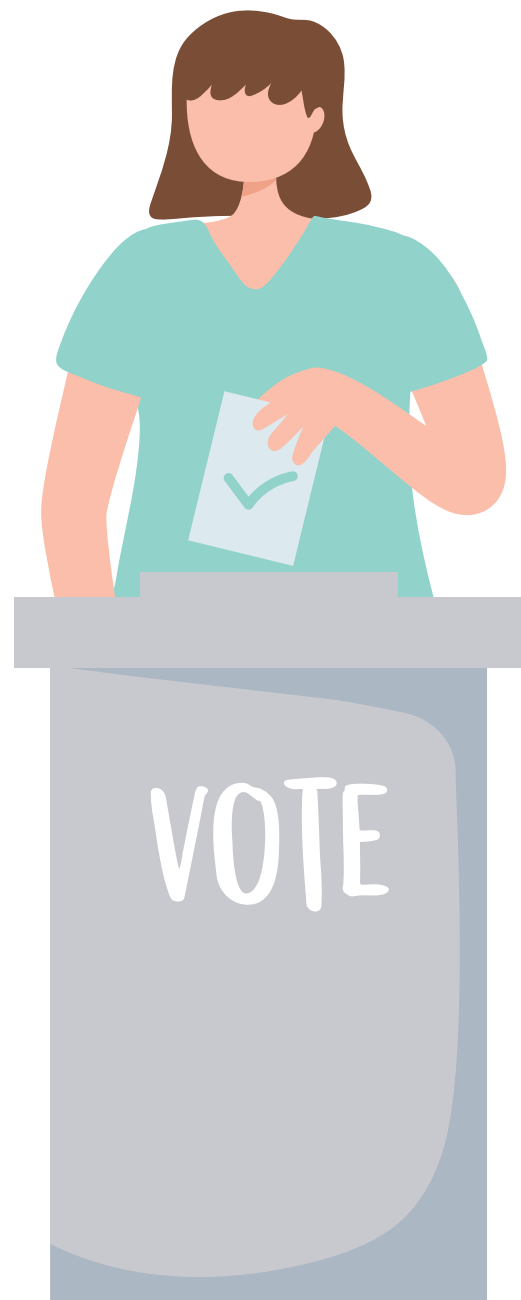
Ethno-nationalist issues	Constitutional process	Gender equality issues
<p>Risk of rush to sectarian headcount.</p> <p>The appeal of a referendum is to create a simple historical notion without any great understanding of its complexity.</p> <p>Fears the PUL community will be left out.</p> <p>Young people may not vote along sectarian lines.</p> <p>NI is different from the rest of the UK. We are used as a tool – no faith in either government.</p> <p>We are not being listened to because it is always the threat of violence that gets attention – they are the minority; we are the majority. The crying baby gets the bottle.</p> <p>We have politicians voting on the green and the orange card. They are not honest and making decisions that are best for the people.</p> <p>We don't have aspects of the GFA implemented, a Bill of Rights, addressing the needs of victims and survivors. We can't even start taking about a referendum.</p>	<p>There needs to be general agreement that a referendum is a good way ahead.</p> <p>How would different decisions in the two jurisdictions be dealt with?</p> <p>No misrepresentation of the truth by media and politicians.</p> <p>Adequate information provided in different languages.</p> <p>Education may help tackle fears.</p> <p>UI may be more equal, for example there may be less child poverty, but we need to know.</p> <p>ROI more expensive to live in Removal of border may support access to university but again we need to know.</p> <p>There would be fears about the economy suffering in a UI.</p> <p>We know communities can work together, foodbanks, Covid we don't want division.</p> <p>Would welcome the freedom to be Irish but at what cost?</p>	<p>Women need space to discuss these issues.</p> <p>Women need to be heard; grassroots need to be involved we can't leave it to the politicians.</p> <p>Those affected the most should be heard the most and that includes women.</p>

<p>We should not depend on politicians - it is about people power</p> <p>Fears of organisations hijacking the process</p> <p>Should NI have more autonomy from both governments?</p> <p>I would love a UI but as long as it can be reached without people being hurt</p> <p>Don't want to be dragged back into conflict – no bloodshed no matter what</p> <p>Can't go back to the pain of not knowing if I am safe. I want peace for my grandchildren more than anything else</p> <p>Fears of violence and unrest – a border poll could open up old wounds</p>		
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C.

What Preparation should be made in advance of a referendum?

This question prompted the most discussion on inclusion and raised issues about how the inclusion of the entire constitutional community would be facilitated in a referendum or in a process of constitutional change. In the first column women's responses in relation to what should happen before a referendum raised issues about inequality across gender, class, and national identification. They offer possibilities for how to prepare suggesting potential starting points for discussion and models. Again, there were concerns about the role of powerful groups and politically biased standpoints. Column 2 reflects women's concern that all aspects of society will be involved in a referendum and any framing of constitutional change. Methods for inclusion were considered by the participants including dedicated work at the grassroots level, working across boundaries to create a shared understanding of the issues, gender equality in constitution-making structures and ownership of the process by communities affected rather than a top-down approach. Several stressed the need to include minorities and protect minority rights. Participants identified different timeframes for constitutional change that ranged from 5 years to 20 years.



DFA STUDY

What should happen	Who should be involved?	When – what timeframe?
<p>First review the GFA – what worked and what didn't work?</p> <p>Review how women were marginalised after the GFA and make sure it does not happen again.</p> <p>All issues need to be clearly defined – education, health, employment.</p> <p>Recognition that existing inequalities/deprivation fuels division.</p> <p>There needs to be agreement on the governing principles prior to setting the question.</p> <p>Citizen's assembly approach to design?</p> <p>We need to undo the segregation and desegregating education is key.</p> <p>People need to be informed on the pros and cons so they can make an informed decision that benefits all.</p> <p>Clear directions on unionist and republican identities after a referendum result.</p>	<p>Where are the civic forums?</p> <p>Grassroots work is essential in terms of working together – divisions are still so entrenched.</p> <p>Everyone and need a 50:50 gender balance.</p> <p>Ireland's own constitution is out of date in terms of rights and protections for minorities.</p> <p>How will it include ethnic minority women?</p> <p>All parts of the island need to be seen as important not just NI or the border areas.</p> <p>Women need a voice at all stage.</p> <p>We need conversations along the border where there is most fear and most concern.</p> <p>Those who see themselves as victims of previous violence. How does it affect them?</p> <p>We need policy workers to engage at a community level to have a shared understanding of how to create a fair and equal society.</p> <p>Who would be fit to deliver the process? Would it be a group of independent people?</p>	<p>Over a generation, over a decade at least, it is so complex.</p> <p>No less than 15 to 20 years with a discussion over 5 to 10 years.</p> <p>At least 20 years.</p> <p>Needs a lot of preparation.</p> <p>Need a long lead in time so everyone can shape the agenda.</p> <p>At lot of time is needed to work out what the results of the referendum means for people. This needs to be clear and concise and unlike Brexit.</p>

<p>Celebrate the Good Friday Agreement (GFA).</p> <p>Reconciliation must be part of the process.</p> <p>Federal approach could be more adaptable.</p> <p>Something similar to the GFA could be a model to work from.</p> <p>The Irish constitution was written in the 1930s. It was one of the most religiously informed constitutions.</p>	<p>Women need to meet North and South. Implications for women's status?</p> <p>The process cannot be top down – it must be consultative.</p> <p>Ensure spaces and ownership by different communities, including women.</p> <p>Develop any change with people, Including women.</p> <p>I hope minority rights will be protected.</p> <p>It does not work for a changing demography in the south, let alone a diverse and polarised population in the North.</p>	
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JRCT STUDY

What should happen	Who should be involved?	When - what timeframe?
<p>Informing the community of what the consequences are of UI.</p> <p>Much more information needed on how life will be in UI in terms of health, education and welfare.</p> <p>We need to be careful biased views are not being shared and become dominant.</p> <p>Honesty, transparency – information needs to be clear and open.</p> <p>Power needs to move to the people.</p> <p>Integrated education Stop the paramilitaries bullying communities – it is nearly state sanctioned.</p> <p>It is all too big to have a referendum. We don't have a proper peace and there are too many steps to take before we get to a referendum.</p> <p>We need a more global approach. We need to look at the Nordic countries in terms of federalism and to look at reunification in Germany.</p>	<p>Schools.</p> <p>We need to make sure that the political representatives really are speaking for the people they represent.</p> <p>Community groups from a range of districts need to be involved so everyone is heard in the planning.</p> <p>We could all become more involved in campaigns about what is important to us.</p> <p>People like us involved in community groups that understand and can share information on the needs of the vulnerable and elderly.</p> <p>The next generation who will create change, not politicians.</p>	<p>A 10-year plan – no sudden or rushed change.</p> <p>10 years with the first two years to deal with the range of issues.</p>

D.

Everyone has a say - sharing the island

Some women choose their preferred referendum outcome from a list of options specified on this card, for example, retention of the union or Irish unity but they were in the minority. Most workshop participants did not choose a preferred outcome and instead asked additional questions about the referendum process. This finding links back to participants' responses to previous questions that highlighted the participants' desire for answers on the shape and structure of any constitutional change so in the event of any border poll they could make an informed decision.

DFA STUDY

- We don't know what we would be voting for.
- If a referendum would damage community relationships this is a sign it should not happen.
- What can we learn from unification in other societies?
- Federalism is unlikely to work, Ireland is already the most centralised state in Europe, it could potentially add another layer of bureaucracy and would reproduce isolation in NI socially, culturally, and politically.
- Should we leave the UK? – leave is the wrong word we are not going anywhere.
- Who decides what a new Ireland looks like?
- What does a united Ireland mean? That the North joins the South or a new Ireland?
- Presumption that a united Ireland is inevitable. It is not inevitable. We need pride in NI rather than change.
- There needs to be an understanding of NI's uniqueness. North-South relationships need to be looked at as well as East-West relationships.

- A yes/no choice does not work.
- There needs to be an agreed vision for NI. We need to remove partisan cheer leading for NI. This work needs to begin.



JRCT STUDY

- A 10-year transition period.
- The term UI has connotations for the PUL community.
- The voting age should be 16.
- We need arrangements that asylum seekers are treated better.
- Federalism is a good idea, but people need to be educated on what it means.
- Acknowledge the diversity of the people on the island.
- People are realising we are being treated like pawns by the politicians.
- The people are wising up, but the politicians are not catching up.
- We need to be able to live together before a referendum happens.
- NI is simply a big ghetto. The way the DUP and SF have broken up the vote is a form of gerrymandering and creates ghettos.
- The politicians need to grow a pair of ovaries.
- Holding politicians to account. Who does this? No one.
- What if ROI don't want us?
- Politicians don't listen to the grassroots - we are 10 years ahead.
- Politicians will start scaremongering – they will use anything to frighten people into voting for them.
- Politicians want to keep us divided to keep their powerbase.
- We need to know how laws will align and how welfare will align.
- We need to know more about policies and that information needs to be given to the people.



Discussion

Gender Sensitive Constitutional Change

At an international level, it is now recognised that there are strong links between constitutional transition and/or reform and women's rights. The United Nations Security Council Resolution 1325 (2000) advises states to implement measures 'that ensure the protection of and respect for the human rights of women and girls, particularly as they relate to the constitution.....'³⁴

Women participating in the research were very aware that the framing and institutional structures of constitutional change could operate in ways that could include women and gender equality rights, but they also recognised the ways that women and other historically marginalised groups could be excluded if gender equality is not prioritised. Women highlighted the opportunities that referendum debates hold for reenvisioning an inclusive community. They insisted that women must be part of this process of creating national values. Women also noted the need for a framework of rights, equality, and justice in any constitutional design. In terms of exclusion and inequality some women highlighted the need for historical reflections on their position in previous forms of constitutional change in NI. Women also identified power imbalances between a range of social groups in terms of influencing constitutional change. The participants emphasised the need for grassroots inclusion, ownership, and influence in constitutional processes. Overall, women had concerns about where the values of recognition, equality and inclusion would sit in relation to any constitutional change and reform.

Participants offered suggestions as to how the process of constitutional change could be more democratic and inclusive. They argued that

spaces need to be opened at the grassroots level and pathways to influence discussions about constitutional matters should be created. The increased representation of women in political life was also mentioned as a crucial factor that might support a more gender-sensitive approach to constitutional change. Moreover, women believed that not only women should be included in constitutional reform but all groups including those who have yet to secure Irish citizenship.

Information: Accessibility and Validity

All the participants indicated that they would like to know more about the issues concerning constitutional change and several proposed cross-border meetings between women to support learning and understanding. Developing an informed understanding was viewed as an important basis for decision-making in the event of a border poll. Questions were asked about how nationalists and unionist identities would be positioned in any new constitutional dispensation. The participants exhibited a curiosity about an entire range of other factors. One key concern was the quality and type of information that would be available to citizens. A lack of valid and easily accessible information was not only linked to exclusion but also to raising tensions as information might be manipulated by political groups to achieve their desired constitutional outcome.

Broadening the Agenda

Participants' discussions moved far beyond issues of national aspiration and identity. They viewed the conflict in NI as important in considerations of constitutional change but highlighted issues relating to quality of life and social provision now and not just in any future society. They felt that these issues were not always front and centre of current debates. The framing of the constitutional agenda

³⁴ United National Security Council (2000) 'Resolution 1325', p3. Online: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES1325%20.pdf>.

can have an exclusionary effect on women, the more restricted and technical that agenda the more it side-lines issues relating to everyday life. In addition, a top-down process, as the participants recognised, will limit the access points for women to influence constitutional narratives and design due to the democratic deficit in formal political arenas. As Bell and McKay note:

As long as debates are dominated by high politics, abstract legalism and macro-economics most people will be excluded from the process. In particular, women will be excluded because they are already underrepresented in public and political life. It is also the case that whilst debates are conducted at this level of abstraction, then the connection of constitutional change with issues of central concern to the practical politics of everyday life, and issues of social justice, equality and well-being is obscured. In such circumstances, women are likely to remain on the sidelines as the disengaged, the undecided and the skeptical.³⁵

Socio-economic issues

Women recognised structural inequality caused by deprivation and social exclusion reinforced inter-community tensions. Moreover, they argued that education had a key part to play in terms of addressing the differences in the teaching of history in NI and ROI and stressed the need for the education of the whole society in matters related to constitutional change and reform. While both tackling existing deprivation and utilising education were both viewed as stabilising influences, women were also keen to understand the impact of any constitutional change on employment and welfare services.

Women raised many questions about the shape of the welfare state and welfare services in any future society. They also queried what the effect of unity on employment may be in both jurisdictions. It was

noted that being part of an EU member country may benefit NI in terms of the protection of rights through EU law and women's rights given the EU's role in protecting women's rights in employment. However, it was recognised that NI would lose its British subsidy. There was some consideration of the likelihood of EU financial support in the event of constitutional change. Regardless of the set of unknown factors that arose in discussions, women wanted assessments of the benefits of constitutional change in terms of health, education, the benefits system, and the economy. They believed these issues needed to be assigned a high priority in discussions of constitutional change. They wanted to know how welfare services could be improved and questioned government's capacity to deal with such complex issues. They noted that the Irish government had still not fully broken the link between welfare services and the catholic church. Women were also concerned that the macho posturing of nationalist politicians may deflect from the importance of socio-economic issues and the need to improve people's lives in the here and now as well as in the future.

Security

Women were concerned that discussions of constitutional change could unsettle the peace process in NI by fuelling inter-community tensions. They argued that politicians had a responsibility to deal in facts and to moderate their language. Women located in border communities were concerned about the effects of increasing tensions on their lives and the security of their communities. While those women linked issues of wider tensions to women's fear of speaking on these matters, most women connected inter-communal tensions to the peace process. Women who participated in the NI study were more concerned about the silencing effect of the unity debate raising community tensions as did women living along the border and those from minority identity groups in the ROI study.

³⁴ Bell, C and McKay, F (2013) 'Why Should Women Care About Constitutional Debates? And Why Aren't Their Voices Being Heard?' Gender Politics at Edinburgh. Online: <https://genderpoliticsatedinburgh.wordpress.com/2013/02/20/why-should-women-care-about-constitutional-debates-and-why-arent-their-voices-being-heard/>.

Conclusions

Women who participated in this research project utilised the spaces created by the project to discuss gender issues relating to constitutional change and a range of other issues relating to the nature and effects of constitutional change. Many felt there was insufficient time to get to grips with the range of complex issues constitutional change raises and suggested further workshops and events. Our recommendations in this report are based on the responses of the participants many of whom had not previously discussed the constitutional question in a group situation. Our core recommendations and the list of principles listed above are based on a set of norms grounded in democratic values and international human rights law.

We propose that the first norm should be the recognition of women as important and legitimate political actors; a principle too often undermined by wider conservative gender ideologies that are embedded in institutions. The effect of these ideologies is to position women on the side-lines of political life. Recognition of women as legitimate political actors should be embedded in an historical account of women's exclusion from political decision-making, their resistances to exclusion and their role in progressive change both North and South. Women's exclusion from political life should be understood as having structural causes supported by both the institutionalisation of unequal power relationships across different social groups and cultural ideas about appropriate gender roles.

Moreover, women's right to have their interests and concerns represented at all levels of political decision-making must be underpinned by the principle of inclusion and there is much work to be done by stakeholders to actualise this principle.

If a political system neglects women's participation, if it evades accountability for women's rights, it fails half of its citizens. Indeed, true democracy is based on the realization of human rights and gender equality. If one of these falters, so do the others.³⁶

Work at the grassroots level will be vital if women are to be included in ongoing discussions and debates around potential constitutional futures. International research indicates that when gender equality narratives are utilised or appropriated in a constitutional debate by stakeholders in the absence of substantive commitments to gender equality in any constitutional design, gender rights may not be forthcoming when constitutional change is secured. Stakeholders should view women as co-creators of spaces for women's inclusion and women's group should be appropriately funded to take on this additional work and service to their communities. Stakeholders will benefit from training on gender equality in constitutional matters and from the building up of organic relationships with grassroots women's groups. Gender experts and/or gender expertise should be included in all political and legal institutions designed to examine matters relating to constitutional change. Media and stakeholder strategies should be developed to ensure the flow of accessible information on constitutional matters.

³⁶ Hart, V. (2003) 'Democratic Constitution Making', United States Institute for Peace, Special Report No. 107, p. 11, Online: <http://www.usip.org/sites/default/files/resources/sr107.pdf>. See also Suteu, S and Drajl, I (2015) 'ABC for a Gender Sensitive Constitution Handbook for Engendering Constitution Making'. Online: Euromed Feminist Initiative IFE-EFI Online: <http://www.efi-ife.org/sites/default/files/ABC%20for%20a%20Gender%20Sensitive%20Constitution.pdf>.

Another guiding norm should be to gender the constitutional agenda in the interests of equality, rights and justice. A gender sensitive constitution is an international legal obligation for states. 'Enshrining women's rights, gender equality, and the principle of non-discrimination based on gender in constitutions recognizes women's equal status and enables legislative changes addressing existing discrimination'.³⁷ Consideration of the relationships between constitutional change and women's rights should be considered in the earliest stages in constitutional discussions. Moreover during:

the constitution-drafting process, the equal and meaningful participation of women is fundamental for the inclusion of constitutional guarantees of women's rights. States parties must ensure that the new constitution enshrines the principle of equality between women and men and of non-discrimination, in line with the Convention. In order for women to enjoy their human rights and fundamental freedoms on an equal basis with men, it is important that they be given an equal start, through the adoption of temporary special measures to accelerate de facto equality.³⁸

Substantive questions as to the effects of the shape and content of constitutional change on women should be carefully considered in advance of a referendum. Stakeholders should strive to produce clear and accessible information on the potential effects of referendum choices for women in advance of a border poll. Gendered rights and protections should be set out clearly prior to any referendum and should be guided by international law. The effect of economic change and the strength of social welfare institutions on women's position in society should be included in discussions of constitutional change.

Basic democratic norms place emphasis on the right of citizens to security. Women who participate in political debate, political advocacy and decision-making should have freedom from threats of violence and attacks in virtual and real-world environments that are intended to undermine their personal security, reputation and in some cases potentially their livelihood. All threats should be considered anti-democratic, and action should be taken to ameliorate their effects.

The final norm we propose to guide constitutional policymaking is recognition of women's diversity. Many cross-cutting factors affect women's inclusion in political and public life such as race, ethnicity, religion or belief, health, status, age, class, sexual orientation, gender identity and location. Strategies for inclusion need to be shaped around the complexity of women's identities and stakeholders need to be responsive to women's differences when developing strategies for women's inclusion. Each aspect above, needs to be underpinned by a commitment to redistribute political power and influence from historically privileged gender groups to historically subjugated gender groups.

This research has highlighted and opened a series of issues surrounding gender and constitutional change on the island of Ireland. Further dedicated research will be required to develop this area of analysis to address the historical and contemporary gender inequities in constitutional matters. There is much work to be done to actualise the recommendations, principles and norms set out in this report.

³⁷ Suteu, S and Drajl, I (2015) 'ABC for a Gender Sensitive Constitution Handbook for Engendering Constitution Making'. Online: Euromed Feminist Initiative IFE-EFI Online: <http://www.efi-ife.org/sites/default/files/ABC%20for%20a%20Gender%20Sensitive%20Constitution.pdf>.

³⁸ CEDAW (2013) 'General Recommendation No. 30 On Women in Conflict Prevention, Conflict and Post-Conflict Situations', CEDAW/C/GC/30, para. 71.

Constitutional Conversations: Flash Cards

Facilitator Notes for presenting the cards via Zoom

Background

These notes are a brief guide for a facilitator using the flash cards to provide a framework for any civic organization or community group to have a one-off or series of conversations about the referendum on Irish unity / United Kingdom union that is provided for in the 1998 Belfast Good Friday Agreement. The referendum provisions of the Agreement offer people in this region the option to decide on their future in a unified Ireland within the European Union.

The Agreement is an international treaty deposited with the United Nations. It was approved by the governments of the Republic of Ireland and the United Kingdom, by participating political parties and by referenda held in Northern Ireland and the Republic of Ireland. The Agreement required changes to the constitutional order in each country. Ireland dropped its territorial claim to Northern Ireland and the UK provided for a referendum to be called by the Secretary of State for NI. The outcome of a referendum will be decided by the majority of people voting. Seven years is set as the minimum period between referendums.

For more details, see Annex A, Constitutional Issues in The Agreement: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/136652/agreement.pdf

The Flash Cards

Each of the four flash cards has a topic on the front and information or prompts and activities on the back that can be used in break out groups on Zoom. The cards are based on feedback from a cross-section of NI women from various backgrounds who used pilot cards for a conversation about holding a referendum on Irish unity/UK union. The women participated with great gusto and had plenty to say. The cards are an aid and can be changed to suit the group having a conversation.

The four cards are:

A. Constitutional Conversations - Have Your Say

B. What matters most about holding a referendum?

C. Preparation

D. Everyone has a say - sharing the island

Session

A session of one and a half hours should aim to have input from everyone and cover as many cards as the group decides at the outset. A group may decide to have more than one session.

Aim

To have an inclusive conversation on the referendum provision in the 1998 Belfast Good Friday Agreement that takes account of pro-Irish unity, pro-UK union, undecided and alternative perspectives.

Objectives

Use the cards to enable everyone to have a say and learn more

- a. think about issues arising
- b. consider preparations needed
- c. decide what to do next

Resources

- Facilitator
- Flash cards
- Internet access
- Zoom
- Jamboard

Methods

The facilitator builds rapport at the beginning, with introductions, an overview of the research and the flash cards, followed by an icebreaker.

Explain that during the pandemic, we are using Zoom meeting rooms with the Jamboard whiteboard. Jamboard makes it possible to have anonymous comments and a virtual visual 'wall' where all comments are visible for everyone to see.

Explain that to practice using Jamboard, we will have an icebreaker exercise with a simple icebreaker question, so that people can practice using Jamboard in a fun way. Explain also that these sticky notes are anonymous, to reassure participants, and that one or a few words are sufficient, and whole sentences unnecessary.

Jamboard

- Participants will share a Jamboard 'frame' to record ideas (10mins), then we all have a look at everyone's sticky notes, in the large group (5mins).
- Repeat with each card.
- Give explicit instructions on how to move on to the next frame.

Guidelines for participants using Jamboard for the first time

All comments on the Jamboard sticky notes are anonymous, so don't worry about grammar or spelling!

You can use one word, or a couple of words, doesn't have to be sentences.

You can add as many sticky notes as you want, change the colours.

You can tackle just one of the questions, you don't have to answer all the questions on the card; focus on one that interests you.

Break out groups

If we use break out rooms, Zoom allocates people automatically into Rooms 1,2,3 etc.

Before going into the breakout rooms, to start discussing each card, the facilitator reads the front and back of the first card out loud, and asks 'does anyone have anything to say?'

Then ask participants to look at the back of that card and discuss in the break-out rooms. Ask them to appoint one member of the groups to report back to the large group. (10 mins followed by 5min in large group). For subsequent cards, the facilitator reads the front of each one and asks willing participants to read aloud the back of the card.

Card A - Front

Constitutional Conversations - Have Your Say

The 1998 Belfast Good Friday Agreement Referendum

What is the purpose of a referendum?

Card A - Back

The 1998 Belfast GFA was agreed by the Irish and UK governments, local political parties and a referendum North and South. It is an international treaty deposited with the United Nations.

It changed the constitutional relationship between the Republic of Ireland and the United Kingdom. Ireland dropped its territorial claim to NI & the UK provided for a referendum called by the Secretary of State for NI. The outcome will be decided by a majority of the people voting.

Constitutional conversations are a way to prepare for a referendum that respects everyone's right to have a say, to listen to others have their say and learn more.

Referendums allow disagreements to surface in valuable ways; they may be divisive and expose complex issues for which there are no ready answers; they reveal how people think about an important matter at a particular time; they decide a course of action and require preparation. Using Jamboard make any comments on one or more of the above.

Make a note of your view on one or more of the above.

Card B - Front

What matters most about holding a referendum?

Concerns

Hopes

Fears

Action

Card B - Back

What matters?

Concerns health, wealth, housing, education, employment, young/older people, welfare, environment, identity, other issues?

Hopes in the short-term and in the future.

Fears in the short-term and in the future.

Action what can be done to deal with any of these issues?

Make a note of your view on one or more of the above.

Card C - Front**Preparation**

What should happen?

Who should be involved?

When?

What can you do?

Card C - Back**Preparation**

What should happen ahead of a referendum?

Who should be involved in what roles?

When? give a time frame for what should happen

What can you do?

Make a note of your view on one or more of the above.

Card D - Front

Everyone has a say - sharing the island

Referendum: question & timeframe

Other matters

Your view

Card D - Back

Everyone has a say

Referendum question

a. Should Northern Ireland leave the United Kingdom and form part of a United Ireland? Yes/No
b. Should Northern Ireland remain in the United Kingdom? Yes/No

Can you suggest a different referendum question?

Timeframe the minimum period between polls is seven years.

Other matters

EU membership Age of voters Protection for minorities Local impacts

Make a note of your view on one or more of the above.

