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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

# DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

# DÁIL ÉIREANN

*Dé Céadaoin, 26 Meitheamh 2013*

*Wednesday, 26 June 2013*

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

***Paidir.***
***Prayer.***

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## Leaders' Questions

**Deputy Micheál Martin:** Yesterday, the Taoiseach was adamant that the Oireachtas inquiry into the collapse of the financial and banking system, under the Bill proposed by the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, would be more than adequate to hold bankers and all involved to account. We know that is not the case. No sooner were we finished yesterday than the Taoiseach's spokesperson was briefing journalists in the main newspapers that the Cabinet had been discussing the matter and was considering giving extra powers to such an inquiry via a re-run of the referendum on Oireachtas inquiries. That seems to suggest an admission on the part of the Government that the Bill of the Minister for Public Expenditure and Reform does not have the powers to hold bankers to account. I have put forward an alternative view: that the Tribunal of Inquiry Bill 2005, which provides for a radically different version of the tribunals we have had in the past and much of which was used in the Leveson inquiry in the UK, is a model that can hold bankers to account. People are expecting that bankers will be held to account, given the revelations in the *Irish Independent* tapes.

In terms of the culture and power of bankers, they have been given additional power by the Government to put pressure on people in mortgage arrears. The Government has changed legislation to give banks greater powers to repossess family homes without conditions attached. The Government has changed the code of practice in respect of how banks deal with customers and mortgage arrears. There is now no limit to the amount of contact between banks and people in mortgage arrears. I am talking to families out there in mortgage arrears who cannot put bread on the table because they are trying to meet payments.

**Deputy Eric Byrne:** Has Deputy Martin told them why?

**Deputy Gerald Nash:** Do these people understand why?

**Deputy Micheál Martin:** Some 26,000 families are in the firing line when the legislation giving the power to bankers to repossess goes through the Houses.

**Deputy Aodhán Ó Ríordáin:** Let us bring back Fianna Fáil.

**Deputy Micheál Martin:** The tapes revealed by the *Irish Independent* reveal a certain culture, and the people do not trust the banks on the issue of mortgage arrears.

**Deputy Dinny McGinley:** Deputy Martin trusted them for long enough.

**Deputy Gerald Nash:** Deputy Martin was owned by the banks.

**Deputy Micheál Martin:** The people believe there should be independent oversight and there are proposals on this side of the House to have independent oversight of the banks as they deal with customers in mortgage arrears. I suggest it is now essential and it seems the Government is on the side of the banks in dealing with people in mortgage arrears. It seems the Government trusts the banks to deal with people fairly-----

**Deputy Dinny McGinley:** Hypocrite. Deputy Martin was there.

**Deputy Micheál Martin:** -----and in an even-handed manner on mortgage arrears. It is a serious issue for people who are in arrears and under considerable pressure.

**An Ceann Comhairle:** No one can hear what anyone is saying, so I ask Members to remain quiet. A Member has asked a question and the Taoiseach does the answering, not the mob.

**Deputy Finian McGrath:** Not the hecklers in the Labour Party.

**The Taoiseach:** That intervention is a pathetic attempt to acquire and involve Deputy Martin in political opportunism. Deputy Martin knows the licensed regulator of the banks is the Central Bank, and the conditions and attitude have changed entirely from his time in government in terms of the operations of the Central Bank, the licensing of banks, the introduction of the personal insolvency agency, and the result of the Dunne case, but also, it has been made perfectly clear that house repossessions in this country are a last resort, as was specified by the banks. The targets set down by the Central Bank require banks to offer those in mortgage arrears or mortgage distress opportunities by the end of this quarter to find a solution to get them out of the difficulties they are in. These targets will be achieved and overseen.

The Government was of the view that we should put a referendum to the people in respect of inquiries and the authority in that regard. It was rejected by the people and we cannot argue with the people.

**Deputy Finian McGrath:** They copped on.

**Deputy Bernard J. Durkan:** They should have copped on to Deputy Finian McGrath earlier.

**The Taoiseach:** Deputy Martin has argued with them a few times but they made a decision on the referendum and I accept the outcome of it. On a number of occasions, I said we would have a referendum in the autumn on the abolition of the Seanad and on the court of civil appeal, because of the backlog of court cases, and we will give consideration to other referendums. The question has been raised of re-running the referendum and I have not given a definitive answer to it. The Bill currently going through the House deals with the setting up of a parliamentary inquiry with the appropriate authority and facilities in the law and in the Constitution. Deputy Martin had an opportunity to have an independent investigation into the banks back in 2010.

However, his Government created a secret commission of investigation, the Nyberg commission, which produced no names and no accountability. Before that was established we were promised it would get to the bottom of all these issues, but when the terms of reference were eventually produced it was watered down.

**Deputy Róisín Shortall:** Two wrongs do not make a right.

**The Taoiseach:** I am not interested in weak, secret investigations that produce nothing. What the people want is that justice be seen to be done. An inquiry is one element and a criminal court case is something else. The State structure of the Garda, the Director of Public Prosecutions, DPP, and the Director of Corporate Enforcement has done the preparatory work. Charges have been levelled against a number of individuals and books of evidence have been prepared and produced. I understand that the criminal case will go to court some time early next year.

The inquiry cannot do that, nor was it ever intended to do that. However, I believe it is appropriate that the Oireachtas should have at its disposal a proper parliamentary committee of investigation to deal with what the public wants to know, which is how all this happened, who met whom and why decisions were taken in that manner. These are matters of public interest and whether it is an inquiry such as described by the Deputy or a parliamentary inquiry, it cannot deal with what people would like to see in this case which is that if there are people of criminal intent who conducted criminal activity the court system should be brought to bear and the court should make its decisions to deal with those people under the law.

To be honest I do not wish to have anything to do with ten year investigations that will make lawyers millionaires and bring nobody to account. We should move through the parliamentary system. This is the people's House. We should set up a properly structured and properly resourced parliamentary inquiry to get on with the work it can do. It cannot do work that will put people behind bars as it is the criminal law and a judge and jury that convict people who might be brought before the courts.

**Deputy Micheál Martin:** The Taoiseach's reply is not clear regarding whether there will be a referendum. What he has said gives confusing signals in that regard.

The Oireachtas inquiry provided for in the Bill introduced by the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, does not have the powers to bring non-officeholders to account or to make any adverse findings regarding the behaviour in the banks. That is a fact and nobody disputes it. Clearly, it falls short of what is required.

With regard to the statement by the Taoiseach that things have now changed in the banks and people can now trust them, which he said in the context of mortgage arrears, I met a family last week that is in that position. There are two children and the husband is in a permanent pensionable job. He is only on 12 months interest-only repayments but last Christmas week he got a telephone call from the bank telling him to start preparing to sell his family home.

**Deputy Aodhán Ó Ríordáin:** Did the Deputy apologise?

*(Interruptions).*

**Deputy Micheál Martin:** That is what is happening. This person has engaged with the bank and sought to find a resolution mechanism with the bank, but there was no response.

**An Ceann Comhairle:** Will the Deputy put his question?

**Deputy Micheál Martin:** The point is that the banks have not changed. There is no confidence among the public in the capacity of the banks to deal fairly with the thousands of people in mortgage arrears because of the change in the code of practice and the change in the legislation which essentially gives *carte blanche* to the banks and puts them in the driving seat. I am not the only person saying that. People at the coalface who are helping families are saying it and they have briefed Deputies on it. They find it incredible that the banks have been given such additional powers by the Government to put additional pressure on families in mortgage arrears. The people do not trust the banks to deal with them fairly and independently. That is the actual position and it is why the Taoiseach should have introduced an independent oversight mechanism.

**The Taoiseach:** As I said yesterday, we are discussing a situation in which tens of thousands of people in this country are now existing for their families and living for banks because of the pressure that is on them and the way this thing happened. It all happened through a culture in which banks, developers and members of the Deputy's party were heavily involved. We must find out what happened; we need to understand that culture. Due to the fact that particular behaviour was investigated by the Garda, files were confiscated and sent directly to the Garda. The DPP is now in receipt of all those documents and charges have been preferred against a number of individuals. That process is under way.

However, we need to find out about the elements of what happened during the run in to the guarantee being given and the way it was given. I do not have the answers to that, but I expect the parliamentary system would be able to bring to public awareness, in public, why much of this happened. That inquiry cannot, as the Deputy correctly said, say that person X is guilty of this or that, but it can find out about the background, the connections, the decisions that were made and why they were made, without imputing guilt. That is in the public interest. However, it is something I do not want to see dragging on for eight, ten or 12 years where one makes millionaires of lawyers and nobody is called to account. There are two separate issues here.

The Deputy's question is about the behaviour of the banks in dealing with thousands who are under pressure with their mortgages and distressed mortgages. This morning I listened to the director of the personal insolvency agency, which is now open for business. There is an opportunity for the individual the Deputy mentioned to go to the personal insolvency service to deal with that matter. The service was introduced to provide a different option for persons who have mortgages to find a way out of the situation in which they find themselves.

**Deputy Micheál Martin:** It is not happening.

**The Taoiseach:** I do not know the circumstances of the person the Deputy mentioned. The Central Bank has set down conditions for the lending banks and these conditions must be met.

**Deputy Micheál Martin:** The Central Bank has said it cannot be prescriptive on this. It does not have the powers that are suggested.

**The Taoiseach:** That means people must be made offers of sustainable solutions for their individual circumstances.

**An Ceann Comhairle:** We are way over time on this question. Please co-operate with the Chair.

**The Taoiseach:** It is not just dealing with interest-only repayments but is about finding a sustainable way out of the problem.

**Deputy Micheál Martin:** The Central Bank does not have the power to instruct the banks on this.

**The Taoiseach:** The legislation has been changed and these facilities have been introduced. The conditions of the licensing authority, which is the Financial Regulator and the Central Bank, have changed substantially from what they were when the Deputy was in office.

**Deputy Gerry Adams:** Bhí mé ag éisteacht leis an Taoiseach agus an Teachta Martin. Sílim go bhfuil siad caillte. Níl siad ag éisteacht leis an bpobal ag an uair seo. Tá fíor-ghá ann ag an bomaite na polaiteoirí, na baincéirí agus na Státseirbhísigh a choimeád cuntasach.

Yesterday, when I asked the Taoiseach what he intended to do about the shameful behaviour of the untouchables in the banking system, he said: "The buck stops with the Government and I am going after them." Will the Taoiseach explain how he will do that? Since he came into office he has pandered to the banks. Every measure introduced by Fine Gael and the Labour Party has given a veto to the banks. The Taoiseach is not listening to the people because this is a matter of intense public frustration. Five years later nobody has been jailed for their role in bankrupting the State. Both the Taoiseach and the Dáil have been talking about establishing an inquiry into these matters for years. It is all talk. There is no action. Ní fiú tufóg mhuice é.

We need to understand that politicians, bankers and civil servants must be held to account. The most important inquiry is the criminal inquiry into the corrupt criminal wrongdoing. The Garda and the Office of the Director of Corporate Enforcement have been investigating this for almost five years. The Taoiseach knows that if these people were not rich or well-connected and were ordinary citizens, there would be no delay in prosecuting them. Yesterday, the Taoiseach confirmed that the Anglo Irish Bank tapes were seized by the Garda from the bank over four years ago. The State has bailed out Irish Nationwide, Irish Life & Permanent, EBS, Allied Irish Banks and the Bank of Ireland. Do any tapes from these banks exist?

**The Taoiseach:** I cannot answer that question for the Deputy. The tapes of which we have heard sections were acquired by the Garda four years ago as a result of warrants served and confiscations made.

Bí cinnte go bhfuil mé ag éisteacht leis na daoine an t-am ar fad, agus casaim orthu ar fud na tíre gach uile lá.

**Deputy Gerry Adams:** Cad a dhearna tú faoi sin?

**The Taoiseach:** Ní cheart duit é sin a rá ar chor ar bith. Bím ag éisteacht leo, cosúil leis an Teachta agus gach Teachta eile. Tá fhios agam go maith an brú atá orthu.

What we are going to do is process the legislation currently proceeding through the House in order to set up a parliamentary inquiry. It is to commence in the autumn, and we will do the work on the terms of reference. With regard to all activities and connections mentioned by the Deputy, it is time for the public to have some understanding of how this culture evolved, how the decisions were made within that culture, how we were told people should commit suicide if they claimed the housing bubble would burst, and how many people were convinced they should take out exorbitant mortgages to buy properties with highly inflated values all over the

country. The latter now find themselves stranded in distress, in arrears and under pressure in their family lives.

**Deputy Joe Higgins:** The Taoiseach never said anything about it at the time.

**The Taoiseach:** We need to find out the reasons for the evolution of that culture, the personalities involved and the way the decisions were made. I repeat as I stand at this seat that there is nothing in the Department of the Taoiseach with which I can inform myself about the visits by bankers to senior Ministers or predecessors in my office, to record what was discussed or agreed or to point out the decisions made. Does Deputy Adams not believe it would be appropriate to find out that information? Does he not believe it would be in the interest of every citizen, including the hundreds of thousands in financial difficulty, to determine why we incurred a cost of €64 billion, which will take generations to repay? We must work at European level to seek agreement and co-operation in respect of decisions taken. That has been a different argument and we have made some progress in that regard. We need to find out in this House what happened, who made agreements, who was involved, the nature of the discussions, what was said to the former Government about bringing in the guarantee, and why the bankers were able to convince that Government to go down this road, as evidenced in some of the tapes to which we have listened, which tapes imply the bankers played games with the former Government and said, "We have them". They referred to €1 billion per day or other figures. We need to find out this information and that is why we want the co-operation of the Deputy in processing the Bill to allow for inquiries in the Houses such that we can find out, in public, some of the required information in the public interest. The inquiry will not result in the conviction of people but will find out the truth behind some of what happened. The courts can deal with those against whom criminal charges are made. The people want to see the courts process such cases in accordance with the law of the land.

**Deputy Gerry Adams:** We are having this discussion because of the Anglo Irish Bank tapes. I asked the Taoiseach whether there are tapes from Irish Nationwide, Irish Life & Permanent, EBS, Allied Irish Banks and Bank of Ireland. If I heard him properly, he said he cannot answer the question for me. Why not? Since he is stating this Parliament needs to know all the answers, he should please ask somebody for the answer. When he sat at his desk in Government Buildings to face one of the biggest scandals in banking, did he not decide he would get to the bottom of it? He should please ask for a response. Must we depend on the newspaper to tell us the story of whether there are tapes and other revelations about the other banks?

Since he came into office, the Taoiseach talked a lot about restoring the reputation of the State and its financial institutions. Yesterday and today, he will have noted that the international media is awash with justifiable and scathing criticism of the Fianna Fáil and current Governments. The truth is that this is the best small country for big bankers, corrupt politicians and speculators.

**Deputy John O'Mahony:** The Deputy should play his own tape.

**Deputy Gerry Adams:** In so far as we can, we will support measures that will actually get to the truth of matter. However, the Taoiseach urgently needs to create the space for the Dáil and citizens to be told why the executives in question were kept in place by the previous and current Governments. He needs to tell us why they were protected and rewarded and to invite the leader of Fianna Fáil to tell the Dáil the names of the senior Ministers who met bankers during the period in question.

**Deputy Dinny McGinley:** He should ask him.

**Deputy Gerry Adams:** The Taoiseach needs to move with urgency in this regard. As he said yesterday, the buck stops with the Government.

**The Taoiseach:** I discussed this yesterday with Deputy Martin. In order to create the space that Deputy Adams talks about, it is necessary to pass the legislation for the parliamentary inquiry system in both Houses, give the inquiry specific terms of reference, resource it properly and allow it to do its job. That job includes calling in the principals and other personalities involved to give their accounts, recollections and evidence as to why all these events happened.

When I had the privilege of going into the Taoiseach's office after being elected, I did ask for files in regard to all this business. There are no papers.

**Deputy Micheál Martin:** There are.

**The Taoiseach:** Yes, and they are meaningless.

**Deputy Micheál Martin:** I asked the Taoiseach a parliamentary question on this matter and he told an untruth in here on that one.

*(Interruptions).*

**An Ceann Comhairle:** Please allow the Taoiseach to do the answering.

**Deputy Micheál Martin:** There is a Government memorandum on it.

**The Taoiseach:** What was obtained under the Freedom of Information Act was a whole bundle of meaningless acknowledgements and e-mails.

**Deputy Micheál Martin:** We found out that the Taoiseach was telling an untruth in the House about the shredding of documents. He told an untruth in here and he is now at it again.

**Deputy Emmet Stagg:** The former Government shredded them before it left.

**The Taoiseach:** Let me say to Deputy Martin in response to Deputy Adams's question-----

**An Ceann Comhairle:** Deputy Martin had an opportunity to speak and should now stay quiet.

**The Taoiseach:** When the time comes for releasing the files of this Government, in regard to the agreement reached-----

**Deputy Mattie McGrath:** He will get some shredding when he goes to the country.

**The Taoiseach:** -----with the European Central Bank on the promissory notes, for example, which agreement was raised by the Opposition day after day, it will be discovered that the decision was properly recorded. It was read out in respect of every Minister, it was agreed and it will be on the record long after I leave here. I wanted to find out from my Department the location of the files on the bankers who came here to meet the former Government and the evidence on the requests, discussions and decisions. There is nothing but empty space. We need a parliamentary inquiry to call before it the relevant people, including Deputy Martin, who was a Minister at the time when the incorporeal meetings were held, and ask them to give us their best recollection. That is in the public interest. The people in question, the bankers and other

relevant individuals should be called before the parliamentary inquiry to give their evidence and the truth of the matter. While the inquiry will not be a court of law, it will be able to deal, in the public interest, with some of the information and the truth behind what happened, and perhaps it will fill in the blank spaces that Deputy Adams and I would like to see filled in.

*11 o'clock*

**Deputy Frank Feighan:** They are good at cleaning up the crime scene.

**Deputy John Halligan:** There has been much discussion in recent weeks about Deputies acting on their conscience. I draw the Taoiseach's attention to a group of women in the Visitors Gallery who are also faced with an impossible decision. I also welcome members of the medical profession. The women concerned found themselves being told in heartbreaking fashion that they were carrying a baby who would live for just seconds or minutes outside the womb. They faced a crisis of conscience - whether to continue with their doomed pregnancy only to watch their baby die in their arms after taking its first breath or whether to end the pregnancy. A total of 1,500 women in Ireland face this dreadful decision every year or four women every day and 80% of them travel abroad for a termination.

Last week, the Government received an amendment to the Protection of Life During Pregnancy Bill 2013 from the Termination for Medical Reasons group, which is campaigning for the right to terminate pregnancies. The group comprises women and members of the legal and medical professions. Has the Taoiseach seen the letter they sent him? What are his views? The group has received legal advice that it is possible to include a reference to fatal foetal abnormalities in the upcoming Bill. Does he accept its argument? If not, is he prepared to support a referendum to repeal the eighth amendment to the Constitution? Every day in this country four devastated couples are told the woman is carrying a foetus with fatal abnormalities.

There is simply no argument for forcing these women to carry an unviable foetus to term in the knowledge that it will be incapable of surviving. They face one of the most difficult and harrowing decisions any person will have to make - a decision that is not taken lightly - but by not legislating for it and providing the legal and medical framework needed, we are forcing them in tragic circumstances to leave their home and country without care or advice at a time when they should be surrounded by their loved ones. I have to use the word "barbaric". If the Taoiseach spoke to any of these women like I have from all over the country and listened to the harrowing details, he would cry. I ask him not to allow this to continue.

**The Taoiseach:** As a husband and father, I know a pregnancy always brings a sense of excitement to a couple and of hoping the birth will be one of joy and lead to a child who can live a long, happy, fulfilling and contributing life. Everybody can understand the Deputy's comments and have some compassion on the issues he raises. I have come across cases where this has applied and the pregnant mother wanted to see the pregnancy through in order that she could hold the delivered baby in her arms and carry out an appropriate burial.

The situation was explained to the Minister for Health by representatives of the group to which the Deputy referred at a meeting in June last year. The Minister, as a doctor and father, empathised with them on the case they had made and outlined. The Bill going through the House on the protection of life during pregnancy is strictly within the Constitution and the law and deals specifically with cases in which there is a real and substantial risk to the life of the mother and the circumstances that arise in those cases in which a termination is allowed under

the Constitution and the law. In that sense, while I understand the point the Deputy is making, this is a different set of circumstances which are not contemplated under the Bill. The constitutional right to life of the unborn is being upheld in the Bill and the obligation on the medical profession to save both lives, where possible, will be confirmed in it. Unfortunately, I cannot accede to the Deputy's request. While I understand the point he made, we are dealing with a specific set of circumstances where there is a real and substantial threat to the life of the mother and the circumstances arising from this in which a termination of a pregnancy is allowed.

**Deputy John Halligan:** While we are dealing with choice, we are also dealing with conditions that are incompatible with life. The best thing to do in the one minute available to me is to tell the Taoiseach a story of a woman I met who is too traumatised to be here today with all of the women present. She has told me that she went through with the birth having been recommended not to do so because the foetus was so badly damaged and it might have a traumatic effect on her. The young baby lived for approximately 25 seconds. That was three years ago and the woman concerned is deeply traumatised. She is unable to have sexual relations with her husband three years on. She is ill and wakes up with nightmares almost every night because of what she saw. That is not compassion.

A total of 87% of the people said in an opinion poll that women should have the choice if they were told the foetus was incompatible with life. Does the Taoiseach not accept that by forcing these women to go through with this, we are damaging their lives and the lives of their husbands, partners and families forever? Some 87% of the people would be behind the Taoiseach, but with the deepest of respect to him - I informed him that I would raise this issue today - the women concerned do not need compassion. They have their partners, families and friends and the medical profession. They need help. Last June they met the Minister for Health who I am told was deeply moved and promised he would do something. I do not know what that something is, but those were his words. I again ask the Taoiseach and every other Member to look up at these women and their husbands and tell them they will not allow another 1,500 women to suffer next year in the way many of them have suffered.

**The Taoiseach:** I am in receipt of representations from various groups around the country regarding the Protection of Life During Pregnancy Bill which is going through the House. Some of these groups would like a much more liberal regime, some are calling for no change, while others would prefer a very much restricted position. What I am required to do as Head of Government is to deal with our Constitution and our law. While I have sympathy for the people represented by the Terminations for Medical Reasons group, it is one of a number of groups campaigning in this area. I do not know the personal circumstances of the person the Deputy mentioned. It is not open to me, in the context of the Bill before the House, to change any of these definitions.

**Deputy Richard Boyd Barrett:** It is possible to do so under the Constitution.

**The Taoiseach:** The provisions are strictly within the Constitution and the law. That is how the Bill was framed and that is the objective. As I said, some people want an entirely different regime, with changes that would alter the situation very much indeed. While I understand the point the Deputy is making, this Bill deals with the circumstances in which a termination of pregnancy is allowable, namely, where there is a real and substantial threat to the life of the mother.

## Visit of Central African Delegation

**An Ceann Comhairle:** Before proceeding with business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte, a most sincere welcome, to a delegation of women parliamentarians from central Africa under the umbrella of the Association of European Parliamentarians for Africa, AWEPA, and the Network of Women Parliamentarians of Central Africa, RFPAC.

## Order of Business

**The Taoiseach:** It is proposed to take No. 19, Protection of Life During Pregnancy Bill 2013 - Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn not later than 10 p.m. Private Members' business shall be No. 113, motion re special educational needs (resumed), to conclude at 9 p.m. if not previously concluded.

**An Ceann Comhairle:** There is one proposal to be put to the House. Is the proposal that the Dáil shall sit later than 9 p.m. and shall adjourn not later than 10 p.m. agreed to? Agreed.

**Deputy Micheál Martin:** Yesterday saw the publication of a major report pertaining to proposed water charges. The Minister for the Environment, Community and Local Government, Deputy Phil Hogan, has indicated his intention to introduce water charges in January 2014 and to repair leakages at the same time. The report yesterday indicated that Irish Water will be seeking hundreds of millions of euro to deal with the level of leakages in the system, with an estimate that some €600 million per year will be required in the next ten years. The undertaking to introduce water charges is included in the programme for Government. We are aware, however, that the level of leakage is up to 40%. There is, moreover, a very poor quality of water in some areas and, in some instances, leakages have nothing to do with households. In that context, does the Government still intend to proceed with the introduction of charges for all households, irrespective of the quality of the water itself, of the water supply or of the associated infrastructure?

**The Taoiseach:** This is a matter of considerable importance. The different local authorities throughout the country have operated independently for many years in the way water systems were supplied and water standards devised. Irish Water will introduce nationally applicable standards. The intention is to introduce the water charge levy in October 2013, with the first bills coming through from 1 January 2014. Irish Water, once it is established, will have responsibility for all extensions, repairs and so on, which will necessitate the local knowledge of local authority engineers. As I understand it, leakages from the public meter to individual households will be repaired on a once-off basis. It is a matter for Irish Water to decide, on the basis of the evidence it obtains from local authorities, how to carry out the renewal, repair and extension of pipes. The body will set out its programme in that regard.

**Deputy Gerry Adams:** I am informed by my learned friend, an Teachta Pearse Doherty, that the Taoiseach may have given the wrong date and that water charges will be introduced in January 2015 rather than January 2014.

**The Taoiseach:** Thank you, Deputy Doherty.

**Deputy Gerry Adams:** The Deputy will keep the Taoiseach right.

**Deputy Timmy Dooley:** There is an axis of collusion between the Government and Sinn Féin.

**Deputy Gerry Adams:** Following the publication last June of a report by Professor Una Walsh on the barbaric practice of symphysiotomy in this State, many of the victims were very annoyed that there had been no consultation process. An undertaking was given to publish a second report, following consultation, but a year has passed with no sign of it. Will the Taoiseach indicate when it will be published? All of the survivors are elderly and do not have a great deal of time. They want the truth and an acknowledgement of the suffering they endured. They certainly deserve compensation.

**The Taoiseach:** I do not have a date for the publication of that report. I have spoken to the Minister of Health about the issue and I understand he expects to bring a memorandum to Government in the not too distant future. I will get back to the Deputy when I have clarified the matter.

**Deputy Peter Fitzpatrick:** When can we expect the publication of the public health (alcohol) Bill to provide for the inclusion of health advice and warnings on alcoholic drink containers such as bottles and cans and on promotional material, including advice on the dangers of consuming alcohol during pregnancy? The Bill will also provide for a minimum price at which alcohol can be sold and for certain matters in regard to the advertising of alcohol and other relevant measures.

**The Taoiseach:** The Minister of State at the Department of Health, Deputy Alex White, has done a great deal of work in this area and expects to bring his report to the Cabinet subcommittee in the coming weeks. It will then be referred to the Cabinet for decision. I expect the Bill will be published in the second half of this year.

**Deputy Pearse Doherty:** There has been much talk in recent days about truth, transparency and the filling in of gaps in regard to the banking system in this country. Will the Taoiseach indicate, in this context, when the report on Irish Nationwide Building Society will be published? The Taoiseach has mentioned the many documents missing from his office, but this particular report has been in the Minister for Finance's office since 2009. The Government is suppressing the publication of information on how this institution, which cost the State the most relative to its size, was run by those at the top.

The deal announced by the Tánaiste in regard to the European Union's multi-annual financial framework, MFF, has run into serious difficulties. In fact, the second largest grouping in the European Parliament, which includes the Tánaiste's own MEPs, has unanimously rejected it. Will there be a statement regarding the consequences of this failure for the Irish Presidency? The Tánaiste has potentially jeopardised the delivery of a deal before the end of the Presidency.

**The Taoiseach:** I will get back to the Deputy regarding the report on Irish Nationwide Building Society.

In regard to the MFF, the Tánaiste has worked exceptionally hard at this. I travelled with him to Brussels on a bank holiday Monday for discussions on the matter with the President of the European Commission, Mr. Barroso, and the President of the European Parliament, Mr. Schulz. Agreement in this regard is of great importance for the European Union as a whole and not just Ireland. One of the issues they raised was the draft amending budget for 2012-13, which has a ceiling of €11.2 billion. They wanted a substantial down payment on that. The

Minister for Finance, Deputy Michael Noonan, was able to put €7.3 billion from the countries through ECOFIN, leaving €3.9 billion to be paid towards the end of the year. I was not in a position to give a legally binding guarantee in this regard because I do not have that authority.

Following that meeting, discussions began in respect of the MFF. There has been a great deal of game-playing in this regard. The European elections are next year. This is a very substantial tranche of money. The Tánaiste and Mr. Lamassoure presented the findings here to the group of rapporteurs, all of them without dissent. Subsequently there were comments made about the nature of the deal. This is proceeding. I understand the Tánaiste is briefing people today in Brussels. There will be a meeting of the presidents of the sectors of the Parliament today. I have to go there either tonight or tomorrow morning. There may be a requirement for a pre-Council presidential meeting dealing with the MFF but I hope that we will be able to get it through. The different sectors in the Parliament have changed their views on several occasions. It seems to be in a way unusual that the European Council agrees on the budget. The European Parliament has a requirement to give its *imprimatur* and approval following the Lisbon treaty. I respect that fully. The Parliament then voted down the budget, wanted more money, greater flexibility and several other issues-----

**Deputy Micheál Martin:** Rightly so.

**The Taoiseach:** The different sectors within the Parliament have their own views. The Presidency is expected to negotiate with the Parliament and say "Okay, you voted against this now I want you to accept it and we will make adjustments internally".

**Deputy Timmy Dooley:** That is called an agreement, is it?

**The Taoiseach:** There is a lot of complex stuff going on there. I hope that under the direction of the Tánaiste and his counterparts it can be sorted out before the European Council meeting on Friday.

**Deputy James Bannon:** Our heritage is very much what we inherited. It is linked to the past and has huge links with the tourism industry, up and down the country. There is a huge number of artefacts-----

**An Ceann Comhairle:** I am sure there are but would the Deputy get on with the question about the legislation?

**Deputy James Bannon:** They have been stored away for nearly half a century in buildings owned by the OPW.

**An Ceann Comhairle:** No more speeches please. The Deputy should just ask the question.

**Deputy James Bannon:** It is important to get those artefacts back to their local communities. I would like to know-----

**An Ceann Comhairle:** What important legislation is the Deputy talking about?

**Deputy James Bannon:** It is an important element in giving local areas their identities through their heritage. I would like to see some of those artefacts coming back-----

**An Ceann Comhairle:** What legislation is the Deputy talking about?

**Deputy James Bannon:** I will come to that.

**Deputy Mattie McGrath:** The Big Houses of Ireland Bill.

**Deputy James Bannon:** The Heritage (Amendment) Bill. When can we expect to have that before the House?

**Deputy Timmy Dooley:** The Humpty Dumpty Bill.

**An Ceann Comhairle:** There is a long list of Deputies waiting to speak so Deputies should just ask their questions.

**The Taoiseach:** There are two Bills about heritage. The Monuments Bill is due in the middle of next year. The Heritage (Amendment) Bill is due in autumn of this year.

**Deputy Timmy Dooley:** There will be a monument erected to the Deputy.

**Deputy Bernard J. Durkan:** Given the urgent necessity to accelerate the criminal investigation of activities in the banking system over the past few years is it intended to accelerate the progress through the House of the amendment to the Criminal Assets Bureau Bill, with a view to ensuring that adequate strength is applied to ensure the forensic examination of the issues which have been the subject matter of discussion in the past few days?

**The Taoiseach:** This is the Proceeds of Crime Bill. Deputy Durkan has raised this on several occasions. These discussions with CAB are ongoing and I cannot tell him when they will conclude but hopefully it will be fairly soon. That is an essential part of completing the Bill.

**Deputy Pádraig Mac Lochlainn:** We will be debating a Bill on Cork jail in the next few days. Unfortunately 90% of the cells planned for the new jail will be shared cells where people will have to use the toilet in front of one another. That is against the direction in which we want our penal system to go. When will the Government bring in the Fines (Amendment) Bill that will prevent people going to jail for non-payment of fines?

When will the Assisted Decision-making (Capacity) Bill come before the Houses again?

**The Taoiseach:** The Fines (Amendment) Bill will be published in this session. The Assisted Decision-making (Capacity) Bill will also be published in the next couple of weeks.

**Deputy Michael Healy-Rae:** I believe at the outset I am supposed to declare what could be perceived as an interest. An Post has been named as the most reputable semi-State body in Ireland. With regard to the Communications Regulation (Postal Services) Act there is a concern that if the Government-----

**An Ceann Comhairle:** We are talking about Bills here, not Acts.

**Deputy Michael Healy-Rae:** I meant to say Bill. If the Government proceeds with its policy-----

**Deputy Micheál Martin:** We are talking about the problems of the Kilgarvan post office.

**Deputy Mattie McGrath:** Rightly so.

**Deputy Michael Healy-Rae:** ------to channel social welfare payments out of An Post to financial institutions-----

**An Ceann Comhairle:** A parliamentary question is a more suitable way to deal with that

issue.

**Deputy Michael Healy-Rae:** -----it could result in closing down our post office network. That is the question.

**An Ceann Comhairle:** It is a parliamentary question.

**Deputy Paul Kehoe:** We are not going to Kilgarvan.

**Deputy Michael Healy-Rae:** Do we have a new Taoiseach?

**The Taoiseach:** We do not have a Bill on that. It was introduced already.

**Deputy Frank Feighan:** There is a need to put in place a new legal framework for the Irish Red Cross Society and I wonder when the Red Cross (Amendment) Bill will come before the House.

**The Taoiseach:** I think that is going to have to wait until the new year.

**Deputy Mattie McGrath:** Under the Electoral (Amendment) (Referendum Spending and Miscellaneous Provisions) Bill, we voted in this House to run the Children (Referendum) Bill. The Supreme Court found that the Government misappropriated - that is a kind word, the Court was stronger than that - €1.1 million of that funding. When will we have a debate on that or will the Government avoid it like everything else? It is an outrage.

**An Ceann Comhairle:** What Bill is the Deputy asking about?

**Deputy Mattie McGrath:** The Electoral (Amendment) (Referendum Spending and Miscellaneous Provisions) Bill.

**An Ceann Comhairle:** When is that Bill coming in?

**Deputy Mattie McGrath:** I have one more question.

**An Ceann Comhairle:** We will find out about this Bill first.

**The Taoiseach:** The Supreme Court made its finding and the Government complied with it immediately. The Electoral (Amendment) (Referendum Spending and Miscellaneous Provisions) Bill will be next year.

**An Ceann Comhairle:** Next year.

**Deputy Mattie McGrath:** I did not understand the first part of the Taoiseach's reply.

**Deputy Paul Kehoe:** Next year.

**Deputy Mattie McGrath:** What did the Taoiseach say?

**The Taoiseach:** The Electoral (Amendment) (Referendum Spending and Miscellaneous Provisions) Bill will be next year.

**Deputy Mattie McGrath:** Before he said that what did the Taoiseach allude to?

**An Ceann Comhairle:** The Deputy should get on with his question.

**Deputy Mattie McGrath:** I did not hear. The Taoiseach said something but níor chuala mé. What about the Central Bank (Consolidation) Bill? We are talking about banks and we are playing silly games around here but if that Bill was brought in it would sort out all this blackguarding and cronyism, and whatever else one wants to call it, regarding banking. If the Taoiseach wanted to deal with it he could deal with it and that is the Bill to do it.

**The Taoiseach:** The Central Bank (Supervision and Enforcement) Bill 2011 has to go through both Houses. It is on Committee Stage in the Seanad at the moment. That has to go through before the Central Bank (Consolidation) Bill can be implemented.

**Deputy Timmy Dooley:** Regulation was promised to regulate the private clamping sector. When does the Government intend to bring that legislation to the House?

**The Taoiseach:** That will be later this year. The heads of the Bill have been prepared.

**Deputy Willie O'Dea:** I understand the Taoiseach has given a commitment to the House that the Consumer Competition Bill will be dealt with before the end of this session. Will the Government be able to adhere to that?

I also want to ask about the Mediation Bill and the Criminal Justice (Corruption) Bill. When can we expect to see those?

**The Taoiseach:** A number of drafts have gone over and back between the Departments about this. It is very well advanced and it is expected to be published in this session.

**Deputy Willie O'Dea:** What about the other two?

**The Taoiseach:** We have no dates yet for the Mediation Bill and the Criminal Justice (Corruption) Bill.

**Deputy Ray Butler:** When is publication expected of the Family Law Bill to make provision for pension adjustments in the context of separation agreements and certain other reforms in family law?

**The Taoiseach:** That will be this year.

**Deputy Jerry Buttimer:** In the absence of Deputy Mattie McGrath I welcome his acceptance of the Supreme Court and its judgments. It is very welcome.

In Pride week I want to ask the Taoiseach about the Family Relationships and Children Bill. As the Taoiseach knows quite well many same sex couples await the publication of this very important legislation. Their children await it too, to get formal legal recognition. Can we have an idea of when that Bill will come forward?

**The Taoiseach:** I can confirm that there has been a great deal of preparatory work done on this Bill but I do not have a date for its preparation or publication. I will keep the Deputy informed.

**Deputy Robert Troy:** The Minister for Children and Youth Affairs confirmed to me by way of a reply to a parliamentary question that she was in receipt of the Government rapporteur 2012 annual report on child protection. When will this report be laid before the House?

**The Taoiseach:** I cannot say. The Minister would normally bring that to Government be-

fore getting approval to publish it. I will advise him as to when that might happen.

## Mental Health (Anti-Discrimination) Bill 2013: First Stage

**Deputy Simon Harris:** I move:

That leave be granted to introduce a Bill entitled an Act to make provision, in the context of evident and persistent unfair discrimination against persons who have been diagnosed with a mental illness or who have in the past been diagnosed with a mental illness, for the protection of certain classes of persons having been diagnosed with a mental illness and to prohibit the discrimination against such persons and to provide for the grant of certain protections in matters of contract law.

**An Ceann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Simon Harris:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

## Child Care (Amendment) (No. 2) Bill 2013: First Stage

**Deputy Robert Troy:** I move:

That leave be granted to introduce a Bill entitled an Act to amend penalty provisions under section 57 of the Child Care Act 1991 (as amended), and the regulations made by Ministerial orders there within.

**An Ceann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Robert Troy:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

## Topical Issue Matters

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each

case: (1) Deputy Pat Breen - the need to discuss the non-provision of a pension scheme for supervisors on community employment schemes; (2) Deputy Pearse Doherty - the impact of the Health Service Executive recruitment moratorium on community hospitals in County Donegal; (3) Deputy Tony McLoughlin - the need to review the rules on eligibility for the rural school transport scheme and, in particular, the loss of the service to Ardvarney national school, County Leitrim; (4) Deputy Éamon Ó Cuív - the need to make provision for services for those school leavers with a significant disability; (5) Deputy Patrick Nulty - the need to maintain history as a compulsory subject for the junior cycle at second level; (6) Deputy Brian Stanley - the primary school building programme for Portlaoise and Ballyroan; (7) Deputy Denis Naughten - the need to withdraw letters issued for the collection of the household charge to home owners in incomplete housing developments; (8) Deputy Eamonn Maloney - the need for an Oireachtas inquiry into the banks; (9) Deputy Michael Conaghan - the need for an Oireachtas committee of inquiry into the banks; (10) Deputy John Deasy - the need to provide an equitable local authority rating system for commercial properties; (11) Deputy Pat Deering - the progress made with the redeployment of 25 staff from the Department of Agriculture, Food and the Marine to the Garda central vetting unit; (12) Deputy Aengus Ó Snodaigh - to discuss the urgent need for additional funding for housing adaptation grants; (13) Deputy Seán Crowe - to discuss the crisis facing families of seriously ill or impaired individuals who are having to wait years for a housing adaptation grant, a housing aid for older persons grant or a mobility aid grant; (14) Deputy Derek Keating - the arrangements in place for supervision of students during school organised Gaeltacht residential trips and classes; (15) Deputy Mattie McGrath - the need to urgently fill seven medical registrar vacancies in South Tipperary General Hospital; (16) Deputy Patrick O'Donovan - the need for local authorities to take a leading role in combating fuel poverty in their administrative areas and ensure their policy on the installation of heating systems in local authority housing takes account of same; (17) Deputy Michael P. Kitt - the theft of six valuable oil paintings by Evie Hone from the Church of St. Peter and Paul at Kiltullagh, Loughrea, County Galway; (18) Deputy Mick Wallace - to discuss the negative impact delays within SUSI, Student Universal Support Ireland, are having on student education; (19) Deputy Clare Daly - the continued use of the Guantanamo Bay facility; and (20) Deputy Seán Ó Fearghaíl - the future of the triple lock mechanism.

The matters raised by Deputies John Deasy, Mattie McGrath, Seán Ó Fearghaíl and Pat Breen have been selected for discussion.

**Protection of Life During Pregnancy Bill 2013: Second Stage (Resumed)**

Question again proposed: "That the Bill be now read a Second Time."

**Deputy Micheál Martin:** I welcome the opportunity to speak on the Protection of Life During Pregnancy Bill. I also welcome the generally restrained and constructive tone in which the debate has been conducted so far in this House. I have said from the start that Fianna Fáil will not treat this issue as a political football. It is a complex, sensitive and personal issue which has been actively debated for over 30 years. We should have no tolerance for personal or political grandstanding on the issue.

There is no more fundamental issue for a society than its attitude to life. It is an ethical issue which goes to the very heart of our values. Ireland is far from unique in having an ongoing public debate about issues to do with life. It is very positive and one which I hope remains. I would much rather live in a society which has lengthy and sometimes emotional debates about the issue of life than in one which ignores it completely. This is not to say every contribution

to the public debate has been constructive. There is an extreme fringe which recognises no boundaries of basic decency in promoting its view. Many of us in this House have had personal experience of this fringe's behaviour. It must, however, not be allowed to distract us or drown out the much more significant campaigns of other groups which are also against this legislation but which promote their views in a fair and democratic way. They have a right to be heard without being linked with the actions of a tiny minority. I have no doubt that a strong majority is against us in moving towards any liberal abortion regime. These views are not reactionary and not the result of blindly doing what religious or other leaders instruct. We should all reject any attempt to caricature or dismiss such sincerely held views. They are based on a profound respect for all aspects of humanity.

During my time as a public representative, I have what I believe is an absolutely clear record in supporting measures which respect the protection of human life. For example, I am proud to have voted for and helped to enact legislative and constitutional change which first abolished and then banned the death penalty. Regarding life during pregnancy, I have been a pro-life legislator. I understand this label annoys some, but it is a term which is widely understood. I do not use it to set it in contrast against other opinions. In approaching this legislation my position remains as it has been in the past. We have a constitutional and moral duty to protect human life in pregnancy. My vote will, I believe, be fully consistent with this, although it will displease some whose views I respect. I will be voting for the legislation because I believe it is tightly drawn and respects the provisions of Article 40.3.3o of the Constitution. It is as restrictive as it is possible to be within the terms of the law as laid down by the Supreme Court and the decisions of the people as reflected in two referendums. I do not believe it is possible to find completely uniform professional opinion on any proposal in this area. However, the Bill fairly represents what appears to be the predominant opinion about how we should proceed.

It is not true that this is an issue which has been ignored for 21 years. It is not the first time any legislation has been produced concerning abortion. The 2002 proposal that was defeated by the people followed extensive public consultation, expert hearings and an all-party committee report. With the major exception of the suicide provision, much of that legislation was similar to what is before the House today. I actually introduced that legislation in 2002. What was also done at the time was the development of a range of extra policy proposals to try to help women in crisis pregnancies. The Crisis Pregnancy Agency was established to provide free, non-judgmental help and also to undertake extensive education work. It is now part of the Health Service Executive and has undertaken its work professionally. Independent reviews show it has provided a service valued by the thousands of women who have come into contact with it.

Before addressing the specifics of the Bill, we must consider what the current legal position is and whether we need legislation. Article 40.3.3o was enacted by the people at a time when there was already a legal prohibition on abortion. It did not change the then situation. Its purpose was to ensure there could be no replication of the situation in Britain and elsewhere where a combination of the courts and the abuse of moderate legislation had allowed the effective end of all restrictions on abortion. While there are those who attack the very idea that a referendum should decide such matters and claim that Article 40.3.3o has been divisive, there is evidence that it has led to a far more honest debate. In the United States, for example, the Supreme Court justice, Ms Ruth Ginsberg, who is viewed as being very liberal and in favour of allowing abortion services, has spoken about how American society has never had a proper debate on abortion because the US Supreme Court cut it off in the Roe *v.* Wade decision. America has had, she

believes, a longer, more divisive and negative public debate on abortion as a result.

While the constitutional text is short and direct, it does not and cannot provide the detailed guidance required in all situations. It refers to two rights and, by definition, involves significant personal and medical decisions. The 1992 X case showed this with great force. In our system and in any country which respects rights the law is as the independent courts clarify it to be. In the X case the Supreme Court explicitly addressed how the right to life of the unborn and the mother was to be vindicated. The then Chief Justice, Mr. Justice Finlay, concluded on behalf of the four to one majority that "where it is established as a matter of probability that there is a real and substantial risk to the life, as distinct from the health of the mother, which can only be avoided by the termination of her pregnancy, such termination is permissible having regard to the true interpretation of Article 40.3.3o of the Constitution." There is no doubt emerging from this finding. The law of the land has been clarified by the Supreme Court and it is and has been for 21 years that there are circumstances where the termination of a pregnancy is legal.

As it stands, there is no legal framework to regulate terminations in circumstances where there is a real and substantial risk to the life of the mother. For medical professionals and, more importantly, women, there is uncertainty. In other countries this uncertainty and the wide scope of the X judgment could have led to the opening of the floodgates which many have feared. It has not done so here. This strengthens the justification for the framework outlined in the Bill. Irrespective of how one reads the recent European judgment in the A, B and C case, I have no doubt that the facts show that legislation is required to provide a framework within which the right specified in Article 40.3.3o can be vindicated.

The late Mr. Justice McCarthy who was renowned as a jurist, motivated by his commitment to classical republicanism, made this point in concurrence with the X case judgment. He said "the failure of the Legislature to enact the appropriate legislation is no longer just unfortunate, it is inexcusable."

When I was involved in drafting the 2002 proposal, the overwhelming view of groups was that there should be legislation, with some adding the need for a constitutional amendment. Today there are many people and groups arguing that no legislation is required, that we can simply deal with this matter through medical guidelines. This is inconsistent with their past position. First, it was previously argued by many of the Bill's opponents that the X case judgment was extremely liberal and open to abuse. For example, Professor William Binchy wrote in November 2000, "as a result of the holding in X abortion is lawful." If one looks at the debates on the 2002 proposal, one finds that many people who are today arguing that guidelines are sufficient then argued the exact opposite. I acknowledge the difference between this proposal and the one made at the time, but the fact remains that until now there has been wide acceptance that some form of legislation on the circumstances of medical intervention to save the life of a mother is required.

Opinion polls should not guide our judgments on issues such as this. I take as a guide the many discussions about this issue that I have had with people in their homes and communities throughout the country during the past two months. I have found wide acceptance of the view that doing nothing is not an option. Simply leaving it to medical guidelines is not good enough. I have not met a single person who disagrees with the basic point that we must make sure everything is done in every situation to protect the life of women in pregnancy.

Regardless of whether there is explicit provision for situations involving potential suicide,

there is a need for the core of the Bill. This is very similar to the approach followed in the 2002 proposal. A review framework is proposed within which it can be determined if there is a real and substantial risk to the life of the mother. It removes any potential for those involved to be prosecuted under the 1861 Offences Against the Person Act. In addition, provision is to be made for hospitals which will be covered by the legislation. The Bill is explicitly set within the context of the obligation to do everything possible to save the life of both the mother and the unborn child, even when there is a medical emergency which endangers the life of the mother. The Medical Council, the Institute of Obstetricians and Gynaecologists and the College of Psychiatrists of Ireland have welcomed the Bill. They believe it will strengthen the Medical Council guidelines which have been covering this area without the security of legislative backup and which also include the issue of suicide.

In section 9 of the Bill provision is made for situations where it is presented that a termination may be required in order to prevent the loss of the mother's life through suicide. This is the part of the Bill which has caused the most concern and deserves to be fully examined. Those who are scared that it might be abused base their concerns on the fact that there are other jurisdictions in which provision for mental health justifications for abortion have led to complete liberalisation. This is the very reason that in 1992 and 2002 proposals were put to the people to explicitly exclude the threat of suicide as a justification for a termination. Both proposals were defeated. The 2002 proposal was comprehensive and balanced and detailed not only a revised constitutional text but also the exact legislation which would be enacted if a majority voted for the amendment.

There are those who believe there should be a further referendum to remove the risk of suicide as a ground for a termination. I do not believe this is credible; in fact, any new proposal would be defeated by a much larger majority and met with anger by a public who would rightly see it as a way of avoiding legislation. The current law, as clarified by the Supreme Court, explicitly allows for the risk of suicide as the basis for terminating a pregnancy. It does so with no statutory framework to regulate situations or prevent them from being abused. The provisions of section 9 provide for a review panel and a clear process for deciding on these cases. This is a much stronger protection against abuse than the current one where there is no requirement for a review process. I accept that there has been conflicting evidence presented on whether a threat of suicide is ever addressed by a termination, but this does not allow us to ignore the issue. The reason the Bill is reasonable on this point is that, as I have said, it actually introduces a procedure to prevent the potential that this ground could be abused to widen the availability of abortion. For 21 years the risk of suicide has been a lawful ground for the termination of a pregnancy and it has not been abused in that time. I see no evidence of any type to suggest we should now mistrust women and doctors.

The argument that the suicide ground marks the opening of the floodgates to abortion in Ireland does not stand up. The principal alternative offered by opponents to the Bill is for medical ethics, in the form of professional guidelines, to be the determining factor in regulating all situations in the protection of life in pregnancy. In effect, this is arguing that we should leave everything in the hands of medical professionals, yet at the same time we are being told that the more restrictive regulation proposed by the Bill should be opposed because it could be abused by medical professionals. Equally, it asks us to believe women will be inspired by the law to claim to be suicidal in order to have a termination in an Irish hospital. I simply cannot accept this. Fundamentally, if it is the case that the termination of a pregnancy is never justified to address a risk of suicide, the safeguards proposed by the Bill, based as they are on core medical

ethics, will prevent this taking place.

Opponents of the Bill have repeatedly claimed that its provisions are similar to laws in other countries which did open the floodgates. What they fail to acknowledge is that Ireland is unique in having an explicit constitutional provision establishing the right to life of the unborn. As such, this places a direct limit on any action which can be taken as a result of legislation we pass in this House. By requiring that interventions under the Bill be "notifiable", this is not a case of legislation which will be left unsupervised. We, as legislators, and the people as a whole will be able to see if the legislation is being abused and in a position to amend it, if necessary. From what I have studied, I believe the Bill respects the Constitution and the ruling of the Supreme Court. Quite the opposite from opening the floodgates, it will actually prevent the potential that the finding in the X case could be abused.

As I have announced previously, my party will take what is for it a unique step in allowing each of its Oireachtas Members to vote in accordance with his or her conscience. My colleagues and I had a respectful debate and agreed that it would simply not be right to threaten the loss of the Whip for voting in line with one's conscience on the fundamental issue of life. The party's position remains clearly that we are against liberalising the abortion laws. Individually, we are not in agreement on whether the Bill meets that standard. Parliaments around the world regularly allow free votes on matters of conscience. There are many good reasons we need a strong system of party discipline, but there has to be some limit to this and I believe the issue of human life is something which must not be treated like normal political business. More than any other legislation that has come before this Dáil, I have examined the Bill and the debates on it in great detail. I am convinced that it is a measure which deals with a difficult issue in a comprehensive and just manner. It does no more than provide a framework to ensure everything that can be done to save the life of a woman during pregnancy will be done. It does not change the fundamentals of the law, as it stands. As much as is possible on such a divisive issue, it adheres to the available medical advice. Vitally, it includes a mechanism to ensure the law will not be misused.

I will vote for the Bill because I believe it is true to the core objective of ensuring every necessary procedure is available to save the life of a woman during pregnancy. The legal and ethical obligation to do everything possible to save the life of the unborn remains; in fact, it will be strengthened because of the safeguards inherent in the procedures contained in the Bill.

**Deputy Aodhán Ó Ríordáin:** I welcome that the Legislature is finally reacting to the 20 year old Supreme Court judgment in the X case. This subject can be broken into two parts, the constitutional element and the substantive issue. In respect of the constitutional element, no other parliament in the world would be allowed to disregard a judgment of a supreme court and the decisions of the people in two referendums. It is clear that the legislation only goes as far as the Constitution permits. I implore the Minister for Health to regard this Bill as the beginning of a discussion on a new constitutional amendment which would remove Article 40.3.3° in order to enable women to protect their health during pregnancy and deal with issues of rape and incest, as well as the sensitive issue of fatal foetal abnormality. These issues cannot be addressed in the Bill before us because of the constitutional constraints under which we must operate.

It is outrageous for anybody to suggest that we should not legislate. We are required to legislate if we take our Constitution and this Republic seriously, regardless of the substantive issue at hand. We have a Supreme Court and constitutional referendums for a reason. I reject the

suggestion by Deputy Martin - I listened to him but he does not appear interested in listening to me - that the previous Government should be congratulated for suggesting that a suicidal victim of rape should be forced to go through with her pregnancy. Supposedly it was a compassionate gesture to put that to the people in 2002. Thankfully, people's opinions have become much more nuanced. Those who argue that we should not legislate for the X case or the referendums of 1992 and 2002 imply that we should stage a constitutional coup. We are being asked to disregard the basis of this Republic. We cannot do that.

It has been suggested that the Bill should not be allowed to become a political football but, as a member of a party that has been on the receiving end of political kicks on this issue for the last 20 years, I find that difficult to accept. Every other political party in this House has used it to score political points against the Labour Party. It has been thrown at every Labour Party candidate and canvasser in local, European and general elections in order to distort our party's views and label us as pro-abortion. I do not even know what the term "pro-abortion" means. Our election manifestos for the past 20 years have committed to legislating for the X case. That commitment has been manipulated by others. Hushed conversations have taken place on doorsteps questioning what the Labour Party really wants to do in government and suggesting that we cannot be trusted on this issue. We have been accused of supporting abortion on demand. Thankfully, the position of my party, which has been consistent for the last 20 years, is finally in the political mainstream. People now accept the need to legislate for the judgment in the X case. That is what the people want and the Supreme Court demands.

On the substantive issue, all of us have received correspondence arguing that the Bill does not go far enough or that it goes too far. We have been intimidated and put under pressure. Our personal space has been invaded. I cannot understand why somebody would argue that a woman who is suicidal as a result of a crisis pregnancy should not have options. I do not understand the mentality of somebody who believes that a woman should be forced to go through with her pregnancy even though it means she will kill herself. As a society, we are still saying that in respect of rape, incest and fatal foetal abnormalities. If a woman's health is at risk or if she is a victim of rape or incest she has no options if she is not suicidal. Tragically, nothing in this legislation will change that. Who can honestly say it is justifiable that someone we love would be denied options if she is pregnant due to rape or incest? Representatives of a pro-life group suggested to me in my constituency office that a woman in that situation would have the option of going to England.

The central issue in this debate does not pertain to the unborn or to abortion; it pertains to abortion in Ireland. We have no difficulty with 4,000 women travelling to England every year but when it comes to upholding a woman's constitutional right to protect her life in this State through medical intervention, the national debate continues for 20 years. That is outrageous. When people from other jurisdictions are told that our debate is about situations where a woman's life is the risk, they are given to wonder whether this Republic is still in the dark ages. We have come a long way in terms of realising the debate is more nuanced than trenchant pro-life or pro-choice arguments would suggest. The debate has been used to blacken people and score political points. There was no political advantage in the stance my party has taken. We were the only party in the last general election to refer to the issue in our manifesto. However, it is a question of doing what is right rather than what is popular. When one knows something is right, one must stand up for it. Thankfully, it appears we are on the verge of legislating for this issue.

*12 o'clock*

We must revisit the Constitution in order to provide for those women whose health may be threatened by pregnancy. We should ask ourselves whether such women have options and choices..

Should a woman who has been raped, or a woman who has been the victim of incest, have options? Alternatively, as a State and as a Republic should we demand in all cases that such a woman should be always forced to go through with her pregnancy? I wish cases of fatal foetal abnormalities were covered in this legislation, but unfortunately they are not. I understand that constitutional restraints mean a referendum would be possibly required. As a Republic, how can we force women in each of these circumstances to go through with their pregnancies? How can we do that and call ourselves civilised? Until we have a proper conversation about having a constitutional referendum that would potentially allow these things to take place, we will remain a Republic only in name and we will continue to rely on the UK to help our citizens. These women go to England feeling like criminals. Their health can be at risk. They may have been raped, or be victims of incest. They may be carrying pregnancies that suffer from fatal foetal abnormalities. This State makes 4,000 women a year feel like criminals. All we are providing for in this legislation is that a woman whose life is at risk will be protected and the appropriate interventions will be made. The Supreme Court said it should be so 20 years ago. The Irish people said it should be so ten years ago.

This has been a long, lonely, difficult and emotional road. It has not been a popular road to take. People in my party and others who have taken this road have had their points of view distorted, poisoned or misrepresented when they have been trying to save women's lives. Under this legislation, which I hope will be passed even though it is possibly the most restrictive abortion legislation anywhere in the civilised world, this State will continue to tell women whose health is at risk that they have to go through with their pregnancies or go to England. I suggest that from a constitutional perspective, we have no option other than to proceed in this manner. This debate has never been about whether to legislate - it has been about how we should legislate. There has been a conversation around suicide, but we have to legislate for suicidal ideation because that is what the X case was all about. The people said in 1992 that they wanted to retain this provision. I find it remarkable that Fianna Fáil has tried to congratulate itself in some perverse way on the action it supposedly took in 2002. It is bizarre to suggest to the people of Ireland that they should stand back and laud Fianna Fáil for trying to ensure a suicidal woman who wants to kill herself should be forced to go through with her pregnancy. It is monstrous to suggest that this measure was progressive, or that it progressed this argument along. All we are saying now is what the people have said twice, and what the Supreme Court said 20 years ago. The Constitution is quite clear. Anybody who does not stand by this proposal does not stand by the Constitution or by the Republic.

On the substantive issue, we should ask ourselves again whether we are really serious about forcing women to go through with pregnancies that would kill them. Are we seriously talking about forcing women to go through with pregnancies that would kill them, or do we just want them to go to England like criminals? I am almost tired of this debate. I am looking forward to the conclusion of the debate on the X case and the enactment of legislation that has been promised for so long. I hope we can then move on in a compassionate and non-party political way and start talking about a constitutional referendum that would ensure women whose health is at risk, women who are victims of rape or incest and women who are carrying foetuses with fatal abnormalities are not forced to go through with their pregnancies. Otherwise, this is not a Republic.

**Deputy John Browne:** I welcome the opportunity to say a few words on this Bill. Like the Ceann Comhairle, I was here in 1983, 1992 and 2002 when we had very emotive debates on all of these issues. As Deputy Ó Ríordáin has said, the debate on this occasion has been calmer and more reflective. More respect has been shown for the opinions of others than was shown in previous years. There certainly has been a change. As my party leader, Deputy Martin, has said, the Fianna Fáil Parliamentary Party had a very comprehensive and respectful discussion on this matter. Everyone's opinion was heard before we decided to give Deputies a free vote because we were unable to come to a consensual view on the Bill. The Fianna Fáil statement reiterated that "despite the different perspectives on elements of the Bill, the Parliamentary Party reaffirmed our commitment to protecting the lives of pregnant women in this country, expressed our ongoing commitment to Article 40.3.3° of Bunreacht na hÉireann and restated our determination not to seek party political advantage from this issue". I think that is the way it should be.

I fully support the case for medical intervention to save a woman's life in pregnancy. I think that is a given. Equally, every effort must be made to save the life of the unborn child. Like every other Deputy, I have been sent thousands of letters and cards on this issue and received very strong representations within my constituency. Most of them have expressed opposition to the inclusion of the element of suicide in this Bill. Some of them have expressed support for it. I believe I have fully informed myself of the concerns and issues regarding this complex and emotive issue. I watched most of the proceedings when the Joint Committee on Health and Children held hearings on this issue in January and in May. We heard much contradictory evidence during those hearings. It was very important to hear the diverse views of the medical and lay people who attended the meetings in question.

Ireland can be justly proud of its record in the field of maternal health care. It has been repeatedly recognised by the United Nations that Ireland is regarded as one of the safest places in which to give birth. That is a testimony to the great work of our doctors, nurses and the other people in our hospitals who do everything in their power to care for the mother and the child. We had a child born with spina bifida some 28 years ago. She was placed in an incubator at Crumlin hospital for many weeks because she was severely ill. We were always wondering whether she would survive. Happily, she did as a result of the wonderful care of the medical people and the nurses at Crumlin children's hospital. She went through mainstream education. Today she works, drives a car and involves herself in social activities as any normal child would do. I think every child has a right to life regardless of his or her medical condition at the time of birth. As I have said, great testimony is due to the doctors, nurses and others who work on a daily basis to ensure people who are born with disabilities are given every right to survive.

I have a major problem with the inclusion of the issue of suicide in this Bill. When I listened to the committee hearings, it was clear to me that medical experts on both sides of the debate accepted that abortion is not a cure for pregnant women with suicidal tendencies. The Taoiseach, who is entitled to his opinion, has made it clear on a number of occasions that "there is no change" in the abortion legislation as it applies in Ireland. However, I would like to quote from what a barrister, Paul Brady, said at the joint committee hearings. He stated:

> It is clear that head 4 [abortion on the grounds of threatened suicide] marks a change in the law. It is not accurate to say otherwise. It creates, for the first time, a statutory basis in Irish law for what may be a direct and intentional termination of an unborn child's life.

Ms Sunniva McDonagh SC said:

> What is proposed represents a significant change in medical practice. [F]or the first time in statutory provision it is being provided that the actual treatment is the termination of the pregnancy. The proposed treatment is, in fact, abortion.

Dr. John Sheehan of the Rotunda said:

> If head 4 [termination on grounds of suicide] is enacted, psychiatrists will be asked to determine if there is a real and substantial risk to the life of the mother in order that she may procure a termination of pregnancy. This is a role in which Irish psychiatrists have not been involved to date. Many will not see this as their role as medical practitioners. The role could be construed as making psychiatrists the gatekeepers to abortion. Psychiatric practice relates to assessment and treatment of patients, not assessment and adjudication. Psychiatrists are not judges.

Obviously, there are very mixed views and concerns about the whole area of suicide. Many of the representations I have received in my own constituency and from across the country, from ordinary lay people and medical people, including nurses and others related to the provision of services for the mother and the unborn child, have questioned the area of suicide. Having read documentation from other countries, I believe no country or state, no matter how well-intentioned, has ever managed to restrict limited abortion legislation, especially on the grounds of suicide. For example, the Therapeutic Abortion Act in California was enacted in 1967 on strict grounds "where the mother was a danger to herself". The legislation included oversight by registered psychiatrists, yet within three years the number of abortions in the state had risen from 518 to over 63,000. Similar evidence exists from the UK, France, New Zealand and Chile, to name but a few.

I have never forced my opinion on anybody else. It is a personal opinion that I feel the suicide area should not be included and, for that reason, I have no option but to vote against the Bill. I support the majority of the areas in the Bill but the area that includes suicide will prevent me from supporting the Bill. Therefore, I will be voting differently from my leader, who outlined earlier today his reasons for voting for the Bill. As I said, it is a very emotive issue. It is an issue to which all of us have given serious consideration in recent months and, indeed, for many years. I listened to Deputy Aodhán Ó Ríordáin. I have never criticised Labour Party members for having their opinions on this issue. Every political party has its own views and concerns about this legislation going back over the past 20 or 25 years. It has not been easy to deal with. In 1992 and 2002, the public voted and there was a situation where those who were pro and those who were anti voted down those referendums.

I just want to make my personal opinions known in the House and to the people I represent. As I outlined, given the inclusion of suicide, unfortunately, I will not be able to support the Bill and I will be voting against it.

**Deputy Olivia Mitchell:** Despite the considerable controversy we have had around this debate, I am very happy to be a member of the 31st Dáil that will at last legislate to protect the lives of women when their life is threatened by their pregnancy. I think it is to our shame that we have waited until we were forced by the international community to take action in this area. It is to our shame that we forced sick, distressed and often heartbroken women onto boats and aeroplanes to find elsewhere the compassion that was not available to them here at home in their own country.

When I say it is to our shame, I mean it is to our shame as legislators. It is not, and has not been for a long time, the will of the Irish people that sick women should be treated like this. In successive referenda they told us what they wanted and those views have been confirmed in successive opinion polls, opinion polls which have shown the people to be far ahead of we politicians in both compassion and understanding.

I am happy, however, to now be a part of the process which will begin to leave those dark days behind us. Having said that, I know there will always be what we euphemistically call "crisis pregnancies", and I know women and young girls will continue to travel in numbers to England for terminations. I know, whatever the reason for travelling, they will be distraught, lonely and frightened.

When speaking on what I regard as a very positive development, I do not want to be carping and argumentative, but I do feel I have to say something about remarks made during the debate around accusations that this would open the floodgates and lead to abortion on demand in this country. The assumption underlying this accusation is, of course, that somehow women cannot be trusted. No girl, no woman, seeks a termination lightly. It is simply not in our nature to do so. Since time began, women across the world, across religion, across class boundaries, have loved and cherished their children, and have done so instinctively, not because anyone has legislated for it. In war and in famine, they have gone to the extremes to protect and feed their children. They have sacrificed their health and often their lives for their children. So, if women make that awful decision that they must have a termination, they do not do it lightly or without a great deal of thought, and they do it in great distress. They certainly do not do it for lifestyle reasons, as has been suggested. For me, the most distressing thing about this whole debate has been how many people think the worst of women and attribute the worst motives to them, when all of the evidence is around the selfless devotion of mothers. When women go against what is their most basic, primal instinct to protect their young, they do so for very good reasons.

While this legislation will not apply to those women who will continue to travel, I hope that the passage of the legislation and the open and, for the most part, constructive debate we have all participated in, as a society, will make that journey a little bit easier, less traumatic and less secretive for them. It is the need for secrecy, more than anything, and the absence of someone to confide in or a GP to consult, that can often make those journeys not just distressing for women but downright dangerous, both from a psychological and physical perspective.

I am sorry to say one part of the legislation also displays this lack of understanding or compassion, namely, the sanctions that apply in the Bill. I hope the Minister will reflect on the inappropriateness of the extreme penalty of 14 years in jail applying to a woman who procures an abortion, or has a self-induced one. It seems to be wholly inappropriate and Dickensian to treat a distraught woman in the same way as one would a back-street abortionist, operating for profit. Applying these sanctions, apart from being harsh, is also dangerous as the threat of such a sentence hangs over the woman and would deter her from seeking treatment should there be post-termination complications, which is not uncommon.

It is particularly dangerous in the case of use of abortifacient pills, which are now much more widely used and are freely available and advertised online. I believe these will, as time goes on, become just as common as people taking the boat to England, albeit they are really only suitable in the early weeks of pregnancy. These pills have to be used within a prescribed timescale and ideally under medical supervision, but the reality is their most likely users are young girls who perhaps cannot afford to travel and who are afraid to consult either their par-

ents or their doctors. Adding the chill of a 14-year jail sentence to the medical and psychological trauma they are already undergoing only reinforces the need for secrecy and makes it very unlikely they will seek medical treatment, thereby possibly endangering their lives.

I suppose 14 years is slightly more humane than the legislation currently on our books, which sentences women to penal servitude for life, but it is just as chilling. I believe there is a strong possibility the 14-year sentence will not comply with the requirements of the ECHR judgment. I welcome some changes that arose from the hearings, particularly the change of language. The original phrase in the heads of the Bill that "it shall not be an offence" has been changed to "it shall be lawful". I welcome this because language does matter. Last weekend a former Director of Public Prosecutions suggested legal representation for the foetus should be introduced in cases of suicidal intent because the woman had "two chances to have the life of the foetus terminated." I prefer to describe this as the woman has "two chances to save her life," which is the purpose of the legislation and a far more humane description of her dilemma and mental state. The suggestion the Attorney General should have a role in the delivery room in this case is nonsense, superfluous to what is needed to vindicate the right to life of the foetus and bizarre. The purpose of the legislation, including all of its arcane and complex procedures and requirements, is to protect and vindicate the right to life of the foetus. To do this we are compromising women's health and happily legislating to do so. If it were only the mother's life being considered, there would be no hoops to go through, no requirement to have three specialists, no monthly reports to the Minister and no 14 year jail sentences. There would be no legislation. Were it not for the constitutional imperative to vindicate the right to life of the foetus, the only consideration would be the mother's health, never mind her life. This is the standard medical criterion in treating any patient, except pregnant women.

It is no secret that I personally would favour allowing terminations in cases of rape, incest and particularly where there is a clear fatal foetal abnormality. I congratulate Deputy John Halligan who spoke very movingly this morning on that issue. I realise this legislation cannot accommodate that change because we must stay strictly within what is permitted under the Constitution, otherwise we jeopardise the passing of this legislation because it would definitely be challenged. It does not stop us, however, having a referendum on that specific matter and I hope that day will come.

For most people, this debate has been a long and difficult journey of conscience. The absence of a time limit on the right to a termination owing to suicidal intent has been and remains a major dilemma for many. Nobody here would be happy with the termination of an almost viable foetus and that includes all of the women and the doctors who have to make that excruciatingly painful decision. I take comfort in the fact that such a situation will arise only where there is absolutely no other treatment possible to save the mother's life and that without that treatment, both will die, but life is not always straightforward. It is messy and full of difficult decisions. This is one area of legislation in which there are, undoubtedly, moral dilemmas, grey areas and uncertainties, but we, as legislators, have to face up to the responsibility of doing the best we can to provide a framework to ensure clarity and certainty when such very difficult decisions have to be made. It is morally unthinkable that we would let a woman die when it was possible to save her. It is equally unthinkable that, because it is easier on our consciences, we would send them to England to allow someone else to make that life-saving decision for us.

Terminations in the case of emergencies and suicide have received a lot of attention during the debate leading up to this legislation. Although such circumstances are rare, the other circumstance, under section 7, where there is a medical threat to the life of a woman which is

not an emergency is of particular interest to me. First, because they are more likely to occur - we heard this morning about some circumstances where they do occur - and, second, because in many cases we are talking about sick women who desperately want to have a baby, this is sometimes overlooked in the debate. It seems incredibly cruel to force such women to take that lonely, difficult and often heart-breaking journey to England. It is my fervent wish that this legislation will end that practice forever. However I have concerns that this is not entirely clear in the legislation.

I was disturbed during the hearings that there seemed to be a lack of recognition among many doctors, particularly GPs, of the application of this legislation to those women not in need of an immediate termination. In other words, the risk to life is real and substantial but not immediate. However, it will increase as the pregnancy progresses. It is precisely to these women that this legislation primarily applies - women with severe illnesses such as cancer, high blood pressure, heart problems or kidney disease. It is vital that it is absolutely clear to the medical profession that under this legislation, it will no longer be necessary for such women to be sent to England. In other words, the threshold for a termination is a "real and substantial threat to the life", but that threat does not have to be immediate or certain. Unless that is clear, there is a risk that women may continue to be left without treatment until it is too late and death is almost inevitable. This was clearly stated in the Supreme Court judgment and the Minister reiterated it in his contribution, but it is not clear in the legislation. However, it must be made clear by way of an amendment, the guidelines or in regulations. I ask the Minister to clarify this issue because it is vital all doctors, including GPs, are absolutely clear that this legislation caters for precisely these situations.

A related concern centres on the absence of a clear referral pathway from the GP's surgery to an assessment process. It is normally a GP, not an obstetrician, who sees a pregnant woman first, but the legislation is silent on how the GP should act when there is a perceived threat to life. It is silent on how the referral process should take place and, crucially, the timeframe for that referral. Most people agree that if the need for an intervention is established, is it better it should happen earlier in pregnancy rather than later. This accords an extremely important role to the GP which should be clarified. I appreciate Deputy Micheál Martin's remarks that the legislation cannot deal with every specific instance, but these instances have been covered by the Supreme Court's judgment or in the Constitution. Therefore, the position must be clarified because although it has always been the law, it has not been the law as applied. If having clarity is the purpose of the legislation, it should be clearly stated in it.

Another issue of concern is the requirement for each termination to be reported to the Minister, including the registration number of the doctor carrying out the procedure. I can see how it is important to have the facts surrounding all of these cases, but I would worry about the situation, for instance, in a small rural hospital where perhaps there is only one doctor who does not claim a conscientious objection. This leaves that doctor very vulnerable and the hospital open to picketing by protesters. The last thing the staff or any woman who has already been over the hurdles required in the legislation need or needs is to have to run the gauntlet of hospital demonstrating picketers. I ask the Minister to see if there is a way the registration number of the individual doctor is not made public.

My hope for this legislation is that women's lives will be saved by obviating the need for them to travel to obtain life-saving procedures. For those women in crisis pregnancies who will continue to travel to England, I hope this debate and the fairly reasoned argument we have had will make their journeys a little easier, less traumatic and less secretive.

**Deputy Martin Heydon:** I am grateful to have the opportunity to speak on this most important Bill. I am very aware of the different views it has brought up and the sensitivity of the issues involved. I fully respect the right of individuals to hold different and opposing views on the detail of the Bill and have welcomed the opportunity to speak to many constituents, colleagues and friends about the issue in recent months. I have spent much time thinking about the issues raised by this Bill in the past six months, while deciding on how to exercise my vote. I have considered the current legal position and past referenda and the view of the medical professionals. I have also taken into account my Catholic faith and beliefs and, as a newly married man, I have considered what challenges might face my wife and me if we decide to start a family in the future.

I have tried to consider the issue from the woman's perspective - as best a man can - while thinking about those closest to me. I have challenged myself to consider what my perspective would be if my wife or sister or even a future daughter faced a risk to her life during a pregnancy. I know I would want her doctor to have the legal clarity to protect her life.

I welcome clarification on the process to be followed in the case of a risk of loss of life from a physical illness in emergency or non-emergency cases. This should provide medical practitioners with more certainty in these difficult situations.

The Bill does not introduce any new provisions into Irish law. Any change to existing law would require a decision of the people in a referendum. The Bill is no more or no less than a means of putting a structure around existing law in order to give greater clarity and certainty to medical practitioners.

A judgment of the Supreme Court, which is the highest court in the land, becomes law and cannot be overruled without a referendum decision. The Supreme Court in the X case decision interpreted Article 40.3.3o of the Constitution to determine that a termination was lawful when there was a real and substantial risk to the life, as distinct from the health, of the mother and which could only be averted by the termination of her pregnancy. Subsequently, referenda were held in 1992 and 2002 to amend the Constitution by excluding the threat of suicide from the meaning of a real and substantial risk to the mother's life and to remove suicide as a ground for abortion. In both cases these amendments were rejected by the people.

The X case ruling was applied in the C case which arose in 1998. While no termination took place in the X case as the lady miscarried, a termination was carried out in the C case as a result of the X case judgment. This shows that the X case has relevance in law today and to do nothing with this judgment has implications.

In the C case, the District Court judge ruled that an abortion was lawful if based on the report of psychiatrist. This Bill provides that such a case would require reports from two psychiatrists, one obstetrician and the woman's GP. A unanimous decision of the psychiatrists and obstetrician as to the existence of suicidal intent would be required before a termination could take place. Following the two referenda on this issue, it is necessary to respect the views of the majority of people in this country. I welcome the restatement in the Bill of the general prohibition on abortion in Ireland. I also welcome that this Bill upholds the equal right to life of the unborn and confirmation of the obligation on the medical profession to save both lives where possible. I commend the Bill to the House.

**Acting Chairman (Deputy Robert Troy):** Deputy Mattie McGrath and Deputy Joan Col-

lins are sharing time and they have ten minutes each.

**Deputy Mattie McGrath:** I rise today to speak against the main provisions of this Bill which, under the circumstances, must be one of the most misleadingly titled Bills that has ever come before this House. But before I do, I must express my disgust at hearing Deputy Aodhán Ó Ríordáin's contribution in which he lectured the rest of us about betraying the republic because some of us hold a different perception of what the constitutional protection of the unborn means in practice. Neither the Deputy nor his party is in any position to lecture the rest of us about distorting this debate when he himself has stated how he felt it necessary to deceive people about the intentions of the Bill in order to gain time for a more liberal regime. This statement has been recorded, whether covertly or otherwise. I have stated in the House previously that this Bill is deeply coercive and unworkable. It pays lip service to the concept of protecting women's health and the life of the unborn but despite its so-called restrictiveness it will set a precedent the consequences of which I do not believe many in this House are really aware of.

This Bill provides for the first time legislative protection for the direct intentional killing of the unborn child where the risk of suicide is deemed to be of sufficient force that it represents a real and substantial risk to the life of the mother. For all practical purposes, this Bill in its current form is shaped in every conceivable way by the ideological premises which the Labour Party has successfully bullied Fine Gael Party to accept. It is not evidence based and it ignores international clinical best practice. It effectively coerces members of the psychiatric profession into a role which they have vocally resisted since the onset of this so-called debate. How any of this helps vulnerable women and their unborn children remains confusing, to say the least.

Although the Government has claimed all along that it has no option but to legislate, this is widely contested. Legal experts have already pointed out that they know of no other area of law where a threat of suicide is sufficient to make legal what would otherwise be illegal. They further note that the notion that a simple threat of suicide would make right something that would otherwise be wrong, is a really dangerous principle. In many ways we are now in a worse situation in terms of clarity because of the inherent contradictions contained within the Bill.

Instead of leaving this issue in the hands of medical professionals who could have been tasked with drawing up more robust guidelines, we now have a Bill that seeks to reconcile the irreconcilable in terms of fusing Fine Gael and Labour policy on this issue. This is a process that has been riven with protracted political wrangling and the exposure of hidden agendas particularly on the Labour side. Indeed, the whole farce that was the health committee hearings on this Bill is something that I have been pointing out for some time. Time and again we have seen inconsistent and misleading statements being issued from the Chairman of the committee. For example, as I have already pointed out in this House, in his closing statement, the Chairman of the Joint Committee on Health and Children, explicitly stated that the Protection of Life During Pregnancy Bill as it stood, only provided a framework but not the detail. He stated it was not the final Bill, that it was a preliminary document and not the new law. The next morning, less than 12 hours later, during an interview on national radio, the Chairman explicitly stated that provision will be made in the Bill for a woman to obtain an abortion on the grounds of risk of suicide during pregnancy.

This is a deeply conflicting state of affairs and shows the Chairman had already decided to ignore the testimony of those psychiatrists and legal experts who have demonstrated such a provision is contrary to the best medical and legal practice. That was a grievous insult to the good people who came willingly before the committee. Such comments confirmed to those of

us who oppose the main thrust of the Bill that this process of so-called investigation had been marked by political expediency from the outset and was never serious in its intention to objectively examine the heads of the Bill. As a member of the committee I sat there and watched in dismay as the shambolic nature of the proceedings continued day after day, week after week. What we cannot say at the end of those hearings is that there has been fair and reasonable debate. That is a great shame, not only for those of us who oppose the Bill but also for the healthy implementation of truly democratic procedures which are valued by us all.

I will deal with the main points of this proposed piece of disastrous legislation. Contrary to what the Government has repeatedly insinuated, the Oireachtas is under no constitutional duty to legislate for abortion on the grounds of threatened suicide as per the X case. There is no such thing as a constitutional duty to legislate for a Supreme Court decision and it is completely wrong to suggest otherwise. In any event, the X case judgment is not a formally binding precedent even from the perspective of the courts, never mind the Oireachtas.

The controversial aspect of the X case - the permissibility of abortion as a treatment for suicidality - was conceded without argument and therefore does not form part of a binding precedent. A basic principle of Irish law is that all points entirely overlooked or conceded without argument are not part of the precedent of a case. Contrary to what the Government has insinuated, the A, B, and C judgment by the European Court of Human Rights does not require Ireland to legislate for abortion on the grounds of threatened suicide. That decision concerned a pregnant cancer patient looking for clarity as to what treatment was lawfully available to her. The rules of the Committee of Ministers require Ireland to adopt measures that are effective for preventing the recurrence of the breach found in the particular case. Applicant C, the only successful applicant, was not suicidal. A suicide-based exemption from the statute law on abortion would not have helped her in any way. The X case heard no psychiatric evidence whatsoever - literally none. The Oireachtas is now in possession of psychiatric evidence completely unheard of by the higher courts 21 years ago. The case is being made that we have done nothing for the past 21 years. There is much more evidence available now than was available at that time. In my view, the Oireachtas is constitutionally free to take on board that evidence and craft its laws accordingly. The evidence unknown to the High and Supreme Courts 21 years ago is that abortion is not a treatment for suicidal ideation or intent. This has been accepted by all sides. This fact - widely acknowledged even by pro-choice psychiatrists - is the faulty premise upon which both the X case and the current abortion Bill rests. There is simply no psychiatric textbook or peer-reviewed study which purports that abortion is a legitimate treatment for suicidal ideation or intent.

The Bill does not provide for a time limit on the intentional abortion of a child. That is, perhaps, the single most horrifying aspect of the legislation. Despite the Minister's claims to the contrary, the Bill confers no duty on medical professionals to take into account the unborn child's welfare when deciding on an intentional abortion. It makes no provision for the care of a child delivered prematurely as a supposed treatment for suicidal intent. It provides for no legal representative to advocate on behalf of the unborn child that his or her welfare be taken into consideration.

Government spokespeople have argued that the legislation will be restrictive and that there are two high threshold tests to be satisfied before an abortion can be authorised. First, there must be a real and substantial threat to the life of the woman. Second, the risk must be one which can only be averted by an abortion. It is well established that a person is legally free to withhold consent to any and all medical treatment. If a woman refuses all treatment offered to

her, it cannot be long before an abortion becomes, almost by default, the only treatment remaining that can save her life. That is the practical reality on a plain reading of the Bill. This shows precisely why mental health grounds are such an elastic legal basis for access to an abortion. Without exception, every jurisdiction which has provided for abortion on mental health grounds has experienced an unintended widening of abortion access. That is widely acknowledged. The fact that on their face Ireland's mental health grounds are narrower than those provided for in other jurisdictions is irrelevant. No matter how narrow or wide the original mental health grounds for abortion have been, every jurisdiction has experienced an unintended widening of the grounds in practice. We need only look overseas at the British Isles to see what happened and consider how the Minister who introduced the relevant legislation feels now. Without exception, every jurisdiction which has provided for abortion on mental health grounds has attempted to enshrine safeguards in its laws. Without exception, these safeguards look safer on the pages of a statute book than they do in a real life clinic.

I am aghast at the speed of the process and the bully boy tactics surrounding the Bill. The Taoiseach promised us time, but I could only be given ten minutes to speak on this fundamental, life-changing Bill. It is a Bill on the killing of the unborn and we are given ten minutes to discuss it. I am part of the Technical Group and do not complain that we had five minutes to participate in the Seanad reform debate. However, we could only be given approximately the same amount of time to speak on a life-changing Bill as on the abolition of the Seanad. It is an insult to democracy and the electorate who put all of us here to provide ten minutes in which to participate in this debate.

**Deputy Peter Mathews:** Hear, hear.

**Deputy Mattie McGrath:** The committee hearings represented a charade that will be unmasked in the fullness of time. People are not being fooled; they see what is going on. It is the tail wagging the dog. The Labour Party has got nothing else out of the Government for its supporters and the public and thinks the Bill is manna from heaven. When it had to be found out by tape, covertly, it is sad. This is only a first step towards a liberal regime and an insult to the public. What is being passed is an abhorrence.

**Acting Chairman (Deputy Robert Troy):** I ask the Deputy to be fair to his colleague.

**Deputy Derek Keating:** On a point of order, will the Acting Chairman confirm that Deputy Mattie McGrath agreed to share his time?

**Acting Chairman (Deputy Robert Troy):** Yes.

**Deputy Mattie McGrath:** Of course, I have.

**Deputy Joan Collins:** The claim by people with anti-choice, anti-abortion views and the Catholic Church that this legislation will open the floodgates to widespread abortion is a total misrepresentation. There is abortion in this country every day of the year, but it does not happen in the territory of the State. One can obtain information, access the right to travel outside the State and counselling, but the abortion does not happen here. The groups mentioned must realise that is the reality. It is a reality 83% of the population in continuous polls have recognised. It is their daughters, sisters and mothers who are the ones who deal with this issue every day of the week. It is no longer the case, as it was 30 or 40 years ago, that it cannot be talked about. A woman who was pregnant could not walk the streets as it would bring shame on her family. However, times have changed; things have moved on and there is abortion. It should

be recognised that we have the same abortion rates as Croatia where it is lawful in several circumstances to save a woman's life, preserve her physical and mental health, in cases of rape or incest, owing to foetal impairment, economic or social reasons and on request. Austria which allows abortion in the same circumstances has a very low rate of 1.4%.

No one who supports this or further legislation is arguing that abortion is right in every case. For those who want to bring a child into the world, it is a beautiful occasion. It is to be cherished by the community and the State by providing the services children need, no matter what class or economic background they come from. All children should be respected equally. However, they are not.

The Government is introducing legislation to deal with what is known as the X case. We know the circumstances of the case. A young woman found herself suicidal having been prevented from travelling to Britain. What came across in the debates last year was that while there was no consensus in the psychiatric fraternity on the circumstances in which a woman could find herself suicidal and kill herself, if a woman did commit suicide on the basis of being prevented from travelling for an abortion, that would be one too many. Psychiatric nurses and doctors must stand over every decision they make in these circumstances.

In relation to suicide, under the legislation there is a requirement for two psychiatrists, an obstetrician and a referral to a general practitioner, which is onerous and the provision should be removed. Only one psychiatrist should be necessary to make a decision. The 14 year chilling legislation which has been raised with the European Court of Human Rights remains in place. It is horrendous that a young woman who finds herself in the situation which has happened every day in recent decades where she has been raped or abused and accesses the pill which can only be used in the first nine weeks of pregnancy to induce an abortion could be reported to the State and find herself in front of the courts facing 14 years in jail if she attends hospital on foot of complications. This legislation should be repealed. There should be no criminal sanction for a woman. It is a different matter in the case of back-street abortions or people acting outside the medical profession. The chilling legislation is still in place and the Government could have used the opportunity to deal with it in the Bill. Again, it has bent to the anti-choice and church lobbyists.

The referral pathway is an important issue. When a woman is referred to a hospital, who is in charge of following right through? It must be either the doctor who refers her or someone else to ensure there is a clear pathway and documentation on the care she has received for her life-threatening pregnancy in accordance with the Bill.

Provision is made in relation to hospitals and the Minister can look at the position after one year. In the bigger hospitals in Dublin one may find that more patients have been seen in relation to the issues covered in the legislation. If there are eight women in Holles Street who had abortions in life-threatening situations, a doctor may ask whether the hospital or the doctor will be under scrutiny if he or she performs a ninth and whether the right could be taken from the hospital to provide a service to women who desperately need medical treatment.

The Bill does not deal with fatal foetal abnormality, which is a wasted opportunity by the Government. To my mind, the Bill will be challenged if passed in this form. This is an opportunity for the Government to prepare legislation which includes provisions on fatal foetal abnormality and see if the Supreme Court will defend them under the Constitution. In the European Court of Human Rights case involving Deirdre Conroy, the Government specifically said

she would win her case to have an abortion in Ireland if she took the case to the Supreme Court. When facing fatal foetal abnormalities the last thing women will think of is going to the High Court or Supreme Court to seek recognition of the fact that they must travel abroad to terminate their pregnancies. A woman has a right to carry a pregnancy right to the end. It is the right of the family to support her, but it is also the right of the woman to make a choice not to carry a foetus with a fatal abnormality to full term. That service should be in place. Article 40.3.3° of the Constitution could allow for that, and we have tabled an amendment on that point. The Government should accept the amendment. If there is a court challenge in respect of the Bill, it can be examined within that context. The High Court or Supreme Court judges can examine the area having due regard to equating the right of the foetus that will die immediately after birth with the life of the mother who is being forced to carry the foetus. We will table amendments.

The Labour Party has made enormous concessions to Fine Gael and the anti-abortion lobby. Deputy Clare Daly and I introduced legislation last year and the Labour Party Deputies said they would not support it because it did not go far enough. Now, they are supporting a more restrictive Bill in respect of suicide. These are questions for the Labour Party to answer for its supporters.

We will table amendments in respect of the chilling 14-year jail sentence. I refer to people who rape women. In a recent case, two men were sentenced to ten years for the unspeakable gang rape of a young woman in Cork. A young woman who finds herself in a desperate situation could face 14 years in jail. We are introducing legislation in full knowledge of that point. We must take this point into consideration, tease it out and work through whether such a sentence should be included. It should not be. We will table amendments and we will fight for them, particularly in respect of fatal foetal abnormality. The Government has an opportunity to deal with this and should put it into legislation. If it is challenged, at least it can be challenged under Article 40.3.3° of the Constitution.

**Deputy Derek Keating:** I thank the Ceann Comhairle for the opportunity to speak on this Bill and I thank the Minister of State for coming into the Chamber to discuss this contentious, emotive and important issue which has troubled and held the attention of many citizens, particularly over the past number of weeks and months. The Bill seeks to implement the judgment of the European Court of Human Rights in the A, B and C *v*. Ireland case by way of legislation with regulations, within the parameters of Article 40.3.3° of the Constitution as interpreted by the Supreme Court in the X case, and also to make appropriate amendments to the criminal law in this area.

Like many Deputies, I have had an extraordinary amount of correspondence from all over the country and especially from my constituents in Dublin Mid-West. I respect each one of these correspondents and I have endeavoured to reply to many e-mails, postcards, letters and phone calls. I have taken the opportunity to meet people informally and I have discussed it at my party's meetings. Like others, I have had the experience of seeing outrageous posters erected outside my home and, like many other Deputies from all sides of this House, threatening telephone calls. A small number of those who made contact with me view the legislation in black and white terms but we know from experience that this is not how it is.

In December 2010, the European Court of Human Rights found that the lack of any clear mechanism in Ireland to allow a woman or her doctor to determine whether a pregnancy should be terminated when her life is at risk would be lawful in those circumstances but would be in breach of the European Convention on Human Rights. When the Taoiseach spoke about abor-

tion in advance of the general election of 2011, he was referring to abortion on demand. Since then, this has been misused and misquoted by those who seek to mislead. Regrettably, they have influence over others. The reality is that the Government is not in favour of abortion. We have medical terminations taking place based on clinical grounds only, a point to which I will return shortly.

The Protection of Life during Pregnancy Bill does not contradict the commitment made by the Taoiseach before the last election. I trust the Taoiseach and the Tánaiste on this matter when they commit themselves to the House in saying this is not abortion on demand, as has been proclaimed by others. There is clearly a difference between medical termination of pregnancy and abortion. I want to be clear. "Medical termination of pregnancy" refers to the ending of a pregnancy for medical reasons where the mother's life is at risk, whereas abortion, for me, represents abortion on demand.

We are all charged with legislating. We are all charged with protecting life. We are all charged with the responsibility to ensure that the lives of the mother, the child and the medical practitioner providing the service are protected, but we also have a responsibility to the future in terms of how this law will be interpreted both by the courts and by this House in ten or 20 years' time. It is here that I am challenged. I have a difficulty in ensuring there is enough regulation to prevent the occurrence of what has happened in states in America and throughout the United Kingdom, particularly in England. I am personally challenged by this issue.

Throughout the hearings of the Oireachtas Joint Committee on Health and Children, many presentations highlighted the reality that the legislation governing doctors' practice was flawed and needed to be addressed. It is clear to me that this was one of the single contributing factors that influenced decision making in the care of the late Savita Halappanavar. Savita's case has been discussed by more eminent experts and I do not plan to add to the discussion, nor am I skilled enough to comment. The reality is that a woman presented to a hospital in the State and her condition deteriorated to the point at which her baby was lost and her life was at risk.

*1 o'clock*

As many others have stated in this House, I do not want this ever to recur. The finding in Savita's case by the HSE investigation states that there was a "failure to offer all management options to [a patient] who was experiencing inevitable miscarriage of an early second trimester pregnancy". Section 4 of the Bill allows the Minister to make regulations on these matters. I am satisfied that the Minister, Deputy Reilly, is committed and motivated to put in place the necessary standards to ensure this legislation will not be misused or abused by practitioners or others to introduce abortion on demand, but will make options available to clinicians to address emergencies in which the life of the mother is at risk.

I am satisfied that the intention of the Minister for Health and the Government is to save the life of a woman who is in danger of dying as a result of complications, where consultants clearly indicate that if no medical intervention takes place the mother will die. As an elected public representative charged with addressing this 30-year-old problem, in all conscience I see that the motivation for this Bill is to protect the life of the mother in extreme medical circumstances. I accept that this is the only situation in which the Bill addresses legislation required as a result of the referendum on the X case.

The parish priest from Carna, County Galway, Fr. Pádraig Standún, said: "The church hier-

archy has the luxury of idealism but the Government has to deliver a system where doctors and specialists are given guidance that they need in dealing with the realities of life." I welcome this intervention from Fr. Pádraig and I acknowledge the many others in religious life who have been in contact with me and who share this opinion. It is not often voiced. I challenge those who have not studied the Catholic social teaching, including the Compendium of the Social Doctrine of the Church and specifically section 570 of the Magisterium, to do so. Some will be quite surprised if they do, just as I was.

This situation requires a balanced response and that is what the Government is providing. The type of panic that has been irresponsibly generated by some factions of Irish society who want to introduce a type of theocracy or fundamentalism is not only unacceptable but has often proven to be dangerous. As I understand it, since the referendum there have been between 20 and 30 cases, on average, of termination of pregnancy every year in Ireland due to medical circumstances. What does this tell us? There has been no panic, protests, candlelit processions or street marches as a result of these medical decisions. Indeed, there have been no speeches in the Dáil from Deputy Mattie McGrath, for example.

The question of suicide as a reason for the termination of a pregnancy raises many challenging and fundamental questions for me. Having served as a director on the board of Pieta House for six years, and as a founding and pioneering worker with that organisation, I know only too well the circumstances in which a person may be suicidal. On many occasions I have seen how complicated suicide is as an issue. It requires experienced and skilled practitioners to be able to assess risk and to provide recommended treatment. Arguably, there are many more than the 600 reported cases of suicide in Ireland each year and, alarmingly, as has been mentioned in previous contributions I and other Members have made, that number is increasing. I have not seen a response from those who in recent times have protested, marched, lit candles, erected posters and sent abusive and anonymous letters in response to this Bill.

Like many other Members, I am conscious of the difficulties that face an obstetrician when confronted with the reality that a presenting mother is suicidal and is planning to end her own life, which in turn will end the life of the baby she is carrying. To be honest, I do not have the answer, and in such circumstances I must trust the professionals involved, as I trusted the professionals who took care of my own family members over the years in different circumstances when they required attention for medical conditions. Suicidal ideation is a complicated psychological condition that must be taken seriously and at all times treated with respect. I am not an expert on this but professional intervention is required when a mother presents in such circumstances.

I listened carefully to the presentations made to the Joint Committee on Health and Children, chaired by my colleague, Deputy Jerry Buttimer. It can be a fact that if doctors differ, patients can die. I do not want any patient to die and I do not want any baby to die. For that reason I trust the medical profession, the psychiatric profession and our professional health workers when dealing with each individual case as it presents in these circumstances. I am satisfied that the Minister is putting in place the necessary standards and regulations to deal with these issues, and I believe the lives of the mother and the baby will be better protected as a result of this legislation. As I have said, I am not an expert, but I trust the people who are working in our hospitals and our psychiatric units. For this reason I feel obliged to support this legislation, which seeks to protect the mother and the child in circumstances in which the life of either one, or both, is threatened.

Last October I made it clear, both publicly and at a number of meetings in my constituency - long before this issue became contentious - that I am pro-life, pro-women and pro-child. However, I am not a psychiatrist, an obstetrician or a gynaecologist. I therefore place my trust in these people, who work every day to preserve life and to ensure that the highest standards are observed. I must accept the trust we give to the Minister, Deputy James Reilly, who I am pleased to see here today, the Taoiseach and the Tánaiste.

As a legislator, I would have no difficulty voting against the Government on a matter of conscience. I have no fear of the Whip system. I do not feel confined to do what I am told. I wish to put it on the record that I am opposed to abortion on demand. I am pro-life and I stand for the rights of the mother and of the child. I believe this Bill will protect the life of the mother and the life of the unborn baby, and only in exceptional circumstances, clearly set out by the Minister for Health, should a medical termination of pregnancy take place, when the life of the mother is at risk and there is no option other than to terminate. For those reasons I support the legislation.

**Deputy Timmy Dooley:** I welcome the opportunity to contribute to this important debate. There has been much discussion and debate in society and within the House on this issue for many generations. However, on this occasion the debate has been conducted in a different way from the way it was conducted in the past. It is more respectful and there appears to be a better and greater tolerance of people who have an entirely different viewpoint, not just on aspects of this Bill but on matters of principle, be they pro-choice or pro-life. I do not want to get into the label debate because there is nobody in this House who would not say he or she is pro-life. It is a question of whether Deputies believe in a more liberal approach to the termination of pregnancy or have a complete inability to countenance any actions, medical or otherwise, that would interfere with the life of the unborn. All of those positions are valid and must be respected by all concerned. I certainly respect them, and I recognise the change in the way people have decided to debate.

A small number of politicians seem to believe it was not right that they should have been lobbied on this matter. It was appropriate that people of all viewpoints lobbied their local Deputies. I received a considerable amount of information, some points of which were more novel than others, perhaps in an effort to grab my attention or change my viewpoint, but I never felt there was anything disturbing about any of it. I would vindicate the right of all to lobby, respectfully and in whatever way they wish, those whom they elect to make the laws on their behalf. That is important.

With regard to labels, it was stated this matter is an issue of conscience. It has been inferred that those who are opposing the legislation are those with a conscience and that those who support it are either without conscience or have not referred to their conscience. It is a matter of public record that I am supporting this Bill. I am doing so based on my conscientious belief that it is the right thing to do. This is in line with my duties as a legislator, cognisant of the current constitutional position. For me, the constitutional position is very clear. Article 40.3.3° was interpreted by the Supreme Court in line with that court's role as set out in the Constitution. The interpretation of the court has made it very clear that where there is a real and substantial risk to the life of the mother, the termination of pregnancy is legal. That is the law irrespective of whether one likes it. Some have argued, albeit respectfully, that the judgment is flawed. When the Supreme Court makes a finding, it is the law until such time that the electorate decides to change it.

On two occasions, the people were asked whether they wanted to remove the threat of suicide as constituting a real and substantial risk to the life of the mother. On both occasions, in 1992 and 2002, they said "No".

I wish to dispel the myth that seems to have developed during the course of this debate, namely, that nothing has been done in regard to this issue for 20 years, since the X case. An effort was made earlier by one of the Labour Party Deputies to give all the credit for action taken on this matter to the Labour Party and castigate former Governments. Over the past 20 years, previous Governments have attempted to clarify the position on the X case. In 1992, there was a constitutional referendum in which the people were asked three questions. They were asked whether a woman has the right to travel to avail of a service or facility in another jurisdiction and they said she does. They were asked whether the State has the right to provide non-directive information on abortion to citizens seeking to have a termination carried out in another jurisdiction and they said "Yes". They were asked whether they wanted to exclude the threat of suicide as a real and substantial risk to the life of the mother from the constitutional provisions set out on foot of the X case and they said "No". They said "No" again in 2002 when they were asked the question. This demonstrates an effort by successive Governments over the 20-year period to try to bring clarity to the issue. In 2002, the then Minister, Deputy Micheál Martin, introduced comprehensive legislation, much of which is part of the current Bill. It was a genuine effort by politicians of all hues at the time to bring some clarity to the issue that bedevilled society in dealing with the outcome of the X case.

The most important aspect of this legislation is that it gives clarity to the medical profession in the pursuit of its duty under Article 40.3.3° of the Constitution on the protection of the life of the mother and the unborn. There is a conflict in these very words and this is the reason for the Supreme Court issue. The legislation brings certainty to men and pregnant women, the objective being that every available intervention will be in place to protect the mother's life.

There should not be a hierarchy of mother and child. That is set out in Article 40.3.3° but it is a fact that if the mother does not survive, the child certainly will not either, unless it is in the late stages of gestation. While it is nice for some to live in an obscure world in which they do not have to deal with issues such as this daily, the reality is that, from the perspective of a medical professional or pregnant woman, the truth is different. I listened with interest to the submissions to the Joint Committee on Health and Children. I understand that between 25 and 30 terminations of pregnancy take place annually for medical purposes. Some seek to make this a grey area and suggest it is an unintended consequence, and that the terminations do not constitute an abortion as defined wherever they derive their definition. In many cases, it is a direct intervention and not the side-effect of some tablets that are taken or an injection given. It is the direct and intentional disruption of a pregnancy to save the mother's life. That is acceptable and legal and this is clarified in this Bill. For me, all the Bill does is set out how the decision is made. It puts in place a proper procedure for taking the decision to end a pregnancy to save the mother. This seems to be medically acceptable to many.

The main issue in this legislation that has divided us in this House and perhaps outside it concerns suicide. In the debate on suicide in this House and outside it, it is stated nobody really understands suicide and can get inside the head of a person who has committed suicide. This is why the matter has bedevilled legislators and medical professionals for so long. It has prevented the capacity to intervene at an early stage to prevent the loss of life through suicide; yet, in the debate on the termination of pregnancy for a woman at risk of losing her life by suicide, some in this House and many outsiders seem to have all the answers. We have heard the

phrase, "Abortion is not a cure for suicide." It is a meaningless statement but it has common currency. It is used as a standard defence in arguing why we should not consider the threat of suicide and why we should not clarify, for the woman in question and medical professionals, the methodology for establishing whether there is a real and substantial risk to the life of the mother through suicide. Some say there is no test, and there is none. I was taken by the Minister's medical adviser, Tony Holohan, who said understanding or determining whether a pregnant woman is suicidal does not involve a hocus-pocus method. Some of the commentary that has sought to cast aside the threat of suicide as a real and substantial risk has been damaging to the general debate on suicide. It is hurtful to those who have gone through an episode of suicidal tendencies and to the families of those who have died by suicide. On the one hand, people say that does not constitute a real and substantial risk but we all know families left in the wake of a death by suicide and that is disturbing. If we want to distil this further, is it the case that some people are saying they do not trust Irish women and that they will somehow present themselves as suicidal before three doctors in an effort to procure a termination? That would be illegal under this legislation because it would mean attempting to use it for a purpose for which it was not established. People are unfairly casting judgments about the suicide issue. The fallout from the debate will be the impact it has on the families of men and women who have lost their lives through suicide and I hope once the passage of the Bill has been dealt with, the Minister will take a strong leading role in attempting to put in place a framework in which the issue of suicide would be addressed more comprehensively by the State and its agencies.

It is also the case that the Medical Council guidelines recognise that abortion is legal in Ireland as set out in the X case but some have sought as a reason we should not have legislation to offer a number of alternatives, including another referendum. I have set out my views on that clearly. I do not think, based on the opinion polls and research I have seen, that if we were to ask the people again whether suicide should be removed from the Constitution as a ground for abortion, there would be a different result. It would go much more the other way. There are some who oppose this legislation who say the wrong question was asked in 2002 because there were ethical and moral issues around when life began under that legislation and whether it was at conception or implantation. Some suggest that if we went back to conception that would address their concerns and they would be able to vote in favour of such a referendum but that would exclude a much larger cohort of people for whom the morning-after pill is an acceptable course of treatment. There is no alternative but to legislate and that is why I support the legislation.

I would like to dispel the myth that the State does not have to legislate as a result of the A, B, C *v*. Ireland case and that it could somehow do what needs to be done through guidelines. The Medical Council has been offered as the means by which that would happen. However, it is difficult to get on record the facts as they pertain to the council's guidelines. Many people on the extreme side of the pro-life movement put their faith in the Medical Council guidelines, but paragraph 21.1 states:

> Abortion is illegal in Ireland except where there is a real and substantial risk to the life ... of the mother. ... [T]his exception includes where there is a clear and substantial risk to the life of the mother arising from a threat of suicide.

That is simple and it sets out the framework under which a termination can take place currently. This guideline for medical practitioners further states: "You should undertake a full assessment of any such risk in light of the clinical research on this issue". That is the only principle that guides a physician in the termination of a pregnancy arising from the threat of

suicide. As previous speakers said, Professor William Binchy recognised this in 2000 when he said that the decision of the Supreme Court effectively made abortion legal in Ireland and the regime could be wide open and liberal.

My support for this legislation is based principally and wholly on a pro-life stance. Like others, I do not believe we should have liberal abortion laws in this country, but we have to be consistent with the Constitution and we have to limit the potential for a more liberal abortion regime, which is possible depending on the way the Supreme Court decision is interpreted within the provisions of the Medical Council guidelines. It is clear there are virtually no restrictions on the capacity of clinicians, from whatever angle they might be coming, to terminate a pregnancy. We think it does not happen, but there is no reporting system in place similar to that which will be introduced under this legislation. All the legislation does, therefore, is to codify and clarify the overarching provision in the Constitution. It tries to set out a system by which decisions are taken in order that they are traceable and to ensure consistency among clinicians and pregnant women. We need to pass this legislation without delay for that reason.

I am pro-life, and abortion will not necessarily solve problems. It may seem like the obvious way out during the immediate shock, confusion or crisis a women goes through when discovering she is pregnant and does not want to be. Those of us who have met women who have had abortions and were deeply hurt as a result know it is not the solution. Other women take that decision and they are fine with it afterwards. That is a fact of life, which must be recognised as well. However, the gaping hole in our approach to abortion in this State is that 5,000 women still travel silently to the UK on an annual basis and they will continue to do so following the passage of this Bill.

I am disheartened by the attention focused on us, as legislators, by some who seek to protect the unborn. They have every right to do that but when this debate concludes, will attention turn to trying to assist those women for whom there does not seem to be an obvious way out? It is sad that both the political system and civil society do not make a greater effort to prevent these abortions, many of which could be prevented if there was an appropriate level of support and non-directive counselling and a genuine belief among women facing a crisis that there was somebody they could to go to seek assistance and guidance. For some, the pregnancy is a crisis. They cannot talk to their families or friends and they feel excluded and isolated. I have no doubt that, were it not for the fact that there is access to a liberal abortion regime in England, there would be a greater number of deaths through suicide among pregnant women in this State.

I appeal to the Minister on the passage of the Bill to undertake a comprehensive review of the issue of women who travel to have an abortion to ensure that for those who have made a conscious decision they believe is right, it is respected and accepted. Assistance must be given to those who are not thinking clearly, who are not in a good place and who are not in a position to make a rational decision because of the crisis in which they find themselves. They become deeply hurt and traumatised as a result of the decision they took and they come to us at a later stage.

I support the Bill, which is right and appropriate. I do so believing it is consistent with my pro-life stance. I respect the right of others to have a different opinion but I ask them to set out clearly their solution to the X case judgment and to recognise the decision the people have taken on two occasions.

Debate adjourned.

*Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.*

## Estimates for Public Services 2013: Message from Select Committee

**An Leas-Cheann Comhairle:** The Select Committee on Justice, Defence and Equality has completed its consideration of the following Revised Estimates for public services for the year ending 31 December 2013: Vote 35 - Army Pensions; and Vote 36 - Defence.

## Ceisteanna - Questions

## Priority Questions

## EU Funding

1. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade the progress made to date with the EU budget negotiations; if he will outline the way the outcome of those discussions will affect funding for various programmes here; and if he will make a statement on the matter. [30910/13]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** On 8 February the European Council reached agreement on the European Union's multi-annual financial framework, MFF, for the period 2014 to 2020. Under the Lisbon treaty, the consent of the European Parliament is required before the MFF can be adopted by the Council. As Ireland holds the Presidency, we have had the responsibility of negotiating the text of the MFF regulation and the inter-institutional agreement, IIA, between the Council, the Commission and the Parliament. This task has been a challenging one and the outcome remains critical to our capacity to begin to address the key challenges of creating jobs and growth across the European Union. It is an urgent task.

Since February we have been engaged in intensive consultations. Informal discussions with the Parliament began soon after the February European Council, leading to several rounds of formal trilogues between the Presidency, the Parliament and the Commission. These negotiations were advanced at political level through detailed consultations on 13 May, 28 May, 4 June, 11 June and finally on 18 and 19 June. I led the Presidency negotiating team, while Mr. Alain Lamassoure, MEP, has the lead for the Parliament's team. In each case the negotiators kept their respective institutions apprised of progress. From an early stage in discussions it was clear that four main issues were critical in securing the consent of the European Parliament, namely, flexibility, a mid-term review, own resources and unity of the budget. Throughout the iterative process we worked through our respective positions on each of these core concerns and substantial progress was made.

On 19 June Mr Lamassoure and I concluded negotiations and agreed a core package, comprising the MFF regulation and an inter-institutional agreement. We agreed to recommend the package to our respective institutions and are now in the process of discussing the elements of

the package with both the Council and the Parliament. I remain hopeful that it will offer the basis for the final outcome on this important file. I am also optimistic that the process will conclude under the Irish Presidency.

*Additional information not given on the floor of the House*

An additional but important aspect of concluding the MFF relates to the amending budget for 2013. The linkage between the MFF and the 2013 draft amending budget 2, DAB 2, was established by the Parliament and recognised in the MFF negotiations as a political reality. The issue which is one of significant sensitivity was addressed at a summit meeting of the Presidents of the Parliament, the Commission and the rotating Presidency on 6 May. At the 14 May ECOFIN Council it was agreed that of the requested €11.2 billion, the Council would approve a first tranche of €7.3 billion, subject to agreement on the MFF. This issue will have to be addressed before final adoption of the MFF and I am confident we can find a workable arrangement.

Both the Council and the Parliament are now considering the outcome of the MFF negotiations. That outcome provides extensive flexibility in payment appropriations for the first time, as well as improved arrangements for the special flexibility instruments and a provision for the limited carryover of commitment appropriations. In addition, there will be a meaningful mid-term review, provisions on the unity of the budget and a detailed roadmap for future work on reform of own resources. All of this represents a significant step forward. The agreement of the Parliament and the Council would allow us to move ahead with rapid delivery of the spending programmes citizens need and expect. It is about real money for real people and real jobs at a time when they have never been more needed in Europe, particularly by the very many affected by the crisis of youth unemployment. The MFF deal will put in place a robust €960 billion budget for investment that will enable the European economy to grow, create jobs and begin to address youth employment. It is a matter of some urgency across Europe that this major investment is implemented without delay.

Ireland will benefit, in particular, from a strong and well-funded Common Agricultural Policy and increased funding for competitiveness and jobs. This includes the special allocation of €6 billion for youth unemployment, in respect of which we have given our support to a front-loading beginning in 2014. We will also benefit from a number of specific and tailored resource instruments, including a special allocation of €100 million for rural development and another of the same size for the Border, midlands and western, BMW, region. I am especially satisfied to have been instrumental in ensuring a special allocation of €150 million for the PEACE programme.

I look forward to moving beyond the detailed negotiations to address the major political challenge we share as politicians, whether at the Council or in the Parliament, which is to ensure we use every euro of EU resources to address the impact of the crisis and the blight of unemployment across our European family. We have no time to lose.

**Deputy Brendan Smith:** I thank the Tánaiste for his reply. Last weekend he was accused by certain Members of the European Parliament from both major groupings, the European People's Party and the socialist group, of "objectionable manipulation" in respect of his pronouncements on the multi-annual financial framework. Today he is talking about a "core package" rather than a done deal, the latter being what we understood from his public comments had been achieved following the conclusion of talks at the end of last week. Will he update us on what is happening within the major groups in the European Parliament? Have they been given

a particular timeline in which to reach agreement and go to a plenary session of the Parliament? Is there any indication that major obstacles remain in turning the core package to which the Tánaiste referred into a done deal on the future financing of the European Union up to 2020?

**Deputy Eamon Gilmore:** As I indicated, the Parliament rejected the multi-annual financial framework agreed to by the Council in February, with more than 500 Members voting against it. We have since been engaged in discussions with it to establish a basis for the taking of a further vote. A plenary session will take place next week and it is our objective that a vote will be taken at that stage. The negotiations concluded last week and both Mr. Lamassoure and I agreed to recommend what we had agreed to the Council in my case and the Parliament in his. There are indications from the Parliament that the package negotiated will not be deemed acceptable when it is put to a vote next week. In that context, we have indicated a willingness to engage in further discussions with the Parliament on additional adjustments to the package. There are several issues which, although not central to the MFF negotiations, are relevant as a consequence of the Parliament's decision to make a link between acceptance of the MFF and the draft amending budget for 2013. We have suggested a way of progressing matters might be for Mr. Lamassoure and me to meet the four Presidents tomorrow.

**Deputy Brendan Smith:** Has the issue of the deficit for the 2012-13 budget been resolved? The Tánaiste has indicated that the Parliament discussed the securing of additional funding by way of own resources. Have particular sources of revenue been identified in this regard? The financial transaction tax which is not acceptable to us is probably the one with the most potential. Are other areas being considered by the Commission, the Council or the Parliament?

There was concern following the Council's agreement last February in respect of continued regional development funding for the BMW region. Has that matter been resolved?

Is there likely to be a substantial cut in the budget for research and innovation development which comes within the remit of the Irish Commissioner, Ms Máire Geoghegan-Quinn? If we are to address the long-term employment issues within Europe, surely it makes no sense to cut funding for research and innovation. That funding is essential if we are to acquire the knowledge and know-how to create much needed employment on the island and throughout the other 27 member states from 1 July.

**Deputy Eamon Gilmore:** Agreement was reached yesterday on Horizon 2020, the plan for the research and innovation budget. The overall European Union budget for the period in question is a very substantial €960 billion for the period up to 2020. That funding is critical for the programmes it will underpin.

The issue of own resources was one of those raised by the Parliament and agreement in that regard was not achieved at European Council level, including on the question of a financial transaction tax. The package agreed to by Mr. Lamassoure and me proposes that there be a declaration which would provide for a discussion over the lifetime of the MFF on the issue of own resources. That discussion would involve the Parliament, the Commission and the Council, make provision for the involvement of national parliaments and provide for reportage at six monthly intervals.

## Prisoner Welfare

2. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade the conditions under which a person (details supplied) is currently being held in Belmarsh Prison; and if he will raise directly with the British Government the concern that this arrest and imprisonment is a breach of the commitments made at Weston Park, and assurances given by the PSNI and British Police Services. [31019/13]

**Deputy Eamon Gilmore:** This individual was arrested on 20 May under the Counter-Terrorism Act while transiting through Gatwick Airport. On 22 May he was charged in connection with terrorist offences committed in 1982. He is being held in HM Prison Belmarsh in south-east London where he has been designated as a category A high security prisoner. The Irish Embassy in London is providing consular support and assistance for the individual and in regular contact with the prison authorities. An official of the embassy visited the individual on 29 May and a further consular visit is due to take place this week. As the case is now before the courts, it would not be appropriate for me to comment on specific aspects of the case, even if all of the relevant facts were known to me. I would say, however, that from the outset of the peace process, the need for an accommodation with the past has been recognised. The Good Friday Agreement underlined the importance of acknowledging and addressing the suffering of the victims of violence. It also committed both Governments to providing for an accelerated programme for the release of prisoners convicted of scheduled or similar offences.

At Weston Park in 2001, both Governments accepted that it would be a natural development of that programme if prosecutions were not pursued against supporters of organisations on ceasefire against whom there are outstanding prosecutions, and in some cases extradition proceedings, for offences committed before 10 April 1998. The circumstances at issue in this case, therefore, were comprehended in the discussions at Weston Park. In 2005 the British Government introduced a Bill aimed at providing a legislative basis for addressing these cases but this measure did not secure the necessary political support and was withdrawn in 2006. In the past three weeks, I have had two discussions with the Secretary of State for Northern Ireland and on each occasion I have stressed that the need to find an adequate way of addressing these cases remains as important today as it was in 2001.

The G8 in Fermanagh last week was a showcase for what the peace process has achieved in Northern Ireland but pride in what has been achieved is rightly tempered by the knowledge that significant challenges remain. These can only be addressed through sustained attention and support from the British and Irish Governments as co-guarantors of the process. I believe that ongoing work to give practical effect to the commitments already undertaken must remain central to our efforts. I look forward to meeting again shortly with the Secretary of State to discuss these issues.

**Deputy Seán Crowe:** While the question is specifically about Mr. John Downey it also concerns another Irish citizen, Michael Burns, who was arrested in similar circumstances. The two Governments should not underestimate the anger these arrests have caused among Republicans and people across the island. The arrests were in breach of the Good Friday Agreement, Weston Park and the commitments made by the British Government at that time. John Downey and Michael Burns received confirmation letters from the NIO in 2007 stating that they were not wanted by the PSNI or any British police force for any offence and that they were therefore free to travel. Does the Tánaiste accept that arrests like these undermine the confidence placed in the police service and the justice system and reduce the value of solemn agreements made by all parties, particularly both Governments?

They are not isolated incidents. There are other vindictive and hostile cases which we have discussed in this House, involving Marian Price, Padraig Wilson, Gerry McGeough, Martin Corey and others. There are two aspects to these cases, the first of which is the political aspect in the clear breach of the Agreement. The second is that it is also having an impact on Mr. Downey's family. He has been in jail for six weeks and his family has not had access to him. His local representative, Deputy Pearse Doherty, has been refused a representational visit. A neighbouring MP, Pat Doherty, has been allowed to visit but has been told that he will not be allowed to make a similar visit in future. Clothes were sent in but it was a week before he got them. There is a lot of vindictive behaviour in this case. *An Phoblacht* was banned because of its Irish content despite the fact that other prisoners do not seem to have a problem receiving other foreign language newspapers. It is having an impact at the political level and the family level.

**Deputy Eamon Gilmore:** There are several aspects to this case. First, there is the strictly legal aspect and I am being careful not to stray into that. I am sure Deputy Crowe fully understands that. Second, there are the conditions under which he is being held. This has been raised by our embassy in London. Some issues relating to health matters were raised. The issues concerning visits have been raised. Since his arrest there was a consular visit on 29 May and another is scheduled for today. We have facilitated access by an elected official, Pat Doherty MP, to the prisoner and there was a request for expedited access for Deputy Pearse Doherty. The embassy in London has made representations to the prison authorities regarding his health and his medical needs including mitigating the conditions under which he is being held. It is clear that this arrest has a significant impact on others in similar circumstances and their wider circles. Both Governments have long ago agreed on the need to find a way of sensitively addressing those who had been involved in paramilitary activity. I have discussed this with the Secretary of State for Northern Ireland on two occasions and I hope to meet her again about it in the near future. Our officials continue to have regular discussions on these issues.

**Deputy Seán Crowe:** The big question people are asking is why did this happen now. The big consequence is for those other individuals who have been given similar assurances by the British Government, in the form of letters of assurance that the British police are not interested in arresting them and that there are no charges outstanding against them. These people are asking what impact this will have on their lives.

In respect of this case there is a pattern in that the authorities seem to be attacking John Downey and his family by not granting them access to the jail or legal representation. It is an unusual case but the fact that others are being arrested now too will have an impact. What message is this sending out to those who supported the peace process, including Mr. Downey? I welcome the fact that the Tánaiste is going to try to reinvigorate discussions on the on-the-runs. It is an area that has to be dealt with and yes, we do need to deal with the pattern.

**Deputy Eamon Gilmore:** I have been in contact with the Secretary of State about this case. My Department has also been in contact with officials on the British side about it. There are two principal issues here, first, the conditions under which he is being held and the category A status that has been assigned to him. We have discussed these issues with the British authorities. The second, wider, issue is the letters this man and others have received from which they concluded that they were not being sought by the police service or the legal system. The Deputy referred to these letters. This man had travelled in and out of Britain on several occasions and had not expected that anything of this kind would happen. There is a concern, which I understand, for people who have received those assurances and are now looking at this case and wondering

about their own situation. We must get clarity and assurance on that. I am very conscious of that and of the impact this and the other arrests to which the Deputy referred are having on a wider circle of people. I am discussing this with the Secretary of State for Northern Ireland.

## Foreign Conflicts

3. **Deputy Mick Wallace** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on whether Ireland should be more vocal in its condemnation of the use of drones by the United States, which threatens world peace, and is in breach of international law; and if he will make a statement on the matter. [31018/13]

**Deputy Eamon Gilmore:** Ireland has consistently taken the view that combating terrorism must be conducted with full respect for international law, in particular the law of armed conflict and human rights law. In line with the UN Global Strategy on Counter Terrorism, we believe that effective counter terrorism and the protection and promotion of human rights are mutually reinforcing and not competing goals. Together with our EU partners, we have regular discussions with the US about the legal aspects of combating international terrorism, and the US is well aware of our views on these issues. Unmanned aerial vehicles, UAVs, commonly referred to as "drones", are used for both civilian and military purposes. Under international law, there is no prohibition on UAVs as such. Their use in armed conflict is subject to international humanitarian law. This sets specific requirements in respect of the use of force in armed conflict, including the principles of necessity, proportionality and distinction. I am deeply concerned about any indiscriminate use of UAVs, which would clearly be contrary to international law, and by instances where innocent civilians have been killed by attacks using UAVs. Outside of an armed conflict situation, international human rights law applies. We and our partners in the EU are strongly opposed to extra-judicial killings. Not only are these contrary to international human rights law, but they undermine the concept of the rule of law, which is a key element in the fight against terrorism. This applies regardless of the means used.

**Deputy Mick Wallace:** One of the greatest threats to world peace comes from drones. There are over 10,000 of them in service, of which 1,000 are armed, and most of these are American. Drones have killed more non-combatant civilians than were killed in the attacks of 11 September 2001. Their success seems to be measured based on body count. Neither the legality nor the ethics of drone attacks stand up to examination. If this same slaughter were carried out by troops on the ground, the troops involved would face courts-martial. Victims of drone attacks might not even know what they are accused of and would certainly have no chance to contest the charges, let alone be granted a judge and jury.

Following the murder of 20 children in Newtown, Connecticut, the US President, Mr. Obama, said these tragedies must end, and to end them America must change. However, what applies to those children murdered by a sick man must also apply to the kids murdered in Pakistan, Afghanistan, Yemen and Somalia by a calculating and heartless American President. These children are equally deserving of our concern but there will be no presidential tears for them or interviews with their broken-hearted families.

Recently, in his effort to justify the drone war, Mr. Obama's adviser on counter-terrorism, Bruce Riedel, said one has to mow the lawn all the time as the minute one stops, the grass will grow back. In less than eight years, 2,300 people have been killed by US drone attacks in Pakistan alone, of which 780 were civilians and 175 children.

**An Leas-Cheann Comhairle:** Can we have a question, please?

**Deputy Mick Wallace:** The credibility of the US President in challenging lawless social violence in US cities is undermined when he has his own personal kill list, in violation of international law, to wipe out enemies elsewhere. Following the Newtown massacre, Mr. Obama asked, in his plea for gun control, if Americans were prepared to say that such violence visited on their children year after year was somehow the price of their freedom. It is a valid question and he should apply it to the violence he is imposing on the children of Pakistan.

Has the Government expressed its opposition to the illegal use of drones to Mr. Obama? Will the Tánaiste and Minister for Foreign Affairs and Trade take up the baton on the international stage to work for a total ban on armed drones, which are causing such devastation, much in the same way as a Government in the past played a significant role in its efforts to ban land mines?

**Deputy Eamon Gilmore:** Our view is very clear. Any of the measures used to combat terrorism must comply with international law, particularly the laws on armed conflict and human rights. Our view on this is well-known to the United States, among others.

On the possible banning of drones, I draw the Deputy's attention to a recent statement by the president of the International Committee of the Red Cross, which stated:

> Under international humanitarian law ... drones are not expressly prohibited, nor are they considered to be inherently indiscriminate or perfidious. In this respect, they are no different from weapons launched from manned aircraft such as helicopters or other combat aircraft.

While attention has tended to focus on the use of armed drones for combat operations, there are a considerable number of other military and civilian uses for UAVs, unmanned aerial vehicles. Many military UAVs are not equipped with weapons and are used for reconnaissance purposes. I do not see a prospect of an agreement to ban the use of UAVs in their totality or for specifically military purposes.

**Deputy Mick Wallace:** Does the Tánaiste agree with the Red Cross statement on drones? I asked about armed drones rather than drones in general, as many of them are used for surveillance, as I read in *The Guardian* recently. Many international bodies claim the use of armed drones is illegal. Bombing a family in the middle of the night in Pakistan because it is believed a so-called terrorist is in the same building does not comply with any international law.

Of the 2,500 drone contractors providing multiple products to the US military, one is a company called Green Hills Software, owned by a Dan O'Dowd, who is of Irish descent. Is it possible the State has also purchased products from this company? If so, I would have serious reservations about dealing with a company that was facilitating the murder and slaughter of children in other countries who did not even know the bombs were coming.

**Deputy Eamon Gilmore:** What the president of the International Committee of the Red Cross stated was the provision of current humanitarian law, not his opinion.

We have always led on the issue of disarmament. We want to reduce the use of weapons and the killing of people. This approach is very well known across the world. I do not see a prospect of an agreement to ban the use of UAVs. I want to see a reduction in the military use

of drones, which is in line with our position in favour of disarmament and the protection of civilians.

## Foreign Conflicts

4. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade the outcome of the most recent discussions at European Union Foreign Affairs Council in relation to Syria; if there is a possibility of a common European position to deal with this ongoing and escalating conflict; and if he will make a statement on the matter. [30911/13]

**Deputy Eamon Gilmore:** The ongoing conflict in Syria was a key item on the agenda of the Foreign Affairs Council, which I attended in Luxembourg on Monday, 24 June. The Council had a thorough exchange of views on recent developments on the ground against the background of mounting casualties, with the death toll now estimated by the UN at more than 93,000, and the catastrophic humanitarian situation unfolding in Syria and in neighbouring countries. Our discussions also demonstrated the strong support and broad agreement within the Council on the urgent need to de-escalate the crisis and work to promote a political settlement.

The High Representative of the Union for Foreign Affairs and Security Policy articulated the strong concern within the Council to press ahead and offer our full support to the US-Russia initiative to convene an international peace conference on Syria - Geneva II - in the near future. We all recognise that this represents the only credible opportunity at the moment to try to stop the violence and fashion a comprehensive political solution to the crisis.

The Council reiterated its collective commitment to increase EU support to the international humanitarian efforts following the recent call by the UN for an additional $5.2 billion to cover requirements to the end of 2013. The EU and its member states have so far contributed over €1.25 billion in emergency funding to address the humanitarian crisis, including an additional €400 million announced on 24 June as a response to the deteriorating situation. Ireland is playing its full part in this international effort, having contributed €9.8 million in assistance to date, including an additional €1.65 million which I announced on 19 June. Together with its EU partners, Ireland will continue its efforts to promote a peaceful resolution that finally brings about a civil, democratic and pluralistic Syria.

**Deputy Brendan Smith:** I thank the Tánaiste for his reply and welcome the additional funding provided under our overseas development budget for the humanitarian crisis in Syria.

Barbarity is too mild a word to describe what has been happening there. Some Members met representatives of the Syrian opposition groups recently. Their descriptions of the treatment of individuals and the murder and mayhem that is taking place there were horrendous. There have been more than 93,000 deaths and a catastrophic humanitarian situation is unfolding there and in neighbouring countries such as Lebanon. Another disturbing development there is the employment of mass rape as a weapon of war. It is an extremely serious issue for the Syrian people, as is the spillover of refugees into many neighbouring countries.

*3 o'clock*

The Tánaiste has rightly argued for disarmament and the continuation of the arms embargo, but, unfortunately, there is not a unified European Union stance on that issue. Some of the op-

position groups argue about the non-provision of assistance in that form for the rebel groups, while some countries such as Russia and others are arming the Assad regime. Arms are also being provided for the rebel groups by other groups. I know that Iran, the Hezbollah and the United States are providing arms. Does the Tánaiste envisage the European Union offering a united response? Will it implore Russia and the United States to hold the Geneva II talks immediately? We have heard that Senator Kerry met the Russian Foreign Minister some time ago and that they agreed to talks to try to reach a political solution. Unfortunately, more and more people are suffering and losing their lives. Was there an indication at the European Union Council meeting that the Geneva talks would take place sooner rather than later in view of the escalating crisis, the desperate humanitarian situation in which millions of people find themselves and the mass murder taking place in the country?

**Deputy Eamon Gilmore:** First, it is important to state there is a unified European Union position that we have to find a peaceful solution to the crisis in Syria. Second, there is a unified European Union position that it put its money where its mouth is. On the provision of humanitarian assistance, the European Union has provided €1.25 billion to date, with €400 million having been allocated on Monday. A good deal of that money is being used to address the refugee problem in surrounding countries. When I visited Turkey I saw at first hand the huge problem with the numbers of refugees and the necessity for facilities to be provided for them.

The only show in town right now is the prospect of Geneva II talks. The European Union supports this and has encouraged both the United States and Russia in that direction. On the question of when they will happen, that is unclear because there is still a large degree of uncertainty about the participation of all sides in the conference. If the Syrian authorities have indicated their agreement in principle to attend, the opposition has not yet formally taken a position, despite having formulated repeated demands for excluding the top echelons of the Assad regime from any political process. Furthermore, the presence of Iran at the conference has turned into a fractious issue. On the one hand, Russia insists on Iranian attendance, while, on the other, France and Saudi Arabia, supported by the United States, object to such participation.

**Deputy Brendan Smith:** Has consideration being given by the Council of Foreign Ministers to urging the United Nations to impose a no-fly zone, or is there certain merit in that proposal? We know that, apart from the European Union, the international community made major commitments at the commencement of the year that it has not honoured about assisting to try to deal with the humanitarian crisis. Have the European Union, the Tánaiste as President of the Council of Ministers, or the Government in terms of Ireland holding the Presidency been in a position to indicate to other major trading partners and powers that commitments to provide substantial humanitarian aid are not adequate enough without actual delivery to those millions of deprived people?

**Deputy Eamon Gilmore:** Yes, we have. We have drawn attention to the fact that there are countries that have made commitments to provide humanitarian aid and that these commitments have not been delivered on. We have delivered on our commitments and the European Union is also delivering. We support the holding of the Geneva II talks. A special preparatory meeting took place under Special Envoy Brahimi in early June. However, it did not lead to much progress and there was a further preparatory meeting yesterday. It is a matter for Secretary General Ban Ki-moon to issue formal invitations. At this stage it does not seem that the conference will begin next month as planned, in part because Ramadan is due to start on 9 July.

Regarding the calls made for the establishment of a no-fly zone, this would obviously neces-

sitate broad international agreement and could only be authorised through a UN Security Council resolution specifically mandating such a step. Given that the Security Council has not been able to agree to any resolution on Syria since the conflict erupted in March 2011, it appears most unlikely that there is the political will within the Council to reach agreement on such a proposal.

## Northern Ireland Marching Season

5. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has informed himself of the topics discussed during cross community talks which where hosted by the PSNI in Cardiff, to discuss contentious parade disputes before the marching season, and relations between communities and the PSNI; and if he supports this initiative. [30776/13]

**Deputy Eamon Gilmore:** I fully support the talks which were held in Cardiff on 18 and 19 May about the challenges facing policing in Belfast. The talks were organised by the PSNI, with representation from community leaders in the city. I was greatly encouraged by the cross-community nature of the meeting and the fact that the attendees included all of the main political parties, the Policing Board, community and church representatives. I understand the meeting was assisted by academics from Stanford University and Ulster University.

The statement issued following the conference was thoughtful and progressive. It is welcome that all participants in Cardiff were ready to commit themselves to support the police and non-violence, support for the rule of law and ongoing dialogue throughout the summer. The recognition of the imperative for dialogue when tensions are high is a significant and welcome development.

I was particularly encouraged by the fact that the participants had also agreed to keep lines of communication open, especially during periods of tension, and that they had reaffirmed support for the PSNI, the Policing Board and the police ombudsman. I am aware that the Cardiff group has recently met again in Belfast to together look at ways to implement these commitments in a concrete manner. This is also very encouraging.

I join the First Minister, the deputy First Minister, Minister David Ford and Chief Constable Matt Baggott in their call on all political and community representatives to redouble efforts to reduce parade related tensions in the coming weeks.

**Deputy Seán Crowe:** There was a good deal of scepticism and prior to the Cardiff conference many people thought that they were just going through the motions. I heard reports from people who had attended the conference that it had certainly helped to ease tensions prior to the march at the weekend, the first so-called Tour of the North parade. Those who participated in the Cardiff conference heard concerns and ideas about how to resolve difficult issues and, as the Tánaiste said, they talked about keeping lines of communication open at all times. Unfortunately, there was an incident at the weekend which resulted in the arrest by the PSNI of a young man. It happened after the march, by which stage much of the tension had eased. Mr. Gerry Kelly, a local MLA, went to the area to try to ease the tension and engage in dialogue and communication, but he ended up being caught on the side of a Land Rover. The Minister, Carál Ní Chuilín, was hurt in trying to prevent him from being injured. If commitments are made at conferences, it is important that they be followed through. I do not have all the detail of what happened and presume the Tánaiste has sought a report on the matter. The way the incident was viewed in the area was that the response had been handled badly. The policing was heavy

handed and the communication promised did not happen. Mr. Alban Maginness of the SDLP said it had been really dangerous and that he felt that what had happened to Mr. Gerry Kelly was over the top. Everyone believed the commitments reached at the conference had helped to ease tensions. I am concerned that if we do not follow through on our commitments, further incidents of this nature will take us backwards instead of allowing us to move forward.

**Deputy Eamon Gilmore:** As Deputy Crowe pointed out, it is important that we move forward. The Cardiff talks are ongoing and I understand there will be further meetings in Belfast. That engagement is to be welcomed and I hope it will ensure the language used during the parade season, particularly in respect of the 12th, will be measured and supportive of the difficult tasks the PSNI must carry out during the marching season. I understand it is not intended to continue the Cardiff process beyond the current marching season. My officials are in daily contact with the communities affected by contentious parades and we work closely with the British side on issues arising. It is important that dialogue is maintained at a local level.

I am aware of the incident to which Deputy Crowe referred. It is important that we do not lose sight of the necessity of supporting the police service during this difficult and sensitive period and minimising the provocation and tension associated with these parades. This can best be done by entering into discussions with all concerned. It is also important that the parades and their aftermaths are appropriately policed.

**Deputy Seán Crowe:** The first march of the season lays down a marker for what happens during the remainder of the season. The tension that emerged around this incident could have been better managed. It highlights how far we have left to go with policing.

Sinn Féin held a conference this month entitled Belfast: A City of Equals which was attended by various PSNI local officers. Representatives of the Unionist community were also invited. The conference provided an opportunity, on foot of the Cardiff talks, to discuss policing, community relations and other issues affecting the Unionist community. All of us share a responsibility for this process but it was a bad beginning to the marching season and, if we learned anything from the Cardiff talks, it is that we must keep open the channels of communications. That is the message I would like to send to the Orange Order and others. We need to engage with each other's communities and step back to consider our responsibilities during the marching season.

**Deputy Eamon Gilmore:** I agree that everybody shares a responsibility to step back. The Cardiff statement contains a number of elements, the first of which is respect for the PSNI's duty to uphold the law, while at the same time holding it to account. The appropriate way to hold the PSNI to account is by means of the Northern Ireland Policing Board. I encourage everybody to minimise tensions during the parading season by engaging in discussion and dialogue. Where the Parades Commission makes a determination, it should be supported and upheld.

## Foreign Conflicts

6. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which the international community continues to endeavour to make a positive intervention to secure peace in Syria; the extent of the efforts made by the EU-UN to achieve safety corridors, no-fly zones or safe havens with a view to giving some degree of protection to civilians who continue to be the victims in the course of the ongoing civil war; if there are specific plans to follow up on recent discussions at the G8 meeting in this regard; and if he will make a statement on the matter. [30748/13]

31. **Deputy Mary Lou McDonald** asked the Tánaiste and Minister for Foreign Affairs and Trade his views regarding the decision of the EU not to renew the arms embargo on Syria; and if he will encourage his European counterparts not to send weapons to any side in the conflict. [30758/13]

64. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has recently discussed the conflict in Syria with Prime Minister David Cameron or with other Heads of State from the member countries of the EU; and if he will report on any such discussions. [25465/13]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** I propose to take Questions Nos. 6, 31 and 64 together.

With the death toll in the Syrian crisis now estimated at more than 93,000 and an unprecedented humanitarian emergency affecting Syria and its neighbours, it is more urgent than ever that everything possible be done to de-escalate the crisis and to promote a political settlement. That is why Ireland and its EU partners fully support the US-Russian initiative to convene a Geneva II conference, building on the Geneva communiqué of June 2012, with a view to mapping out a genuine transition towards democracy in Syria. EU Foreign Ministers made it clear at the Foreign Affairs Council on 27 May that the Union will spare no effort in helping to create the appropriate conditions for a successful convening of the conference.

I also welcome the strong endorsement and political commitment to work for the earliest possible convening of the Geneva II conference which was contained in the communiqué adopted by G8 leaders at their meeting in Enniskillen on 17 and 18 June. I urge all parties involved to direct their actions towards ensuring that Geneva II takes place and that it succeeds in its goal of securing agreement among all Syrians on a power sharing executive to oversee transition and reform.

The Tánaiste has already expressed his regret that the Foreign Affairs Council on 27 May was unable to agree to renew the EU arms embargo against Syria. The Government remains firmly of the view that the provision of further arms and weapons is unlikely to assist international efforts to resolve the conflict peacefully. It is, however, important to underline that all 27 member states of the EU remain fully united in their desire to promote the earliest possible end to violence and a political resolution leading to transition in Syria. In the Council declaration that accompanied the Council decision on renewal of the sanctions package, it was noted that no member state intending to do so will proceed at this stage with the delivery of arms to Syria.

The Council will also review its position before 1 August on the basis of a report from the High Representative on the developments related to the US-Russia initiative and on the engagement of the Syrian parties.

In relation to calls for the establishment of a no-fly zone over Syria, this would obviously necessitate broad international agreement and could only be authorised through a UN Security Council resolution specifically mandating such a step. Regrettably, the Security Council has not been able to agree any resolution on Syria since the conflict erupted in March 2011 and it appears most unlikely that the political will exists within the Council at present to reach agreement on such a proposal.

**Deputy Bernard J. Durkan:** I thank the Minister of State for his reply. How much consideration has been given at EU, UN or G8 level to the viability of establishing no-fly zones? Notwithstanding the experience of the western Balkans, to what extent have safe havens been considered with a view to protecting civilians? To what extent has the international community established a position on regime change in countries experiencing civil wars?

**Deputy Joe Costello:** The European Union did not consider that no-fly zones necessarily offered a way forward. In many cases, such zones could only be created after specific authorisation by a resolution of the UN Security Council. As I have indicated earlier, given that the Security Council has been unable to agree on any resolution in respect of this matter, it is unlikely that it would agree on a proposal to enforce no-fly zones.

In regard to safe havens in the Balkans, it is natural that displaced persons would first seek refuge in their own countries or, if that is not possible, cross borders to neighbouring countries. It would be quite a distance to the Balkans in that respect. Neighbouring countries have, however, been generous in accommodating refugees. Turkey, Lebanon, Jordan and Iraq have taken large numbers of refugees despite the fact that this is putting huge pressure on their own resources. These are very poor countries in their own right.

**Deputy Seán Crowe:** This conversation is giving me a feeling of déjà vu. We remember the situations in Iraq and Libya. When people spoke about chemical weapons in those cases, consideration was given to no-fly zones and invasions. The position in either country is far from a success story. Does the Minister of State agree that the suggestion of bringing more weaponry into this conflict will not help anyone in Syria or any of the other countries in the region?

**Deputy Joe Costello:** That is the issue. The Tánaiste has been arguing that point much more than I have, for example at the Foreign Affairs Council when it considered whether it would be appropriate to lift the arms embargo to allow the opposition to acquire some weapons. While member states agreed to look for a solution, they could not agree fully on the way forward. It was eventually decided to lift the arms embargo. Neither of the countries that were anxious to lift the embargo at the time - Britain and France - has actually supplied any weapons to date. It is very difficult, certainly from this country's point of view, to understand how the supply of weapons might increase the chance of peace. The opposition is very divided. Some of the more militant Islamic opposition groups, such as al-Nusra Front, have divided further. They have split again. The clear danger when one provides arms is that one has no indication of how those who get them intend to use them. On the other side of the equation, there is a split between the two great powers - the US and Russia. It is likely to be a tit-for-tat situation. The provision of arms is certainly unlikely to provide any solution.

**Deputy Mick Wallace:** I think the Tánaiste needs to be commended on taking the position that the embargo should not be lifted. Anyone who looks at history will see that it is pure madness to pour more arms into Syria. It is likely to cause more problems than it will solve. Two years of sanctions did nothing to sort out al-Assad, or bring him to the negotiating table. As it turns out, he seems to be more eager to go to the negotiating table now. Some of the western powers want the rebels to do likewise. Secularism in the area has been undermined by the western powers over the past 30 or 40 years. We have facilitated a civil war between Sunnis and Shias. The more western involvement in this conflict there is, the more hardship will be experienced by the peoples involved. Like the American backing for the Taliban in the 1990s, this seems to be based on the idea that "my enemy's enemy must be my friend". It could yet result in British or American forces fighting alongside al-Qaeda in Syria. The thought of it is just frightening. I encourage the Government to be strong in making the point that intervention in Syria would amount to madness.

**Deputy Clare Daly:** The Tánaiste has done well in arguing against the lifting of the embargo. I honestly think we could do a lot more. We tend to understate the influence we can have on the world stage. I think the examples of Libya and other countries show the damage that comes from taking sides in a civil war. Is it not the case that the peace talks are being held up by the American-backed rebels rather than the Assad regime? America is looking to arm the rebels in order to enhance their position at the negotiating table at a later stage. The lifting of the embargo will make the humanitarian disaster worse and will set back the objective of peace. If arms are travelling to Syria, can the Minister of State assure the House that Shannon Airport will not be used for that purpose? Can he assure us that checks will be carried out in that regard?

**Deputy Joe Costello:** On 27 May last, the Ministers agreed to extend the restrictive measures for 12 months but without the arms embargo, on which no further agreement could be reached. It was also agreed that the high representative will draw up a special report on political developments in advance of the Council meeting on 1 August next. That will give Ministers an opportunity to review the situation. It seems at this point that the Geneva II peace conference offers the only real prospect for any progress to be made. All of the steps that have been taken so far have been unsuccessful. As the Tánaiste indicated, it may not be possible for it to take place on 9 July, as was intended, because of Ramadan and for other reasons. One can read as much as one wishes into the positions the various superpowers are taking on one side or the other. For a long time, the US has been proposing that weapons be supplied. The EU has been very reluctant to get involved in that in any way. Britain and France have broken the agreement to that effect that was in place until recently. At the same time, they have agreed not to supply any arms until the matter is reviewed on 1 August.

**Deputy Bernard J. Durkan:** I thank the Minister of State for his extensive and comprehensive reply. I compliment him and the Tánaiste on the extent to which they have committed themselves to peaceful intervention in the region. I note what the Minister of State said in his response about no-fly zones. Can he comment on the extent to which the international community has proposed the notion of safe havens - notwithstanding the experience in the western Balkans in an earlier generation - with a view to establishing such locations in this region or on its borders, and to which members of the civilian community might have recourse in the event of their human rights being violated or their lives being at risk?

**Deputy Joe Costello:** I am not sure of the extent to which consideration has been given to the western Balkans as a possible safe haven.

**Deputy Bernard J. Durkan:** No, I was not suggesting that. I mentioned the experience in the western Balkans as an example of the background to this suggestion.

**Deputy Joe Costello:** The areas on the borders of Syria are safe havens, in effect.

**Deputy Bernard J. Durkan:** Okay.

**Deputy Joe Costello:** There is the Zaatari camp in Jordan, the camp in Turkey and the camp in Lebanon. A number of the neighbouring countries, most notably Jordan, have taken a large number of Syrian nationals into their communities. They have been located in people's homes, especially where there is a sort of racial connection. There has been a good response from the neighbouring countries that are under stress themselves. The United Nations is involved in all the camps on the borders. UNICEF and the International Red Cross and Red Crescent Movement are also very much involved. All of these organisations are extremely active in all of these camps. They are seeking to engage internally in Syria as well at present. We must not forget the work of our own agencies. GOAL has received permission from Turkey to work there and across the border in Syria as a registered agency. Oxfam and UNICEF, with which we are very much related, are very active there as well.

## Foreign Conflicts

7. **Deputy Michael Moynihan** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on whether the experience from the Mali mission would suggest that, while individual member states of the European Union could respond rapidly, the decision-making process within the EU had been found wanting; and if he will make a statement on the matter. [30806/13]

**Deputy Joe Costello:** The EU has been concerned about the situation in Mali for some time, notably following the army coup in March 2012 and the takeover at around the same time of much of the north of the country by a range of armed groups. Recognising that the crisis in Mali cannot be addressed through military means alone, the EU has implemented a comprehensive approach to the situation which encompasses diplomatic support, development and humanitarian assistance, as well as support in the areas of security and peacekeeping.

The EU has emphasised the importance of progress on the political track, especially the implementation of the transition roadmap by the Malian authorities. This week, the Foreign Affairs Council welcomed the signing of the interim peace agreement in Mali on 18 June 2013 between the Malian authorities and Tuareg communities in northern Mali, which provides for an immediate ceasefire and paves the way for presidential elections nationwide on 28 July. The EU will continue to encourage the preparations for free and fair elections, a meaningful national dialogue and reconciliation process and full respect for human rights for all of Mali's citizens.

The EU has also been active in addressing the humanitarian situation in Mali. In May, the EU and France partnered to organise a donor conference on Mali in Brussels at which more than €3 billion was pledged to assist Mali's recovery. I announced at the conference that Ireland will provide a further €2.5 million to respond to continuing humanitarian needs and to support the recovery of Mali.

The EU has supported international efforts to support stabilisation and counter the threat of

terrorism in Mali. Alongside the French-led Operation Serval and the African-led International Support Mission in Mali, AFISMA, the EU Training Mission in Mali - EUTM Mali - forms an integral part of the EU's role in supporting the request from the UN to member states and regional and international organisations to provide assistance, training and capacity-building support to the Malian security forces to help them to restore the authority of the Malian Government. The EU is currently examining how it can provide further support for the Malian authorities in the area of civilian security and justice in order to contribute to the long-term stabilisation of the country. Furthermore, a number of EU member states, including Ireland, are considering making a contribution to the newly established UN peacekeeping force, MINUSMA, which is due to be deployed at the beginning of July and will build on the work undertaken by France and AFISMA troops to date.

**Deputy Brendan Smith:** I thank the Minister of State for his reply. With regard to the forthcoming elections, I read some time ago that the security situation, particularly in northern Mali, remained very unstable. Is the Minister of State confident that enough stability has been achieved to ensure free and fair elections? As we know, French forces intervened in Mali in early January to prevent Islamic forces from overwhelming the country. It has been claimed, I believe with some justification, that it was essentially unilateral French action to intervene in its old colonial area of influence that drove on the EU rather than a multilateral intervention decided by the EU. Does the Minister of State agree with the comment of the Minister for Justice and Equality, Deputy Shatter, some time ago that the EU was found wanting in respect of its Common Security and Defence Policy, CSDP?

**Deputy Joe Costello:** I would be reasonably confident that the roadmap that has been put in place, which culminates in elections taking place on 28 July, will be achieved. The EU was very quick to respond to the situation. France intervened in January and at the informal meeting of the Development Ministers on 9 and 10 February in Dublin Castle, the first real discussion of the issue took place. It was decided at that point that a roadmap would be put in place, there would be nation building and there would be the release of €250 million by the EU to get moving on dealing with the humanitarian situation. Since then, steps along the way have brought us towards the transition to the fulfilment of the roadmap. It is intended that the French troops would evacuate at the time the elections take place, the transition Government would step down before the elections and that, when the elections take place, a new Government would become operational.

Part of the process was to ensure a commission on mediation and reconciliation was established and that this would operate before the elections took place. This was to ensure contact would be made and agreement reached with the Tuareg in the run-up to the elections. Agreement was reached and the interim peace agreement was signed on 18 June. I believe this will, to a much greater extent, ensure the elections are peaceful and transparent.

**Deputy Brendan Smith:** As the Minister of State is aware, the European Council in December 2012 proposed that the whole CSDP and its strengthening would be an issue for discussion and decision at the December Council meeting. As the House is aware, the protocol inserted in the Lisbon Treaty provides for our neutrality, and Ireland's views will be influenced and framed by that protocol and our policy of neutrality. Can the Minister of State assure us that, in the forthcoming Green Paper on Defence, the position on the triple lock will not be changed and our participation in foreign missions will remain under the same criteria as they have up to now?

**Deputy Seán Crowe:** While there have been numerous Tuareg ceasefires in the past, I see this as positive in that there is now a real opportunity in that country. The agreement is that many of the grievances of the Tuareg population would be addressed. There is criticism that there was no common agreement across the EU in regard to the conflict in the region but I presume there is common agreement in regard to building a real and meaningful peace process in that region. This is where the positive support needs to come from the EU in order to try to resolve the conflict that has been ongoing for decades in the region by seriously addressing the grievances of the Tuareg population in the north of Mali, in particular in regard to the corrupt regime that was in place, given the intervention was seen as the French stepping in to prop up that regime. Does the Minister of State agree this is a real opportunity that the EU needs to grab with two hands?

**Deputy Joe Costello:** With regard to the Green Paper on Defence, that question could be more usefully put to the relevant Minister, who I am sure will give him a thorough and comprehensive response.

**Deputy Brendan Smith:** I assume the long-standing policy of neutrality will remain.

**Deputy Joe Costello:** As of now, and on the best information, our neutrality remains intact.

**Deputy Brendan Smith:** I see the Tánaiste agrees.

**Deputy Eamon Gilmore:** Absolutely. There are no worries about it.

**Deputy Brendan Smith:** And the triple lock.

**Deputy Joe Costello:** We have eight people involved in the EU Training Mission in Mali and they are there largely to train the existing force and to ensure the operations are based on human rights. There is also a request that member states make a contribution to the EU peacekeeping force, MINUSMA, which is due to come into place from the beginning of July. Whatever decision is made on that is another matter.

With regard to the broader question from Deputy Crowe about what is needed in the long term, there is at this stage general recognition that this whole area of the Sahel and the Horn of Africa, which has given rise to enormous conflict and, at times, mayhem, needs to be addressed. Somalia, on one side, is a huge part, and Mali, on the other side, is another part, but there are other areas in between where there is a lot of conflict.

Some €3.25 billion was collected during the pledging conference in Brussels, to which we contributed. The intention is that a state-building exercise would take place so that, in the first instance, humanitarian aid would be provided, there would then be new elections and there would be a reliable and transparently elected Government. The intention is then to move towards developing the country in a sustainable way and ensuring its security at the same time.

## Human Rights Issues

8. **Deputy Martin Ferris** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the fact that a person (details supplied) who is imprisoned in Lithuania will have his case heard before the court of appeal in Vilnius, on 27 June; and if the Irish ambassador to Lithuania, or another high-ranking embassy official, will attend this hear-

ing. [30773/13]

24. **Deputy Martin Ferris** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to conditions in Lukiškės Prison in Lithuania, in which an Irish citizen (details supplied) is currently imprisoned; and if the Irish Embassy in Lithuania is providing the consular support he needs. [30772/13]

**Deputy Eamon Gilmore:** I propose to take Questions Nos. 8 and 24 together.

It is the intention of the consul at our embassy in Vilnius to attend on 27 June the appeal hearing of the person mentioned. The Embassy of Ireland in Lithuania and the consular assistance section in Dublin have provided consular assistance to the person in question since his initial detention in Lithuania and will continue to do so. The person mentioned by the Deputy was transferred in July 2012 from Lukiškės Prison in Vilnius to Pravieniškės Prison, near Kaunas. This is a lower category of prison, with a different prison regime to that in Lukiškės Prison.

With regard to the upcoming appeal on 27 June, I am advised that the usual procedure is that prisoners with appeal hearings in Vilnius are temporarily held in Lukiškės Prison. The length of time prisoners remain in Lukiškės depends on the date of the court hearing and prison transport arrangements between Kaunas and Vilnius. Our ambassador has repeatedly communicated our concerns about the conditions in Lukiškės Prison. The ambassador has asked that the period of the person's detention in Lukiškės for his appeal be kept to the absolute minimum.

I am aware that Lukiškės Prison has been the subject of reports by the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT. I also understand that the Lithuanian Government is actively addressing the issue of upgrading its prison accommodation and is engaged in an extensive modernisation programme.

**Deputy Martin Ferris:** I thank the Tánaiste for his response. I understand that the other prison where Michael Campbell is being held is almost as bad as Lukiškės Prison, and the conditions, particularly regarding non-contact visits using a phone through glass or Perspex, along with sanitation conditions in the prison, are a disgrace. In Lukiškės Prison, a number of prisoners in a cell all share a hole in the ground and also share terrible visiting conditions. The High Court here refused to extradite somebody to Lithuania because of the conditions, as did the extradition court in Belfast. Ensuring this Government is represented at the highest level possible at the appeal hearing tomorrow is in the interests of the human rights of the prisoner in question, Michael Campbell, and is also a statement of intent that the Irish Government and people will not accept the infliction of such inhumane conditions on any prisoner, irrespective of who he or she is, especially if it is a person over whom we have jurisdiction.

**Deputy Eamon Gilmore:** I have taken an interest in this case since Deputy Martin Ferris raised it directly with me some time ago and expressed his concern about conditions in Lukiškės Prison. As the Deputy is aware, the man concerned was transferred from Lukiškės Prison to another prison. The information I have on Pravieniškės Prison is that it is located in a forested area approximately 30 km from the city of Kaunas. Prisoner accommodation is in dormitories and prisoners are not subject to lock-down overnight. Toilet facilities are separate from sleeping quarters and separate kitchen facilities are available for those who wish to prepare food in addition to or in lieu of the standard prison food. Prisoners have access to a garden, prison shop, prison gym, workshops and language classes. Unless subject to a disciplinary regime, prisoners

may have one day visit of up to four hours every two to three months and an overnight visit of up to two days' duration in the same period. There is also the possibility of two pastoral visits per month by English-speaking priests.

The person concerned has received a number of consular visits from the embassy in Vilnius. There is an appeal hearing tomorrow. Deputy Ferris's main concern is that the person will be brought back to the original prison from which he was transferred. I understand that is just for the duration of the appeal hearing and the intention is that a diplomatic official from our embassy in Vilnius will attend the appeal hearing.

**Deputy Martin Ferris:** I thank the Tánaiste for the fact that an official will attend the trial. The appeal is not by the prisoner, Michael Campbell, but by the State to increase the sentence he received. There is no doubt that the publicity and interventions, particularly by the Department of Foreign Affairs and Trade, have had a welcome effect on the conditions in which he is held. After tomorrow I will be seeking a repatriation ticket so he can have some type of relationship with his family and community.

**Deputy Clare Daly:** It is an indictment of the Lithuanian authorities that they stand over prison conditions such as those in which Michael Campbell, and anyone else in Lithuania who happens to be in prison, are being held. It is in breach of all human rights standards and something this nation should speak out about. It is good that the embassy is sending a representative. I hope the Tánaiste will ensure the Joint Committee on Foreign Affairs and Trade is involved in this later because, regardless of the outcome of the appeal, there will still be a battle to get this prisoner repatriated to serve his sentence in Ireland. There are grave concerns about the fact that he continues to be held there.

**Deputy Mick Wallace:** Irrespective of what this person is guilty of and whether he should be in prison, he is entitled to certain human rights while in prison. Based on the details the family has sent to us, there is a big gap between the conditions they describe and what the authorities are saying. The conditions we have been told about are frightening. I do not know what sort of facilities exist for getting Irish prisoners home to a prison in Ireland, but it is unfair on his wife and family to have him in a prison outside Ireland. Given that Lithuania is taking over the Presidency of the Council of the European Union after Ireland, it is very important that Lithuania is seen to adhere to proper rules and regulations on prison life.

**Deputy Eamon Gilmore:** The man concerned was found guilty of trying to purchase and smuggle weapons and received a sentence of 12 years. There is an appeal, which Deputy Martin Ferris mentioned. There is a Council of Europe Convention on the Transfer of Sentenced Persons but that cannot be activated until the appeal process is completed. Deputy Ferris referred to two other cases in which extradition requests were refused. The appeal will be heard tomorrow. The embassy will be represented at it. Deputy Martin Ferris asked me some time ago to take an interest in this case and I have done so. I have asked our ambassador at the embassy in Vilnius to take an interest in it and the embassy will be represented at the appeal tomorrow.

*Written Answers follow Adjournment.*

## Local Authority Charges Review

**Deputy John Deasy:** It is clear that the revaluation process being undertaken by the Valuation Office in the city and county of Waterford will send a considerable number of businesses to the wall. The revaluation is leading to increases of over 300% in some cases and will affect the retail sector in particular, with some of the larger industrial users getting discounts of up to 40% for some reason. The average increase for retailers seems to be between 50% and 100%. One of my local newspapers reported the town clerk of my home town as saying not a week goes by without another business closing down. Many businesses have been forced to close and the surviving businesses - what is left of the rates base - are struggling. It seems their reward for staying afloat in this environment is a doubling or tripling of their commercial rates.

The Dungarvan Chamber of Commerce stated recently that if businesses fail as a result of excessive rates demands, as they surely will, the relentless logic of the new system will merely redistribute the same rates burden over an ever-diminishing cohort of ratepayers. In many respects, the Government had the answer before it asked the question. For example, a local authority needs €1 million in rates, the Valuation Office undertakes its technical exercise and an analysis of rental values, and the certificates are then issued. The problem is that the taxation system fails to take into account ability to pay, and therefore it is badly flawed. It does not take into account the fact that the overall rates burden is itself unsustainable due to erosion of the rates base. This is a constant case of diminishing returns. We talk endlessly in this Chamber about the creation of jobs, and correctly so. However, if the various arms of government such as the Departments of Finance, Public Expenditure and Reform, Jobs, Enterprise and Innovation and Environment, Community and Local Government, as well as the Office of the Taoiseach, do not consider and mitigate the impact that a doubling or tripling of commercial rates would have on a business, one begins to ask whether the Government is aware of the economic reality for these businesses.

Ministers must not say continually that the Valuation Office is statutorily independent and that it is outside their responsibility. They cannot run away from the issue; nor should they keep talking about jobs and small businesses while ignoring the impact this will have.

These new revaluations are being done under the Valuation Act 2001, which will be revamped by the Valuation (Amendment) (No. 2) Bill 2012, which is currently before the House. The most significant change in the new Bill is the provision on assessment or self-assessment. When this new Bill is signed into law, ratepayers will be able to self-assess or value their own properties. When the new legislation is enacted, will every ratepayer, including those who are being assessed under existing legislation, be allowed to reassess his or her property under the self-assessment regime? If they succeed in agreeing a lower commercial rate payable, will they be eligible for a retrospective rebate from the State? In effect, within a year or so, businesses in different parts of the country will be valued for commercial rates under two different systems. I ask how these two systems will be integrated as one.

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** The Deputy will be aware that under Irish law there is a distinct separation of function between the valuation of rateable property and the setting and collection of commercial rates. The valuation of

commercial properties for rating purposes is the responsibility of the Valuation Office. The rate payable by a ratepayer in any calendar year is a product of that valuation multiplied by the annual rate on valuation, ARV, set annually by the elected members of the rating authority. The ARV was formerly known and is still often referred to as the rate in the pound.

The valuation system is operated under the Valuation Act 2001 and is underpinned by a number of long-standing valuation principles, as well as interpretation of the legislation by an independent valuation tribunal and the higher courts. The system is based on the concept of net annual value, which is derived by estimating the rental value that the property might command as of the particular valuation date specified in an order made by the Commissioner of Valuation - who is independent in the exercise of his function - as provided by the 2001 Act. The rateable value of a shop, for example, is the yearly rent for which it could be let on the assumption that the tenant was responsible for rates, repairs and insurance. The basis of assessment applies to all properties irrespective of whether they are rented to a tenant or owner-occupied.

A fundamental element of valuation law, practice and procedure is the attainment of equity and fairness between ratepayers through the establishment of correct and uniform valuations. Accordingly, the function of the Valuation Office is to produce and maintain valuation lists for each rating authority area which reflect the estimated rental value of each property on a specified day relative to the estimated value of every other property on that list on that date. Of course, the values of individual properties and categories of property change over time as a result of differential shifts in rental values between property categories and locations. This is a recurring phenomenon which reflects market movement and economic activity. The only way to address these shifts is through a revaluation process. Outside of the rating authorities that have been valued to date - for example, South Dublin, Fingal and Dún Laoghaire-Rathdown - the rates in all other rating authority areas are, at present, based on valuations of properties which reflect market conditions and relative values prevailing in 1988. The values in some sectors or locations will have increased significantly since 1988, while other parts of the market may not have fared so well. This is clearly not a satisfactory situation.

Revaluation is an exercise in redistribution of the overall rates liability in a rating authority area to maintain the fairness of the rating system. It is the process that brings rateable values back into line with current property rental values. It results in the production of a new valuation list that contains modern valuations for all rateable properties in the rating authority areas being revalued. The process is that all industrial and commercial properties in a rating authority area are revalued by reference to a specific valuation date and all new valuations in that rating authority area become effective at the same time. The ultimate objective is the production of a valuation list for each local authority which provides equity, uniformity, stability, certainty and predictability for ratepayers, local authorities and the Government, and brings the valuations on which rates are assessed back into line with current property rental values.

Following the first revaluation in each area, the Valuation Act 2001 requires the commissioner to subsequently carry out recurring revaluations at intervals of a minimum of five years and no more than ten years. This will ensure that movements in the property market are tracked and reflected in rateable valuations within a reasonable timeline, which has not been the case heretofore. Accordingly, individual valuations are established and remain fixed for a five- to ten-year period. On the other hand, the ARV, as determined by the elected members of the rating authority, may vary from year to year and therefore so can the rate payable annually by an individual ratepayer.

In line with Government priorities, the revaluation programme will be expedited so that the first revaluation in 25 years can be completed as soon as possible across the country. In keeping with Government policy, the Minister, Deputy Howlin, has introduced the Valuation (Amendment) (No. 2) Bill 2012, which is currently before the Oireachtas. The primary purpose of this legislation is to accelerate the revaluation process. The Bill also includes new features which provide for the streamlining of the valuation appeals procedures available to ratepayers. Also, as part of the effort to accelerate the national revaluation programme, it provides the legislative basis for carrying out a revaluation based on self-assessment by ratepayers and also for the external delivery of elements of the valuation process. I understand that both of these approaches will be piloted in revaluations to be conducted following the enactment of this Bill.

Revaluation does not result in an increase in the total amount of rates collected by a rating authority. The Valuation Act 2001 empowers the Minister for the Environment, Community and Local Government to cap the total amount of rates in the year following a revaluation. This provision has the effect of ensuring that revaluation acts as a distribution of the rates liability between ratepayers in an equitable fashion relative to the values of the properties they occupy. Accelerating the national revaluation programme is a priority for the Government and is a feature of the Action Plan for Jobs 2012. The Valuation Office has achieved considerable momentum on the programme in recent years. The process is complete for South Dublin County Council, Fingal County Council and Dún Laoghaire-Rathdown County Council, while revaluation of the three Waterford rating authorities, Dublin City Council and the two Limerick rating authorities is well under way. The revaluation processes in the three Waterford rating authorities and Dublin City Council are currently at the representations stage. This a significant stage at which the ratepayer can engage actively with the Valuation Office. The objective is to ensure the valuation lists are correct before they are published later this year.

*4 o'clock*

The representation phase provides the ratepayer with an opportunity to raise with the Valuation Office any elements of a proposed valuation considered to be inaccurate and to provide fresh evidence material to the ultimate determination of the valuation. There is also a statutory right of appeal to the Valuation Tribunal, an independent body set up for such purposes, and, on a point of law, to the High and Supreme courts.

The programme is particularly important given the significant changes in rental values following the economic downturn of recent years. It is further the case that most rateable valuations reflect the economic circumstances that prevailed a quarter of a century ago. While property values have fallen generally, given that the purpose of the programme is to redistribute the overall rates liability, some ratepayers will obtain a reduction while others experience an increase from the process of redistribution. Overall, revaluation results in a fairer distribution of the rates burden.

**Deputy John Deasy:** The system is not fair. I know how it works and what is being proposed. I acknowledge that this is not the Minister of State's portfolio. The system is the problem. It will put people out of business. The town council in my home town, Dungarvan, has a lower rate valuation than the county. On its abolition, local businesses run the risk of being harmonised with the county rate. They may suffer an increase in their rates due to amalgamation. They also face a doubling or tripling of their commercial rate on foot of the revaluation process. It is a double whammy. Has anyone in the Government thought about that? Does anyone in the Government care? If the Government does care, what is it going to do about it? We are putting

businesses to the wall. Everyone here likes to have his or her photograph taken with Christine Lagarde and President Obama, but we must keep our eye on the ball when it comes to taxpayers and businesses that are failing, and we are not doing so. I know how the system works. It puts businesses to the wall. When one doubles or triples a business's rates bill, only one thing will happen. This is not an equitable redistribution of the rates burden.

There are things that are outside our control and things that are within it. The CAP talks the Minister for Agriculture, Food and the Marine, Deputy Coveney, is undertaking right now involve the competing interests of other member states. We must acknowledge that and do our best in the negotiations. While we cannot determine entirely the outcome of talks on matters such as the CAP, the rates issue is within our grasp. It is basic, fundamental stuff concerning the administration of our governmental systems and the impact on taxpayers. We cannot ignore the impact this is having on businesses. If we ignore the impact, questions will be asked of the Government about its knowledge of what is happening on the ground in local economies.

**Deputy Paul Kehoe:** I should have apologised on behalf of the Minister for Public Expenditure and Reform, Deputy Howlin, who is unavailable as he is in the Seanad taking Committee Stage of a Bill. His Minister of State is away.

**Deputy Mattie McGrath:** He will have no excuse when the Seanad is gone.

**Deputy Paul Kehoe:** I will not even reply to that.

I understand where Deputy Deasy is coming from. As a public representative, I speak to people daily who fear the closure of their businesses. It is something of which we must take cognisance when town councils are abolished and the time comes to set rates. The Valuation (Amendment) (No. 2) Bill is on Committee Stage in the Seanad. I hope the Minister will consider some of the issues Deputy Deasy highlighted today. We are going through a very difficult time economically and must take into consideration the business people who are holding on by their fingertips. I understand this is something within our control that we can change as a Government. Local authorities also have a responsibility for rates and they must take matters into consideration while keeping their finances afloat. The Government must consider the matter nationally and examine the best way forward for ratepayers. We must take their views and the views of their representative bodies, including chambers of commerce, into account.

## Hospital Staff Recruitment

**Deputy Mattie McGrath:** I am delighted that the Minister for Health, Deputy James Reilly, is in the Chamber to listen to my pleas today. We waited in anticipation for a great deal of time for the Higgins report. I acknowledge that it was pulled and pushed around and that Kilkenny made a break for the border to align with Dublin. We had been working hard in the south-east region for many years. We had accepted the fact that there would be change and accepted the Higgins report as an honest effort to tidy up our hospital systems. We welcome the fact that we are linked with Cork University Hospital, which is a teaching hospital. However, I want a commitment from the Minister that the seven senior registrar posts at South Tipperary General Hospital will be filled. These are senior positions for real decision-makers working under consultants. I compliment the consultants, medical staff, nurses and other full-time staff on the work they do daily to deal with the issues that arise, particularly since the closure of Nenagh General Hospital and of St. Michael's unit at South Tipperary General Hospital, with the

relocation of beds to Kilkenny. These are vital posts but the hospital and regional management seem to be unable to recruit people to fill them. The deadline of 8 July is little more than a week away. I understand there is very little interest in the posts. There is nothing wrong with the facility; it is a question of an unfair balance. I call on the Minister, in the spirit of the Higgins report, our linkage with Cork and the hospital group system, to ensure registrars are redeployed to us forthwith.

We had 32 people on trolleys in our hospital last week as we did not have senior staff to deal with the situation. We do not have anything like a full complement of staff, being short of five registrars. We will be short of the full seven by 8 July 2013. It is a serious situation. I hope it is not a question of sabotage and that we will not be closed by stealth or through something happening behind the scenes. The Minister gave a commitment to keep our hospital. These positions must be filled. I appeal and demand, as an elected representative of the people of south Tipperary, that these posts be filled, even temporarily, with registrars from Cork, Limerick and other hospitals in the group to maintain vital services and safety at South Tipperary General Hospital in Clonmel. It must happen.

The hospital management must be empowered if it lacks the power to attract people. I do not know what the reasons are. The Minister is perhaps aware of the reasons and might outline them to the House. We need support now. We are on a lifeline. If we do not recruit the registrars by 8 July we will be in big trouble. I do not want to be all doom and gloom; I want to be positive about our hospital and support it. I am critical when it is required. We have had two HIQA reports that were anything but pleasing. I am no apologist for uncleanliness in hospitals, especially where people's lives are at stake, or for lacklustre management and too many trolleys on the floor. However, I stand shoulder to shoulder with consultants and all staff from the front door up to the very top on recruiting the full complement we need. Given our reciprocal relationship with Cork and Limerick, they must provide senior registrars this week. Next week will be too late. The appointments must be made and the registrars must be on site to do rounds with junior doctors and senior house officers. We need the full complement to have a safe working hospital. The hospital has been recognised over the years for providing the treatment that the public expects and deserves.

It is over to the Minister. I hope he will have good news for me. I hope he will be able to ensure we get these staff rather than excuses that they cannot be recruited. If necessary, staff must be redeployed.

**Minister for Health (Deputy James Reilly):** I thank Deputy Mattie McGrath for raising this issue. I am glad to hear that he wants to be positive about his hospital. He has every reason to be.

Particular hospitals and specialties have experienced difficulties in filling medical non-consultant hospital doctor, NCHD, posts over the past number of years. Addressing this issue has been a priority for the health service and, as the Deputy will be aware, there have been a number of recruitment programmes internationally. As a result, over the past three years, 98% of NCHD posts have been filled normally. Where staffing issues exist, there remain sufficient agency staff to meet service needs. This means that the hospital system is operated successfully with a small ongoing vacancy level in recent years. I want to reduce agency working even further and I fully intend to do so.

The total complement of NCHDs for South Tipperary General Hospital is 20 - that is, six

interns, seven senior house officers, SHOs, and seven registrars. Of the seven medical registrar posts, four are specialist registrar posts and the remaining three are registrar posts. Currently in the hospital there are 17 NCHDs - five interns, seven SHOs and five registrars. A comprehensive process of recruitment has been under way in respect of the July 2013 intake since earlier this year. South Tipperary General Hospital has already recruited six interns and six SHOs, with the final post in the process of being filled. However, as the Deputy pointed out, we are experiencing a challenge in securing the necessary registrar posts, which have been allocated on a national basis by the Irish College of Physicians. There are difficulties nationally in the recruitment of specialist registrars - that is, there are more vacant posts than registrars. As a result, no specialist registrars were allocated by the Irish College of Physicians to South Tipperary General Hospital for the July 2013 intake.

South Tipperary General Hospital, with the support of HSE South and the national HSE system, is working with the assistance of agencies to secure the necessary registrar posts for the hospital. Two registrars are considering offers currently but have not quite yet accepted the positions, while one registrar from South Africa has agreed to take up a post later on this year. The accelerated recruitment campaign is continuing with the intention of maximising what can be achieved through this process. In addition, senior management at South Tipperary General Hospital, in association with the HSE area manager for Carlow, Kilkenny and South Tipperary, are working closely with Cork University Hospital, Waterford Regional Hospital and St. Luke's General Hospital in Kilkenny with a view to securing their support for sharing the registrar posts in a way that would improve the situation in south Tipperary and ensure safe service delivery. This work is continuing. I can assure the Deputy that the matter is being addressed as a priority and progress has been kept under review on a daily basis.

**Deputy Mattie McGrath:** I thank the Minister. I want to be positive. The staff are under enough pressure. We need definite dates. I am aware that there are two candidates who have not fully come on board, and one is due to take up a position later on this year, which I welcome.

In the spirit of the Higgins report, I appeal to the Minister to ensure South Tipperary General Hospital gets support from its sister hospitals, Waterford Regional Hospital and St. Luke's General Hospital in Kilkenny. As we are in that region, why abandon the recommendations of the Higgins report before they have been fully implemented? We need the support of these hospitals.

As I stated, this is a fully accredited hospital with high standards and high expectations. I know by the Minister's tone of voice that he will support it but I demand that he does because we are only days away from 8 July and the matter is serious. One can imagine the stress. I have spoken to regional management. I spoke to Ms Anna Marie Lanigan and others, who are doing their best, but this is a case in which we cannot do it on our own. We need the help of the Minister and the other hospitals need to be encouraged to allow their staff to be redeployed temporarily until we get the matter sorted out. This must be done now. We cannot allow such a situation with a deadline such as this. It is just too serious. It is a matter of patients' health and safety and, of course, all medical treatments must be available.

As I said, I do not want to see a situation in which gaps are left and we are told it is because the HSE could not recruit the staff. Whatever must be done, whatever ban must be lifted or whatever agency must be recruited or contacted, this is the 11th hour and we need it to be acted upon. I beg the Minister and hope he delivers. Being a medical professional, he himself understands the situation better than I do.

As I stated, I am committed to the hospital. We all are in south Tipperary. We will support the Minister, but we need him to put his shoulder to the wheel. We need the meitheal spirit of the Higgins report. Hospitals must support each other and stand with each other to fill those posts. When we in Clonmel have to do the same, we will do so.

**Deputy James Reilly:** I can assure Deputy McGrath that I take on board what he is saying. I am aware that the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Tom Hayes, is most concerned about this issue too.

**Deputy Mattie McGrath:** I know he is.

**Deputy James Reilly:** As Deputy McGrath said, the hospital is a busy one. He mentioned in his earlier contribution that he hoped it was not being closed down by stealth. There is no question of closing down any hospital of this nature. That will not happen. We do not have the capacity in the system to allow for such things. It is not my intention to close any hospital.

**Deputy Mattie McGrath:** Maith an fear.

**Deputy James Reilly:** Last year there were more than 30,000 emergency department presentations, 13,490 inpatient discharges, 5,842 day cases, 1,070 births and an excellent average length of stay of 3.96 days. This is a good hospital that performs really good work. It is invaluable to the local community and also to the network.

I do not know why there is a noise. I do not think it is my phone.

**Deputy Mattie McGrath:** It is the Minister of State, Deputy Tom Hayes, from Brussels.

**Deputy James Reilly:** It must be Deputy Tom Hayes's phone. He is probably watching in.

There are a number of points I want to make, and I will take the opportunity to make them, if I may.

**Acting Chairman (Deputy Michael McCarthy):** The Minister has 45 seconds.

**Deputy James Reilly:** First, the way in which we have been treating our NCHDs - giving them six-month contracts - is anathema to me. It is wrong. We should be giving them two-year or three-year contracts. This would allow much greater certainty for them and for their families, and we would have greater certainty as well. Second, we are trying to create a much clearer career path for NCHDs. Third, and most important, there is nothing else that exemplifies the need for hospital groups as much as the matter we are discussing here today. This hospital in Clonmel is not a small hospital. It is a model 3 hospital but, because of its location, it occasionally has difficulties in attracting staff. By being part of the hospital group of Cork and Waterford, South Tipperary General Hospital will have access to that greater pool. Even though these groups are only starting and the Government has passed its plan, we will seek to get the help from those hospitals which are South Tipperary General Hospital's natural allies to ensure that the people of Clonmel have the staff to deliver a safe service to all. That is critically important to me as Minister for Health.

**Deputy Mattie McGrath:** Beidh fíor-fháilte roimh gach duine a thiocfaidh go Cluain Meala.

## Overseas Missions

**Deputy Seán Ó Fearghaíl:** I thank the Ceann Comhairle for having selected this topic. I suppose we are asking that the Minister for Defence, Deputy Shatter, avail of the opportunity to clear the record on this matter.

Last weekend there were newspaper reports that the Government was to examine the triple lock mechanism that has guided Irish participation in international peacekeeping for so long. It was reported that the Minister was to bring a Green Paper to Cabinet this week. Earlier today, the Minister advised the Joint Committee on Justice, Defence and Equality that he hopes to bring that Green Paper before Cabinet before the break, which is a positive development. We were also told in media reports - not by the Minister today - that the triple lock would be part of that review.

While it is unimaginable that the Minister will get his way on this, it is none the less important that we send a message to the Government at this stage that the triple lock should be retained, and we will do everything we can as Opposition to retain it. While the Minister has never explicitly called for our neutrality to be abandoned, his distaste for neutrality is manifest from virtually all his public utterances. When we hear that he has his sights on the triple lock, it is natural that there would be concern on this side of the House. Fine Gael has previous history in this regard. The Minister of State, Deputy Kehoe, may remember that ten years ago Fine Gael introduced a Bill to remove the triple lock. My party warned about this policy prior to the last general election, as did the Labour Party. Typically, when the programme for Government was drawn up, the Labour Party policy on the triple lock went the way of its policy on child benefit and the €1 on a bottle of wine.

For my part and that of my party, I want to reaffirm our commitment to the triple lock.

Ireland has always attached fundamental importance to the United Nations since it joined 58 years ago and, working with other UN members, Ireland has supported international action in areas such as disarmament, peacekeeping, development and human rights. We are strong and committed supporters of collective security through the United Nations, and this has been the stated policy of many Governments over the past 50 years. Along with this, we have endorsed and supported the primary role of the Security Council in the maintenance of international peace and security in accordance with the Charter of the United Nations.

The Nice treaty 2002 with the associated Seville declaration endorsed the stance that the participation of the Defence Forces in overseas operations requires authorisation of the operation by the Security Council or the General Assembly of the United Nations, the agreement of the Government and the approval of Dáil Éireann in accordance with Irish law. The emphasis on the UN is not one we should lightly discard. I acknowledge that the UN is not perfect, but we must recognise that it confers a legitimacy on peacekeeping operations that other international organisations cannot confer. Furthermore, the legitimacy a UN mission confers bolsters the safety and security of our Defence Forces when they participate in peacekeeping missions. Obviously no mission will be without risk, but the absence of the blue hat will heighten the risk. With that in mind, I restate my belief that we should not abandon the triple lock. I hope the Minister can give a positive response.

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I wish to apologise on behalf of the Minister for Defence for his being unavailable today. He had already

scheduled a press conference regarding the Magdalen laundries.

Ireland has accorded central importance to the United Nations since it became a member in 1955. Within the UN system, Ireland has supported effective international action in areas such as disarmament, peacekeeping, development and human rights. Article 24 of the UN Charter provides that: "Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf." Ireland is a strong supporter of the UN and, in accordance with Article 24 of the UN Charter, respects the primary responsibility of the UN Security Council regarding the maintenance of international peace and security. The existence of such UN mandates confers legitimacy on, and acceptance of, particular peace support operations by groups engaged in conflict and by host states.

Deployment of Defence Forces personnel on all peace support missions is subject to what is referred to as the triple lock, that is, Government, Dáil and UN approval. However, personnel may be deployed for training, for humanitarian operations and for other such reasons, under the authority of the Government in accordance with the provisions of the Defence (Amendment) Act 2006, which formalised arrangements in this regard. Participation in overseas peacekeeping missions is a key element of Ireland's foreign policy. It has been an important dimension in meeting Ireland's international obligations as a member of the UN and the EU. It has also been a key factor in Ireland's influence and credibility in the international arena and in advancing Ireland's foreign policy interests.

Unfortunately, despite the ongoing efforts of the UN and other international organisations involved in conflict resolution, the continuing need for peacekeepers has never been greater. With the increasing use of more robust Chapter VII missions and operations in the past number of years, the UN has turned to regional organisations, including the European Union, the African Union and NATO, among others, to undertake and lead missions on its behalf. The European Union, the African Union and NATO are now major players in UN peacekeeping. Chapter VIII of the UN Charter has always provided for the use of regional organisations to undertake operations on behalf of the UN. Ireland has contributed peacekeepers to many of these regionally led missions in furtherance of its commitment to the UN and to UN peacekeeping in particular.

Ireland's approach to international security is characterised, *inter alia,* by our willingness to participate in peace support operations throughout the world and by our commitment to achieving collective security through the United Nations, in particular. To date, the Defence Forces have served and continue to serve in a wide range of UN mandated multinational operations led by the UN, EU and NATO.

My colleague, the Minister for Defence, is aware that successive Governments have made it clear that the triple lock provisions, as provided for in the Defence Acts, would continue to apply to service abroad by contingents of the Irish Defence Forces. Ireland's policy in this regard was most recently underpinned by the adoption by the people of the Lisbon treaty in 2009. Ireland's act of ratification of the Lisbon treaty was reinforced by the associated national declaration which states "that the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European common security and defence policy, requires (a) the authorisation of the operation by the Security Council or the General Assembly of the United Nations, (b) the agreement of the Irish Government, and (c) the approval of Dáil Éireann, in accordance with Irish law".

The White Paper on Defence, which was published in 2000, has provided the policy framework for defence for the past 13 years. In the period since its publication there have been significant changes in the defence and security environment and the defence policy framework has continued to evolve. In this context, the Government decided that there is a requirement to prepare a new White Paper on defence. This will provide the policy framework for defence for the next decade. As part of this process, the Minister for Defence initiated the preparation of a Green Paper on defence. The Green Paper is intended to inform and to stimulate a mature and informed debate about Ireland's defence policy. When published, it will initiate a broad public consultative process, which will provide for members of the public and interest groups to input their views as part of the process of developing the new White Paper on defence.

The Minister for Defence hopes to publish the Green Paper and initiate the White Paper public consultative process in the coming weeks. It is anticipated that the new White Paper on defence will be approved by the Government and published before the end of June 2014.

**Deputy Seán Ó Fearghaíl:** I will not delay the House unduly. I welcome in principle what the Minister has said. He has given a clear assurance that he will not advocate a change in the triple lock arrangement, which is something we support enthusiastically.

I join the Minister of State in acknowledging the critical role the Irish Defence Forces have played in overseas missions over the years. Our role in peacekeeping has been quite outstanding and has brought great credit on the Defence Forces, the Irish Government and the Irish public. I also welcome the initiation of a Green Paper which will lead to a White Paper. If the Minister of State is to follow up a little on what he said, he might further confirm and clarify that in the course of the Green Paper and White Paper process there will not emanate from the Minister, Deputy Shatter, any attempt to promote the abandonment of the triple lock, which the Minister of State has spoken positively about and to which the Irish people in general are very strongly committed.

**Deputy Paul Kehoe:** I agree with the Deputy's comments on our peacekeeping operations abroad. The reply I gave was explanatory and the Deputy welcomed it. I assure him that when the Green Paper is published it will initiate a broad public consultative process. We hope all Members of the House and the general public will get involved in that process. I can also assure the Deputy that nobody will be driving anything without the public and the Dáil being very much involved following the publication of the Green Paper. The Minister anticipates that the Green Paper will be published before the end of July, when we will break for the summer recess. That will be followed by the White Paper. Everybody will have their say and there will be broad consultation. Everyone's views on the triple lock will be taken into consideration.

People have their own personal views on this. When the Deputy's party was in government it opposed a Private Members' Bill which we put forward when we were on the other side of the House. Undoubtedly, there are many different views across the House and everybody will have the chance to have their say during the consultative period for the White Paper.

## Pension Provisions

**Deputy Pat Breen:** I thank the Ceann Comhairle for facilitating this Topical debate.

People who have worked hard all their lives deserve an opportunity to live their retirement

years with dignity and financial independence. For many, however, the dream of a secure retirement has slipped away. The recession has taken its toll on many retirement funds. Millions of euro were wiped off pension funds and people approaching retirement are really worried as several pension schemes are in deficit. Furthermore, a significant number in the workforce are not in any pension scheme at all. The FÁS community supervisors and assistant supervisors fall into this category and that is the reason for my raising this matter. In July 2008, the Labour Court recommended that an agreed pension scheme be introduced for community supervisors and assistant supervisors employed on FÁS community employment, CE, schemes. There are currently 1,143 CE schemes in the country. They are an integral part of our communities and they are providing a lifeline for the participants, who are gaining valuable experience. They are sponsored by voluntary and community groups but their day-to-day management is the role of the supervisors and assistant supervisors who are employed on a 39-hour-week basis.

An integral part of the success of CE schemes has been the fact that they have been run by a dedicated group of supervisors for whom the position is much more than a job. I recently met a number of such dedicated supervisors in my constituency. I met them in the evening when they had finished work, and they expressed their concerns. Their duties range from preparing and implementing training programmes for participants and planning the day to the running of the schemes. They comprise a self-motivated group and work hard. They are devoted to their jobs and go above and beyond the call of duty to ensure participants derive the maximum benefit from their participation on the schemes. They are experienced in people management. They have a very good understanding of business operations, including finance, and many hold a relevant third level qualification or equivalent qualifications.

Ultimately, however, there is no recognition for their years of loyal and dedicated service to their work because, when they reach the statutory age for retirement - 65 years, for example - they are not entitled to a pension. I refer to a dedicated group of people who have devoted their careers to their communities. Some have amassed 20 years' service. Unfortunately, the circumstances I describe seem to obtain regarding many workers in the country since there are in the region of 900,000 people who have no provision for a pension other than the State old age pension. From 1 January 2014, the age of entitlement for the State pension will rise to 66 years. It will increase again to 67 years in 2021 and to 68 years by 2028. The supervisors are worried about how they are going to fund the gap from their retirement until they receive the State pension.

I understand that negotiations had been entered into by the unions representing CE supervisors, but they have not yielded any positive results for the workers. They are caught between a rock and a hard place. Although they are paid by FÁS, I understand they are direct employees of their sponsoring organisations. It is quite clear that their sponsoring organisations are not in a position to pick up the tab for their pensions given that they are community-based organisations that rely on voluntary contributions themselves to subsidise the schemes.

The Minister is not present, unfortunately, but I acknowledge she is anxious that people, particularly older people, would have a safe and secure retirement. She has engaged the OECD to undertake a review of our pensions policy. Now that the report has been finalised, when can we expect to hear the proposals on the long-term plan? Will the Minister include considerations in her proposals in regard to the dilemma facing CE supervisors and communicate with the Minister for Public Expenditure and Reform to encourage his Department to re-engage the unions?

**Deputy Paul Kehoe:** I apologise on behalf of the Minister for Social Protection, Deputy Burton, who is unable to be here this afternoon. I thank Deputy Breen for raising this important issue.

The Labour Court recommended in July 2008 that an agreed pension scheme be introduced for CE scheme supervisors and assistant supervisors, and that such a scheme be adequately funded by FÁS, which was then responsible for the programme. The Department of Social Protection assumed responsibility for the CE programme in October 2010. It must also be noted that the employer in this case is the sponsoring organisation and not the Department.

Notwithstanding that this matter has been the subject of discussions with the Department of Public Expenditure and Reform and the unions representing CE supervisors, the position of the Department is that liability for these costs should not be met from public funds. The Departments of Finance and Public Expenditure and Reform have informed FÁS and subsequently this Department that any provision for pensions for CE supervisors would have to be financed from the existing financial allocation. Additional funding will not be made available to cover this item. That has left the Department in a position in which, in order to make funds available, reductions would have to be met from a reduction in the number of CE places for jobseekers and other vulnerable groups. This is not a viable option. The implementation of the claim is not considered sustainable in light of the current and ongoing fiscal environment and the requirement to contain and reduce public expenditure. The costs of the introduction of any such scheme are likely to be of the order of €3 million per annum, with retrospective costs of the order of at least €30 million.

It should be noted again that the Department of Social Protection is not the employer of CE supervisors and that such employees are not public servants. Neither FÁS nor the Department of Social Protection was a party to the Labour Court hearing on this matter. The responsibilities of the sponsoring organisations - the employers and the employees concerned - must be recognised in considering pension provision arrangements.

**Deputy Pat Breen:** There is very little new in the reply provided by the Minister for Social Protection, Deputy Burton. I acknowledge that the Minister of State cannot really speak on her behalf. I am well aware of what the Minister of State has said. The supervisors to which I refer are caught between a rock and a hard place. Many have years of experience and qualifications. There are doing trojan work in every rural community. I am sure the Minister of State, Deputy Kehoe, is well aware of the good work they do in Wexford. I am sure the major roads looked quite good for the festivities in his region last weekend. I am sure many FÁS schemes are working hard to ensure New Ross and other towns are looking well.

The problem is that when the supervisors retire from their jobs, they will not have any pension. Some 900,000 citizens are similarly affected. In this day and age, the Government should be very conscious of this. As the age at which one is entitled to a pension increase, it will make circumstances even more difficult. There is a gap to be addressed. I hope the Minister of State will pass on to the Minister for Social Protection the concerns of many FÁS workers throughout the country. I am representing only those in my county but I realise that supervisors throughout the country have similar concerns. The Minister of State should pass on their concerns to his constituency colleague, the Minister for Public Expenditure and Reform, Deputy Howlin, to ensure that the funding will be found, although perhaps not immediately. Some €30 million is required. The money, on being spent, would return to the Exchequer. Most pensions are spent in the country.

**Deputy Paul Kehoe:** I compliment the people on CE schemes and the supervisors on their work. There are currently 1,373 supervisors on 1,089 CE schemes across the country. This year, there are 25,000 involved, including supervisors, assistant supervisors and those on placements. There have been 25,300 places available. This includes an additional 2,000 places allocated by the Government in the budget for this year.

I acknowledge the important work of CE schemes across the country and the role of supervisors in looking after their workers. In my county, County Wexford, villages have been transformed by the work of those on CE schemes. Community employment schemes involving tidy towns groups or parish organisations in visiting the elderly or community hospitals and so on do fabulous work. I have no doubt that County Wexford is not alone in this regard and that community employment schemes in County Clare have transformed places also.

I will convey the Deputy's concerns to the Ministers for Social Protection and Public Expenditure and Reform. There was consultation with the Departments of Public Expenditure and Reform and Finance and responsibility lies with FÁS.

## Protection of Life During Pregnancy Bill 2013: Second Stage (Resumed)

Question again proposed: "That the Bill be read a Second Time."

**Deputy Ciara Conway:** I wish to share time with Deputy Anne Ferris.

I am pleased that we finally have an opportunity to contribute in the House on this legislation, given that some of us have spent a great deal of time contemplating the heads of the Bill in committee in the other House and given how important the Bill is not just for us as a Government but also because it addresses a key life or death issue. We are aiming to protect women's lives. It is often said Irish people are complacent and that we take everything that comes our way. It is also said we do not take to the streets to voice our anger like people in other parts of Europe when faced with issues such as austerity. However, as we have witnessed, this issue brings people on both sides of the argument out onto the streets to march in droves. It takes a matter of life and death to get people marching.

I remind the House of the key events that have brought us to this point. A referendum led to the Constitution recognising the equal right to life of the mother and the unborn in 1983 and in 1986 the High Court ruled that the availability of information on abortion services outside the State was in breach of the Constitution and undermined the right to life of the unborn. The decision was affirmed by the Supreme Court two years later. In 1993 the High Court ruling in the X case prevented a 14 year old rape victim from travelling abroad for an abortion. She became suicidal when treatment was denied. The injunction on her freedom of movement sought by the then Attorney General, Mr. Harry Whelehan, was appealed to the Supreme Court and overturned, as the mother's life was deemed to be at risk through the threat of suicide. In 1992 two referendums were held and further varied the Constitution by protecting the right of the mother to travel and receive information on services abroad. In 1997 the C case which dealt with a teenager who had become pregnant as a result of rape and sought an abortion in the United Kingdom was heard. In 1999, the Government published a Green Paper outlining several options on the approach to abortion in Ireland and in 2000 an all-party Oireachtas committee published a paper following talks which had failed to capture a consensus on the way forward. A referendum on a constitutional amendment aimed at setting aside the threat of suicide as a

ground for a legal abortion was narrowly defeated in 2002. In 2010 three brave women took a case against the State to the European Court of Human Rights which ruled that the State had failed to provide for abortion in circumstances where a mother's life was at risk. In November 2012 the Government established an expert group and finally we have reached the point where we are trying to bring legal clarity to a grey area in order that we can simply protect lives.

It is a national disgrace that we are still arguing over this issue 20 years on from the Supreme Court ruling in the X case. For many Irish women - our sisters, mothers, wives, friends and girlfriends - a pregnancy which puts their life at risk is an agonisingly real fact of life for them and their families. Women still have to travel in secret like fugitives to England to seek life-saving treatment. This is simply appalling. Women are increasingly turning to the Internet to endanger their own lives by procuring abortion pills online. This is done without medical supervision and at huge risk to their lives. Doctors have been left with no legal protection in caring for women whose lives are at risk as politicians during the years have run for cover from this difficult issue until now. However, I am proud that following the failure of six successive Governments to legislate for the X case we have finally stopped kicking the proverbial can down the road and, for the first time, legislation on this critical matter relating to women's lives is before the House. Much of the opposition to the Bill is related to head 4 and the risk of loss of life of a pregnant woman due to suicide. The X case judgment explicitly included suicide as one of the grounds where abortion was permissible because of the risk to the life of the mother. Lest we forget, the reality of that case was a 14 year old girl had been raped and impregnated by a neighbour and, when refused access to a termination, became suicidal. In 1992 and again in 2002 the people were asked if they wanted to specifically exclude suicide from the limited provisions in which a pregnancy could be terminated and on both occasions they said, "No." It is incumbent on all of us to listen to them and ensure this legislation is passed.

A number of campaigners and politicians clearly believe, however, that they have more legal insight into the issue than both the Supreme Court and the people. Democracy is a nuisance as far as they are concerned. Law professor Fiona de Londras noted that in the context of what the people had decided in the 1992 and 2002 referendums, *prima facie* it appeared to be unconstitutional if the legislation was to exclude suicide. Former High Court and Supreme Court judge Mrs. Justice Catherine McGuinness recently told the Oireachtas Joint Committee on Health and Children that a referendum would be needed if the suicide provision was removed from the legislation. Suicide is a real risk to the lives of a small number of women who are pregnant. It is rare, but it happens. Medical professionals who work with pregnant women and do not hypothesise in front of cameras or microphones, including perinatal psychiatrist Dr. Anthony McCarthy and the Master of the National Maternity Hospital, Dr. Rhona Mahony, confirmed this at the committee hearings. One woman or man dying by suicide is one too many. Pregnant women who are suicidal should be believed and supported. They should not have their real and life threatening distress undermined by the insinuation that mental health issues are somehow not real or that psychiatry is hocus pocus medicine. They should be believed because this is as real a threat as a physical issue.

The implication of this opposition to the inclusion of suicide as a risk to life is that many women will try to manipulate and deceive their doctors into permitting a termination for frivolous reasons by claiming they are suicidal. No woman who decides to have a termination makes that decision lightly for whatever reason. It is also insulting and implies that distressed women will be devious and deceptive and that they will manipulate the truth. It is chilling and disturbing that many believe this would be the case. Many anti-choice campaigners seem to be

of the view that everybody expressing suicidal feelings should be taken seriously, apart from women. Likewise, we often hear concerns being expressed in this debate about time limits in regard to terminations and the issue of early delivery. Under the Constitution, an abortion is not permissible at any stage of pregnancy except where there is a real and substantial risk to the life of a woman. Doubts have been expressed as to whether an early delivery, as opposed to an abortion, will be carried out where a pregnant woman is at risk of death. Many legal experts are actually of the view that early delivery offers greater protection to the foetus than prescribed time limits for abortion.

This Bill is an important step in bringing Irish law into line with the X case ruling, but there is scope for improvement. Of particular concern is the provision which serves to criminalise women and doctors who terminate pregnancies beyond the very limited scope of the legislation. This is a draconian measure which will potentially see a woman or girl face a 14 year prison sentence for terminating her pregnancy. It is also of great concern that the system outlined in the Bill will leave women with life-threatening pregnancies potentially waiting ten days for a decision if their initial request for a termination is rejected. It is not made clear in the wording whether women who find themselves being cared for by a doctor who conscientiously objects to abortion will be guaranteed timely care and information. It also remains unclear whether doctors will have sufficient legal protection to intervene in a timely fashion.

Section 20, which deals with notifications, introduces an unnecessary additional process of reporting. The existing hospital inpatient inquiry system, which is managed by the Economic and Social Research Institute, collects administrative, demographic and clinical data on all discharges from acute public hospitals. It utilises the ICD-10-AM system of coding, a global standard based on the World Health Organization's international classification of diseases. Diagnostic codes are already in place within this system for coding conditions arising under the heading of pregnancy with abortive outcome. Subsection 20(3)(*a*) is of particular concern in its requirement that the Medical Council registration number of a doctor who performs a termination under the Act be included in the report to the Minister. Experience from other countries suggests that such disclosure could lead to harassment, threats or actual violence against doctors by anti-abortion activists. We must not allow that to happen.

Members will be aware of the representations made by women who have had terminations for medical reasons. The changes they are seeking would spare women the horror of having to travel abroad to procure terminations in circumstances where their child has no chance of a life outside the womb. This issue must be addressed so that women and their families are spared the heartache, health worries and trauma that were described to us by the very brave women who have come forward in recent months.

It is no secret that I am pro-choice in my views on the issue of abortion. In an ideal world, women could obtain terminations in this State and receive the full range of health care and back-up services they deserve.

There has been little mention in all this discussion of the need to review our sexual health policy for young people. I urge the Minister of State to consider this matter. There has been no discussion of how crisis pregnancies can be avoided so that women - who are somebody's partner, sister or daughter - are not faced with the awful decision to have a termination. Of course crisis pregnancies will always happen, but with better education and access to affordable, if not cheap, contraception, we can reduce their number. In ideal circumstances nobody would ever need an abortion other than for medical reasons or in the horrible case of rape and incest-related

pregnancies. We must provide age appropriate information for young people on sexual health and preventative practices. That information needs to be out there and young people must have access to contraception. Education is key in all of this. I do not, by the way, put that obligation at the door of our schools but at the door of every parent, youth worker, doctor and nurse. An informed society will help people to make better choices and we must all focus our efforts to that end.

In supporting the Bill I also urge the Minister to incorporate the improvements I have mentioned. There is an obligation on every Member of this House to do all we can to save women's lives.

**Deputy Anne Ferris:** It has taken 21 years to get to this day. I am proud that this Government has taken on an issue that its predecessors avoided. I am particularly proud of the Labour Party for continuing to apply pressure on the issue. As the only party which included a commitment to legislate for the X case in its manifesto, I am delighted to see that promise realised. It is a good day for democracy and an example of strong leadership from both the Taoiseach and Tánaiste in the face of an unrelenting and nasty campaign of opposition.

This is an issue that is close to my heart, and one with which I am closely associated. There is certainly no shame in that. I will always fight for the rights of women, whether in regard to abortion, domestic violence, justice for those who suffered in Magdalen laundries or the survivors of symphysiotomy. I have not been working in isolation in seeking to effect progress on the abortion issue. The realisation of this legislation is due in large part to the efforts of the thousands of people who contributed constructively to the debate over the years. Many of them would like to see the legislation go further and I share their wish. Unfortunately, however, politics is the art of the possible and to go further is not possible at this time. The reality is that our Constitution severely limits the ability of the Oireachtas to act in this regard. That is not to say that we could not bring forward a referendum to repeal Article 40.3.3°, which I would support. No opportunity has been afforded to the Irish people to make access to abortion less restrictive, even though opinion polls consistently indicate support for that position.

There has been a great deal of debate on the inclusion in the Bill of suicide as a ground for abortion. That inclusion is necessary to give full effect to the Supreme Court judgment in the 1992 X case. We as legislators are not in a position to pick and choose which court rulings we will enforce. The highest court in the land has spoken and we should respect its decision. Moreover, the question of suicidality as a ground for abortion has been put to the people twice in separate referenda. Its removal was rejected in 1992, in the immediate aftermath of the X case ruling, and again in 2002 when the 25th amendment not only proposed its deletion but sought to increase the penalties for assisting a woman to have an abortion.

When we speak of the X case we should remember that it concerned a 14 year old girl who, having become pregnant as a result of rape, faced a real and substantive risk to her life arising from her suicidal condition. There is a face and a real person behind the case. Likewise, other prominent cases such as A, B and C *v*. Ireland and those involving Miss C and Miss D were about real people with difficult stories. That reality should remain at the heart of the debate. In the same vein, we cannot ignore the thousands of women who have gone abroad over many decades to obtain an abortion. Thousands more will continue to do so in order to access a procedure they consider to be right for them. They include women who have been raped or abused in other ways and women whose foetuses have a fatal abnormality. That will continue to happen even as this debate proceeds and the Bill is eventually enacted. It will continue because

while this legislation is necessary, it will only do the bare minimum.

*5 o'clock*

I cannot help but feel angry at the nasty, malicious and underhand campaign that has sought to bully Deputies and Senators who represent the people. The campaign has been relentless and cruel and, I believe, carried out by well-funded, although marginal, so-called pro-life groups. I question from where they get their money and would like to see full disclosure and clarity in this regard. I cannot understand why they have not been investigated more thoroughly. I cannot fathom why so much time, energy and money have been put into the campaign when they would have been better spent in addressing wider societal problems such as homelessness and child poverty. I acknowledge that there are differing viewpoints on the issue, but when the extremes of society are given near free rein to bully and harass Members of Parliament, it is a matter of concern.

I commend the Bill and thank all those who have contributed constructively to the debate, whether for or against the legislation. Once again, I thank the Taoiseach and the Tánaiste for showing leadership and hope that in the not too distant future we can progress the art of possibility when it comes to abortion and realise greater rights for women.

**Deputy Brian Stanley:** The Bill is long overdue. There are very few Bills which are as long overdue as this one and I commend the Taoiseach and the Tánaiste for having the courage to bring it forward. Consecutive Governments, although bound by a Supreme Court ruling, chose to ignore the plight of thousands of Irish women. I extend my sympathy to Savita Halappanavar's friends and family and all the families of women who lost their lives in pregnancy owing to a termination not being available. There may be people whose names are not known. Some of those who lobbied me to vote against the Bill claimed they had no problem with Irish women having abortions, once it happened on English soil.

I recognise this is a difficult issue for many, particularly those women who feel the State has let them down during the years. Up to 5,000 women every year find themselves making the lonely journey to England to access abortions. I met some of them in England when I lived there. At home, those in the corridors of powers chose, at best, to ignore them and, at worst, criminalise them. These are ordinary women - our daughters, wives, neighbours, partners, sisters - all forced to travel like criminals to England and return to live a lie as if it never happened. The State was cold and a very unsupportive place for women and we must change this.

In this House, if we aspire to build a republic on this island, as I do, we must deal with these matters here and not export them as problems to be dealt with elsewhere. In other words, we must cut out the hypocrisy. Since the X case much has changed. Some would say all has changed. We have seen the decriminalisation of homosexuality, contraception become freely available; divorce is now legal and rights for children are now enshrined in the Constitution. The world has not collapsed or turned upside down. These were major steps forward and they have led to a more equal, tolerant, inclusive and mature society.

The current debate has been much more mature and understanding than previous debates about abortion. I take on board what the previous speaker said about some small groups, but the debate has been more mature than other attempts. This is because we have, as a society, become more progressive on these other issues. Opinion polls continue to highlight that the majority of people now believe the circumstances in which a pregnant woman and her doctor

find themselves are not simply black and white. We must ensure women become pregnant in a safe, consensual environment, receive the best health treatment throughout their pregnancy and that after the birth, women and children receive the full complement of financial and medical supports. No woman must feel her pregnancy undermines her financial well-being or that her child will grow up in poverty. Women must feel secure in the knowledge that whatever choices have to be made during pregnancy, they do not have to be dictated by lack of finance or support.

For far too long our social policy was dictated by the crozier rather than the Legislature. This was unhealthy and led to bad decisions being made. The Taoiseach's recent statement on this issue was very welcome. Unfortunately, some in the so-called pro-life campaign feel obliged to use old arguments in a present day context. We live in a very different Ireland than that of 1983 when a crude attempt to control women led to an amendment to the Constitution that has straight-jacketed medical practice and views on abortion for 30 years.

I consider myself to be pro-life. In fact, I am very pro-life, but I believe people have a right to make choices in a supportive and tolerant society. Sometimes that decision is about the termination of pregnancy. Sinn Féin believes terminations should be allowed if the woman is the victim of rape or incest, or if her life or health is in grave danger. The Bill does not go as far as our policy, but it is a significant step in the right direction. I hope that when it is passed, it will allow us, as a society, space to debate the issue of abortion in a calmer, more holistic way.

Since the Supreme Court judgment, this House has been under an obligation to introduce the Bill as an absolute minimum. There has been some debate and pressure has been brought to bear on political parties to allow a so-called free vote on the Bill. Each party will make up its own mind on this issue. Sinn Féin debated the issue of a free vote, not at one but two Ard-Fheiseanna. On both occasions a motion was put to the membership calling for Deputies to have a free vote. Our membership debated the motions and on both occasions voted overwhelmingly not to allow a free vote. In doing so it believed, rightly, that ours was a political party bound by policy. Ours is a political party with agreed aims, objectives and policy. It is not like other parties that speak out of both sides of their mouths on this important issue. Our policy on the issues contained in the Bill has not changed in 20 years. That is not because we are stubborn, but after the X case, we debated the matter at length and our Deputies are bound to vote in line with that policy. That is the democratic will of our members. Our candidates have stood before the people in every election since 1992. We have been crystal clear on this issue; we have always pledged our support for legislation in line with the X case judgment.

On close examination of the Bill Sinn Féin has decided to support it. Despite some minor shortcomings, it is a progressive step. Like many others, I have concerns about some of its detail. One issue that does need to be addressed and which the Bill fails to address is that of fatal foetal abnormalities. We need to show compassion and understanding to women who discover that, in fact, their pregnancy will not end in the birth of a bright beautiful baby, but that, sadly, their babies will not survive. That is heartbreaking by any standard and this reality will not be wished away. We must not avoid it for another 20 years. This is the time to address this tragic issue. We must give it careful and compassionate consideration.

Criminalising women who travel to have terminations must be confined to history. If we are to build a proper, tolerant republic, we must do this. We cannot export our problems, or issues such as this which are not problems. We need to deal with them here.

Sinn Féin Deputies will support the Bill and on Committee Stage will address some of the

finer detail to ensure it comes into line with our policy.

**Deputy Sandra McLellan:** We are here to debate the Protection of Life During Pregnancy Bill and I will begin by noting the very apt and accurate title which it has been given because that is what we are debating, the protection of life, ensuring the joy of childbirth does not turn into tragedy, that the life of a woman is not lost, that a family does not lose a mother, a daughter, a sister, a wife or a partner, and that a community does not lose a neighbour.

My contribution comes primarily from that perspective. That is what this legislation is about, protecting women, although some have tried to change the nature of the debate, framing it in absolutist and extreme language. I do not believe the Irish people are interested in that kind of extreme language. I see this, simply as a matter of common decency. I believe it is necessary this legislation is brought in in order that our daughters would never face a threat to their lives simply because they are carrying a child.

This is a difficult issue. We have a long history of difficult debates on this topic in this State going back over many years. The tone has been more moderate and reasonable in that regard on this occasion. In particular, the hearings of the health committee were an invaluable initiative and added hugely to our knowledge and understanding. Much of the general public followed the debate, as the various experts, lawyers, doctors, psychiatrists and elected representatives exchanged views in a manner that, by and large, was respectful and considered. This is the way in which these Houses should do business far more often. While far too little legislation is debated and scrutinised properly, that cannot be said on this occasion. We have had a full debate and we are all the better for it.

On the whole, the public debate has been very informed and respectful also. The public is, by and large, always very respectful and very conscientious on all issues. However, we have seen some individuals and groups behave in a way which has done nothing to support their views and their objections. We have heard of politicians being threatened and intimidated. We have seen from persons of either opinion on this matter offensive and venomous attitudes.

Credit is due to those on both sides who have maintained civil debate. This is an issue about which many people are passionate. Many people are concerned and worried about it. They have put pressure on their Deputies which is legitimate, provided it is done in a civil manner. Deputies should hear and be responsive to the views of their constituents. Many Members have come under pressure to oppose this legislation and there is a vocal lobby against this legislation. Many have found themselves in a difficult position. However, we are legislators. No one said that our duty should be easy. We have a duty to legislate for this court case finding of 21 years ago. We have a duty under our Constitution, as per that case.

In 1992 and in 2002 the electorate in referenda rejected proposals to exclude the risk of suicide as a ground for lawful termination. The A, B and C case judgment in December 2010 underlined the need to legislate for the X case. The European Court of Human Rights stated there was "a striking discordance between the theoretical right to lawful abortion in Ireland on grounds of a relevant risk to a woman's life and the reality of its practical implementation". There is no question that we are legally, as well as morally, obliged to legislate for this. It is important to remember how we found ourselves under that obligation to legislate for that court case.

In that case, X was a 14 year old girl, a child, pregnant as a result of rape and suicidal. The

State shamefully took an injunction to stop her from leaving the country for a termination of the pregnancy. Can we even begin to imagine the trauma that she must have faced, the mental anguish, the fear? I would not wish it on anyone, much less a child.

I know some are opposed to this legislation. Many of them do so because they have taken a conscientious decision. I respect that view and know they have not formed that view lightly. However, this is a democracy. I stand with most Irish citizens, in particular most Irish women, on this legislation, namely in favour of it. It is essential we make every effort to save both lives where possible. This legislation provides for that. I hope we will not see this legislation being used too often. I hope as few women as possible face the kind of medical situation where a termination is unavoidable and as few women as possible can see no other way out other than suicide or termination.

This legislation is about ensuring when clear and severe danger exists to the mother's life that we are in a position to help her and that medical practitioners do not feel that their hands are tied. It will ensure that if X came before a doctor today, 14 years old and scared, that the doctor would feel he or she could do what was possible to help without having to consult a lawyer.

It will mean if Savita Halappanavar were pregnant now in a hospital in Galway and her life was under threat, that her doctors would not feel restricted in what they could do to help her and ease her suffering. I accept we cannot be certain whether this legislation would have saved her life. However, it is clear the doctors in her case did feel restricted due to the doubt that is there. I sympathise with her husband, Praveen. Throughout his ordeal he has carried himself with extraordinary dignity. Let us do what we can to ensure his pain is not inflicted on another husband or partner.

There is, of course, a need for certain safeguards and protections to ensure the legislation is in line with the Constitution. I believe they have been built into the legislation. Equally, however, there is a concern as to how the sanctions contained in the Bill will affect women. Under section 22, the legislation allows for a maximum penalty of up to 14 years for women who have terminations outside the scope of this legislation. I have concerns as to the extent of this penalty. We are all familiar with cases in our own areas and constituencies of serious criminals and sexual offenders and persons guilty of similar weighty crimes getting sentences which are much less and often totally inadequate. It would be very unjust and disproportionate were a woman who, finding herself in a crisis situation and under severe mental pressure, were to be jailed for 14 years. None of us can put ourselves in such a situation. The law should show more concern and compassion to women who have, under severe pressure, taken such a decision rather than jailing them for 14 years. The provision is excessive.

Likewise, I have some concerns about sections 7 to 9, inclusive. The point again to be emphasised is that this legislation is not about women who simply want a termination. It is about women whose lives are under threat, whether by suicide or otherwise. These sections will affect women who are undergoing considerable pain and anguish. In some circumstances, they could put these women through yet another ordeal and further pressure. We should not force our women to jump through so many hoops to establish their mental state.

While of course there needs to be mental evaluation, there is also a point where we must trust our daughters and our sisters when they come forward and tell us that they are suicidal. Who are we to doubt them? While there must be some form of mental evaluation, we do need to be careful not to victimise them further and heap further mental strain on them. It is impor-

tant to be compassionate in this legislation.

According to the World Health Organization, the right to health includes access to timely, acceptable, and affordable health care of appropriate quality. Clearly, if there is to be a right to a termination in the limited circumstances of this Bill, then it is essential that the right is accessible and practicable. I have some doubts as to whether that is the case as regards sections 7 to 9, inclusive.

I will be supporting this legislation because I want to ensure the lives of Irish women are protected and that we will not see families lose the women dear to them.

**Deputy Brian Walsh:** I welcome certain elements of the Bill, in so far as they pertain to circumstances in which there is a threat to the life of the mother for reasons of physical illness. It is an axiom of nature and logic that where a dilemma arises involving existing and contingent life that the former must take precedence. At all times in such circumstances, the life of the mother is paramount. This is law and established practice. I welcome the clarity the Bill offers to medical professionals by underpinning those principles in legislation. As a husband and father of two young girls, I also welcome the reassurance it offers women that every necessary treatment can be provided to protect the life of the mother where it is subject to real and substantial risk.

However, I continue to have several serious concerns about other aspects of the Bill. Foremost among these is section 9 which threatens to defile the Statute Book with the absurd premise that the suicidality of one human being can be abated by the destruction and killing of another. This principle was conceived not in centres of medical excellence or centres of medical research but in the courts where judges are so often faced with tragic human dilemmas that defy the perfections of theory. Essentially, hard cases make bad law and there is no doubt that the Attorney General *v.* X case, in all of its heartbreaking detail, which Deputy Sandra McLellan outlined in her contribution, was one such hard case.

Two decades on, the precedent with which it has left us has brought the Oireachtas to the verge of enacting a deeply flawed and dangerous piece of legislation which will undoubtedly make bad law. Proponents of the Bill have taken shelter in the argument that we are bound to legislate in line with the precedent set out in the X case. However, in a functioning democracy the role of the Legislature must not be merely to codify what is already law but to challenge existing laws and debate what should be the law.

It is no slight on the courts or the Constitution to call for a referendum to be held in order to address the incompatibility of certain aspects of the X case judgment with contemporary medical evidence regarding abortion and suicidality. Many have said that the question has been put to the people on two previous occasions and that is the case. However, in the intervening years since the X case and, crucially, since the two subsequent referenda were put to the people, compelling medical evidence and research has emerged affirming that abortion is not an appropriate course of action in the treatment of a patient presenting with suicidal ideation. In fact, the provision of abortion in such circumstances has been shown to result in more mental health problems than it would seek to negate.

The development of medical knowledge relating to this area in the period since the X case and abortion referenda is reflected in changes to the UK Royal College of Psychiatrists guidelines, which were amended in recent years in cognisance of the growing body of evidence

regarding the increased risks of mental disorders following abortion. The Supreme Court did not have access to such evidence in reaching its decision in the X case. Equally, the people of Ireland voted in the referenda of 1992 and 2002 operated in an information vacuum regarding the appropriateness or otherwise of abortion as a treatment for suicidality.

It is incumbent on us, as legislators, to make the decisions that we make, with regard to the best possible information available to us at any given time. If, for example, we were to frame legislation concerning the health of women in pregnancy based on the best advice that was available 30 years ago, we could be looking at providing for symphysiotomy in the legislation. If we were to frame legislation concerning the health of women in pregnancy based on the best advice from a further 30 years back, 60 years ago, we could be looking at providing for the administration of thalidomide in the legislation. We are in the process of framing legislation for the protection of life during pregnancy today in 2013, and we must be guided by the evidence available to us today, not bound by a decision manufactured in the courts in 1992.

The Oireachtas Joint Committee on Health and Children provided a forum earlier this year where eminent representatives from the relevant fields of expertise came before us to present evidence to inform the framing of this Bill. I regret to say that we appear to have wasted their time. Psychiatrists appeared before the committee and affirmed that abortion is not an appropriate course of action in the treatment of suicidal ideation. They challenged the central premise for this tenet of the legislation, and were unequivocal that it had no basis whatsoever in medical evidence. Looking at the Bill that has subsequently come before the House, it is clear that those psychiatrists were listened to but not heard. It seems the hearings were a charade, a ploy to preoccupy dissent and mask the whole process with a veil of complicity and inclusion. In formulating the proposed legislation, the Government has ignored everything that those experts had to say and has come up with a Bill that has been shaped by political considerations rather than medical evidence.

In truth, abortion is no more a treatment for suicidal ideation than suicide is a treatment for suicidal ideation. We are poised to perpetuate in legislation, a fundamentally flawed premise that will be deeply damaging for women and devastating for the unborn.

The contents of the Bill, in so far as they pertain to suicidality, have been hammered out between the parties of Government over the Cabinet table. What we have as a result has been decided on the basis of what is best for the politician - the Labour politician in particular - rather than what is best for the mother and child.

Section 9 of the Bill also threatens to normalise suicide and represents a departure from best practice as outlined in suicide prevention guidelines. We are proposing to codify in legislation the premise that suicide is a legitimate option, the contemplation of which has the potential to make legal something that is otherwise illegal. Suicide is not an option. It is the manifestation of the false perception that there are no other options. Our efforts to date in suicide prevention have centred on getting the message out there that there are options, that one can seek help and that there is support available. Our guidelines state that suicide must never be represented as a valid choice. This Bill conflicts with that and it threatens to normalise suicide as a legitimate response to anxiety and distress. If a woman presents with suicidal ideation due to an unwanted pregnancy and she is granted an abortion on the basis that it is the only course of action that can avoid her suicide, what message does that send out to others, who are suicidal because of financial pressures or other identifiable causes? Are they to understand that, if the material circumstances causing their suicidality cannot be changed, that there is no prospect for them ever

to feel better?

No less of a concern is the absence of a gestational time limit in the proposed legislation, which raises the prospect of gravely troubling scenarios with devastating outcomes for both mother and child. One such scenario is that of a pregnancy terminated under section 9 at 23 or 24 weeks' gestation, when the unborn child is on the very cusp of viability. The child may survive the termination of pregnancy but being prematurely induced at that stage exposes it to high risk of incurable conditions such as cerebral palsy, autism or respiratory disorders, perhaps consigning the child to a future of institutionalisation and disability. It is not difficult to envisage how a child needlessly damaged like this could ultimately have recourse to the courts arising from the State having failed in its duty of care.

The legislation will herald a fundamental shift in the culture of care in Irish hospitals. Our health care professionals in making every effort to protect the life of the mother and that of the child, in accordance with their own guidelines, have made Ireland one of the safest countries in the world for women in pregnancy, but what impact will this legislation have on that culture of care if one day a doctor is striving to save the lives of women and babies and the next he or she is gowning up to perform a procedure that will result in the intentional death of an unborn child? There are also legitimate concerns that the legislation, as proposed, has the potential to effect consequences far beyond its intended remit. Accordingly, the Bill has won the support of Members of this House who have professed a desire to see a much more liberal abortion regime than is envisaged here. It is seen as a stepping stone by those Members, some of whom we know to sit among us on this side of the House. One might not agree with the methods that were used to extract their points view but in a front page article in the *Sunday Independent* in recent weeks two Labour Party backbenchers clearly expressed that view, that they see this as a stepping stone to a more liberal abortion regime in the future.

It has also become apparent to me in recent months that people's understanding of the Bill is clouded by misperception and misrepresentation of the changes it effects in Irish law. The tragic death of Savita Halappanavar last year in my constituency of Galway West, in particular, has been a lightning rod for such misperception and has been wrongfully used to further one side of the debate. Her case has been cited as an example of why we need this legislation in order to avoid the same fate befalling another woman in an Irish hospital ever again. Let us be clear; the Bill does not change the law in so far as it applied to Savita's case. Had the gravity of the threat to her life been detected, a termination of her pregnancy could have been carried out under the existing law, as occurs on an average of 30 to 40 occasions per annum in Irish hospitals. That is the evidence we heard at the Oireachtas hearings. As the clinical review into her death affirmed, a failure to recognise the increasing risk to her life prevented hospital staff from taking the appropriate action in time.

Sadly, had this legislation been in effect at the time of that tragedy the outcome would have been no different. We can only speculate whether the confusion surrounding such matters has impacted on the results of recent opinion polls, but I am under no illusion that the stance I have adopted concerning this legislation is not popular or prudent from a political perspective. It is a decision for which I am likely to pay a heavy price. However, if political isolation and electoral defeat is the price of doing what I believe to be right and acting in the best interests of the people I represent, then I will gladly pay it. Too often in the past, our decisions have been guided by what is popular and political foresight has extended only as far as the next election. It is because of that mindset that we find ourselves in the economic crisis from which we are now trying to recover. It is time to look in a different direction towards what is clearly right

rather than what is momentarily popular. I hope those of us with shared sentiments on this most sensitive of issues can be accommodated within Fine Gael. There should be no doubt that if the enactment of this legislation gets the political sanction of those who stand against it, Fine Gael, not my colleagues and I, will have digressed from our party's values. Fine Gael made a promise prior to the last election that it would uphold the duty of care to the life of the unborn. I made a similar commitment on the doorsteps during the election campaign. That is a commitment I intend to keep. A senior Minister recently asked: "Isn't that what you do at election time?" It is not what I do at election time, and it is not what I intend to do in respect of this Bill.

Given the seriousness of the matters before us and the deep concerns held by a number of Members of the Fine Gael Parliamentary Party, I am disappointed that no concession has been made to accommodate our views. This has left my colleagues and me in an unenviable dilemma in which we are being forced to choose between our careers and our consciences. It is particularly disappointing that dissenting views have not been accommodated given that Fine Gael has precedent in so doing. In 1993 the party decided to modify the application of penalties for breach of the Whip to accommodate three Deputies who indicated that they would vote against the party in support of a Bill proposed by the late Tony Gregory to ban hare coursing. The three Deputies, one of whom was our colleague, the Minister for Justice and Equality, Deputy Alan Shatter, were allowed to remain in the parliamentary party after they voted against the Whip on that Bill. Regrettably, it appears that Fine Gael will accommodate a vote of conscience on legislation concerning the welfare of hares but it will not do so in respect of legislation concerning the welfare of women and children. Speaking in the debate in relation to that Bill, the Minister, Deputy Alan Shatter, said:

> There is a need in this Parliament for us to grow up. There are fundamental issues of economic and social policy which require political parties to impose a party Whip to ensure a degree of political discipline and coherence. There are other issues to which the tyranny of the Whip or, indeed the protection of the Whip, should not apply....If all of the major parties allowed a free vote on issues such as this, Governments would not fall, nor would political parties disintegrate. There would be no political cataclysm. The institutions of the State would not collapse. The removal of the Whip might also restore some of the general public's faith in politicians.

Regardless of whether a free vote is granted, I accept that I stand in a minority in opposing the Bill and that it has sufficient support to ensure its passage through the House. I intend to submit amendments on Committee Stage to address the concerns I have expressed. I expect that the absurd principle underpinning this legislation will end up where it began, before the courts.

**Deputy Willie O'Dea:** I can understand why the Government concluded that it was required to legislate in this area. I have studied the reports of the hearings of the Joint Committee on Health and Children, during the course of which a range of principles and arguments were expounded. The arguments ranged from the sound and sensible to the truly bizarre. I apologise if I single anybody out but I was particularly struck by Professor de Londras from Durham University, who argued that if the Bill simply stated that suicidality was not to be included in matters considered to pose a risk to life for the purpose of the legislative system, it may avoid a finding of unconstitutionality. I do not think any Attorney General could sign off on legislation of the kind proposed by Professor de Londras. Even if such legislation ultimately turned out to be constitutional, we would have a ludicrous situation in respect of threats to the physical life of a mother. As Deputy Sandra McLellan noted, nobody questions the daily medical practices

of Irish hospitals as they pertain to protecting maternal life. If anything, the Bill requires medical practice to be underpinned by certain principles and procedures. For example, operations have to take place in certain locations. If we took on board Professor de Londras's arguments those restrictions would apply in the case of termination based on a threat to physical health but the question of threatened suicide would be left entirely unregulated. Such a position would be untenable.

I agree with Catherine McGuinness and others who have stated that the Government does not have a legal obligation to legislate as a result of the X case, although moral obligations are a different matter. The question arises, however, of whether it is legally obliged to act on foot of the A, B and C case. Dr. Marie Cahill of UCC believed it was not obliged on the basis that the A, B and C case involved physical and medical risks to the mothers' lives and as such is not relevant to abortion on grounds of threatened suicide. She believed it would be possible to remove the latter provision and remain in conformity with the judgment of the European Court of Human Rights. That may be correct but, having studied the judgment in the A, B and C case, I am of the opinion that it obliges the Government to legislate. If I differ from Dr. Cahill, that is too bad.

I do not want a liberal abortion regime in this country. I recognise that people who advance that opinion are often exposed to the charge of hypocrisy given that thousands of Irish women travel to the UK annually to secure terminations. It is not an easy journey for any of these women and it is particularly traumatic for some of them. However, many practices that are banned under Irish criminal law are legal elsewhere. Irish people have the right to travel out of the country to places where such practices are legal. Does that mean we should legalise all these practices in Ireland? That is the logical outcome of arguing that those who do not want a liberal abortion regime in this country are hypocrites.

The Minister for Health wants to bring certainty to an uncertain situation. The issues are not uncertain when it comes to the physical threat to the life. He wants to bring certainty to the situation where somebody is threatening to commit suicide if they do not have a termination. Practically nothing has happened in this regard since the X case all those years ago because of uncertainty on the part of people who might feel they want a termination and on the part of people who would be expected to provide that service. When one legislates to bring certainty where there was uncertainty previously, one obviously creates a situation where demand for terminations in this country will increase. There is no doubt about that. It does not matter who is in power or who writes the legislation. That is the situation one brings about when one writes the legislation. As somebody who does not believe in a liberal abortion regime, I have to ask myself whether the legislation being proposed by the Government is sufficiently watertight - I accept there can be no guarantees - to reduce the risk of this turning into a liberal abortion regime, in so far as that is possible to do. I have some serious doubts in that regard. Time does not permit me to go into a number of technical matters. I hope they will be discussed and viewed benignly by the Government on Committee Stage.

I want to spend a few minutes on one thing that strikes me. The Government has put forward the notion that if this legislation does not lead to the tightly controlled regime it is trying to provide for, it will change it, review it, stop the practices taking place under it or suspend it. I cannot find a reference to that promise in the legislation itself, however. Section 15 of the Bill, which states that "the Executive shall ... each year, prepare and submit to the Minister a report on the operation" of this legislation, is followed by nothing. It is like a drama in several acts in which the first act is used to set the scene, but the other acts have disappeared and one is sup-

posed to guess what happens after that. Given that we are trying to regulate how legislation of this importance will operate, that should be set out in law. It should not be a matter of the whim of an individual Minister. I am not talking specifically about the Minister, Deputy Reilly, who thankfully will not be Minister for Health forever. I am also talking about his successors. There is no obligation to publish the review that is provided for in the legislation before us. There is no obligation to have it debated in the Joint Committee on Health and Children.

I do not doubt that the Minister will introduce a few amendments on Committee Stage to assuage some of his backbenchers. While a proper review procedure would be desirable, it would not be sufficient. The Minister has said he will do A, B and C, but where is that in the legislation? We are expected to accept his word. I recall watching some black and white footage of the Kennedy-Nixon campaign in the 1960s, when the Democrats used a picture of Richard Nixon looking particularly elusive with the caption "would you buy a used car from this man?" I must say I would not buy a car from the Minister, Deputy James Reilly, if it came straight off the assembly line. The Minister said he would get rid of trolleys, but one cannot get into the Mid-Western Regional Hospital in Limerick because one's way is blocked by trolleys. He said he would reduce waiting lists, but they have got longer. He said he would introduce a universal system of health insurance, but we are further away from that than ever. He said he would get rid of prescription charges, but instead they increased threefold. Are we supposed to take his word in this case? I think it was the great film director Cecil B. DeMille who said that in the movie business, a verbal promise "isn't worth the paper it's written on." The verbal, written and other promises we have received from the Minister carry no weight with me. All we have is his word, and I am sorry to say his word is no good, in my view. In the absence of a proper review procedure to regulate this situation - it needs to be written in statute - I will find it extremely difficult to support this legislation.

**Deputy Seamus Kirk:** I thank Deputy Willie O'Dea for giving me an opportunity to make a short contribution to this most important debate. We all rise to contribute to the debate on this Bill with mixed emotions. According to a report published on *thejournal.ie* recently, "almost 90 per cent of respondents to a nationwide survey of psychiatrists have expressed concern with the Government's plan to include the risk of suicide as grounds for an abortion under forthcoming legislation". The Government's proposals are flawed and need to be reconsidered. This is quite worrying for the Government and for society as a whole. Under the suicide clause contained in the Bill, two psychiatrists and one physician will be brought in to adjudicate on the issue. If 90% of experts disagree, this needs to be changed or withdrawn.

As a pro-life Deputy, I will vote against this legislation. I have been consistent on this matter during all my time in this House. I believe in the protection of the mother as well as the protection of the unborn child. The issue itself is quite divisive. People seem to be forgetting about the bigger picture. The Constitution recognises and declares that people living in Ireland have certain fundamental "personal rights", one of which is "the right to life". Article 40.3.3° of the Constitution provides that "the State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right". The House needs to take note of the recent comments of Mr. Eamonn Barnes, who is a former Director of Public Prosecutions. He was quoted as saying that the Bill tabled by the Government is unconstitutional because "the foetus gets no chance to have its right to survival advocated" or vindicated. Under this legislation, who will vindicate the life of the unborn, the right of the father and the right of the mother?

Lord Steel, who brought forward Britain's abortion legislation in 1967, was recently quoted

as saying this country's Government will make a "mistake" if it goes ahead with plans to legislate for termination on the grounds of a threat of suicide. This shows that there are serious flaws in the legislation and that change is needed immediately. If this suicide provision is voted through, the next step will be abortion on demand. The right of the unborn, as well as the right of the mother, needs to be protected. Who will be the voice of the unborn? Who will stand back and examine what is actually being proposed in this legislation? In light of the comments of the person who brought in abortion in the UK, it is pretty obvious that this approach is flawed and unjust. I again pose the question: who will vindicate the right of the unborn?

Last month the Spanish Government proposed to row back on that country's liberal abortion laws, which shows that this issue is not confined to Ireland. It is also being considered in other European countries. I will fight tooth and nail to resist abortion in Ireland. My stance has been pro-life and pro-life it will remain. In 1990, King Baudouin of Belgium notified the Prime Minister of that country that he could not and would not sign abortion legislation. His conscience meant that he had to resign rather than support the legislation. Rather than being confined to Ireland, this issue is recognised as an international problem. Where is the leadership from the Government? Does conscience not matter to the Government today?

No specialised psychiatric evidence was delivered to the Supreme Court hearing on the heartbreaking and emotive X case in 1992. Given that the legislation is proposing to give psychiatrists a central role, I wonder whether there is a political dichotomy in this regard. In that context, why is the Taoiseach not extending a free vote to the members of his parliamentary party? Our party leadership is to be applauded for listening to members of our parliamentary party and offering us a free vote. Our party is democratic. Every member has a fair and equal say. When a free vote on conscience grounds was suggested, I supported it wholeheartedly. I know there are genuine people in Fine Gael who are appalled at this legislation.

It is worth returning to and discussing the rights of the father. Who will vindicate the rights of the father, the rights of the mother and the rights of the unborn? We are discussing the rights of the mother and of the unborn, but what are the rights of the father? Should the father have a say in these cases? Should he be involved in the decision-making process? What are his rights? Should he not have a say, if he wants to be a good and competent father who supports his partner and his unborn child? This legislation does not mention this. We are in the world of gender equality, but it has to work both ways. Who will vindicate the father's rights, the mother's rights and the rights of the unborn? In a global study of abortion, Dr. Gilda Sedgh of the Guttmacher Institute in the United States found some very disturbing figures about abortions. In Europe, marginally under 30% of pregnancies end in abortion. Do we just want our people to be statistics? We need to fight to protect the rights of mothers and fathers and the rights of the unborn. Another expert, Mr. John Smeaton, said:

> The truth is that countries with strict laws against abortion have lower maternal death rates than countries which allow abortion widely. Ireland, where abortion is banned, has one of the world's best maternal health records.

We, as policymakers in this House, need to represent the people and we need to protect the mothers of the State. If abortion is legalised, we are going down a slippery slope. Protection of the Irish people is needed, not an attack on their civil liberties.

I will be voting with my conscience against the Bill. I also think the debate on Committee Stage should be held in plenary session here in this Chamber in order that experts can be

brought in to discuss the legislation in detail. I am voting to protect the unborn and to protect the mother and the father. If the Government wants to show real leadership and real credibility, I implore it to put the ultimate decision to the people. On an issue of such divisiveness, we need real leadership and we need the Taoiseach to show it. He was elected to govern, to lead and to inspire. He should listen to his conscience, give a free vote to the members of the parliamentary party and, if the legislation is passed, put it to the people by way of plebiscite or referendum.

Section 9 on the issue of suicidal ideation is where the principal sticking point is with this legislation. I appeal to the Government, at the eleventh hour, to reconsider and to withdraw section 9 of the Bill.

**Deputy Seán Kenny:** I am pleased to see this legislation, which finally addresses an issue that has been the subject of a great deal of discussion, not only in recent months but for several decades. While that debate and discussion was sometimes extremely heated in the past, it has been much more calm and reasoned in recent months, a change I very much welcome. Nonetheless, the fact the Oireachtas was waiting two decades to address the issue of the X case is something I would not want to see repeated. I believe all Members of this House should consider whether postponing such an issue because it is uncomfortable is a wise course of action in terms of serving the interests of those who send us here.

I think it essential to point out that Article 34.4.6° of the Constitution states: "the decision of the Supreme Court shall in all cases be final and conclusive." The X case is the law - that is the reality. A termination of pregnancy arising from a risk to life, specifically from suicide, was deemed lawful under the X case judgment. It is true to say that it was not raised in the Supreme Court. However, testimony around the issue of suicide was accepted at the High Court hearing and no appeals to the Supreme Court regarding it were raised. Therefore, it was accepted by the Supreme Court.

The X case was revisited in the judgment of the European Court of Human Rights in the case of A, B and C *v*. Ireland, which placed Ireland under a legal obligation to put in place and implement a legislative or regulatory regime providing effective and accessible procedures whereby pregnant women can establish whether a termination may be carried out in accordance with Article 40.3.3° of the Constitution as interpreted by the Supreme Court in the X case. Last December, the Government approved the implementation of the judgment of the European Court of Human Rights in the A, B and C *v*. Ireland case by way of legislation with regulations, within the parameters of Article 40.3.3° of the Constitution. As I stated on a previous occasion when I spoke on this matter, I have never had as much contact from my constituents on a single issue, which I believe speaks volumes about how seriously the people view the matter of the X case. A minority were opposed to any action being taken, but the vast majority of them made it crystal clear to me that they wanted action on the matter.

I stated in this House last year, when the expert group issued its report outlining the options for the Government to take, that one of those options was to implement legislation with regulations. This is the option the Government has taken, and I fully support this approach.

The main purpose of the Bill is to provide legislation to allow abortions to take place in Ireland when there is a risk to the life of the woman - when there is a risk of her dying. Put another way, when the equal right to life as stated in Article 40.3.3° of the Constitution is no longer equal, a process will be provided that provides access to a lawful termination of pregnancy in accordance with the X case and the judgment of the European Court of Human Rights in the A,

B and C *v.* Ireland case. A woman will know whether she can have treatment or whether she cannot. The reality at present is that a woman is never sure whether she can or cannot avail of treatment. This Bill does not confer any new rights; it confirms existing rights and addresses how they are exercised. I say that as a parent and grandparent with a daughter and a granddaughter.

Section 9 of the Bill is the relevant section that deals with suicide cases. A perinatal psychiatrist, of which there are only a few in the State, is not required. If one was required, I consider the legislation might be deemed to prevent access by women to the procedures that this legislation enables them to avail of.

Section 10 concerns the appeals process. The woman, or a person acting on her behalf, may appeal if she is unhappy with the outcome of the original panel. There is no provision for medical staff making appeals themselves, which is a positive aspect. This ensures that a positive initial decision cannot be overturned. Women are entitled to be heard at the appeal under section 14 of the Bill. This is crucial and had not been present in the heads of the Bill.

Under section 22, with regard to sentencing, while I am happy to see the relevant sections of the Offences against the Person Act 1861 repealed, there is still one point I am certain of in regard to the new legislation, namely, no reasonable person wishes to see a woman who obtained an abortion go to prison for any length of time. I believe this would be inhumane. Women who seek abortions seek them because they are in crisis. That crisis should not, in my view, be something that results in a prison sentence. That said, sentencing has been watered down and now refers to prison sentences "not exceeding 14 years". This is an improvement over the heads of the Bill, which provided penalties in the form of a flat sentence. The legislation allows discretion and the opportunity to deliver light sentences, or no sentencing at all, to women who have experienced a crisis pregnancy and chose to have an abortion.

I would like to address the issue of fatal foetal abnormalities. I have been contacted by individuals who have expressed their wish to see legislation introduced that widens the provision of abortion in order to deal with cases where termination of a pregnancy is permitted for medical reasons beyond the scope of the X case. These cases occur where the pregnancy has a fatal foetal abnormality where there is no chance at all of life outside the womb. Dealing with such cases under this legislation is, I believe, outside the scope of the Constitution. This is a serious problem in Irish law. As I have said previously in the House, women in these situations must endure a very difficult physical and emotional crisis, and if they choose not to endure it, they must leave this State in order to end it. I have heard much testimony from women who have been through all of this. It is heart-rending to listen to and read of their experiences, and I believe it is wrong that they have to suffer so much. I am extremely sympathetic to the view that these cases be addressed under Irish law.

What the majority of people want, at a minimum, is to see difficult, sad and traumatic cases dealt with. In order for us to do that, there needs to be a serious debate about Article 40.3.3° and whether there is a need for a referendum to remove it or replace it with a less onerous provision. I believe it could easily be the case that, at some future point, Ireland, as a state, will be found to have violated a woman's right to privacy, her right to a family life or her right to bodily integrity. We should not allow this to occur and I believe we should address this matter ourselves, for Irish women, our fellow citizens.

It remains to be seen how many women will avail of this legislation, even if it applies to

them. I strongly suspect that women with the resources to travel abroad will continue to do so, as is at present the case for women with a fatal foetal abnormality, in cases of rape or incest, or in regard to the many other reasons for which Irish women have abortions. Approximately 12 women a day are believed to travel from Ireland in order to obtain an abortion. Ultimately, I believe the Irish people will need to decide upon this matter again, and that the Oireachtas and the Government need to enable a referendum process that allows them to decide this issue in a nuanced way, not in the way of previous referendums, and then to legislate on the basis of a result from that process. Based on previous polling of the Irish people and from what I have heard myself, the majority would agree with me on this. I do not want the Oireachtas to wait another 20 years to address these matters. We in the Oireachtas need to serve the needs of the people who elect us, and to do so in a timely fashion.

*6 o'clock*

**Acting Chairman (Deputy Peter Mathews):** Deputy Shane Ross is to share his time with Deputy Joe Higgins.

**Deputy Shane Ross:** I have as long an experience as anybody in this House, bar the Taoiseach and maybe one or two others, of being present for discussion of this issue. I was unfortunate enough to be here, in the other House, in 1984; I was unfortunate enough to see this being debated in the 1990s; and I am unfortunate enough to see it still unresolved in 2013. It is sad to see us being reluctantly, once again, dragged into it, not voluntarily but by tragic events elsewhere which force us into it, or being pushed into it by the courts. It is an act of political cowardice on all our parts that we have been unwilling to address this issue because it is so emotive, difficult for people and, as a result, difficult for politicians. In an ideal world these are exactly the issues we should be here to address and upon which we should lead, confront and challenge public opinion, take decisions and show leadership. We do not live in an ideal world and I sympathise with those who have been put under great pressure during this campaign.

I will vote in favour of the legislation. What is being done is right and proper. However, I deeply regret two things as a result of this campaign. One is the extremism that has marked this campaign on both sides. There is a moderate, common-sense, middle way on this issue and the reason politicians are unwilling to address it is the extraordinary nature of extremists on both sides of the argument. The obsessive nature of many on this issue is difficult to confront, even in a very robust political world. All politicians have been lobbied on this, as they have been on other issues, but there is an especially hysterical side to some of the extremists in this campaign. They ambush one in one's home, on the telephone and at meetings that are irrelevant to the issue with a fanaticism, on both sides, which is unhealthy and difficult to cope with.

This is a special issue with regard to people's emotions and conscience and I cannot understand why the Government does not allow a free vote on it. Fianna Fáil has allowed a free vote, presumably because political circumstances have forced it to do so, but there is nothing to be lost in showing political maturity and saying this is an issue on which people feel so strongly that they can be released from the party Whip. This is partly because it will be passed anyway, but partly because it is an issue of conscience about which people feel very uncomfortable. It is no coincidence that this is the only issue on which Fine Gael members are taking in such large numbers a very dramatic step which will exclude them from the parliamentary party and possibly mean that they will not have a way back, because they feel so strongly about it. Politicians very rarely take that road. A free vote would be a reflection of the depth of feeling about this issue and an option that a mature Chamber should be perfectly happy to give to its Members,

particularly when the Government is not threatened. On the merits of the case the Bill should definitely be passed, and I ask the Government to think about a free vote, as have so many other people in this debate.

**Deputy Joe Higgins:** The Protection of Life During Pregnancy Bill 2013 makes the very narrowest possible provision for termination of pregnancies in Ireland and only in extreme cases where the woman's life is in very grave danger. In drafting this legislation, the preservation of the Fine Gael Parliamentary Party took precedence in the minds of many members of the Cabinet over the real needs of women in crisis pregnancies in this country. On any reading of the Bill it is clear that the Government did the absolute minimum to try to say it has legislated for the exigencies that arose after the Supreme Court decision on the X case in 1992 and, subsequently, the demands of the European Court of Human Rights following the cases of problem and crisis pregnancies it dealt with.

Section 8 of the Bill, entitled "Risk of loss of life from physical illness in emergency", is the only section of the Bill that is clear-cut, satisfactory and as it should be. It provides for an immediate decision by a medical practitioner who believes there is a grave threat to the life of a pregnant woman. One hopes this will remove the "chilling effect" that the European Court of Human Rights spoke about regarding the fear on the part of doctors of the Offences Against the Person Act 1861, which provides for life imprisonment for a person who carries out an abortion. The court referred to the case taken by Ms C, who was unable to obtain, in Ireland, proper information on the impact of pregnancy on her health and life as she was suffering from cancer at the time.

Much more than this is needed by women. There should be a very clear provision regarding inevitable miscarriage, which is not catered for in the Bill. That came very tragically to light and to the nation's attention in the case of Savita Halappanavar. It should be legislated for and provided for in this Bill. Pregnancies involving foetal abnormalities that mean the foetus is non-viable and cannot survive are not dealt with either. That is shameful and cowardly, particularly in view of the harrowing testimonies of women who have been in the dreadful situation of finding they had to make a decision on the termination of non-viable pregnancies. This morning in the Dáil the Taoiseach was trying to express understanding of women in this horrific situation but failed to do so. He referred to women he knew whom he said had taken a decision to carry to term - that is, of course, an absolute right, one that should be assisted and resourced - but, equally, he refused point blank to see the rights of women or couples who did not want to do this and did not want to be subjected to the awful trauma of continuing in an horrific situation that they simply wanted to end. It is shameful that women are forced to leave this country every year to deal with this issue. The figure for fatal foetal abnormalities is given as approximately 1,500 a year, a substantial figure. When one considers the number of women in this traumatic situation who make the decision to leave the country, the trauma and the alienation of having to leave home, to leave their support base, their family and most of their loved ones and the significant costs involved, it is heartless and the issue should be catered for in this legislation.

Even worse, under the Bill a woman who finds herself in this situation, who wants to deal with the issue and have a termination of an unviable pregnancy in Ireland will be criminalised and subject to 14 years imprisonment under section 22; likewise, a doctor who assists her. Section 22(3) states a prosecution of an offence under this section may be brought only by or with the consent of the Director of Public Prosecutions. This is an attempt to avoid an X case scenario developing where the prosecution of a woman might come out of the blue, take a Government and a whole system by surprise, as the X case did in a different circumstance. There

would be consternation in society and the same opposition and horror would be expressed among a majority of people such as happened when the X case came to light and a child was ordered to be interned on this island for a period of time to prevent her from having a termination following a rape. What the Government is attempting to do in the Bill is two-faced; it is an attempt to satisfy, on the one hand, the strong opponents of abortion by stating it is criminalising abortion and taking a tough stance and then, on the other, by involving the Director of Public Prosecutions as a kind of safety net, it is stating to people who are in favour of the right to a termination that it really will not happen, that it would not get by the Director of Public Prosecutio1ns, but it could. For my part and that of the Socialist Party, we will have to consider this issue very carefully. To vote for this kind of criminalisation would be reprehensible to us. I am of a mind to abstain in the vote on Second Stage on the basis that this criminalisation should be removed. With others, I will be tabling amendments to seek to have it removed in the course of Committee and Report Stages. If it is not removed, we will have to carefully consider our attitude in the final vote. I would vote for the Bill otherwise, even with its hugely restrictive nature, but criminalising women in this way is barbaric and cannot be countenanced.

Just how restrictive the provisions of the Bill are can be seen on reflection, particularly with regard to suicidal women. How many women in this traumatic situation will run the gauntlet, first, of three medical practitioners - two psychiatrists and one obstetrician - and then three more if they have to appeal? It is not going to happen in the majority of cases involving such trauma. Because of the stress and trauma involved, most will opt to go abroad, about which there is no doubt. The idea that this provision will allow what opponents call abortion on demand, which is an inappropriate term to use as if a woman looks for an abortion as if she were walking into a shop, is offensive. It is farcical. In fact, what will happen is that women will decide to go to England. Similarly, I believe women pregnant by rape who want to end that pregnancy should be catered for. Rape is an horrific violation of a woman and forcing her to carry through to term a resulting pregnancy is barbaric.

I believe the health of a woman is not catered for at all in the Bill. The health of a woman should be a factor and on which she makes a choice. Thousands of women from this state travel to Britain, mainly, every year to secure a termination of pregnancy. The view that it is hypocritical was criticised in an earlier contribution, but it is hypocritical because if England or some other jurisdiction was not there and we had had the horror of back street abortions and women dying or being horribly mutilated as a result, the issue would, of necessity, have been dealt with much earlier.

I stand for the right of a woman to make her choice and for that choice to be respected. That is my position on the issue of termination of pregnancy. When I was a child, in rural Ireland we used to hear disdainful talk of pagan England, even as 1 million of our penniless young men and women found homes and lives there. Similarly, in this case, it is an English solution to an Irish problem.

Sa chúpla nóiméad atá fágtha agam, ba mhaith liom a rá go bhfuil an Bille um Chosaint na Beatha le linn Toirchis, 2013 ró-chúng amach is amach. Ní théann an Bille fada go leor chun déileáil leis na cásanna crua ina bhfaigheann an-chuid mná sa tír seo iad féin gach bliain, maidir le toircheas ina bhfuil dainséar don bhean. I gcás féatas mínormálta nach féidir fanacht ina bheatha, measaim go bhfuil sé barbartha iachall a chur ar mhná dul go dtí deireadh théarma an toirchis. Ba cheart go mbeadh cabhair éigin leagtha amach sa Bhille atá romhainn mar fhreagra ar an ngéarchéim seo. Dá bhrí sin, ba cheart dúinn leasú a dhéanamh ar an reachtaíocht seo chun na cásanna áirithe sin, agus cásanna difriúla eile, a chlúdach. Measaim freisin gur cheart

go mbeadh sláinte na mban chun tosaigh. Ba cheart freisin tús áite a thabhairt do chinntí na mban maidir leis an méid a theastaíonn uathu i gcásanna toirchis i ngéarchéim. Chomh maith leis sin, tá mé go mór in aghaidh gnímh choiriúil a dhéanamh d'aon chinneadh a dhéanann bean deireadh a chur le toircheas sa Stát seo, go mórmhór os rud é go bhfuil sé i gceist téarma príosúnachta de 14 bliain a ghearradh ar an mbean sin agus ar aon dochtúir a chabhraíonn léi. Dá bhrí sin, tá an-chuid leasuithe le déanamh. Déanfaimid iarracht iad a dhéanamh ar Chéim an Choiste agus ar Chéim na Tuarascála, agus ansin feicfimid.

**Deputy Seán Kyne:** Perhaps unsurprisingly, this issue is the one on which I have received the most correspondence since my election to the House. I have received emails, letters, post-cards, telephone calls and messages on social media. I have met hundreds of people, sometimes in Leinster House, but mostly in my constituency and at clinics. I was the only politician from the constituencies of Galway West and East to attend a meeting in the Westwood Hotel in Galway on the May bank holiday Monday to listen to and answer questions from pro-life groups. The people I met were compassionate, interested and concerned and I spent an hour and a half on my feet explaining, defending and answering questions on this subject. I have taken the time to listen to almost everyone and every shade of opinion on this most sensitive and complex matter.

Notwithstanding the diversity of views which abortion prompts, it is helpful to start with the position of most citizens. Most citizens expect that all that is humanly possible will be done to help expectant mothers and unborn children, should assistance be required. Irrespective of whether a person contacting me has been pro-life, pro-choice or adopted whatever other labels are used, I have made it abundantly and unequivocally clear that, collectively, as citizens and legislators, we have a duty to uphold the principles and vindicate the rights espoused in the Constitution. Defending the Constitution requires accepting the interpretation of the law of the chief interpreters of Bunreacht na hÉireann, the Supreme Court. The sole purpose of the Protection of Life During Pregnancy Bill is to codify and set out the legal position as it already stands. It is nothing less and certainly nothing more. As I have done in many meetings and interviews, I reaffirm my pro-life credentials. The Bill will not lead to abortion on demand, to use that phrase. If I believed otherwise, I would not support it. I dispute the accusation that to be in favour of the Bill while claiming to be pro-life is to involve oneself in what one colleague called "verbal gymnastics".

Listening to the contentious - often fraught - debate, one might receive the impression that in the X case the Supreme Court was concerned solely with suicide. It is worth reiterating what the court stated in the X case judgment. It held:

> The danger [arising from a risk to the life of a woman] has to represent a substantial risk to her life though this does not necessarily have to be an imminent danger of instant death. The law does not require the doctor to wait until the mother is in peril of immediate death.

To be clear, the court stated the risk to the life of the woman included the danger of suicide. Looking back at our recent history, I regret to say I cannot report that we in Ireland have covered ourselves in glory in addressing the issue of mental health. To be blunt, mental illness and its treatment have come a poor second to physical illness. The stigma attached to mental illness, which persists to this day, is testament to this. To our shame, mental illness was treated until recent decades by locking a person away - out of sight, out of mind. I am deeply dismayed, discouraged and unsettled by the attitude of some citizens inside and outside Leinster House on the connection between this legislation and mental illness. To borrow a phrase from a recent

mental wellness campaign, mental health matters. Sadly, to some, mental health matters, but not if one is a woman and pregnant. The dismissive attitude towards psychology and psychiatry, both of which are measured, verifiable and vital branches of medicine, has been astounding. During the second round of extensive hearings by the Joint Committee on Health and Children the Chief Medical Officer of the Department of Health, Dr. Tony Holohan, made certain pertinent and valid remarks which ought to be remembered by all involved in this debate. He stated:

> Psychiatry is a clinical science based on scientific method and research. It is not some form of hocus-pocus that operates without evidence ... We simply cannot say the circumstance of a real and substantial risk to a woman's life could never occur as a consequence of suicidal ideation.

However, some commentators are absolutely convinced that once this legislation is passed, the women of Ireland will suddenly pretend to be suicidal simply to access an abortion. The contention is preposterous. It is disgraceful and demonstrates a complete lack of trust and regard for the women of Ireland. Many people have cited the situation in the United Kingdom which does not have a written constitution and its legislation provides for abortion where there is a risk to the health of a woman. In Ireland such a provision would require a referendum to change the Constitution.

The undeniable and inescapable fact is that if suicide is excluded from the Bill, we will not be giving effect to the constitutional rights the Supreme Court has already found to apply. Despite assertions to the contrary, the law is not being altered. Neither the Supreme Court nor the European Court of Human Rights has sought a change to the law. Rather, both institutions have sought clarity through a legislative or regulatory framework which clearly sets out rights as they apply. Respect for the law and the Constitution concerns not just decisions of the Supreme Court but also Article 40.3.3° which was inserted on foot of the eighth amendment to the Constitution. Article 40.3.3° requires that the right to life of both the mother and the unborn is vindicated. The Bill has been framed with this in mind and will operate within that context. As an additional safeguard, the Minister for Health will be empowered to act where the provisions of Article 40.3.3° are not being observed.

There are two other important points which must not be forgotten. First, a termination of pregnancy will be permitted when it is the only option available. Second, medical professionals will be obliged to take every action possible to safeguard the life of the unborn where compatibility with life outside the womb has been reached. If the Bill is passed, it will not end the abortion debate. There will still be concern regarding the right to abortion for women who have been subjected to the most heinous crimes of rape and incest. The legislation does not provide for the exceptionally tragic matter of fatal foetal abnormalities, whereby an unborn child is incompatible with life outside the womb. Such cases have been deemed to fall outside the current constitutional provisions and, as such, can only be dealt with by the people in a referendum. The debate will continue long after the passing of this legislation by the Dáil. While the legislation is about providing clarity and setting out visibly the position of everyone concerned, I fear there is little clarity for women in the aforementioned situations. These are tragic circumstances for any expectant mother to find herself in. I have heard all sides on these matters. If they are put to the people in a future referendum, there will be a serious and prolonged debate.

We have witnessed the consequences of a lack of clarity before. While there were several factors in the untimely death of Savita Halappanavar, nobody can deny that legal uncertainty contributed to the tragedy. Medical professionals were unsure of when an intervention could

legally be made. It is regrettable that some in the House have suggested clarity, as provided for in the Bill, would not have played a role in facilitating speedier intervention in this tragic case. The Government parties - the Labour Party and Fine Gael - committed to addressing the lack of certainty and clarity. Following much consideration and examination, many meetings and reports by numerous groups, the creation of a statutory framework by way of legislation and regulation has been deemed the best way forward.

I have no doubt that the contents of my speech will be scrutinised, examined and, perhaps, used against me by some. I make no apologies for being against abortion for lifestyle or social reasons. I reaffirm that I am against a liberal abortion regime in the State, to which the Bill will not lead. I make no apology either for supporting legislation which will vindicate rights already found to apply.

**Deputy Áine Collins:** I welcome the opportunity to speak on an important Bill. There is no doubt that the legislation is the most difficult and contentious ever to be considered by the House. My colleagues in the Dáil and the Seanad would be much happier if it were not necessary to deal with the issue. However, our job is to legislate. I am deeply saddened that it has taken us over 20 years to deal with the X case and that we had to be informed by the European Court of Human Rights to bring clarity. It is about time that it was dealt with.

In this case, on an issue that has already been decided by the interpretation of the Supreme Court and by the people in two referenda, it is important that we understand the current legal situation. As it stands, terminations are allowable in certain cases where the life of the mother is at risk.

The inclusion of suicide has been a big issue. However, the Supreme Court's interpretation of Article 40.3.3° of the Constitution considered that a real risk of suicide in extremely rare circumstances is a reason for a termination. That is the situation today, without any regulation or guidelines. The result of this is that doctors differ and, consequently, are unaware exactly when a termination can or cannot be carried out. This uncertain situation cannot be allowed to continue as it is about saving lives. The legislation that this House is now considering will put in place a process for a woman who finds herself in an extremely difficult situation where she feels her life is at risk and for the first time, there will be a procedure to ensure that a clinical diagnosis is reached and medical support provided by a psychiatrist. In the extremely rare cases where two psychiatrists and an obstetrician agree that a woman's life is at a substantial risk and that all other avenues have been exhausted, a termination may be approved in order to save her life. In the Constitution, as it stands, one doctor can diagnose a woman's termination where there is a threat of suicide as opposed to a risk and without further medical diagnosis. This legislation will make it a criminal offence for a person to intentionally destroy an unborn human life which can result in a prison sentence of up to 14 years. This legislation ensures there is a transparent process and, most important, the patient - in this case, a woman - will have the best care possible when in a very vulnerable place.

This legislation also brings clarity for the medical profession which is much needed where there is a physical illness during pregnancy and where the pregnant woman's life is at risk. An obstetrician now has clarity on what medical procedures can be carried out. This legislation also ensures that in the case of an emergency, medical procedures required to save a woman's life can now be carried out. This legislation is long overdue.

I believe that the passing of this legislation ensures clarity is brought to the Supreme Court's

interpretation of the Constitution in the X case and we have a constitutional obligation to uphold the wishes of the people as expressed in a referendum. Equally, it is our obligation to respect and abide by the decisions of the Supreme Court as this is clearly laid out in the Constitution. We are also required to bring clarity by the European Court of Human Rights.

As a woman and a mother, it is important to me that a woman's life is always protected. Where a medical issue arises and there is a risk to a woman's life during pregnancy, the medical profession needs clarity. Often in these circumstances time is of the essence in saving and protecting lives.

Pregnancy is often taken for granted as a normal condition. Thankfully, most women have safe pregnancies and deliver healthy babies. However, for others this experience is very difficult and fraught with turmoil. An unplanned pregnancy is a very lonely place for any woman. Rape, incest, abnormalities and many other circumstances are not covered in this Bill. We need to look at how we support crisis pregnancies to give women the support they need in situations that are not covered by this legislation and that will be for another day and for the Irish people to decide.

The Minister for Health, Deputy James Reilly, the Attorney General and legal experts have made every effort to ensure that this legislation is robust and will stand up to Supreme Court scrutiny. We are acting strictly within the Constitution with this piece of legislation, ensuring that we save lives during pregnancy. As I stated on many occasions, I believe this is long overdue, it finally brings clarity and we are acting within the Constitution. I welcome the Bill. For all the reasons I have outlined, I will be supporting it.

**Deputy Joe McHugh:** I have already contributed twice on this matter, both in this House and in the Upper House. As we all will be aware in this House, it is a complex issue. It is both emotive and highly personal. Of the many concerns that have been raised through many different forums, different voices and different organisations, the two issues that strike me are the ultimate protection of the unborn and giving a voice to the unborn, and the issue around suicide. Where people have been in contact with me, that contact has been in the main cordial.

On the suicide issue, there has been a somewhat flippant discourse on the issue of suicide which must be acknowledged. Suicide is a very real and complex difficulty for many citizens and for many families that have endured the loss of loved ones. If there happen to be women who are pregnant and have suicidal ideation, it is important that we encourage them to present themselves to the proper social service teams - able staff the length and breadth of this country - and create the proper pathways where we can bring them in and where they will feel safe and will be listened to. We should be doing everything in our power as a society and in the professional medical service to exhaust every avenue with those females who present with suicide ideation and it should not be treated in the way it has been discussed to date. If they have suicidal thoughts, we should encourage them to come into the health care system and help them along with the assistance that they need.

On the concerns around precedent, the precedent in California, in France and in the United Kingdom is alarming. The figures are alarming. People are genuinely concerned that if this legislation is introduced the floodgates will open. It is important to highlight the fact that enshrined in the Constitution is the protection of the life of both the mother and the unborn and we must trust the Constitution that this will be ultimately protected following this legislation.

We need clarity around terminations. I do not have the information to hand on all of the individual hospitals in this country. We do not have clarity on the numbers of terminations. For obvious reasons, there are terminations in this country. It is hoped that the legislation will provide clarity and more protection in terms of protection of the life of the mother.

I have concerns in relation to rights of the father. I am glad the Minister of State at the Department of Health, Deputy Alex White, is here tonight. One of the churches raised this issue of the rights of the father in regard to this legislation. There is a need to explain and define more clearly what are the rights of the father. I am aware that in different countries the rights of the father differ.

On the 1861 Act, there will be a change in the penalty for the offence of intentional destruction of unborn human life, from life imprisonment to 14 years. However, there are questions around access to abortive pills over the Internet in the first stages of pregnancy - up to 12 or 13 weeks. We need clarity where women have access to abortive pills, get into medical difficulty and present themselves to the GP, and we also need legal protection for GPs who will ultimately assist women who have taken abortive pills.

In the short time available to me it is not possible to discuss all of the different concerns and questions raised by many people. However, in a nutshell, the core fear of many men and women is the question of the suicide provision leading to the opening of the floodgates. We must have protection against this. The psychiatric profession has a very important role in preventing the opening of the so-called floodgates. It is a real live concern for many and we must be cognisant of this as the Bill passes through the House.

Regarding the debate about the Whip, I believe every Member of the House will take his or her conscience into consideration when he or she makes his or her decision. Certainly, I will make my decision on the Bill based on what I believe is right and ultimately what I believe is right for the protection of the life of the mother and that of the unborn and to give a voice to the unborn.

**Deputy Michael McGrath:** I welcome the opportunity to make a contribution to this debate. The debate so far today and the general public debate on this issue have been respectful. I have always believed one does not have to agree with someone to respect him or her or to listen carefully to his or her views.

I will oppose the Bill for one primary reason. I have continuing concerns that the termination of a pregnancy on the grounds of suicidal ideation is not evidence based. In fact, the evidence from the experts who support the Bill and also those who oppose it is that abortion cannot in any way be regarded as a treatment for somebody who is genuinely suicidal. My baseline position on this issue is that I believe in protecting life. I believe in protecting the life of the pregnant mother and the life of the unborn baby. I have a wife, a mother, a daughter and sisters and to suggest, as some do, that those of us with sincere concerns about aspects of the Bill do not trust women is absolute nonsense and a distortion of the debate surrounding the Bill.

Any legislation to protect lives in pregnancy should be based on evidence. I followed the two sets of hearings at the Oireachtas health committee as closely as I could. On the medical side, the evidence was very clear. Practitioners believe additional legal clarity is required to allow them to intervene to save the life of the mother when there are medical complications, whether those complications derive from a life threatening physical illness such as cancer or a

medical emergency. On this point, the evidence from clinicians was categorical and I have no difficulty with those aspects of the Bill. For complete clarity, I believe that where a medical issue arises which poses a risk to the life of the mother; the clinicians must be empowered to do whatever is necessary to save her life. I accept that there will be times when this results in the loss of the unborn baby. I understand this type of intervention happens in maternity hospitals throughout Ireland between 30 and 40 times a year.

On the question of suicide, the Government's essential argument is that the Supreme Court's decision in the X case which provides for a termination where there is a real and substantial risk to the life of the mother, including the threat of suicide, must be legislated for. It also cites the decision of the European Court of Human Rights, ECHR, in the A, B and C *v.* Ireland case, although I note and accept the Government has stated the ECHR judgment did not require it to legislate for suicide as a ground for an abortion. I listened carefully to the legal arguments made at the health committee on whether Ireland had to legislate for suicide as a basis for abortion. On one side, some eminent legal experts argue that the X case judgment is the law of the land and must be legislated for. Other equally eminently qualified legal experts argued differently. The key question is whether the Supreme Court's interpretation of Article 40.3.3o in the X case is definitive in all circumstances and determinative for subsequent legislation.

Dr. Maria Cahill, a lecturer in constitutional law in University College Cork, who gave evidence to the Oireachtas committee said the X case was in a separate category of judicial decisions because of what it did not decide. She went on to say a precedent was only binding relative to the points decided in the case. The evidence in the X case on the suicide question was not contested and, according to Dr. Cahill, did not constitute a precedent. I am not a constitutional lawyer and Deputies with different views on the Bill can quote other legal experts to support their argument. I accept that. However, when I hear legal experts, all of whom I respect, fundamentally disagreeing on the key question of whether the State has to legislate for abortion on the grounds of suicide, I must make up my own mind on the basis of what I believe to be right and wrong.

The key issue for me is that there is no evidence whatsoever to suggest a real and substantial risk to the life of the mother caused by suicidal ideation can ever only be averted by the termination of the pregnancy. That is what the Bill provides for in section 9, that an abortion can only be permitted on suicide grounds where it is the only way of averting the suicide. When the Oireachtas is making decisions, it turns to experts, particularly when deliberating at committee level. The experts in psychiatry are overwhelmingly telling us the same thing, that abortion is not a treatment for suicidal ideation. I am entitled to ask the question: is abortion ever the only answer for somebody with suicidal tendencies? Even more importantly, is it ever the answer?

The Government has made the point that it is not possible to introduce term limits for abortion in the Bill because of the provisions of the Constitution. One aspect of this issue causes me great difficulty. That is where an abortion is permitted and the unborn child is around the viability threshold. A baby born now at 24 or even 23 weeks gestation stands a good chance of survival. However, we all know that premature babies can suffer from serious complications. I am deeply uneasy about the possibility of the State deliberately inducing the birth of a baby at such an early stage in the knowledge that by doing so the baby may well have profound lifelong disabilities or suffer from serious medical complications. While I hope this will never happen, the Bill opens up this scenario and I believe it is one with which most people would have a real difficulty.

I acknowledge that mental health has been the Cinderella of the health service for far too long. I acknowledge that suicide is pervasive in our society. In many ways, it is a silent killer and, as a people, we have not given it anywhere near the level of attention it deserves. I acknowledge that suicidal ideation among pregnant women can and does happen, albeit very rarely. I just do not believe intentionally taking the life of the unborn child is the answer, nor do the experts in psychiatry who have spent their lives studying and working in the field.

It is no secret that, from the outset, I supported a free vote for Fianna Fáil Deputies and Senators on the Bill. I did so because I believed the issue of protecting human life was an issue of personal conscience like no other. I was strongly of the belief no member of our parliamentary party should be able to impose his or her view on the Bill on another member of the party. That is my belief, irrespective of whether my view on the Bill is a majority or minority view within the parliamentary party. All parties should allow their members to vote in accordance with their conscience on this issue.

The Labour Party has long called for legislation to be introduced on the X case, but the same cannot be said for Fine Gael. In fact, during the last election campaign Fine Gael actively courted the support of those involved in the pro-life campaign on the basis that it would not introduce legislation on abortion. For that reason, I have enormous sympathy for the many Oireachtas Members within the Fine Gael Party who are deeply uncomfortable with the Bill. These Members went to the people and received their support on a Fine Gael platform of no abortion legislation. They now find themselves subject to a parliamentary Whip to support a Bill that their party promised it would not introduce. Regardless of whether one agrees with the Bill, that is deeply unfair to those Deputies and Senators.

I accept that the Bill will be passed by the Oireachtas, probably with a very large majority in this House. I ask the Government to monitor its implementation extremely closely.

As an opponent of the Bill, I have not subscribed to the view that the floodgates will open as soon as it is passed. However, the interpretation of the Bill and the practice of its implementation could well change over time. I am pretty certain they will.

Suicide is tragic in all circumstances. We heard evidence during the Oireachtas committee hearings that suicide among pregnant women is, I am thankful, extremely rare. The incidence is somewhere between one in 250,000 and one in 500,000 pregnancies.

Once the Bill is enacted, the Minister will need to assess the data coming through on the actual number of abortions being carried out. Over time, information on the number of abortions under this legislation will answer the question of whether we are moving towards a more liberal abortion regime on mental health grounds.

The Constitution provides for an equal right to life for the unborn and the mother. There are Deputies who wish to remove that clause from Bunreacht na hÉireann, but I disagree with them. There are those who believe the Bill is a stepping stone to a more liberal abortion regime. I hope they are wrong but genuinely fear they are right. I will be voting against the Bill for the reasons I have outlined.

**Deputy Dara Calleary:** I welcome the chance to speak on the Bill and I, too, welcome the tone of the debate in this Chamber thus far. Since Thursday, the debate has generally been respectful of the very divergent views on this divisive subject. The subject goes far beyond the traditional political battle lines in this Chamber. The work done by the Joint Committee on

Health and Children is a significant element in contributing to the tone and informed nature of the debate. The Chairman and members of that committee deserve credit for the way in which they ran their hearings and facilitated people's views. They also deserve credit for allowing for the airing of the experts' views that we require to make a judgment on this Bill. As we conclude the parliamentary discussion on this Bill, I hope we will maintain the air of respect for divergent views. As Deputy Seán Kyne said, this debate will continue far beyond the implementation of the Bill. It is now very likely that it will be implemented. I agree wholeheartedly with Deputy Michael McGrath that robust monitoring will be required when the Bill is implemented to ensure its provisions are not abused or extended beyond the intended scope.

I heard many Government Deputies, particularly Fine Gael Deputies, cite today their personal respect for the Taoiseach and the Minister for Health. They expressed the view that the Taoiseach and the Minister would never want to see this Bill go beyond its intended purpose, and I accept that. I am a constituency colleague of the Taoiseach and accept his bona fides on this. However, it is clear that there are Deputies on the Government side, including in the Labour Party, who have stated in their manifestos for many years that they regard this type of legislation as a stepping stone to a more open regime. The difficulty will arise when the current Taoiseach and Minister are no longer in the House and when future Ministers and Taoisigh are in office. It is then that the legislation could open the doors to the liberalisation of the abortion regime. What are the intentions of those introducing the Bill? I fear that once the door is opened, those intentions will be trampled upon.

Sections 7 and 8 of this Bill will bring legal clarity to the treatment of a pregnant woman whose life is at risk arising from a physical illness. There was no disagreement during the hearings on these provisions and the need to tighten them. There is an agreed medical understanding of the path of a physical illness, and there is generally agreement on a relevant and effective treatment path to restore the health of the woman in question. However, this does not apply regarding section 9. The hearings demonstrated that there are considerable professional differences when it comes to understanding of the causes of suicide and, consequently, there is no professional agreement on detecting and treating the underlying causes.

I absolutely agree with Deputy Joe McHugh that we should assist those with suicidal intent in presenting themselves immediately to the health service, in whatever condition, for treatment, but the reality is that the country is undergoing a crisis in regard to suicide and mental illness. One reason is that we do not have an agreed understanding of the causes of suicide and what would bring somebody to the suicidal state. If we did, we would intervene to prevent it. Nobody in this House wants anyone to experience the pain that suicide brings to a family. We would do everything to prevent suicide if we understood it and if we were in a position to work with those who seem to get to the point at which they feel there is no support for them.

In this legislation, we are being asked to end unborn human lives - the legislation uses the phrase "to end an unborn life" - as a treatment for a condition that we do not properly understand. As a legislator and given the professional and medical vacuum, I cannot bring myself to support that concept. We must make a decision on this as legislators today. Judges can make a decision on legal arguments. There is a considerable legal vacuum also. Various medical professionals may have medical disagreements but legislators are being asked to allow the legal ending of human life. In the absence of legal and medical agreement, I cannot bring myself to do that. I cannot support the Bill as long as this measure is in place and as long as the disagreement continues.

There are other difficulties with the legislation despite all the work that has gone into its drafting. The language is still considerably loose. Loose language in legislation will lead to avenues being pursued that people might not have envisaged. In legislation that proposes to end human life, one cannot do that. The language associated with term limits is still very loose, and the language of the provision dealing with the potential to bring a foetus on the cusp of viability to early birth is very vague. The Minister for Health, Deputy James Reilly, more or less admitted this some weeks ago on "The Week in Politics" when he stated that babies with disabilities could be born as a result of the measure. We cannot have that in this legislation.

I agree with the opinion of the former Director of Public Prosecutions. I stated the opinion before he did. In section 9 and elsewhere, we are unbalancing the principle outlined in Article 40.3.3°, namely, the equal right to life of the mother and child.

Legislators do not have the comfort of the Judiciary which can publish an opinion and then have it parsed by legal experts. The burden of acting on that opinion and influencing the lives of the unborn or born falls on us. That is a heavy burden in this context. Given the medical and legal vacuums, I will not be able to and cannot support the Bill.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** When listening to Deputies Michael McGrath and Dara Calleary, I noted the traditional political approach of dividing the coalition parties by saying the Labour Party had always made one point, while Fine Gael always made another, thereby implying they were totally divided on an issue. We are not divided; this legislation was agreed as part of the programme for Government and we agree that it is to pass through this House. We heard the old canard from both Deputies that the floodgates would open and that this really was the thin end of the wedge.

*7 o'clock*

This legislation will carry out the wishes of the people as expressed in several referendums which are part and parcel of the Constitution. That is our duty as legislators. We do not have the privilege of exercising our conscience on matters of this nature. We had the privilege of exercising our conscience when we voted in the referendums, but once something is an integral part of the Constitution, we, as democratically elected legislators, must implement the will of the people. This legislation reflects this. That is expressed in the Constitution and we must enable it through legislation. That is why after so many years we are grasping this nettle which was not grasped by many Governments. We are providing clear regulations in order that the medical profession, the responsibility of which is to deal with this issue, has direction. It has had no direction until now and it is operating in a vacuum. We cannot allow that to continue forever because there is a constitutional imperative that we must address.

I welcome the opportunity to contribute to the debate and I am pleased this long overdue legislation is finally before the Oireachtas. Six successive Governments have failed to address this crucial issue. The Government knew it was intolerable to avoid dealing with such an important issue any longer. It is more than 20 years since the X case and medical practitioners must finally be given the legal clarity they require to act in the best interests of their patients. This is essential to ensure the lives of pregnant women are protected. For many years the Labour Party was the only party calling for legislation to deal with the X case judgment and a commitment was made in the programme for Government in 2011 to establish an expert group to establish the best way to proceed. The group which reported earlier this year offered clarity on the options available to deal with the implications of the Supreme Court ruling in the X

case and the ECHR judgment in the A, B and C *v*. Ireland case. The Government has acted as quickly as possible to introduce legislation, while allowing ample time for debate. No guillotine will apply to this legislation.

It is difficult to fully comprehend what it must have been like for the 14 year old girl at the centre of the X case. Following two years of abuse by a man known to her family, she was raped and became pregnant. Her parents tried to help and protect her in any way they could, but the State intervened to prevent a suicidal rape victim from leaving the country to obtain a termination. She found herself the "defendant" in a High Court case. The court ruled that she should be prevented from travelling to protect the life of the unborn child. In March 1992, however, the Supreme Court ruled that the decision of the High Court should be set aside and that the threat of suicide was grounds for an abortion. The referendum in November 1992 clearly showed that the people supported the freedom to travel outside the State for an abortion and the freedom to obtain or make available information on abortion services. Moreover, the constitutional amendment that would have resulted in the Supreme Court ruling on the X case being rolled back was rejected. The rejection of the 2002 referendum also ensured the risk of suicide continued to be sufficient grounds to allow an abortion.

On two occasions referendums have attempted to remove suicide as lawful grounds for a termination and on each occasion the people rejected the proposed changes to the Constitution. Article 40.3.3° states: "This subsection shall not limit freedom to travel between the State and another state. This subsection shall not limit freedom to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services lawfully available in another state". Clearly, the context was that the termination would be made available in another state. The people spoke on this issue and we have to recognise that was the wording put before them and that it is the law of the land. Enabling legislation is needed to elaborate on it to allow the medical profession to carry out its business properly, yet even with these referendum results, previous Governments continued to prevaricate. In the A, B and C *v*. Ireland case in 2012 the ECHR found that Ireland had violated the European Convention on Human Rights by failing to provide a clear procedure by which a woman could have established whether she qualified for a legal abortion under current Irish law.

The tragic death of Savita Halappanavar in October last year again highlighted the urgent need to legislate. This heartbreaking case drew attention to the problems medical practitioners could face when acting to save the life of a women during pregnancy. A common thread running through each of these cases is that the women involved found themselves in desperate situations and were then failed by the State and legislators. This cannot be allowed to continue. A great deal has happened since the X case, but until now no progress has been made in dealing with the clear need to legislate for it. The provisions in the Bill address scenarios where a woman's life is at risk from either a medical emergency, a medical condition or a risk of suicide. They are workable and it is welcome that they closely reflect the expert group's recommendations.

Legislating for the X case is a serious and legally complex issue. However, it is primarily about protecting the life of the woman. We cannot continue to put the lives of women at risk. It is essential that we finally face up to our responsibilities as legislators and obey the will of the people as expressed in the Constitution to ensure this legislation is enacted.

**Deputy Dominic Hannigan:** I am grateful for the opportunity to contribute to the debate. Twenty one years is a long time to wait for a Supreme Court decision to become law, but the fact that the Bill is before us represents progress. It will be an historic day next month when it

is enacted.

As the Minister of State said, the Labour Party has campaigned for this legislation since the Supreme Court judgment. We knew it was essential in the context of the debate on women's health. The programme for Government contains a commitment to implement the recommendations of the expert group on the ECHR judgment in the A, B and C *v*. Ireland case and the Supreme Court's judgment in the X case. I am proud that this commitment has been met in the legislation.

The issue before us has the ability to divide opinion in Ireland like no other. I vividly recall the 1983 referendum campaign and the strength of feeling in both camps at the time. I was in college and recall debates late into the night on the issue. Then, like now, the debate has brought out the best and the worst in people on both sides. Over time, the moderate voice has often been drowned out easily when the debate has been in full flow. While this legislation was in process, I received all types of correspondence and it was all different in tone and content. I received postcards, DVDs, text messages, handwritten letters, telephone calls, e-mails and visits to my office. Most of this communication has been civil, but some of it has been unpleasant. If those campaigners had put as much energy into campaigning for children's rights, Ireland would be a different place.

The debate is about the lives of women and making sure they have access to the medical treatment they need when they need it. When the Bill is passed, there will be improved clarity on what procedures can be carried out when they are needed. That will be a positive development for women's health, although I fully accept that the legislation will mean that some women who need terminations because of fatal foetal abnormalities will still have to go overseas to ensure their lives are protected. We should not export health care problems. I trust women to make their own decisions about their bodies and health. This legislation is long overdue and its introduction is in line with the commitment given in the programme for Government. It reflects the recommendations of the expert group and the intentions of the people. I support it for all these reasons.

**Deputy Andrew Doyle:** I welcome the opportunity to contribute to this debate. As others have said, it would have been far more comfortable for the Government to do as six of its predecessors did by simply ignoring the need to address the constitutional position on abortion. However, the European Court of Human Rights has pointed to our obligation to give certainty on that position either by way of legislation or regulation. We have had neither since the approval of the eight amendment to the Constitution in 1983. Last night we voted on the legislation which paves the way for the referendum to be held on the 31st amendment. In the years since the approval of the eight amendment, 22 other amendments have been put to the people and, where necessary, acted upon by way of legislation or regulation. If the Supreme Court had determined in 1992 that suicidality was not a ground for abortion, I am in no doubt that there would have been demands for legislation to that effect from some of those who claim this legislation is not necessary today. Moreover, I am sure that such demands would have been met.

The purpose of the Bill is to reflect and restate the general prohibition on abortion and uphold the eighth amendment. In addition, however, it must reflect the fact that the Government is duty bound to provide legal certainty for the medical profession as to the circumstances in which it is permissible to perform an abortion. The Constitution provides that a termination is permissible where the life, as opposed to the health, of the mother is at risk. Taking account of the decision of the Supreme Court in the X case which arose from the provisions of the eighth

amendment, the Bill includes provision for abortion where there is a risk to the life of the woman arising from suicide. Several commentators have argued that the decision in that case was based on insufficient evidence. Section 9 of the Bill offers assurance in that regard in its stipulation that an abortion will only be permitted where it is found to be the only possible treatment for suicidality. That is a condition which is very difficult to ascertain beyond all doubt. There may be cases where a history of mental illness and perhaps threatened or attempted suicide will make it possible to state unequivocally that there is such a risk. In general, however, it will be difficult to arrive at that conclusion. The Government was duty bound to reflect that reality in these provisions.

We can assess the Bill on the basis of whether it achieves these basic requirements. Everything else flows from them. The Bill is short, given the scope of the issues it is attempting to address, issues which were not dealt with by previous Governments. Even if no Member of the House was subject to the Whip on this proposal, it falls to every one of us to examine whether the control measures that surround the basic principles of the Bill can be reconciled with our personal views. For me, the Bill satisfies that test of conscience. If I had my way, suicidality would not be included as a ground for abortion. As the Minister of State observed, however, that is not a luxury open to us. We are duty bound as legislators to reflect the constitutional position.

I would also have preferred if provision were made in the Bill to address the issue of fatal foetal abnormalities. As I understand it, the current position is that early induction can take place, at 35 or 36 weeks, where a foetal abnormality, which means the foetus is totally incompatible with life outside the womb, is diagnosed beyond all doubt. Other Members and I have met parents who went through that experience and their anguish is palpable. They are making a case for legislation in this area, not for themselves - one hopes they will never go through the same experience again - but for the benefit of those who will go through the same ordeal in the future. As I said, I would have liked to see the matter dealt with in this legislation. I understand, however, that the Attorney General's advice is that it cannot be done because it would contravene Article 40.3.3°. I accept that position reluctantly. In any case, it is an issue that should be dealt with outside this debate.

I do not accept the argument that the Bill represents the wedge that will allow the abortion floodgates to open. It has been clearly articulated that any change to the existing constitutional position would require a referendum. Even if we decided tomorrow to abandon these proposals and allow the next Government to deal with the issue, those people who are seeking a more liberal abortion regime and greater choice for women would not cease their efforts. That push will continue, regardless of what happens today, tomorrow or next week. We must put our trust in the people if at some time in the future they are asked to make a decision in that regard. It is not for us to tell them what to do. It may be a matter for the Government to decide to hold a referendum, but after that, it is up to the citizens of the State. When people refuse to put their trust in this legislation, they are effectively refusing to put their trust in what others, their fellow citizens, will choose to do in the future. We must keep that context in sight when considering these proposals.

It is unlikely that a more divisive Bill will come before any of us during the course of our careers, whether long or short, in this House. I absolutely respect the opinions of others and recognise that they are heartfelt and sincerely held. I hope everyone would do the same. I do not like the labels of pro-life and pro-choice. I consider myself to be as pro-life as anybody. I do not want to see a regime in place which allows abortion on demand, but I recognise that there

are some who are up-front in supporting exactly that. On the other hand, some are of the view that anybody who would attempt even to introduce legislative provision to reflect the current constitutional position on abortion cannot call themselves pro-life. I reject that assertion.

People have found plenty of scope to complain about the Government and this Dáil. In this instance, however, there is reason to commend the conduct of the debate. There is certainly an element of divisiveness, but, in general, people are concerned to articulate their firmly held beliefs rather than to score political points. That is most welcome. It is important that as many Members as possible put their view across in this debate. I commend the Bill to the House.

**Deputy Michael Healy-Rae:** I thank the Members of the Technical Group for allowing me some of their speaking time on this most important subject. The Government has repeatedly claimed that this legislation, entitled the Protection of Life During Pregnancy Bill, is designed solely to enhance and promote the best possible care for pregnant women in order to ensure no woman dies because of her pregnancy. If I believed that were true, no Deputy would be more supportive of the Bill. I am firmly of the view that Irish women are entitled to the very best standards of health care during their pregnancies. Moreover, I am certain that in the vast majority of cases that is precisely what they receive. I acknowledge and very much respect both sides of the argument in the abortion debate. That being said, it is my personal view that from the time of conception, the unborn child is a human being and should be fully protected. It is of vital importance that all right-thinking politicians support that viewpoint. The unborn child cannot speak for itself and so we should speak on its behalf.

Aside from my view on the broader issue, there are several points that should be highlighted in the context of these provisions. We have been repeatedly told that this legislation is required because of the ruling of the European Court of Human Rights in Strasbourg. The reality, however, is that the court merely stated a requirement for us to clarify existing law. That could have been done and could still be done by way of guidelines. There is no need to legislate. I challenge the myth that legislation on this issue must be based on the judgment of the Supreme Court in the X case and the finding of the European Court of Human Rights in the A, B and C case. The X case lacks psychiatric evidence, that is, there is no evidence. No studies have indicated that abortion is a treatment for suicidal intent. The decision in the A, B and C case involved a pregnant patient looking for what treatment was available to her. As she was not suicidal, an abortion based on mental health grounds would not have applied. In a modern republic people are supposed to be equal before the law. Under the Constitution, as written, the unborn child has an equal right to life, but as the former Director of Public Prosecutions and a former Taoiseach, Mr. John Bruton, have pointed out, the Bill does not give the unborn child an equal right to life. It directly discriminates against the unborn. Where is the republican ethic in this?

The complete lack of a justification for the procedure for the unborn child is not equal or just. The Bill has no provisions stating an option for the child to be delivered prematurely in cases based on mental health grounds, suicidal intent. If the child would be able to live if delivered prematurely, why is that option not considered? The Bill also does not state it is the duty of medical professionals to take into account the welfare of the unborn child when deciding on intentional termination of the pregnancy. Equality, clearly, is not present in this legislation.

The legislation does not set a time limit for the termination of the pregnancy making it unsafe for the mother. Even the most pro-choice of individuals believe terminating a pregnancy after 28 weeks is dangerous and not medically smart. Furthermore, if abortions are only

granted on mental health grounds, the likelihood of a restrictive and rigorous assessment on which the decision will be based is very questionable. Who says the two high threshold tests to determine the decision will be satisfied? The fact that there must be a real and substantial threat to the life of the woman and that the risk involved can be avoided only by a termination of the pregnancy is not enough on which to base the granting of an abortion. The guidelines are not enough. They will only widen through time and future circumstances. The woman has a right to withhold consent to any medical treatment in which termination of the pregnancy can be the only option remaining to save her life. She might find a loophole, but it does not reflect the Government investing in the interests of women's health.

The Government's fine words about women's health have a very hollow ring when we look at its total failure to follow up on the revelations of the disgraceful conduct of staff at certain Irish Family Planning Association, IFPA, clinics where women were told to lie to their GPs and say they had had a miscarriage, not an abortion. That was disgraceful and it was highlighted here a few days ago by Deputy Mattie McGrath when he spoke on this very important matter. It was disgraceful. They were told to do this if they had had complications following an abortion. The Master of the Rotunda Hospital said this advice could threaten women's lives. What IFPA counsellors were engaged in is an unbelievable scandal. If the Government was really concerned about women's health, it would have ensured such reckless behaviour was rooted out of a service which the taxpayers funded. Instead, after promises of an inquiry, little if anything has been done by a standards investigation set up by the Health Service Executive, headed up by the former head of the IFPA. I raised this matter by means of a parliamentary question a few days ago when I asked whether it was an inquiry or what type of investigation was taking place because it changed from one thing to another. As far as I can see, it was only a cover-up.

**Deputy Mattie McGrath:** It was diluted.

**Deputy Michael Healy-Rae:** It is an absolute disgrace and makes a mockery of the Government's much-heralded care for women.

During the course of this debate we have witnessed a lot of grandstanding by the Government on the need to become a more modern country. Abortion will not necessarily treat suicidal intent or depression. I would like to give a couple of true examples that are documented and backed up by real people. One says her boyfriend, the father of the baby, committed suicide on the anniversary of the abortion, that her father became very depressed and ended up in hospital. Another says she was a happy-go-lucky girl until the abortion, but now she is always depressed. She has tried to commit suicide. She could not cope with her other kids after the abortion. Now they are being minded by somebody else. She is pregnant again and says she is in a far worse situation than the first time. After having an abortion, women usually suffer panic attacks, isolation, low self-esteem, nightmares, depression, etc. They were not warned about the mental effect of an abortion.

I thank the politicians and other witnesses who attended and gave a great deal of time to the Oireachtas Joint Committee on Health and Children hearings, but it was a disgrace that the committee did not hear from groups such as Women Hurt, women who regret their abortions. Many of these women have visited the Oireachtas in recent months and they are deeply saddened by the way the Government dismisses their stories-----

**Deputy Mattie McGrath:** They wanted to come in.

**Deputy Michael Healy-Rae:** -----and the hurt and pain they carry following their abortions. If the Bill is also based on evidence, why has that evidence not been presented? It is as if one wrote an academic paper in a university and did not source any of one's information. One would receive a fail grade and be in trouble on grounds of plagiarism. Where is the evidence to back up the provisions included in the Bill?

Likewise, the Government cannot claim that it has reached out to the women affected because it has not. It has ignored them every step of the way. It is interested in only one side of the story. That is not democracy and not the way of a true republic. The Bill is not life-saving. If it were, I would be the first to support it, but I cannot support it and will not vote for it. I compliment Deputy Micheál Martin and the Fianna Fáil Party on allowing a free vote because it is proper and right to allow people to make up their own minds and not to impose the Whip system on people elected by the people in their constituencies to come here to use their intelligence, their own research and experiences of life.

**Deputy Peter Mathews:** Responsibility.

**Deputy Michael Healy-Rae:** Yes, responsibility, exactly. They were elected to be responsible for themselves and their own vote. They are answerable first to themselves, their own heart and soul, their own brain and intelligence and then, of course, their electorate. It was wrong of the Taoiseach to impose the party Whip system. It is extremely disrespectful, particularly because of the enormity of the issue we are discussing.

I want to go back to 1967, the year I was born. In England at the time politicians, who I honestly believe thought in their own hearts and souls that they were doing the right thing, voted for the changes which allowed the system in place today.

Debate adjourned.

## Message from Seanad

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Housing (Amendment) Bill 2013 without amendment.

## Message from Select Committee

**An Leas-Cheann Comhairle:** The Select Sub-committee on Public Expenditure and Reform has completed its consideration of the Ministers and Secretaries (Amendment) Bill 2012 and has made amendments thereto.

## Estimates for Public Services 2013: Message from Select Committee

**An Leas-Cheann Comhairle:** The Select Sub-committee on Social Protection has completed its consideration of Vote 37 for the year ending 31 December 2013.

**Special Educational Needs: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Charlie McConalogue on Tuesday, 25 June 2013:

That Dáil Éireann:

condemns:

— the deplorable announcement of cuts in special needs assistant supports and resource teacher hours for pupils with special educational needs; and

— the 12% cut in teaching time for special needs children to be implemented for the 2013-14 school year;

notes that:

— this reduction comes on top of a reduction of 5% in 2012 and 10% in 2011; and

— the reductions will mean that students will now get 25% fewer resource teacher hours than they would have received two years ago;

agrees that:

— such reductions are in direct contradiction to the Government's approach of matching the expected increase in pupil numbers in mainstream classes this September with new teachers through the hiring of 450 additional mainstream teachers at primary and secondary level in order to maintain the standard pupil-teacher ratio;

— such reductions will have a severe impact on children with special needs;

— such cuts will also have an adverse impact on all children right across the mainstream school system;

— the cuts are also causing deep alarm and distress to the parents and teachers of these children;

— it is unfair and unreasonable to impose such cuts on children with the greatest need in the education system;

— the cuts undermine the principle of inclusive schools;

— the cuts weaken mainstreaming for children with disabilities and reinforce segregation; and

— the decision will negatively affect the national literacy and numeracy strategy; and

calls on the Government to:

— give students with special educational needs fair treatment by increasing the number of resource teachers and special needs assistants to match the expected increase in special needs students this September in the same way that the Department

is increasing the number of mainstream teachers to meet demand;

— lift the cap on teaching resources to ensure every child eligible for resource teaching hours receives, at a minimum, the same allocation of hours as they were allocated in the current academic year;

— lift the cap on special needs assistants to ensure every special needs child with a need for a special needs assistant has a level of care appropriate to his/her needs;

— set a timeframe for the full implementation of the Education for Persons with Special Educational Needs Act 2004;

— provide a proper and coordinated framework for the inclusion of all pupils in suitable education settings;

— affirm its commitment to inclusive education to enable all children to achieve their potential; and

— reverse the unjustified cuts announced by the Department of Education and Skills and the National Council for Special Education.

Debate resumed on amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

"notes:

— the absolute commitment of this Government, and the Minister for Education and Skills, to protecting Government spending on supporting children with special educational needs – an area which has been prioritised above all other areas by this Government, despite the enormous pressures on all areas of public spending;

— that this Government has maintained the €1.3 billion annual funding for additional teaching resources and special needs assistants, SNAs, to support children with special educational needs, at a time when there is a requirement to make expenditure savings across a range of areas;

— that provision for SNA support for the coming school year will remain at 10,575 posts, which is unchanged since the introduction of a cap on the number of SNA posts by Fianna Fáil in 2010;

— that all children who qualify for SNA support will receive access to such support and all children who qualify for resource teaching will receive support at current levels;

— that the demand for resource teaching hours has risen by an unprecedented 12 per cent over the last year, while student numbers have grown by only 1.3%;

— that our response to this demand cannot simply be to continue increasing spending in an unsustainable manner – an approach previously adopted by Fianna Fáil-led governments;

— that it is has become apparent that significant inequity exists within the cur-

rent system of resource teacher allocations, and that the model for allocating these resources is deeply flawed;

— that some children, particularly those in disadvantaged communities, are being further disadvantaged by the flaws in the current model;

— that the Government welcomes the publication of the recent policy advice provided by the National Council for Special Education, NCSE, on supporting students with special educational needs in schools;

— that the Minister for Education and Skills has, as suggested by that advice, requested the NCSE to establish a working group to develop a proposal, for consideration, for a "tailored" allocation model, which would underpin a new allocation system for teaching supports for children with special educational needs based on the profiled educational needs of children in schools;

— that Mr. Eamon Stack, Chairman of the NCSE and former Chief Inspector in the Department of Education and Skills, has been appointed chairperson of that group, with a mandate to report to the Minister for Education and Skills, by the end of September, with preliminary views on how the allocation system may be reformed;

— that, pending the receipt of that report, the Minister for Education and Skills has decided that the 500 posts which have been held in reserve for late applications will be used immediately to ensure that individual allocations will be preserved at 2012/13 levels while the transition to a new model of allocating resources is under way; and

— that this Government is resolute in its determination to resolve the economic woes created by successive Fianna Fáil led Governments and will continue to invest in building fairness and quality into our education system."

-(Minister for Education and Skills)

**Deputy Finian McGrath:** I thank the Leas-Cheann Comhairle for the opportunity to speak on this Private Members' motion on special needs pupils and the urgent need for proper services and resource hours for our children. I speak as both a legislator and a parent of a daughter with an intellectual disability. I spent over 20 years fighting for the rights and resources of all of our children, in particular those with intellectual disabilities. I welcome the change of heart by the Minister for Education and Skills and commend the parents and friends of all children with special needs for their efforts and campaigning over the past few days which led to the change of heart over the resource hours issue.

Several months ago I, along with my Independent colleagues, brought forward a motion on this matter which highlighted the need for careful planning of services. Our children are citizens of this State. If we were a real republic, we would not have to fight regular battles to get decent services. It is a civil rights, civil liberties and equality issue. It is also about inclusion and respect for all our citizens. Either one believes in equality and respect or one does not. There is no halfway house. I am calling on the Minister to ensure students with special educational needs get fair treatment by increasing the number of resource teachers and special needs assistants, SNAs. Will he also lift the cap on teaching resources to ensure that every child eligible for resource-teaching hours receives at a minimum the same allocation of hours they

got this year?

This motion is relevant. Today, we met parents of many young adults with an intellectual disability who are lacking other services. We need to keep this issue on the agenda but, above all, we need proper plans for services for all people with disabilities to be implemented and funded every year.

**Deputy Joan Collins:** I, along with those workers involved in providing resource services for children and disability groups, welcome the U-turn by the Government and the Minister. The point, however, is that these cuts to resource-teaching hours to children with special needs should never have been contemplated, let alone announced.

**Deputy Finian McGrath:** Hear, hear.

**Deputy Joan Collins:** This measure would have meant a 25% cut in support hours for children with special needs over the past three years. These cuts were started by Fianna Fáil and continued on by the present Government with a Labour Minister. It is still the case that a 15% cut has already taken place. There is also the crucial issue of SNAs and those who physically support children with more severe disabilities, the number of which has been capped at last year's levels. The Minister claims there has been no increase in demand but the National Council for Special Education claims numbers rose by 2,000 last year.

The 2013 OECD report, Education at a Glance, stated there was a fall in the proportion of public expenditure in education from 13.7% in 2000 to 9.7% in 2010. Ireland is now 29 of 32 OECD countries when it comes to education spend. The cut in funding has affected school budgets, pupil-teacher ratios and special needs supports. I know of a family in my area who has been informed by Stewarts School in Palmerstown that there has been a cut in adult day services which will affect their daughter. Funds for the housing adaptation grant have been cut by 40% from €54 million to €34 million. Right across the board people with disabilities are being hit with cuts to respite care allowance, special needs assistants, as well as questions asked about eligibility for disability allowance. The Minister stated the €20 million required for an extra 500 teaching posts will come from existing budgets. Most likely, it will mean yet another increase in pupil-teacher ratio. This is robbing Peter to pay Paul but Peter and Paul are the young and the vulnerable.

**Deputy Seamus Healy:** I welcome the opportunity to speak on this Private Members' motion and the Minister's U-turn on teaching supports for students with special needs. For me, this U-turn means people power works. This is the second occasion with this Minister where people power has worked, the first being his U-turn on DEIS schools. Word has gone out among the public that it can defeat this Government.

These cuts should never have been announced. I find it astounding that a Labour Minister would attempt to introduce these cuts. There was no need for these cuts as there is no financial pressure on the Government. Over the past several weeks, we have been hearing in the media and in the Dáil that the Minister for Finance has an extra €1 billion to play around with in the coming budget. There is absolutely no need for these cuts.

It is important to remember some cuts never heal, such as those targeted at the most vulnerable, namely students with special needs. The Minister has not gone far enough in his U-turn. He needs to lift immediately the cap on SNAs originally put in place by Fianna Fáil.

**Deputy Mick Wallace:** While the U-turn announced yesterday by the Minister for Education and Skills is welcome, the case remains that children across the country face serious cuts to SNA supports from September. The Minister was at pains to stress last night that there have been no cuts and no child who requires access to SNA support will be deprived of it. The word "access" was carefully chosen. If three children share a SNA, it is technically correct to say they all have access but this does not mean these children's needs are being fully catered for. Resources should be allocated to children on the basis of need. Giving a child access to a SNA is not the same as giving that child all the support he or she needs to achieve their full potential.

When we discussed this issue with the Minister of State, Deputy Sherlock, last week, I raised the case of Scoil Mhuire in Wexford which has just lost 2.5 SNAs although two new children with special needs are due to start there in September. Several weeks ago before the cuts were announced, a child who shares a SNA managed to get out of the SNA's care and left the school on his own, crossing main roads. His parents do not blame the school or staff but feel the lack of resources is what created this dangerous situation. Now the school has lost 2.5 SNAs, the chances of a similar incident occurring have seriously increased. Both parents and staff are really concerned.

Parents have told me that each class in the ASD, autistic spectrum disorder, unit in Scoil Mhuire has a weekly social outing which allows for the children to experience and learn of the world with their SNA support. Some of the children also attend social outings with mainstream classes but again require a SNA to accompany them to keep them safe. Further cuts to SNAs will mean these social outings will no longer be possible and the children will be effectively segregated within the confines of the unit.

Earlier I met three teachers at the gates outside who had worked for 11 years at Hartstown who have just lost their jobs. These cuts are costing jobs too which does not make sense.

**Deputy Thomas Pringle:** I have been debating with myself whether I would welcome the Minister's U-turn or not as it is one of many that should have taken place in how children with special needs are being treated in our education and health systems and across society. While it is welcome the Minister has undone the cut which should never have been considered in the first place, he needs to do more. Children with special needs should not have to struggle within the school system to get the resources they require. Their parents should not have to spend their lives struggling. They have a difficult time making sure that their children can have the best and achieve the best in their lives without having to fight the State every step along the way to make sure that it lives up to its responsibilities and helps those families and children to achieve the best they can through their lives. This political system forces them to do that, but it needs to change. It needs to recognise all the citizens of the country and treat them all equally and provide them with the services they require to lead their lives.

The Minister needs to recognise children with Down's syndrome and provide services for them in terms of special education needs. He needs to talk to his colleague, the Minister for Health, to ensure that the special needs preschools across the country are protected and maintained. He needs to reverse the decision to close St. Agnes's special needs preschool in Donegal town and ensure it stays open and is available to children. His Department and a body under it stipulate that such preschool provision must be in place alongside mainstream preschools. He has to protect and ensure that the Ballaghderg special needs preschool in Letterkenny will continue to be in place after 2015. It is only then that we will be able to recognise what the Minister has done and acknowledge and welcome his actions in regard to children with special

needs across the country.

**An Leas-Cheann Comhairle:** I call Deputy Feighan who is sharing his time with Deputies O'Donovan, Dowds, Maloney, Jim Daly and Buttimer.

**Deputy Frank Feighan:** I am pleased to speak on this motion. One day last week my phone began to ring and it rang all evening. The calls I received were from a number of concerned parents. I tried to deal with the parents who I am not saying were misled but they were angry at the news that they had heard that there was to be a reduction in the number of special needs assistant posts. I repeat and confirm that there will be no reduction in the number of those posts which are available for allocation to schools. I can understand why those parents were angry. They want to ensure their loved ones get the best education and best attention possible in school and they felt their children's needs were being undermined. I thank the parents for expressing their views. They were very concerned but I appreciate when parents can articulate their views in a measured and mild way. As a Government Deputy, I appreciate when people contact me by phone in a measured and mild mannered way and even though they may be angry, one can reason with them. That has not always been the case in my experience as a Government backbench Deputy during the past two years. Those in opposition have a role to oppose but they also have a role to put clear and concise information into the public domain and sometimes they engage in opposition for the sake of opposition. It does not matter to them if the truth gets lost in a good story but what matters to me is that we deliver a safe and a fair system to everybody.

I thank the Minister for reviewing the proposal in respect of resource teachers. I am not saying we always get it right but on this occasion the Minister listened to the concerns and views of the parents and teachers. Most importantly he addressed the needs of students, and he listened to his backbench Deputies and the people on the ground. I thank him for doing that.

Parents were frightened by reports of cuts, but I do not believe that their children will be denied access to SNAs. These are difficult times and circumstances and the Minister has a difficult job to do. It behoves all politicians to speak in measured terms, to put forward the facts and not to create hysteria. The fight is never about what it is claimed to be about. I intend to work with those parents who were concerned. I am glad that I have worked on their behalf and I will continue to work on their behalf not only on the issue of special needs assistants and resource teachers but on many issues. As the only Government Deputy in my constituency, I can do something about it and that is what I intend to do.

**Deputy Patrick O'Donovan:** When the announcement of the reallocation of resource teacher hours was made the Fine Gael Parliamentary Party had a meeting of its education committee on Thursday morning and another meeting since the start of this week with the Minister for Education and Skills and officials from his office. I found it very productive. As the previous speaker said, many calls about this issue were made to Deputies' offices, especially the offices of Government Deputies. I welcome the establishment of a review, to which the Minister gave a commitment in the Dáil last night, under the chairmanship of Eamon Stack because, for the first time in a 20 year period, it will provide an opportunity to examine the delivery of resources for children with special educational needs, particularly at primary and secondary level.

It may well transpire that the current model is the best one but, having been a teacher and having spoken to teachers about this in the past few days, I have doubts the current model is anything but perfect. I spoke to a teacher today and she asked me if I was speaking on this motion tonight to make one point in the Dáil on this issue, namely, that the hours and resources

that are being allocated in terms of special educational needs are not the property of schools, the Department, boards of management or anybody other than the children for whom they are allocated. There has been a temptation to forget that having regard to the way this issue has been discussed in the past few years.

I welcome also the commitment to establish a panel for the redeployment of special needs assistants. This is long overdue. The previous Government missed an opportunity to do something about this. There is an opportunity also to provide pathways for progression, training and upskilling for special needs assistants in schools and they would welcome that opportunity. Apart from providing certainty in terms of employment, and many previous speakers referred to these jobs, this provision will give them an opportunity ultimately to provide the best level of assistance that they can for children with special educational needs, which is the core of what we are discussing.

The current system of allocating hours, the general allocation model, is not perfect. Every speaker last night and tonight has said that. I have an issue regarding the allocation of hours and I have tabled a question on this to the Minister for Education and Skills which I hope will be answered next week.

Regarding the assessment of children through the National Educational Psychological Service, NEPS, parents who can afford to get private psychological assessments carried out for their children are at an advantage in terms of the allocation of those hours. The parents of children from more socially deprived and disadvantaged areas do not have such access to cash and as a result their children have to wait until they are called for an assessment with NEPS. When special educational needs organisers allocate hours, he or she allocates them based on the assessments that are handed in. It will be interesting to see what results I get from back from the Department of Education and Skills next week. Anecdotally teachers have told me that the children of parents who have the financial wherewithal to have the assessments carried out have an advantage, and that is something that badly needs to be addressed. I have said previously and I say it again now that unless we have a level playing field where the €1.3 billion that is being allocated, which is €200 million more than the entire budget of the Higher Education Authority, is provided for those children with the greatest need, regardless of their socio-economic background or of their parents' ability to be able to have private psychological assessments carried out, we have a problem.

Another issue I raised directly with the Minister this morning and I raise it again now is that any change in the allocation of a model needs to be issued by way of a pilot scheme. It is a waste of time unless we can get parental, teacher, management and, most importantly, child buy-in into this. A young male teacher, who qualified with me in Mary Immaculate College, who was aware I intended to speak on this motion telephoned me to ask that I put on the record of the Dáil that while it is not appropriate for a teacher to drive a child home from school on his own, the child having soiled himself or for some other reason, it is appropriate for him as a young male teacher to be in a classroom on his own as a resource teacher with a child on his or her own. Parents and teachers have legitimate concerns about the exact roll-out and the exact implementation of this scheme and they need to be listened to. We need to approach this review with no holes barred. We have a block of money on the table and 500 additional teachers but at the end of the day one consideration needs to be borne in mind, namely, what is best for the children. The resources are not owned by the Department, by politicians or by teachers; they are owned by the children.

**Deputy Robert Dowds:** I have little need to speak further given I agree with everything the previous speaker said. Like far too many of us in this House, Deputy O'Donovan comes from a teaching background. He raised a serious issue and I entirely agree with him.

I support the Government amendment. It is a major achievement that it has managed to ring-fence €1.3 billion for resource teaching hours and special needs assistants. Several years ago the only person employed in a classroom was the teacher but enormous changes have taken place since then. Fianna Fáil-Progressive Democrats Governments spent a considerable amount in this area but they threw money at the problem like confetti rather than trying to ascertain how resources could best be allocated. The result is a system that is dysfunctional in many respects. Demand for resource teaching hours has increased by 12% compared to an increase of 1% in the number of students. That sort of ratio is not sustainable and the question arises of whether all this increased demand is valid. As Deputy O'Donovan noted, there is evidence to suggest that resources are being acquired more effectively by schools in middle class and well-to-do areas. This is clearly wrong because demands would naturally move in the opposite direction.

I speak as somebody who recognises the important work done by resource teachers and SNAs. Prior to my election to the Dáil, I worked in a school for physically disabled children. The SNAs in that school worked much harder than the average SNA because not only did they have to assist in the classroom, they also had to feed children who could not feed themselves. It was at times a fraught job because some of these children were so disabled that they were in danger of choking on their food. I acknowledge the important work that SNAs do but in many cases resources are spread too thinly.

I welcome the attitude of the Minister for Education and Skills towards this debate. He wants to target resources at special needs, whether through assistance with mathematics or other areas. It is right that the National Council for Special Education is trying to come up with a fair model for resource allocation. I welcome that the Minister has put the former chief inspector, Eamon Stack, in charge of this task. I hope that the council's work will bear fruit because, while the Minister has jumped into the breach to meet demand, he will face financial problems in the future. It is important to conduct a root and branch examination of what is required to achieve better value for the resources invested so that they are targeted at those who need them the most.

**Deputy Eamonn Maloney:** The majority of our debates are overshadowed by our financial predicament. The country was driven to bankruptcy and we have been bailed out by our near and generous neighbours. Certain people have been recorded on tape mocking other European countries but I want to be disassociated with such attitudes. We will work our way out of our current difficulties but while we as a country are unable to pay our way, we should be grateful to others when they give us a leg up. We are not living in normal times, whether in respect of education, health or any other area, and we have to change our systems.

I acknowledge the capacity of the Minister for Education and Skills for listening. I welcome that he was open to changing his original proposal of a 10% reduction in hours. He is a reforming Minister, although perhaps not as reforming as I would wish, and I recognise progress when progress is made.

We do not have equality in education in Ireland, whether at primary, secondary or tertiary level. Even in the area of special needs we should strive for fairness in how we invest resources. A child may be from a family which can access the financial resources to have him or

her speedily diagnosed and included in the special needs category. Children should be put into the special needs category based on merit rather than because they happen to have the financial wherewithal. It is especially disheartening to those of us who represent strongly working class constituencies that parents who lack those financial resources have to wait for so long before their children are diagnosed.

I join other speakers in welcoming the review of the special needs assistants that is to be conducted under the chairmanship of Mr. Stack. I hope the outcome of that review will be the provision of resources to the children who need them the most. I congratulate the Department of Education Skills and the Minister for moving in that direction.

*8 o'clock*

**Deputy Jim Daly:** Fáiltím roimh an deis labhartha ar an ábhar tábhachtach seo. I welcome the opportunity to speak on this important motion. I want to be clear and unambiguous from the outset about where I stand on this issue. The provision of resources to children with special learning needs is an absolute top priority for me, politically and personally. I placed that level of priority on this matter in my former professional role as a teacher and I continue to do so now. That is on the record from many previous debates on educational matters in the House and at the Joint Committee on Education and Social Protection. At every opportunity, particularly in the presence of the Minister for Education and Skills, I have emphasised that my priority is to protect and ring-fence the funding of special educational needs resources. That remains the position, despite the many reductions this Government has been forced to impose and the many difficult decisions it has had to make. A budget of €1.3 billion is continuing to be protected so that the most essential resources can be provided to children with special learning needs. Politics is about choices that are never easy and often difficult. It is a matter of record that I have supported some politically difficult choices in the education sector, such as the decision to increase the pupil-teacher ratio in small rural schools. I stand over the choice that was made by the Government in that case. I do not think it is fair or right that a school with 14 students can have two teachers, or a ratio of 1:7, while a teacher in another school down the road struggles to teach 34 students. Despite coming under a great deal of political pressure, I wholeheartedly supported the Government when it imposed that measure. That is an example of the difficult choices we have to make.

A number of issues have been highlighted over the past week since this issue came to the fore. The usual politicisation of the issue obviously took place because it is an easy issue to be political about. The media likes and is interested in this issue because it involves emotion. Given that we are talking about children with various difficulties, it is perfectly understandable that this is a highly emotive topic. Every parent wants the absolute best for his or her child, regardless of the nature of the challenges being faced by the child. Over the past week, we have witnessed the anger and anxiety of parents who were already stressed out from struggling with the challenges of rearing their children and doing their best for them. That has not been helpful. It has become clear over the past week that we have to look at the allocation model, to which some of the previous speakers referred. We are spending €1.3 billion on the allocation of resources to children with special learning needs. That is more than we are spending on the entire third level sector, including our universities. We have to ensure we are getting the best value from that expenditure. We have to ensure the children who are looking for and availing of these resources get the fairest and best value from the money we are spending. It has been difficult for parents and teachers to listen to debates about possible reductions in the provision of special needs resources in the same week that the Anglo Irish Bank tapes were published.

This insight into the horrible times of 2008 has reminded us of what went on and where this country's priorities rested at that time.

We need to address the causes of this crisis rather than the symptoms of it. It is neither realistic nor practical to pump further hundreds of millions into the system. Such a solution cannot take hold. I question the effectiveness of the current assessment model. I look forward to the challenging and difficult new allocation model that is necessary. The model, which will be based on children's needs, has already been instigated by the National Council for Curriculum and Assessment. I have to query why the spike in demand for resources of 12% was not recognised and addressed sooner. As I have already mentioned to the Minister, I think there is spare capacity in the general allocation model for moderate learning needs. We have to prioritise children with severe learning needs. Under the general allocation model, children who receive a one-on-one service from resource teachers could be placed in groups of two or three with one teacher. This could double or triple the number of resource hours available to them. We have to consider that possibility. When I worked as a teacher, I spent a great deal of time working with parents to try to secure resources. I understand the frustration and difficulty experienced by people as they try to get those resources. We have a challenge in this regard. I have made contact with the teaching body and I am meeting representatives of it next week because we have to review the allocation model, which was set and designed 20 years ago. I believe it is not fit for purpose today. We have to move with the times and bring it up to speed so we can ensure every child gets the resources he or she is due.

**Deputy Jerry Buttimer:** It is extraordinary that this motion has been brought before the House by a party that spent 14 years in government. Today, representatives of that party had the audacity to meet the parents of special needs children outside this House to feign a sharing of their indignation and concern. I remind Deputies that the result of its 14 years in at the helm was €64 billion being put into our banks. That money could be spent in this and other areas today. The former Minister, Deputy Martin, promised an end to Punch and Judy politics when he became the leader of Fianna Fáil. Instead, Deputy McConalogue walked to the plinth to give a mock speech before walking back in here again tonight.

As a schoolteacher and as someone who has been involved with the COPE Foundation in Cork for most of my life, I accept that no parent and no child should be put at risk in our education system. That is why the Minister, Deputy Quinn, listened to members of the Government parties this week, as he does all the time. That is why the Government has ring-fenced €1.3 billion from the overall the budgetary allocation for the provision of special needs education. That is why this Government has preserved over 10,500 special needs posts since 2011. We have not touched them, unlike the parties opposite, which cut them when they were in government.

It is difficult to manage these matters in these contrary times. As Deputies Jim Daly and Patrick O'Donovan suggested, we must make a different measurement, in the interests of reform, when we are spending what is afforded to us under the general allocation model. That is why it is important that Mr. Stack is left to do his work. Reform is needed. It is one thing to have 2014 sorted, but we must look to the future. We must never again allow parents, teachers and children to be worried and concerned because the airwaves have become engulfed with hysteria and fear. Some of it is genuine but more of it is ill-founded.

As legislators, our job is to protect the most vulnerable and to give them a service. We are doing that. We need to be smarter and more intelligent in how we do that. This Government has made mistakes. Unlike our predecessors, we recognise when we make mistakes and make

amends by moving back. That is what the Minister for Education and Skills has done today. That is why it is important for us to learn from this debate. We should not go up on the plinth with a flag and a panacea for everything. I will conclude by reiterating that I welcome the Minister's decision. I hope we will not be back here again in the future.

**Deputy Michelle Mulherin:** I also welcome the opportunity to speak briefly on this matter. At this juncture, the most important thing we can do is reassure the parents of children with special educational needs that the Government cares about those children and is providing for them. In fact, the special educational supports their children have been receiving and may receive in the future are there for them and will be there for them. We know that all hell broke loose after last week's announcement by the National Council for Special Education that there would be a cut. It is unfortunate that the whole issue grew all sorts of horns at that stage - it became a political football - because we are dealing with vulnerable children who need the support of this State and its system and we are also dealing with vulnerable parents.

All parents want the best outcomes for their children. They want their children to grow and to flourish. They cherish their children. When they hear about things like this, it strikes fear into them. Some reassurance can be given, as previous speakers have outlined. At a time when many budgets are being cut, the reality is that €1.3 billion has been ring-fenced to make sure services for children in these situations are not touched, as far as possible. We know there has been a spike of 12% in need, which is no mean feat considering the student population will increase by just 1.3% this year. The Minister has responded to that by providing for 500 extra places. We know the Minister has given a reassurance that children who need special needs assistants will have them and will continue to have them, and that no policy change is required to stay within this cap.

I commend the Minister. The biggest problem is the budget. We know that ring-fencing it is not enough. We know there is a problem with money and that this money will have to be found elsewhere. Ultimately, however, we have to make priority decisions. As an ideal we must continue to strive for, we must protect vulnerable children and, in this instance, the children who need the support of the State to ensure a better future for them and for our country.

**Deputy Michael P. Kitt:** I wish to share time with Deputies Timmy Dooley, Michael Healy-Rae and Brendan Smith.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy Michael P. Kitt:** I welcome the opportunity to contribute to this debate. I was shocked at the announcement of the cuts to special education and while the Minister, Deputy Quinn, has reversed some of them, I call on him and on the Government to fully reverse the cutbacks. The Minister realised a mistake had been made but he did not remove the cap on the SNA posts, which is a most important issue to be addressed. I appeal to the Minister to reverse the SNA cuts.

I was struck by the number of letters I received from parents of children with disabilities, particularly from parents of children with Down's syndrome. They made the point that their children should be recognised in their entirety and in their own right by the Department of Education and Skills. Many families in County Galway contacted me to say their children should have access to the maximum allocation of resource hours. These are families who believe there is inequality and discrimination in the current system, which requires children with Down's

syndrome to have a second disability to access vital resource hours. This should be changed immediately.

The figure I saw given as the number of children who need SNAs is of the order of 22,000. However, they will see a reduction in the support they should be getting when the schools resume in September as the increased number of pupils in our schools next year will have to make do with the same number of SNAs. This should not happen to children with special needs. If the Minister changes the pupil-teacher ratio to provide the resources for special needs, which has been mentioned, it would be a case of taking with one hand and giving with the other. We all know the great difficulties that have arisen, particularly in rural Ireland, with the changes in the pupil-teacher ratio up to now.

I welcome the fact an extra 500 resource teaching posts were announced by the Minister. I understand this will cost €20 million, which has to come from the existing education budget, but I have not heard yet what changes will be made to deal with that. There is a campaign that has to be fought, and it is going on even today outside the Dáil. I was a member of the INTO during my teaching days. I note the INTO has called a review of the current system and it obviously wants to reduce the waiting times for children who need extra help. The INTO responded to the National Council for Special Education review of special education, making the point that the report should be a wake-up call for parents of special needs children and advocacy groups. Bureaucracy should not become the barrier to children getting resources and there should not be additional paperwork for class teachers struggling with large classes, which is the case at present, as many young teachers have told me.

There is another issue, particularly in rural areas, where resource teachers are travelling between schools. With the cap on teachers and the increase in the number of pupils from 20,000 to 22,000, there will be more travelling involved for resource teachers. The INTO has also strongly criticised the large cuts in resources for special needs children. The union has accused the Department of Education and Skills and the National Council for Special Education of attempting to hide the extent of the cutbacks from parents. If we want to have inclusive schools, we have to provide resources to integrate the special needs children.

While on the subject of primary education, I note the Irish Primary Principals Network is also committed to the principle of inclusion. It has highlighted the chronic shortage of resources in primary education, particularly with the cap on SNAs. There is also the clustering of schools, which is causing the increased sharing of resources and staff travelling when they should be in the schools.

Concerns were also raised by the Joint Managerial Body and the Association of Secondary Teachers of Ireland. The ASTI made a very good point in regard to the consequences for students with special educational needs in an area where, for example, there is a primary school with a special class but there is not a special class in a corresponding post-primary school. I hope these points will be taken up by the Minister and that we will have a full reversal of the education cuts.

**Deputy Timmy Dooley:** I welcome the opportunity to contribute to this important debate. It is quite remarkable that, since the Government came to power, there have been more Private Members' debates in the House about the area of education than any other Department area. I stand to be corrected on that but, from my recollection, it has been an ongoing battle.

This is amazing when the Government has placed so much stock in the desire to get people back to work. In much of the verbiage that goes on around those statements, we hear on an ongoing basis of the importance of education and we hear of the importance of cherishing all children of the State equally. Yet again, however, the Government has shown its blatant disregard and its lack of understanding for the needs of vulnerable children in society and, in particular, those with special needs. It is beyond me how the Minister for Education and Skills could come into the House last week and, with a serious face, try to tell us that a cut was not a cut, that somehow the same top level budget should remain in place and that some agency should be tasked with making loaves and fishes of the allocation, while somehow believing this would be acceptable to the people and that it would represent Labour's core values and principles.

At least the Labour Party chairman, whatever the Minister of State might think of him, had the good grace today to take it upon himself to hand back that seal of office and resign from the Labour Party. At least he is committed to the core principles. They should not just be the core principles of the Labour Party, however, they should be the core principles of any Government that comes to rule this country - to have as its absolute basis a desire to ensure that children get an appropriate and adequate education and, most particularly, children who have special needs and who need that extra support.

When the Minister tried to explain this to us, my colleague, Deputy Charlie McConalogue, made it very clear that if this was associated with pensioners and there was, for example, an increase in the cohort of pensioners and the same top level budget was retained, we know what would happen, namely, everybody would have to take a cut in their weekly payment. Would that not have been considered a cut by this Government? The communications on this issue were appalling.

This motion was tabled because the parents of the children concerned fought tooth and nail over the past couple of days. I salute them, I congratulate them and I say "Job well done". We then had a run of backbenchers from the Labour Party tripping themselves up running out of Government Buildings. They ran across the glass corridor so that it nearly collapsed once the announcement was made, and they ran out into the beaming sunshine to tell the people that they believed in them once more and they believed that children needed to be educated. It took them a long time to figure out this was what was required. Were it not for people power, were it not for the parents of those children, those cuts would not have been reversed.

To try to grab victory from the jaws of defeat will be seen as nothing other than cynical. If this Government is good at anything, it is certainly good at the spin machine. However, I believe it has been caught out on this one. It is very clear the Government did not have at its core the desire to protect the needs of children who have that special requirement.

The cohort of children who need SNAs has increased by 10% and the Government does not propose to increase the number of people who will participate to assist those children. This will create an intolerable burden not just on the teaching staff, but on the other children in the mainstream classes. Whether the Government thinks that is an acceptable model of education, I do not believe the people do so. This is part of a long line. We had it with the Minister in advance of the last election - buying that election, from his perspective. He won votes on the back of it. The minute he came into office he ignored the pledge and increased the registration fee.

The SUSI debacle, the methodology of distributing the grants to third-level students, is an unmitigated disaster. Today there are students who have finished their exams and still have not

received their grant payments. They are still pending because there is a disagreement between SUSI and the Department of Education and Skills over how they define the estrangement of children from the family structure. Can somebody at ministerial level make a call on this and resolve the matter immediately?

We then had the cuts to guidance councillors. That was the most cynical of all because it targeted support for the most vulnerable children in our society. There is no proposal to reverse that because those children come, in the main, from dysfunctional backgrounds. In many cases their parents do not care. They are not organised to the same extent as the parents of the children who required the education provision the Government has reversed. That is the most appalling thing. People power managed to get the Minister to reverse this appalling cut, but because there is no people power behind the children who need guidance councillors the Minister turned a blind eye.

The Minister of State, Deputy Kathleen Lynch, knows there has been an increase in the number of students who have committed suicide in the past 12 months. I am not going to try to make a political point and say that is entirely as a result of the cuts to the guidance councillors the Government perpetrated on the student population, but it is a contributing factor. The Minister for Education and Skills should be ashamed for not recognising that and reversing that cut. He does not recognise the impact it has on children from very difficult backgrounds. They come from dysfunctional homes and they need support and assistance, but they are not getting it. It is highly unlikely, based on the rubbish we have heard from the Government over the last number of days, that they will have any chance in the future to have that addressed.

**Deputy Michael Healy-Rae:** I thank Fianna Fáil for allowing me some of its speaking time on this extremely important Private Members' motion, because nothing is more important than the children of our State, particularly children with special needs. Our children are citizens of the State, to be held in equal respect. What the Minister proposed in recent weeks - 12% cuts to special needs resources - was a disgrace. It would have meant that pupils had an hour and a quarter less resource teaching per week than was the case before 2011, with a 25% cut for children with autism.

I am not going to fawn over the Minister's U-turn because, as Deputy Dooley rightly pointed out, it happened because of people power, including that of parents who came here this evening. The Minister for Education and Skills knew they were coming and he knew this Private Members' motion was coming before the House. I thank each and every person who travelled from all over the country. As the Minister of State knows, it is not easy for people who have children with special needs to leave their homes - many brought their children with them - and come here to wage their protest on Kildare Street and let the Government know how hard it is for those people to survive and struggle. When they see further cuts to special needs provision at budget time it is no wonder they are angry.

I met a single mother outside this evening and she is going into hospital tonight after protesting here because of the stress and the effect all of this pressure is having on her health. Her child's grandparents will mind the child for the next few days. That woman was in bits. I listened to every word she told me. I thanked her for coming and telling me her story. I told her I would say in the House tonight that there are people who are under tremendous physical and mental pressure. The Minister of State, Deputy Kathleen Lynch, has special responsibility for mental health. I have said it before: these cuts are too near to the bone.

There must be a lifting of the cap on special needs assistants, SNAs. The number of SNAs provided must be increased. There can be no question about it. Whatever else will be cut, and wherever the money will come from, these are sacrosanct and must be enshrined. The parents of children with special needs must be safe and happy in the knowledge that the services they have will not be further cut, and that where the services are inadequate they will be enhanced to ensure their children have the same rights and benefits as children who do not have special needs. They must know that those children will be nurtured and will be given everything they need to bring them to their maximum potential. That is of vital importance.

Deputy Dooley raised a very important issue which has been brought to my attention in the past. I have had meetings in my constituency with guidance teachers who told me they were in no doubt that their interventions in their roles as guidance counsellors had saved young people who had had suicidal thoughts and were in a very dark place. They had the training and the time to catch a student who was in such a vulnerable situation. Now that is being taken away from them with the cuts to guidance teachers. Deputy Dooley was correct when he said it was a disgraceful cut. I am not being alarmist or saying anything out of order when I say that this cut is extremely dangerous. I have said this before in the House. It is leaving students who are vulnerable without someone who they feel is available and who has the time to give to them.

The Ceann Comhairle has a good memory and may remember my attempt to raise the following issue with the Taoiseach. I will raise it now because it ties in with this Private Members' motion. In Killarney town there is an excellent family support service offering after-school activities to children with special needs called Home from Home. I have visited the home on numerous occasions and I have friends who benefit from it. The children need a one-on-one service. This vital service has not received the recognition of adequate structured funding which it so deserves. The service has survived only because of the good will of the public and fund-raising. The Taoiseach was very generous in a personal capacity to the home and I thank and applaud him for that, but where does the service go from there? People have grown to rely on that service, and then they see no structured funding. One cannot keep fund-raising all the time because one is going back to the same people over and over again and people do not have enough money to be generous to that level. A service such as Home from Home requires a lot of money and it is extremely difficult to raise it.

I am coming back to equality and respect. Here is one thing the people outside tonight expressed to me, and every person is of the same opinion. We have heard the disgraceful, disgusting and despicable talk that went on between bankers who were laughing at the fact that billions of euro were being lost each day. When I and these parents think of how they are managing and struggling to survive and yet these people are still out there, it is criminal. The Criminal Assets Bureau should have been brought in and those people should be stripped of their personal assets. To be quite honest, they should be in jail for what they did because it was treason of the utmost; it was a disgrace. They have marred this country forever. They have placed a burden of debt on us, on our children and on our grandchildren. Look at the effect it is having on people who have special needs and special disabilities. Is it any wonder those highly respectable parents who were outside the gates of Leinster House tonight - I thank them again for coming here - are angry when they turn on their radio in the morning and hear what these disgraceful people were saying and the way they were laughing and mocking? They will never be forgiven for it and they will never be forgotten for it.

**Deputy Brendan Smith:** I am pleased to have the opportunity to make a short contribution on this important Private Members' motion tabled by our party spokesperson, Deputy McCo-

nalogue. The motion has two particular elements, namely, the adequacy of resource teacher provision and the need for adequate provision of special needs assistants for students who need such vital ongoing support. This Fianna Fáil motion was tabled last Friday by our party spokesperson, Deputy Charlie McConalogue, and I welcome the Minister's announcement yesterday that he will reverse his decision on the employment of resource teachers which is the first action our motion requested. The Minister has decided to release 500 additional teaching posts to schools in September to cater for the increase in demand for such resources. As a result, in September, students will not see the cut in the resource teaching hours they received during the 2012-13 school year. This is a justified and necessary decision. We should not have to be here tonight discussing this issue because the cuts should not have been made in the first place. As previous speakers mentioned, last Thursday in the House the Tánaiste spoke about there being no cut, and the Minister's decision yesterday clearly shows the fallacy of that statement by the Tánaiste. I do not know how one can reverse a cut if it had not been announced in the first place.

The decision to reverse the 12% cut to resource hours is welcome and our party spokesperson welcomed that decision by the Minister. Unfortunately, the 10% cut to special needs assistants remains in place. Once again, children with special needs will bear the brunt of this wrong decision by the Minister and the Government. All of us as Oireachtas Members and other public representatives such as members of local authorities have received correspondence from parents, teachers, principals of schools and other interested stakeholders who have outlined their utter dismay at the NCSE decision announced on behalf of the Minister a week ago. We learned that the decision to make the announcement was deferred for a number of weeks at the request of the Department.

Like many other Members of the Oireachtas, last week I received calls from parents, teachers and school principals expressing utter desperation when the NCSE decision was announced. People took part in local radio programmes and contacted the local print media. These people would not normally go next or near the media but they wanted to express their concerns and the effects of such decisions on young children.

Next September, 22,000 children who need special needs assistance will, unfortunately, face a reduction in the particular support available to them. There is a well-justified reason to reverse this cut to ensure no child with special needs suffers a reduction in the support he or she needs in the classroom throughout the school year.

In the past 14 to 15 years there has been a marked and much-needed improvement in support for children with special needs. The provision of resource teaching hours and the appointment of special needs assistants for children has improved dramatically the educational attainment of children needing special support. Our party leader, Deputy Micheál Martin, when Minister with responsibility for education from 1997 onwards, made the decision to put those supports in place in classrooms for the children who needed that extra learning support or assistance. We all know of children who may attend special classes for one or two days of the week but who are in mainstream schools for the remainder of the week. The educational attainment for those children has been much improved by those additional supports, whether in the special class or in the mainstream classroom. That additional support must not be denied to them by Government policy.

I will refer briefly to the policy advice paper published last month by the National Council for Special Education. I welcome the fact that a working group has been established to report next September. I welcome the fact that Eamon Stack, a former príomh cigire of An Roinn

Oideachais agus Scileanna, was appointed to chair the NCSE and also to chair the working group. I know him over many years and I found him to be a particularly progressive and practical official. He worked alongside very good officials in the Department who have the best interests of the children at heart in their ongoing work. I know this is also the case for the senior officials in the special education division of the Department.

It is important that the Government acts on the report's findings on the issue of some schools being reluctant to enrol children with special needs or the problems that arise from some schools discouraging parents from enrolling their children. My party is clear in its view that this is not acceptable and this must also be the view of the Oireachtas.

The NCSE's call for a robust regulatory framework is welcome and the major and much-needed annual investment of €1.3 billion in special needs education must provide the best possible outcomes for children. It is essential to optimise that investment. Whatever model is implemented in any public administration or in the delivery of any services, it needs to be reviewed every six or seven years, for example, because new systems and new ways of doing business arise. It is important that the model of delivery is regularly reviewed, and if new or better systems are available, the better model should be adopted. Equally, there must be a fair distribution of resource teaching hours regardless of where a child lives. Deputy Eamonn Maloney said in his contribution that in some areas children may not get the assessment to ensure they are given the extra support. That is not acceptable either. If a child needs support, it must be provided, whether the child lives in an affluent area or a disadvantaged area. The child's needs remain the same and the child's needs must be addressed.

It is important to recognise that the review found that students with special educational needs are being well supported in schools and those children are making good progress. We must recognise the progress that has been achieved but we will not make further progress by standing still. We need to continue to invest in and to review the models of service when necessary. These particular educational supports have been built up over the past 14 to 15 years and now is an opportune time to review the system of assessment and the system of allocation, whether on a school or on an individual basis. The working group should take on this work.

The importance of this area is evident from the response of many stakeholders. It is important that all such stakeholders would have an input into the implementation of the plan. Let us hear from the learners and also from the parents and not just from the unions or the advocacy groups. I do not seek to take away from the important role these organisations play, but we must listen to the parents and children who have been through the system also. Rightly, the INTO points out that bureaucracy must not become a barrier to children getting the necessary resources. It is welcome that the INTO has raised the issue. It issued a caution about the difficulty of additional paperwork being demanded of classroom teachers. While we acknowledge that there must be records and paperwork, we cannot smother and overcome teachers with it. The practitioner who wants to deliver and impart knowledge must not be overwhelmed by paperwork.

Greater investment in special education at a key stage in a child's development leads to greater outcomes. It ensures children have the opportunity to reach their potential and contributes handsomely to society. It is obvious that there is a clear need for greater co-operation between primary and post-primary schools on the transfer of students with special needs and it is essential that there be a smooth transition for children from primary to post-primary school. It may be that we need a discussion among relevant stakeholders, but it is broadly accepted that the general allocation model at primary level should also be applied at post-primary level.

These are all issues which should be assessed on an ongoing basis and should not represent a barrier to progress. They should be an impetus to improvements in the system.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I do not want to take up my five minutes by referring to previous contributions, but the last contribution represents the type of debate we need. I agree in almost every respect with the comments made. This is about ensuring the children in our schools who need additional supports get them. We must measure the best possible outcome for these children and address the transition from primary to secondary school. I am not certain the same model should apply at primary and secondary level, but it is a debate we need to have. No child is the same person when he or she transitions from primary to secondary. Clearly, we should not expect children with special educational needs to remain the same.

I wish to put certain claims to bed in relation to SNAs. We have not reduced the number of SNAs. There has been no cut. In 2012 we had 475 spare SNAs and last year we had 160. This year it is estimated that there will be at least 80 spare SNAs. That is the reserve available to children who come into the system needing additional support.

I must refer to Deputy Timmy Dooley's comments. He has said the only people who go to guidance counsellors are dysfunctional individuals who come from families that do not care. He should withdraw that comment. Guidance counsellors deal with everyone in the school community, or did deal with everyone. We hope now that the whole-of-school approach plays a part and includes guidance counsellors. That is not to take away from the expertise they have in the area.

I welcome the opportunity to address some of the issues surrounding the allocation of supports for children with special educational needs for the coming school year and to respond to the debate on behalf of the Minister for Education and Skills, Deputy Ruairí Quinn. The Government has listened carefully to the contributions of Members on both sides of the House over the course of the debate. I welcome the measured tone of most of the contributions, particularly Deputy Brendan Smith's. This morning the Minister met a number of representative groups, including parents and children with special educational needs. He heard the fears expressed by parents about their children's futures. He heard the real and tangible upset parents expressed that many of their children faced a future of isolation and exclusion if they were not supported to engage fully in their education. A number of parents referred to a recent report prepared by the National Disability Authority, which suggested more than 20% of parents of typical children, or those without a disability, did not welcome the fact that their children would be educated with children with special educational needs. That is alarming, but given my responsibility for disability matters, it comes as no surprise to me. That type of attitude has been hardening in recent years.

I assure parents that despite the confusing messages appearing in the media and the inaccurate and confusing messages which have been repeated continuously by Opposition parties and others, there has been no cut to the level of special needs assistant support allocated to their children. As I have said on numerous occasions in relation to my responsibility for mental health, Members of the Dáil must remember that what we say in the House has a real impact on people's lives. Of course, the Opposition has a duty to oppose. In doing so, however, it must recognise its responsibility to represent the facts as they are. The Fianna Fáil motion started by condemning what it termed the deplorable announcement of cuts in special needs assistant supports. The Government has made no such announcement and neither has the NCSE. I invite

Deputy Charlie McConalogue to acknowledge publicly that this is the case when he has the opportunity to do so.

This year, after allocating special needs assistants to qualifying children on exactly the same basis as last year, the NCSE has 80 posts which remain available for late applications. It is expected that some of the allocated posts will be freed up when schools open in September as some children may have enrolled in more than one school. Where a child does not turn up, the NCSE will recover the allocated post. Last year it recovered more than 25 posts in this way. We recognise fully that there is significant pressure on special needs assistant numbers this year and that the extent of late demand is, as yet, unknown. The Minister has asked the NCSE to keep him informed of progress over the summer.

I commend the amendment to the motion. I note the contribution of Deputy Michael Healy-Rae, which finished significantly with a reference to the Anglo Irish Bank tapes. We must all remember those awful tapes of people laughing at taxpayers in Ireland and the rest of Europe. That has played a significant part in reducing the resources the country can offer a range of people.

**Deputy Robert Troy:** I welcome the opportunity to contribute to this important debate and compliment my colleague for providing Members on all sides with a chance to reflect on the approach to education for children with disabilities.

Over the course of the last week I have been contacted, like many colleagues, by many people who were rightly enraged and disgusted by the decision to cut resource hours and special needs assistants for people with intellectual and physical disabilities. Last Thursday the Tánaiste denied when questioned on the floor of the Dáil that there would be any reduction in resource hours and special needs assistants in the next school year. We knew then that it was untrue and everyone knows now. I welcome the announcement by the Minister for Education and Skills, Deputy Ruairí Quinn, yesterday that the Government will hire 500 additional resource teachers to deal with the increased demand. More important than any Member's welcome for the announcement is the great relief it brought to the parents of the 42,500 children who require additional help. That is what is most important.

In his speech on the motion last night the Minister attempted to deflect his responsibility to the National Council for Special Education. Is it not true to say he knew of the decision for the past three weeks and, ultimately, sanctioned the cut as Minister? Why has extensive media coverage outlining the inhumane, inequitable and unfair nature of the decision been required? Why have so many parents of children with disabilities had to give up their precious and scarce time to contact Deputies and take to the airwaves and streets? Why did it take this Private Members' motion for the Government to acknowledge that it is fundamentally wrong deliberately to target children with disabilities for further cuts - cuts on top of the 10% reduction in June 2011 and the 5% reduction in June 2012? This is despite the Government's solemn pledge to protect front-line services.

I am sure the Minister of State, Deputy Kathleen Lynch, will agree that resource teachers and SNAs are front-line services. It is only in recent days we realised that 90% of the €3 million for autism remains unspent. What confidence can people have in the priority the Government has given to children with disabilities when decisions such as these are being made?

The Minister apologised for the unnecessary anxiety the decision caused and I acknowledge

that he was man enough to admit his mistake. If this was his first mistake, it could be forgiven but he made a mistake in his first budget in relation to DEIS schools, another section in society that is very disadvantaged and marginalised. There was the debacle of Student Universal Support Ireland, SUSI. It was a fiasco. Even today I was making telephone calls on behalf of students who so badly need the financial support and who are still waiting for it to be administered. Is it any wonder there is widespread scepticism about the assurances the Minister gave last night?

Last night, the Minister, Deputy Quinn, stated: "Parents who may have been frightened by reports of cuts need have no fears that their child will be denied access to an SNA." There will be 2,000 more children in need of an SNA in September 2013 than there were in June 2012, with no increase in the number of SNAs. It is disingenuous to talk of a cap placed in 2010 knowing full well that the number of children in need of this service has increased dramatically since then.

Last night, the Minister spoke of children having access to special needs assistants. These children require much more than having access. They require the full support of an SNA to ensure that, despite their disabilities, they too will have the opportunity to reach their full potential and that we fulfil our obligations under the Proclamation to cherish "all the children of the nation equally".

The previous week has shown the urgent need for the full implementation of the Education for Persons with Special Educational Needs Act 2004, which places inclusion at the heart of practice and states that children with special educational needs will be educated in an inclusive environment. I welcome the National Council for Special Education policy paper supporting students with special needs published in May of this year. However, one would wonder why the Minister made the decisions of last week without first looking at implementing this plan in conjunction with the parents, all the stakeholders and the children. We all agree we need a robust regulatory framework and that we must maximise the €1.3 billion annual budget in special education to ensure greater efficiencies so that resources are available for the full implementation of this Act and to ensure all those in need of support get it.

As my party's spokesperson on children, I wish to highlight the current gap in the legislative framework with regard to early childhood care and education provision for those with special educational needs. I implore that the relevant section in the Department of Education and Skills would engage with the Department of Children and Youth Affairs as a priority. Others have outlined that we must look at the transition, from primary to post-primary. We also need to look at early childhood education - the most formative years of a child's life - and the transition from those years to primary education. I commend the motion of my colleague to the House.

**Deputy Charlie McConalogue:** I thank the Minister of State, Deputy Kathleen Lynch, for being here, but I must question where the Minister, Deputy Quinn, is-----

**Deputy Kathleen Lynch:** He is at another meeting.

**Deputy Charlie McConalogue:** -----and where the Ministers of State at his Department are. When this important motion is before the House, it is disrespectful that the Minister cannot be here to listen to the debate. It is disrespectful to those who protested, both outside and in other parts of the country, and it is also disrespectful to the parents of many of the children who are here in the Visitors Gallery to listen to the debate tonight as well. It is the least we could

have expected. At a minimum, an upfront explanation would have been required.

I commend those who came out today to highlight the impact these cuts will have, particularly in special needs assistant hours to which the Minister has not made any change in recent days. I commend those young people from my party who attended and I want to remark upon the unfortunate fact that they experienced bullying behaviour from some who attended holding political party placards. It was unacceptable that they would focus on the young people who were there from my own party showing a genuine concern for the special needs assistant issue instead of paying attention to the speeches which were going on at the protest behind.

There are two aspects to the announcement on this issue. The contradiction I pointed out in the Dáil on Thursday last was that, unlike the fact the Minister was hiring 900 additional mainstream teachers across the system to provide for the additional demand in September, he was not making a similar provision in the case of resource teaching hours for special needs students or special needs assistants. I raised this issue on several occasions since the budget, which is when he introduced this measure, and on every occasion since then until last week, the Minister refused to admit there would be any cut to the services which were to be experienced by students. I never stated there would be a change to the overall figure, either in SNAs or in resource teachers. What I stated was that there would be a cut experienced by each student. That was made clear eventually when the Minister had to admit it last week in the case of resource teaching hours when the National Council for Special Education highlighted that students in September next would get only 0.75 of their hours instead of the 0.85 they received last year - a 12% cut. Each and every special needs child with particular learning needs in the country who was eligible for resource teaching hours was to experience a 12% cut. The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, told me clearly during Leaders' Questions last Thursday morning that "there is no cut". He would not admit that every child would experience a cut. Yesterday, his colleague, the Minister, Deputy Quinn, admitted at last that there would be a cut experienced by every child and stated that he would provide an additional 500 teachers to ensure the cut would not be experienced by children in September.

However, the Government still pursues the fallacy and pretence that no cut will be experienced by students who require special needs assistants in classrooms. I admit the cap remains the same-----

**Deputy Kathleen Lynch:** There is spare capacity. Does Deputy McConalogue accept the figures?

**An Ceann Comhairle:** Deputy McConalogue has only two minutes left.

**Deputy Charlie McConalogue:** -----but I enlighten the Minister of State that the number will now have to be spread more thinly, with 10% additional demand. As with the resource teacher issue, the starting point is admitting there is a cut. If the Minister of State speaks to the parents who were protesting outside the Dáil today, they will tell her that.

*9 o'clock*

This morning a number of the organisations concerned had a meeting with the Minister, Deputy Quinn. The disability groups comprised Inclusion Ireland, Special Needs Parents Association, Irish Autism Action, Irish Society for Autism, Dyspraxia Association of Ireland, Irish National Council for AD/HD Support Groups and the National Parents Council. They released a joint statement earlier which stated that the inevitable outcome of the approach of the Govern-

ment will be that shared access to SNAs will be more prevalent, leading to a reduction in the quality of support for all children with identified needs. That is the view of the organisations that know the situation on the ground. Instead, the Minister has said that because she is holding back 80 spare SNA positions-----

**Deputy Kathleen Lynch:** We are not holding them back.

**Deputy Charlie McConalogue:** She said 80 are being held back for the autumn for additional demand. She is trying to say that since those 80 have not been allocated, there has not been a cut. She is saying, "How can there be a cut when there are still 80 left over?".

**Deputy Kathleen Lynch:** I am saying there is spare capacity.

**Deputy Charlie McConalogue:** There are 80 spare for the autumn. Last week, the Minister, Deputy Quinn, was holding back 500 resource teachers for the autumn. He tried to claim that the fact that those 500 were being held back meant there was no cut to resource teaching hours.

**Deputy Kathleen Lynch:** He did not say that.

**Deputy Charlie McConalogue:** However, he had to acknowledge the reality and he has brought those 500 posts forward to ensure there will not be a cut. There is an outstanding question in that regard. The Minister has not clarified if there will be additional resource teaching hours this autumn to meet the demand that will exist. We need clarity on that but we have not been given it.

To conclude, the motion seeks two things. The first is that additional resource teachers be hired because of the 12% cut which students will experience as a result of increased demand and the cap remaining the same. Thankfully, the Minister admitted that was a cut and has provided those teachers. The second part of the motion asks that additional special needs assistants be hired in response to the fact that as the cap remains in place and demand has increased by 10%, the same number of teachers will have to be shared among 10% more children, leading to more sharing of SNAs and cuts for the students who qualify for SNAs. None of the government Deputies made reference tonight to the fact that there will be more pressure on SNAs and that 10% more children will be availing of SNA support, leading to 10% thinner provision of SNA support. Please admit there is a cut and treat these children fairly by hiring additional services, so no child will have to experience a reduction in the service being provided to them by the State when the new term starts in September.

Amendment put:

| ***The Dáil divided: Tá, 71; Níl, 47.*** | |
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| ***Tá*** | ***Níl*** |
| ***Bannon, James.*** | ***Adams, Gerry.*** |
| ***Breen, Pat.*** | ***Broughan, Thomas P.*** |
| ***Bruton, Richard.*** | ***Browne, John.*** |
| ***Burton, Joan.*** | ***Collins, Joan.*** |
| ***Butler, Ray.*** | ***Colreavy, Michael.*** |
| ***Buttimer, Jerry.*** | ***Crowe, Seán.*** |
| ***Byrne, Catherine.*** | ***Daly, Clare.*** |

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| ***Byrne, Eric.*** | ***Doherty, Pearse.*** |
| ***Coffey, Paudie.*** | ***Dooley, Timmy.*** |
| ***Collins, Áine.*** | ***Ellis, Dessie.*** |
| ***Conaghan, Michael.*** | ***Ferris, Martin.*** |
| ***Conlan, Seán.*** | ***Flanagan, Luke 'Ming'.*** |
| ***Conway, Ciara.*** | ***Fleming, Tom.*** |
| ***Corcoran Kennedy, Marcella.*** | ***Grealish, Noel.*** |
| ***Costello, Joe.*** | ***Halligan, John.*** |
| ***Creed, Michael.*** | ***Healy, Seamus.*** |
| ***Daly, Jim.*** | ***Healy-Rae, Michael.*** |
| ***Deenihan, Jimmy.*** | ***Keaveney, Colm.*** |
| ***Donohoe, Paschal.*** | ***Kelleher, Billy.*** |
| ***Dowds, Robert.*** | ***Kirk, Seamus.*** |
| ***Doyle, Andrew.*** | ***Kitt, Michael P.*** |
| ***Durkan, Bernard J.*** | ***Lowry, Michael.*** |
| ***English, Damien.*** | ***Mac Lochlainn, Pádraig.*** |
| ***Farrell, Alan.*** | ***McConalogue, Charlie.*** |
| ***Feighan, Frank.*** | ***McDonald, Mary Lou.*** |
| ***Ferris, Anne.*** | ***McGrath, Finian.*** |
| ***Flanagan, Charles.*** | ***McGrath, Mattie.*** |
| ***Flanagan, Terence.*** | ***McGrath, Michael.*** |
| ***Griffin, Brendan.*** | ***McLellan, Sandra.*** |
| ***Hannigan, Dominic.*** | ***Martin, Micheál.*** |
| ***Harrington, Noel.*** | ***Murphy, Catherine.*** |
| ***Harris, Simon.*** | ***Naughten, Denis.*** |
| ***Heydon, Martin.*** | ***Nulty, Patrick.*** |
| ***Hogan, Phil.*** | ***Ó Caoláin, Caoimhghín.*** |
| ***Humphreys, Kevin.*** | ***Ó Cuív, Éamon.*** |
| ***Keating, Derek.*** | ***Ó Fearghaíl, Seán.*** |
| ***Kehoe, Paul.*** | ***Ó Snodaigh, Aengus.*** |
| ***Kenny, Seán.*** | ***O'Brien, Jonathan.*** |
| ***Kyne, Seán.*** | ***O'Sullivan, Maureen.*** |
| ***Lawlor, Anthony.*** | ***Pringle, Thomas.*** |
| ***Lynch, Ciarán.*** | ***Ross, Shane.*** |
| ***Lynch, Kathleen.*** | ***Shortall, Róisín.*** |
| ***Lyons, John.*** | ***Smith, Brendan.*** |
| ***McCarthy, Michael.*** | ***Stanley, Brian.*** |
| ***McEntee, Helen.*** | ***Tóibín, Peadar.*** |
| ***McGinley, Dinny.*** | ***Troy, Robert.*** |
| ***McHugh, Joe.*** | ***Wallace, Mick.*** |
| ***McLoughlin, Tony.*** | |
| ***Maloney, Eamonn.*** | |
| ***Mathews, Peter.*** | |

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| ***Mitchell, Olivia.*** | |
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| ***Neville, Dan.*** | |
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| ***Ó Ríordáin, Aodhán.*** | |
| ***O'Donnell, Kieran.*** | |
| ***O'Donovan, Patrick.*** | |
| ***O'Mahony, John.*** | |
| ***Perry, John.*** | |
| ***Reilly, James.*** | |
| ***Spring, Arthur.*** | |
| ***Stagg, Emmet.*** | |
| ***Stanton, David.*** | |
| ***Timmins, Billy.*** | |
| ***Tuffy, Joanna.*** | |
| ***Varadkar, Leo.*** | |
| ***Walsh, Brian.*** | |
| ***White, Alex.*** | |

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Seán Ó Fearghaíl.

Amendment declared.

Question put: "That the motion, as amended, be agreed to."

| ***The Dáil divided: Tá, 72; Níl, 47.*** | |
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| ***Tá*** | ***Níl*** |
| ***Bannon, James.*** | ***Adams, Gerry.*** |
| ***Breen, Pat.*** | ***Broughan, Thomas P.*** |
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| ***Stanton, David.*** | |
| ***Timmins, Billy.*** | |
| ***Tuffy, Joanna.*** | |
| ***Varadkar, Leo.*** | |
| ***Walsh, Brian.*** | |
| ***White, Alex.*** | |

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Seán Ó Fearghaíl.

Question declared carried.

## Protection of Life During Pregnancy Bill 2013: Second Stage (Resumed)

Question again proposed: "That the Bill be now read a Second Time."

**Acting Chairman (Deputy John Lyons):** Deputy Michael Healy-Rae was in possession and he has eight minutes remaining.

**Deputy Michael Healy-Rae:** I compliment Deputy Martin and the Fianna Fáil Party for allowing a free vote on this important issue. The Taoiseach made a mistake in not allowing a free vote in his party and the same applies to the Labour Party. Every person should have a free vote because they should be allowed to take this important decision from their heart. I highlighted earlier that in 1967 when the laws were amended in England, nobody could have foreseen or imagined the number of abortions that would take place. If politicians had their time back, they would seriously reconsider what they did.

I would like to strengthen my challenge to the myth that we are compelled to legislate for abortion on foot of the X case judgment and ECHR judgment in the A, B and C *v*. Ireland case. There is no legally compelling argument to do this. Dr. Maria Cahill of the faculty of law in UCC proved this beyond doubt when she argued before the Oireachtas Joint Committee on Health and Children that while head 4 was faithful to the detail of the test laid down in the X case, it was not faithful to the later development of that test in the Cosma case of 1999. In that case, the reading of the X case test under head 4 would fail to meet the necessary standards

because the proposed legislation does not require evidence of a treatment plan or consideration of other means of avoiding the risk to life and because it does not take into account, as the Minister insisted we should, the public policy arguments that are relevant in addressing claims of suicidality.

An advocacy procedure on behalf of the unborn child is absent from the proposed legislation. This blatantly contradicts the Taoiseach's endless assertions that the Bill is faithful to the constitutional parameters of Article 40.3.3°. How can there be even the appearance of equality under the law when one of the parties involved, namely the unborn child, has no right to have its interests protected? I believe in my heart and soul that this is an important point.

As the Bill stands, it will introduce a right to termination of pregnancy up until birth. There are no time limits within which the abortion must take place. This is a provision which even countries with the most liberal of abortion regimes have resisted as a step too far. In Britain, for example, the cut-off point is 28 weeks.

The Bill will inevitably place the Health Service Executive and the Government, on the one hand, in conflict with those hospital facilities, on the other, for which the provision of abortion is in direct contravention of their established ethos. We are already witnessing this scenario in the United States where the forced implementation of Obamacare has resulted in a flood of legal cases being brought against the federal government as it forcefully imposes its own agenda on health care providers without any regard for their ethos.

It is the experience of jurisdictions throughout the world that where a right to a termination is granted, even on the sole ground of a mental health exception and where that standard is apparently very restrictive, such a right cannot be contained or limited to genuine cases under the mental health provision. An American legal scholar has proved this through rigorous research, with particular reference to an analysis of the consequences of California's Therapeutic Abortion Act 1967. In Britain, likewise, it is estimated that more than 70% of all abortions are carried out on mental health grounds. As the people involved in Women Hurt have demonstrated, abortion has devastating effects on women and their families. Many of these women remain silent because of the hurt and shame they feel and, as a consequence, do not register in statistics about the negative impact of abortion on women's mental and physical health.

I attended a briefing organised by Senator Rónán Mullen some time ago where we were given the statistics from the three main maternity hospitals for the number of suicides by pregnant women. The figure was minuscule out of the totality of pregnancies in this country every year. The suicide clause is the main cause of my deep concern about the Bill. It leaves open the possibility that we will find ourselves in a situation which many of us do not want to see happening in this country. I totally respect the opinions of those with a different view from my own. We are fortunate to live in a democracy where it is possible to have a reasoned and rational debate. I would question some of the accusations of nasty behaviour made against elements in the pro-life campaign. I have seen no evidence of this and genuinely hope it is not happening.

As I said, we must have a reasonable and plausible debate on these issues. Every Member of this House must consult his or her own intelligence and conscience before deciding how he or she will vote. I am all in favour of protecting the health and safeguarding the rights of pregnant women, but my sense of moral duty tells me that it is of paramount importance to stand up and do everything I can to protect the unborn child who is defenceless and cannot speak for himself or herself. I have always been of that opinion and I am not for changing now or in the future.

I once again thank my colleagues in the Technical Group for allowing me the time to contribute.

**Deputy Catherine Byrne:** I propose to share time with the Minister of State at the Department of Health, Deputy Kathleen Lynch.

**Acting Chairman (Deputy John Lyons):** That is agreed.

**Deputy Catherine Byrne:** Deputy Michael Healy-Rae might like to come to my house some day at 7 a.m. when there is a protest outside. Some of the things that are said and the things left behind are scandalous.

I welcome the opportunity to express my support for the Bill before us. It is not often that we hear an Opposition spokesperson commending the Taoiseach and the Government for the introduction of legislation. The comments by Deputy Caoimhghín Ó Caoláin in this regard were most welcome. He praised the Government for persisting with the introduction of these provisions, despite opposition from a variety of groups and organisations. I agree with his comment that we may be seeing a piece of history in the making.

The Bill is complex in legal terms, but I found the testimony of the medical and legal experts to the Oireachtas Joint Committee on Health and Children very helpful. I refer, in particular, to the evidence given by Dr. Rhona Mahony, Master of Holles Street hospital; Professor Veronica O'Keane, professor of psychiatry at UCD and consultant psychiatrist at Tallaght hospital; and Mrs. Justice Catherine McGuinness, all of whom provided great clarity on many aspects of the Bill.

Dr. Mahony observed that both medical practitioners and women required legal protection if there was to be sufficient flexibility to allow for professional clinical decisions based on the medical probability, as opposed to certainty, of a risk to life. The Bill will meet the requirement of affording the medical profession greater clarity when making decisions in cases of emergency. Dr. Mahony also expressed the view that the proposed legislation, because it would facilitate termination of pregnancy only in extremely rare scenarios, was not likely to lead to widespread abortion in Ireland, yet we have heard claims that it will lead to precisely that. In fact, Dr. Mahony offered an assurance that clinicians in Ireland would continue to work tirelessly to preserve life in all circumstances. That is a very strong statement from a prominent professional who deals with pregnant women every day in the course of her work.

Professor O'Keane indicated her view that legislation for abortion, where a woman's life was at risk because of mental health problems, was a minimum and necessary requirement. She went on to say it was especially necessary in order to protect the lives of those women who were unable to travel to Britain or elsewhere to obtain an abortion.

Mrs. Justice Catherine McGuinness, meanwhile, pointed out that the claim that we had no abortion in Ireland was simply not true, given that thousands were travelling abroad every year for that purpose. She described the legislation as an effort to regularise the current situation whereby thousands were travelling and as a sensible response to what she described as a human situation, as well as a legal question. The views of these medical and legal experts, for whom I have the highest regard, offer adequate assurance that the Bill is balanced and must be enacted without further delay.

As a legislator, I am aware that the legislation is long overdue, 20 years being far too long to

wait for this very complex subject to be addressed. The women who do not write to, telephone or e-mail their public representatives deserve to have their voices heard. They are the silent witnesses who face a very difficult choice. Whether it is a 14 year old rape victim or a woman who, for reasons we can only imagine, has been brought to the edge of despair by a crisis pregnancy, all are deserving of compassion. As legislators, we owe it to them to ensure the Bill is enacted.

As a mother, I have experienced both the joys of giving birth and the sorrow of losing babies. I have the greatest sympathy for any woman who is faced with making the difficult decision to seek a termination of her pregnancy. In the past few months I have given great thought to the contents of the Bill. I have listened carefully to all sides of the debate and I am in no doubt that the legislation, the Protection of Life During Pregnancy Bill, will give every possible protection to the life of the mother and her unborn child, as its title states.

I am grateful to all those who contributed and shared their expertise in framing the Bill. It is appropriate at this stage to thank the Chairman of the Oireachtas Joint Committee on Health and Children, Deputy Jerry Buttimer, for the fairness of the manner in which he chaired the hearings. The contributions of all parliamentarians led to a passionate and very open debate. In particular, the contributions of Deputies Caoimhghín Ó Caoláin and Billy Kelleher were very valuable. The respect given to all those who participated in the debate, regardless of opposing views, is also to be commended. I commend the Bill to the House and hope it will be passed.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I am pleased to be here to participate in this very important parliamentary debate on the Protection of Life During Pregnancy Bill. I have been following the debate for a couple of days. Women like me, who have been involved in the women's movement all our lives, have been following it for more than 20 years. It is clear that while the Bill enjoys broad cross-party support, it does not please everyone. This is no surprise. We said, when we had the debate on Savita Halappanavar's tragic circumstances, that what we could do would be very limited, in respect of the Constitution. This Bill was never going to please everyone. There are those who have grave concerns about the inclusion of section 9 dealing with a risk to the life of a pregnant woman arising from suicide. There are others who, like me, would have liked to see other grounds being included such as where there is a diagnosis of a fatal foetal abnormality or when the health of the pregnant woman is in serious danger because any woman who has any experience in this area knows that some women's pregnancies have had an enduring and profound lifelong effect on their health. I understand, however, the reasons behind the provisions enshrined in the Bill and the reasons some provisions cannot be included. This is because the sole purpose of the Bill is to make provision for procedural rights for a pregnant woman who believes she has a life-threatening condition in order that she can have certainty on whether she requires this treatment. The purpose of the Bill is not to confer new rights to termination of a pregnancy but only to meet existing rights, that is, within the constitutional provisions and the Supreme Court's judgment in the X case and in order to implement the judgment of the European Court of Human Rights in the A, B and C *v*. Ireland case.

Before I proceed, it is worth reminding ourselves of the findings of this judgment. Three applicants, A, B and C, all of whom had crisis pregnancies, brought proceedings against Ireland before the European Court of Human Rights claiming violations of Articles 2, 3, 8, 14 and 13 of the European Convention on Human Rights. In its judgment, delivered on 16 December 2010, the Grand Chamber determined that there had been no violation of the convention in respect of the first and second applicants, Ms A and Ms B. It determined that there had been a violation of Article 8 of the Convention in respect of applicant Ms C. The court found that Ireland had

failed to respect Ms C's right to private life contrary to Article 8 of the Convention, as there was no accessible and effective procedure to enable her to establish whether she qualified for a lawful termination of pregnancy in accordance with Irish law. The aim of Bill is to provide such a procedure. Pregnant women whose life is at risk have a right to be able to access appropriate medical treatment, including a lawful termination of pregnancy, when they fulfil the necessary medical and legal criteria. The Bill represents the culmination of a process set in train in the programme for Government. This agreement committed the Government to establishing an expert group to examine these issues and advise on how this matter should be properly addressed.

The expert group's report was published at the end of last year and provided a clear roadmap for action. While the report did examine a number of options for implementation of the judgment in the A, B and C *v.* Ireland case, it was my reading of it that legislation with regulations was the preferable route to satisfy the requirements of the implementation process of the judgment of the European Court of Human Rights. Legislating for the X case judgment is, however, a serious and legally complex issue. I believe the Bill strikes a balance between providing an accessible procedure for establishing whether a pregnant woman might undergo a medical procedure which will end the life of the unborn and ensuring safeguards are put in place for the protection of the unborn, where possible. As the Minister for Health last week provided a detailed run through of the provisions of the Bill, I will not cover the same ground, but I will take the opportunity to address some of the confusion and concerns raised in the past few days and months.

For example, concerns have been raised around the need to insert a gestational limit on carrying out the medical procedures covered by the Bill. In this regard, it is important to stress again that the proposed legislation only covers situations where there is a real and substantial risk to the life, as distinct from the health, of a pregnant woman which may only be averted by a termination of pregnancy. To be clearer, it will only allow a pregnancy to be terminated in situations where it is expected that a woman will otherwise die. It should also be clarified that in such situations, while a woman has a right to have the pregnancy brought to an end, the provisions made in the Bill intend to ensure that in circumstances where the unborn may be potentially viable outside the womb, doctors must make all efforts to sustain its life after delivery. It should be noted, however, that the decision to be reached is not so much a balancing of competing rights, rather it is a clinical assessment of whether the mother's life, as opposed to her health, is threatened by a real and substantial risk that can only be averted by a termination of pregnancy.

Taking a more holistic approach to the whole issue, I am aware that some of my colleagues in the Opposition have raised the issue of greater supports for crisis pregnancies in general. I am conscious that the ongoing debate and media coverage of the issue of abortion in the past few months have not been conducted in a vacuum but might have affected the thousands of Irish women who every year go abroad to access a termination of pregnancy for various reasons. In this regard, I remind my colleagues and the general public that there are supports available. Like Deputy Catherine Byrne, I felt the former Supreme Court judge Mrs. Catherine McGuinness made very valid and telling points about the number of Irish women who go to England every year to terminate pregnancies. We should not judge them. There is a reason behind every one of these decisions and no decision is taken in a way that would lead us to believe it was done in a light-hearted manner. I do not believe that for one minute. It does not just apply to young girls or women who are raped. There are all sorts of circumstances and reasons for this decision.

The HSE crisis pregnancy programme funds 15 service providers to provide counselling services in over 50 locations nationwide. Several of these services also provide access to free post-termination counselling and medical check-ups. I urge all women who have a termination of pregnancy to avail of these services, to which they are entitled and which are provided free of charge. Listening to Deputy Michael Healy-Rae say women who have had a termination of pregnancy do not discuss it owing to the shame and hurt they feel, one would wonder why. The language and images used once again during the debate have been appalling. One cannot expect people to step forward knowing that this is the type of abuse they will get.

The main purpose of the Protection of Life During Pregnancy Bill 2013 is to restate the general prohibition on abortion in Ireland while regulating access to lawful termination of pregnancy in accordance with the X case and the judgment of the European Court of Human Rights in the A, B and C *v*. Ireland case. It is my sincere hope that it will provide clarity to women and doctors on the process that is available to them to ascertain whether a termination of pregnancy can lawfully be carried out. If there are minute numbers of women who feel suicidal as a result of a pregnancy, then what are we afraid of? No one has said there is not an issue with suicide and pregnant women. While it is very rare, it does happen. To vote against this legislation on the basis that it will not happen is reckless in the extreme. It is recklessness with regard to women's lives, and those days are long gone.

I commend the Bill to the House.

**Deputy Denis Naughten:** I welcome the opportunity to speak on this important legislation. This is an extremely difficult and contentious issue, and everyone's view should be respected. It is estimated that around 5,000 Irish women avail of abortion services in Britain each year. We should not be judgmental of the thousands of women who travel to the UK for terminations. Each is a woman who has had a difficult situation to decide on. Without being in their shoes, no one should judge what they have done. It is not an easy decision for them to take that journey and it is imperative that proper supports are put in place for their after-care.

This legislation broadly covers three clinical scenarios: when a woman's life is at risk in an emergency situation due to a complication of pregnancy; when the urgency of the situation may not be immediate but its severity relates to co-morbidity such as cancer, significant heart disease or some other related illness; and when there is a risk of death from suicide or self-destruction. We must provide clarity and must act on best medical practice. I do not have a principled objection to a law that clarifies and restates current medical practice in favour of protecting the lives of pregnant women. In fact, it may address concerns expressed to me about regulatory creep within the Medical Council as a result of the way the guidelines in this area are drafted. I have been informed that the elections for Medical Council positions are based on the candidates' positions on abortion. Accordingly, there is always a conflict when drawing up the next draft of the Medical Council's guidelines. It is not good that those who are not directly accountable to the people should dictate policy in this regard.

The best approach is to bring in enabling legislation with regulation. This seems to have been the Government's decision after the publication of the expert group report. Such a mechanism could have provided the clarity required, including the legal certainty, and allowed for term limits and silence on the issue of suicidal ideation, thereby not contravening the Supreme Court judgment in the X case. In the first two categories of medical emergency or a medical threat to the life of a mother at some stage during pregnancy, a pregnancy will be terminated early where there is a significant threat to the life of the mother and she has an underlying ill-

ness. However, under the third category of suicidal ideation, it will only be legal to avail of a termination where there is no underlying illness. In this case, we are talking about mental illness. Where there is an underlying mental illness that is treatable, a woman will not be legally entitled to a termination under this legislation. Does this not undermine the argument made by those in favour of the suicide provision that they are treating mental illness as a physical illness? Pregnant women with suicidal ideation and no underlying mental health issues are the only women who can practically avail of this particular provision.

It was interesting to hear the evidence given by Professor Kevin Malone to the Oireachtas hearings on the Bill. He expressed concern that the provision of termination based on a 20 year old risk assessment excluded consideration of 50% of the population, namely, males. While some might believe it is an abomination to mention men during this debate, the fact remains that men die by suicide and suicide rates among young men remain stubbornly high. In Professor Malone's evidence, he expressed his concern that this legislation could accelerate the already high rates of suicide among young Irish men by legitimising it for women and girls who suffer crisis pregnancies. Overall, he believed the provision of the suicide clause could actually cost more lives than it could potentially save.

At the same set of hearings, Dr. Sam Coulter-Smith, the master of the Rotunda Hospital, said: "My overriding concern, however, in relation to the whole area of self-destruction and termination of pregnancy to prevent same, relates to the lack of evidence to show that termination is of any assistance in this scenario and that we as obstetricians and gynaecologists must be able to stand over the decisions we make as being based on good medical evidence." It is important that all Members read Dr. Coulter-Smith's evidence before they make a decision on this legislation.

The incidence of suicide during pregnancy came up as evidence at the committee. Suicide in pregnancy is a real risk. The committee was informed that one in 500,000 pregnant women will - not may - die by suicide. That fact is misrepresenting the situation, however. The key question is how many women are suicidal during pregnancy. In the western world, recent epidemiological research has demonstrated that suicidal ideation may be detectable in a range of between one in eight and one in three pregnant women. That means that up to one third of pregnant women may have suicidal ideation at some stage during their pregnancy. It is therefore more than probable that a large proportion of women travelling to the UK for terminations would be eligible for a termination here under this legislation.

Much focus has been put on a UK study which suggested that predictions of suicide by psychiatrists were accurate in only 3% of cases. The question is which 3%. Psychiatrists are competent in assessing intent and risk factors. It is impossible to predict when and whether intent will actually be acted upon.

There is no scientific data on women who are suicidal because of a pregnancy rather than because of an underlying mental illness. There are clinical markers for people with mental health difficulties. These can be treated and there are alternatives to termination. However, if a woman is suicidal with no mental health issues other than being pregnant, then the psychiatrist has no choice and there is no alternative treatment available. The Mental Health Act 2001 makes it clear that it is not permitted to impose treatment on a patient who is not mentally unwell. The X case test, therefore, is unworkable in psychiatric terms as it requires a prediction that a woman will die by suicide unless her pregnancy is terminated. That test does not require the risk to be inevitable or immediate.

Debate adjourned.

The Dáil adjourned at 10 p.m. until 10.30 a.m. on Thursday, 27 June 2013.