

**Joint Committee on
the Eighth Amendment of the Constitution**

Proposals by members of the Committee
preliminary to the preparation of a draft Report

Module 1

- 1 . That, having regard to the decision of the Committee not to retain Article 40.3.3 in full, the Committee recommend its repeal *simpliciter*.

– Jan O’Sullivan.
- 2 . That the Committee recommend that Article 40.3.3 be retained.

– Mattie McGrath.

Module 2

Reason 1 - Real and substantial physical risk to the life of the woman

3. “That the Committee recommend that termination of pregnancy be lawful, without gestational limit, where the life or health of the woman is at risk and that a distinction should not be drawn between the physical and mental health of the woman.”

-Kate O’Connell.
4. “That the Committee recommend that that any assessments in relation to the termination of pregnancy where the life or the health of the woman is at risk be made by no fewer than two specialist physicians”

-Kate O’Connell.
5. That the Committee recommend that provision for gestational time limits for termination of pregnancy be guided by the best available medical evidence and provided for in legislation.

- Paul Gavan, Louise O’Reilly, Jonathan O’Brien.

Reason 2 – Real and substantial risk to the life of the woman by suicide

6. That the Committee reject risk to the life of the woman by suicide as a ground for the lawful termination of pregnancy.

- Mattie McGrath.

Reason 3 – Serious risk to the physical health of the woman

7. That the Committee reject serious risk to the physical health of the woman as a ground for the lawful termination of pregnancy.

- *Mattie McGrath.*

Reason 4 – Serious risk to the mental health of the woman

8. That the Committee reject serious risk to the mental health of the woman as a ground for the lawful termination of pregnancy.

- *Mattie McGrath.*

Reason 5 – Serious risk to the health of the woman

9. That the Committee recommend that termination of pregnancy be lawful where there is a risk to health of the woman and where the assessment of that risk is determined by clinical judgement in consultation with the woman. In that regard the Department of Health in consultation with the Medical Council and An Bord Altanais should be responsible for draw up guidelines to help the decision-making process.

– *Catherine Murphy.*

10. That the Committee recommend that provisions similar to those contained in the Protection of Life During Pregnancy Act 2013, which deal with a real and substantial risk to the life of the woman, be put in place to deal with a serious risk to the health of the woman.

– *Billy Kelleher, Lisa Chambers, Ned O’Sullivan.*

11. That the Committee reject serious risk to the health of the woman as a ground for the lawful termination of pregnancy.

- *Mattie McGrath.*

Reason 6 – Risk to the physical health of the woman

12. That the Committee recommend the termination of pregnancy be lawful where there is a risk to the physical health of the woman and that socio-economic considerations be taken into consideration in this regard.

–*Lynn Ruane.*

13. That the Committee reject risk to the physical health of the woman as a ground for the lawful termination of pregnancy.

- *Mattie McGrath.*

Reason 7 – Risk to the mental health of the woman

14. That the Committee recommend the termination of pregnancy be lawful where there is a risk to the mental health of the woman and that socio-economic considerations be taken into consideration in this regard.

–Lynn Ruane.

15. That the Committee reject risk to the mental health of the woman as a ground for the lawful termination of pregnancy.

- Mattie McGrath.

Reason 8 – Risk to the health of the woman

16. That the Committee recommends the termination of pregnancy be lawful where there is a risk to health of the woman without gestational limits

– Brid Smith.

17. That the Committee reject risk to the health of the woman as a ground for the lawful termination of pregnancy.

- Mattie McGrath.

Reason 9 – Pregnancy as a result of rape

18. That the Committee recommend, in view of the complexities of legislating for the termination of pregnancy for reasons of rape and incest, that it be more appropriate to deal with this issue by making the termination of pregnancy lawful with no restriction as to reason up to a gestation limit of up to 12 weeks, through a GP-led service.

– Billy Kelleher, Lisa Chambers, Ned O’Sullivan.

19. That the Committee reject pregnancy as a result of rape as a ground for the lawful termination of pregnancy.

- Mattie McGrath.

Reason 10 – The unborn child has a foetal abnormality that is likely to result in death before or shortly after birth

20. That the Committee accept that a medical diagnosis of fatal fetal abnormality requires a compassionate approach to the family affected and that termination of pregnancy services should be available in such circumstances.

– Billy Kelleher, Lisa Chambers, Ned O’Sullivan.

21. That the Committee recommend that the termination of pregnancy should not be lawful where the unborn child has a foetal abnormality that is likely to result in death shortly before or after death as such a ground would be in contravention of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child

– Mattie McGrath.

Reason 11 – The unborn child has a significant foetal abnormality that is not likely to result in death before or shortly after birth

22. That the committee recommend that the termination of pregnancy should be lawful without gestational limits in cases of significant foetal abnormality

–Brid Smith, Lynn Ruane.

23. That the Committee recommend that the termination of pregnancy should not be lawful where the unborn child has a significant foetal abnormality that is not likely to result in death shortly before or after death as such a ground would be in contravention of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child

- Mattie McGrath.

Reason 12 – Socio-economic reasons

24. That the Committee recommend that the termination of pregnancy should be lawful on socio-economic grounds with the gestation limit determined by the woman in consultation with a doctor."

– Lynn Ruane.

25. That the Committee reject socio-economic reasons as a ground for the lawful termination of pregnancy.

- Mattie McGrath

Reason 13 – No restriction as to reasons

26. That the Committee recommend that the termination of pregnancy be lawful with no restriction as to reason, up to a gestation limit of up to 12 weeks, through the prescription of the abortion pill by a doctor.

– Clare Daly.

27. That the Committee recommend that the termination of pregnancy be lawful with no restriction as to reason, up to a gestation limit of up to 12 weeks

– Catherine Murphy.

28. That the Committee recommend that termination of pregnancy, by use of appropriate medication, be lawful without restriction of reason up to 12 weeks from the last menstrual period and that the administration of treatment to be delivered in a clinical context, and determined by law and licencing practice in Ireland.

– Kate O'Connell.

29. That the Committee recommend that the termination of pregnancy be lawful with no restriction as to reason, up to a gestation limit of up to 22 weeks.

– Lynn Ruane.

30. That the Committee recommend against termination of pregnancy without restriction as to reasons.

- Mattie McGrath.

Module 3 – Ancillary Recommendations

Decriminalisation

31. That the Committee recommend the decriminalisation of abortion in all circumstances in Ireland.

– Clare Daly.

32. That the Committee will consider making a recommendation on the issue of decriminalisation

– Jan O’Sullivan.

33. The Committee, noting the considerable evidence presented in support of the decriminalisation of abortion services both for medical practitioners and for women receiving terminations, recommend that abortion in all circumstances should be decriminalised and that amendments be made to the relevant legislation to this effect.

– Lynn Ruane

34. That the Committee recommend that surgical terminations may only be legally carried out in a hospital or licensed clinic. Where terminations occur in such settings no criminal sanction should apply.

– Catherine Murphy.

35. That the Committee recommend that medical terminations should be provided for through the licencing of medications for that purpose and prescribed by a qualified practitioner. Where terminations occur in such settings no criminal sanctions should apply.

– Catherine Murphy.

36. That the Committee recommend that in cases where a woman procures or seeks to procure an abortion for herself, that she be not guilty of an offence and that legislation to that end be put in place.

– Paul Gavan, Louise O’Reilly, Jonathan O’Brien.

37. That the Committee recommend that the criminalisation under Irish law of a woman who procures an abortion, with the attached penalty of up to 14 year in prison, should be removed. The Committee agrees with the strong evidence that women and young girls may be afraid to see medical help if something went wrong which makes this law unsafe for women and puts their lives at risk.

– Billy Kelleher, Lisa Chambers, Ned O’Sullivan.

38. That the Committee recommend that the termination of pregnancy should be subject to regulatory and professional standards, in line with other medical procedures, and that it should be decriminalised.

- *Brid Smith.*

Contraception/Reproductive Health

39. That the Committee acknowledge that in over 50% of cases of unplanned or crisis pregnancies that some form of contraception was being used and failed, and is of the view that this is an area where we can work to reduce the overall number of unplanned or crises pregnancies by providing for more affordable and accessible contraception in the state.

- *Billy Kelleher, Lisa Chambers, Ned O'Sullivan.*

40. That the Committee recommend that universal free contraception using a person's chosen method be provided by the public health service.

- *Brid Smith.*

41. That the Committee recommend that the Minister for Health introduces a scheme for the provision of contraceptives, free of charge, to all people that wish to avail of them within the State.

- *Kate O'Connell, Bernard J. Durkan, Hildegard Naughton, Jerry Buttimer.*

42. That the Committee recommend that improved access to reproductive healthcare services, including family planning and sexual health should be available to all people that wish to avail of same.

- *Kate O'Connell, Bernard J. Durkan, Hildegard Naughton, Jerry Buttimer.*

Sex Education

43. That the Committee recommend a thorough review of sexual health and relationship education, including the areas of contraception and consent, in primary and post-primary schools, colleges, youth clubs and other organisations involved in education and interactions with young people. Sufficient time must be provided in the school's curriculum to such education and that such information is imparted by suitably qualified personnel and that the information provided is impartial and factual.

- *Kate O'Connell, Bernard J. Durkan, Hildegard Naughton, Jerry Buttimer.*

44. That the Committee recommend the provision of inclusive, comprehensive and scientific based sex education, irrespective of the ethos of any educational institution or school.

- *Brid Smith.*

45. That the Committee, in light of evidence presented, is of the view that sex education across the state is not fit for purpose and that full facts and information about sexual health and reproduction are not being provided to every young person. In that regard the Committee wants substantial improvements made with a view to

reducing the number of unplanned and crisis pregnancies. The necessary changes need to be undertaken with the consent of parents and with respect for the family unit and the differing religious views that would have a bearing on this.

– *Billy Kelleher, Lisa Chambers, Ned O’Sullivan*

Obstetric Care/Counselling

46. That the Committee recommend that all women should have access to the same standard of obstetrical care, including early scanning and testing. Services should be available to all women throughout the country irrespective of geographic location or socio-economic circumstances.

– *Kate O’Connell, Bernard J. Durkan, Hildegarde Naughton, Jerry Buttimer.*

47. That the Committee recommend that improvements should be made to counselling and support facilities for pregnant women. In the case where a woman seeks a termination of her pregnancy a seven day consideration and supportive counselling period is advised. Appropriate counselling must be provided to women as necessary during pregnancy and if necessary following a pregnancy.

– *Kate O’Connell, Bernard J. Durkan, Hildegarde Naughton, Jerry Buttimer.*

48. That the Committee recommend that perinatal hospice services be made available to women who require them.

– *- Kate O’Connell, Bernard J. Durkan, Hildegarde Naughton, Jerry Buttimer.*