

Joint Committee on Health

Review of the operation of the Health (Regulation of Termination of Pregnancy) Act 2018

Speaking Note for Minister

8 December, 2021

Introduction

I'd like to thank you all for your interest in this important Review.

The momentous Repeal referendum marked a necessary and important shift in how Ireland responds to women's healthcare.

As many here today, and indeed those joining us remotely will know, the Health (Regulation of Termination of Pregnancy) Act 2018 commenced on January 1, 2019. Under section 7 of the Act, a review of the operation of the legislation must be initiated within three years of the commencement of the Act.

The main purpose of the Act of 2018 is to set out the law governing access to termination of pregnancy in Ireland. It permits terminations to be carried out in cases where there is a risk to the life, or of serious harm to the health, of the pregnant woman, including in an emergency; where there is a condition present which is likely to lead to the death of the foetus either before or within 28 days of birth; and without restriction up to 12 weeks of pregnancy.

The review clause was included in the Health (Regulation of Termination of Pregnancy) Act 2018 in order to facilitate monitoring of the impact, operation, and effectiveness of the legislation in practice, as well as of the delivery of services in the area.

I am progressing the review this year, in line with statutory and Government commitments. The Terms of Reference are published today and, as part of the first phase of the review, I am initiating a public consultation on the operation of the Health Act 2018.

As I have stated previously, an independent Chair will be appointed to lead the review. I know from consultation with stakeholders that this is something that mattered a great deal to many people.

Phase one of the review will capture information on the operation of the Act from the perspective of women who access the service, health professionals who deliver the service and the public.

The second phase of the review will be led by an independent Chair who will assess the extent to which the objectives of the Act have been achieved, analysing in that regard the findings of the three strands of information, on the operation of the Act. The Chair will assess the extent to which the Act's objectives have, and have not, been achieved and will make recommendations to address any barriers identified. The Chair will also draw on the findings of other relevant peer reviewed research and consult further with stakeholders as necessary before providing conclusions and any recommendations in 2022.

It is important to say that, in the first instance, the review will focus on the operation of the legislation, rather than on the policy underlying the Act. It will be informed by three key streams of information, in order to determine whether the operation of the legislation is appropriate and effective.

Firstly, **women's experiences** of termination of pregnancy services and their views on how the system has operated since 1 January 2019 will be a critical source of information for the Review. The review will draw on the large research study commissioned by the HSE Sexual Health and Crisis Pregnancy Programme on unplanned

pregnancy and abortion care, which is being led by Dr Catherine Conlon.

Secondly, the review will gather the views of those involved in providing termination of pregnancy services in community and acute settings in Ireland. We will commission independent qualitative research on the **service provider** perspective through the eTenders Government procurement process. This tender will issue today and the research will include input from hospitals and GP surgeries providing termination of pregnancy services, from individual medical practitioners, from medical colleges, midwives, counsellors well as any other relevant service provider stakeholders who may be identified. Please note, this is not a definitive list. We want to be as inclusive as possible.

A **public consultation** will also be held to provide members of the public, special interest groups or any other interested parties to submit their views for consideration in the Review. The public consultation will be launched today on my Department's website.

Once the review has been completed by the chair, and we will issue a tender for this appointment in the coming days, a final report will be submitted to me, as Minister.

I plan to submit the report to Government with a request that it be referred to the Joint Committee on Health for discussion. I would welcome the Committee's views on the findings and next steps.