

DÁIL ÉIREANN

Dé hAoine, 8 Bealtaine 2015

Friday, 8 May 2015

Chuaigh an Ceann Comhairle i gceannas ar 10 a.m.

Paidir.

Prayer.

An Bille um an gCeathrú Leasú is Tríocha ar an mBunreacht 2014: An Dara Céim [Comhaltaí Príobháideacha]

Thirty-fourth Amendment of the Constitution Bill 2014: Second Stage [Private Members]

Deputy Ruth Coppinger: Tairgim: “Go léifear an Bille an Dara hUair anois.”

I move: “That the Bill be now read a Second Time.”

I wish to share time with my colleague, Deputy Paul Murphy. I will speak for ten minutes and he will speak for five.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Ruth Coppinger: I formally propose the Thirty-fourth Amendment of the Constitution Bill 2014. If adopted, following a referendum of the people, it would have the effect of deleting Article 40.3.3o, otherwise known as the eighth amendment, from the Constitution. This would allow the Dáil to then draft legislation, as it sees fit, to permit abortion in the State. The Bill was published last September by the Socialist Party Members, Deputy Joe Higgins and myself, and it is being supported by the Anti-Austerity Alliance Member, Deputy Paul Murphy, who will speak after me. This is the sixth time in the lifetime of this Government that the issue of abortion has had to be debated. This is the second repeal Bill in that time. We recently had a Bill to provide for abortion in cases of fatal foetal abnormalities, which was voted down in the House in inverse proportion to the beliefs held by the general population at a ratio of 80:20. Let us remember the reason cited by those Members who claimed they had real sympathy for the women affected by that trauma. They said constitutional change was required to stop those women being banished from their own country at such a traumatic time. The Deputies and parties who claim to support repeal of the eighth amendment have an opportunity to show that support again.

Under this Government, we have seen cases brought about due to the existence of the eighth amendment which have appalled people throughout this country and internationally. First was the tragic death of a young woman in her prime, Savita Halappanavar, which brought 20,000 people onto the streets. Still, the political establishment did not listen to the demands for change. A woman who requested a termination was refused and left to suffer as only her health and not her life was deemed to be in danger. The gamble went wrong and she died tragically. Last summer, we had the effective torture of the most vulnerable person one could imagine, a teenage migrant made pregnant by rape and who was suicidal. She begged the authorities in this country to allow her to have an abortion and was instead forced to deliver a baby almost at full term, making a mockery of the cowardly voting in of the Protection of Life During Pregnancy Act, which we were told would permit abortion in such cases. Last Christmas, we had the obscenity of a family being forced to go the courts to be allowed to bury their own daughter who was clinically dead and pregnant and being kept alive artificially by doctors who were in fear and who cited the eighth amendment. How much longer can the political establishment in this country hold to a barbaric medieval law which equates a woman with a foetus and leads to these situations?

Of course, it is not just the so-called hard cases that require change. We must end the hypocrisy whereby we pretend that there is no abortion in Ireland. As we speak, 13 women are packing their bags and leaving this country in secrecy, in stigma and at huge personal cost to themselves and their families. The British Pregnancy Advisory Service estimates that one in three women will have an abortion in her lifetime. Who are these women? They are the relatives friends, neighbours, wives and girlfriends of politicians in here. An unknown number are ordering Mifepristone and Misoprostol, the so-called abortion pills, on the Internet. They will carry out medical abortions in their own homes today. This is an extremely safe practice which is used all around the world and approved by the World Health Organization. It is available in pharmacies all around the world, but not in this country. It is being left to doctors and Women on Web to voluntarily provide this service in countries where it is banned, including Ireland.

Can we look at where the eighth amendment has positioned this country? Obviously, it makes us a second-class backwater in the context of the European Union and the so-called developed world. It also places Ireland behind so-called developing or Third World countries where abortion is generally legal where a woman's health or life is at risk and in cases of rape and incest. They include countries like India, where Savita was from, Pakistan, Ethiopia, Tunisia and Zambia. Even in Saudi Arabia, where they cannot drive cars, women are allowed to have abortions where their health is at risk. Ireland is behind these countries. How do the Minister and the Government feel about that? So lowly are women valued in this country that we are forced to have this debate again.

Every woman in Ireland is a potential victim of the eighth amendment, but it is sick, poor and working class women who pay most dearly for this hypocrisy. Last year, 26 migrant women were refused abortions in this country. The only way this hypocrisy has been able to continue for so long is because of the unique, inordinate power given by this State since its inception to the Catholic Church. The church has interfered and dictated in people's personal lives over their sexuality and so on. We have an upcoming referendum on marriage equality which I hope will be a step towards progress in this context. In particular, the church sought to control the lives and bodies of women. However, politicians have been saved from having to act, because they have been saved the spectacle of back-street abortions, which is what forced most other countries to act. This is because of the nearby escape valve of Britain since 1967. This escape

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valve has been constantly eroded, however, because of austerity. Working class women, in particular, cannot find the €1,500, which is generally the cost of going to Britain or Europe to access an abortion. The effect is simply to force them to have later abortions. That is the only effect of the abortion ban, because banning abortion does not stop it. For example, our abortion rate is much higher than that of the Netherlands where abortion is free and very unrestricted.

In recent debates, Ministers have made statements on the eighth amendment. We have a bizarre and surreal situation in which the Minister for Health himself has called this law restrictive and said it has a chilling effect on doctors. He essentially admits that it imperils women's health. He has a moral duty to act to remove such a barrier to women's health and he should be actively persuading the Government to repeal Article 40.3.3°. The other party in government, the Labour Party, recently reiterated its opposition to the amendment. Will they seriously troop in here on Tuesday to vote against something they claim to support?

We cannot keep reciting the mantra, "We will not revisit this issue." The people got a chance to speak last in 1983. My generation was shunned. We should not be shunning this generation. All the polls show a significant change in social attitudes on this issue. Effectively, 10% of people oppose abortion under any circumstances, and all of the other 90% support it under certain circumstances. Will we keep legislating for the 10%?

A majority also favour dealing with this in the lifetime of the current Government. The political establishment in this Chamber is way behind the general population. The work that we in the Socialist Party have done on the streets campaigning with the ROSA group has received significant levels of support, particularly among younger people, who do not view abortion in the same way as the older Members generally in this Dáil.

If this Bill is passed, the issue must be voted on by referendum, which is the mandate that the Government says it does not have. How much more of a mandate can one get than by holding a referendum of the general populace? That cannot be used as an excuse. The referendum could be held in the autumn after a sufficient period for debate. Will the Labour Party seriously allow the legacy of a Catholic Church-influenced State to be retained? I am talking about the legacy of controlling women's bodies and lives and denying them health care and rights, and the culture of subservience to the church that led to the Magdalen laundries, symphysiotomies and the mother and baby homes - issues that still have not been dealt with by the Legislature here. We also call on Sinn Féin to support this Bill and to carry through the policy it has latterly adopted.

My last word is directed at Fianna Fáil, which has recently decided that, apparently, the eighth amendment does not matter. It would seem its members have decided to position themselves as backwoodsmen. No wonder they do not represent women. They clearly are out of touch with the general population. They should change their position and grow a spine on behalf of women in this country.

Deputy Paul Murphy: The State does not have a pro-life position. It has a pro-hypocrisy position, which in its implementation means an anti-woman position. We have a constitutional hypocrisy whereby women have the constitutional right to travel to access abortions yet are denied abortions here. Those who avail of safe abortions here through the use of abortion pills face draconian penalties of up to 14 years in prison.

At least 12 women a day travel from Ireland to England for abortions. Others travel to

Scotland, the Netherlands or elsewhere. Close to 20,000 women have been forced to travel for abortions under this Government's watch. The burden of that hypocrisy falls on all those who need to access an abortion who are faced with the extra stress and with the estimated expense, of between £400 and £2,000, of having to arrange to travel to Britain to access abortion. In particular, the burden of that hypocrisy falls on migrant women, working-class women on low incomes, and those who cannot afford to or simply are not able to travel. That burden of hypocrisy can, for them, mean death.

The hypocrisy at the centre of the State's approach to abortion rights is seen in the attitudes of all the big parties in the Dáil. Without the tragic death of Savita Halappanavar and the social movement and protest that developed in response demanding legislation for the X case and repeal of the eighth amendment, all of the parties in here would have simply ignored the question, as they have done for decades. Because of that movement, the Government felt compelled to do something, and what it did was to legislate based on the most restrictive interpretation possible of the X case. Then it was faced with the reality that that was entirely insufficient to deal with the reality of women's lives, insufficient to deal with the barbarity of Irish laws and insufficient to deal with changed social attitudes. There was the horrific case of Ms Y - a teenage asylum seeker who had been raped and was effectively held captive in Ireland and forced to give birth - as well as cases of fatal foetal abnormalities. Faced with demands from women for the right to reproductive justice and control of their bodies, the parties reverted to their position of official hypocrisy.

Each time a Bill has come before this House we have seen the big parties squirm and come up with excuses for voting against it. The Minister for Health says that the current Constitution is too restrictive and says he favours a repeal of the eighth amendment, but he has already voted against giving people the right to have a referendum to repeal that amendment and has voted against the extension of abortion rights for women in cases of fatal foetal abnormality. Another Fine Gael Member, Deputy Jerry Buttimer, has said that he now favours the repeal of the eighth amendment. He, the Minister for Health and others in Fine Gael have yet another opportunity to vote in favour of their professed positions.

Sinn Féin voted previously against the Bill to repeal the eighth amendment. Then it abstained on the vote on fatal foetal abnormalities on the grounds that the party had not discussed the issue at its Ard-Fheis, although in the past the party has voted on many issues that were not discussed or decided at its Ard-Fheis. At the last Ard-Fheis, delegates thankfully voted in favour of a provision for repeal of the eighth amendment, although, unfortunately, a motion to commit the party to a full pro-choice position was deemed to have fallen. Let us hope they take this position after their next Ard-Fheis and make that position clear and public. Fianna Fáil, a so-called republican party, simply tries to ignore this issue, in the best tradition of that party over decades, having voted against the previous Bill to repeal the eighth amendment, although with a free vote on the issue of fatal foetal abnormalities, for which only three voted in favour.

However, it is to the Labour Party that the prize for chief hypocrites must go, because its own argumentation inside this House condemns them. In arguing explicitly against the Bill to deal with cases of fatal foetal abnormality, they agreed that those women should be able to access abortion services legally in this country but went on to say that it would be unconstitutional to do so, relying on advice from the Attorney General that they did not share with anyone else. Instead, they argued that this did not go far enough, that repeal of the eighth amendment was necessary and that the Labour Party was campaigning for repeal of the eighth amendment, despite the fact that its members had previously voted down a Bill whose aim was precisely

that - to repeal the eighth amendment. Then, at their conference, they reiterated their position. Here is an opportunity to put that position into effect. The Labour Party Members should vote for the Bill to provide for a referendum, so that people can decide whether to allow women to access abortion rights when they need to.

Minister for Health (Deputy Leo Varadkar): The Private Members' Bill provides for a referendum to delete the eighth amendment to the Constitution and, in so doing, to remove the constitutional right to life afforded to both the mother and the unborn child and replace it with nothing.

Deputy Coppinger states in her Bill that the effect of this proposed amendment to the Constitution will be of "entitling the legislature to provide legislation for the provision of abortion in this jurisdiction". Of course, it could also entitle the Oireachtas to revert to the 1861 legislation or bring in new prohibitions that currently do not exist on women seeking an abortion.

We have had two debates recently on the issue of abortion on foot of legislative proposals by Deputy Clare Daly - one before Christmas and one in January. During those debates I gave my own views on this particular issue. These are now well known and have been debated in detail in this House. I do not intend to go over them again, but to summarise, on both those occasions I indicated that I consider myself to be pro-life, I accept that the unborn is a human life with rights and I do not support abortion on request or demand. I also stated, and sincerely believe, that this is an issue on which there are few certainties and on which families and doctors often find themselves having to make extremely difficult ethical and clinical decisions.

As Members might recall, because of my experience as a doctor and, in the recent past, as Minister for Health, I have come to the conclusion that the eighth amendment is too restrictive, as it has no regard for the long-term health of the mother. It also forces mothers and their partners to bring to term children who have no chance of survival outside the womb or for long afterwards. However, just as on the last two occasions, I cannot support this legislative proposal, which affords neither protection nor rights to the unborn. First, it is unclear how one can say that the effect of the Bill will be to entitle the Oireachtas to legislate for abortion when the Oireachtas has already clarified the law on abortion in this jurisdiction in the Protection of Life During Pregnancy Act 2013. As Deputies are all aware, Article 40.3.3° reads as follows: "The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees by its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right."

In *Attorney General v. X* in 1992, also known as the X case, the Supreme Court considered the meaning of the eighth amendment in the circumstances that arose in that case. A majority of the members of the Supreme Court held that if it were established as a matter of probability that there was a real and substantial risk to the life, as distinct from the health, of the mother and that this real and substantial risk could only be averted by the termination of her pregnancy, such a termination was lawful.

A number of referendums have taken place on Article 40.3.3°, and the right to information and the right to travel were introduced in 1992. The people voted on two occasions against proposals to amend the substantive text. In December 2009 the European Court of Human Rights heard an application by three women in the A, B and C case to the effect that it was a breach of their rights under the Council of Europe's Convention on Human Rights for the Irish State not to provide abortion in circumstances in which a woman wishes to have one. In its judgment,

the Court held that there had been a violation of in respect of C. The violation in this case was “the absence of any implementing legislative or regulatory regime providing an accessible and effective procedure by which the third applicant could have established where she qualified for a lawful abortion in Ireland in accordance with Article 40.3.3° of the Constitution”. The Court also ruled that “no criteria or procedures have been... laid down in Irish law... by which that risk is to be measured or determined, leading to uncertainty...” and held that further legal clarity was required.

One of the commitments in the programme for Government was to examine the judgment in the A, B and C v. Ireland case and to make recommendations on how this matter should be properly addressed. This commitment has now been fulfilled by the 2013 Act. The Protection of Life During Pregnancy Act 2013 was enacted on 30 July 2013 and commenced on 1 January 2014. This Act regulates 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. Its purpose is to confer procedural rights on a woman who believes she has a life-threatening condition, so that she can have certainty as to whether she requires this procedure or not. The Act upholds the right to life of the unborn where practicable, and the right to life of a pregnant woman whose life is threatened by her pregnancy, as required by Article 40.3.3°. The Act also creates procedures which apply to the lawful termination of pregnancy.

The objectives of these procedures are, first, to ensure that where lawful termination of pregnancy is under consideration, the right to life of the unborn is respected where practicable, and, second, to ensure that a woman can ascertain by means of a clear process whether she requires a termination of pregnancy to save her life. The Act received very careful consideration by the Houses of the Oireachtas and the Joint Oireachtas Committee for Health and Children, including three days of public hearings. Following the judgment in the A B and C v. Ireland case, the State submitted eight action plans, or reports on its progress in the implementation of the judgment, to the Committee of Ministers of the Council of Europe which supervises this process. Having reviewed the measures adopted to address the judgment, the Committee of Ministers were satisfied that the Government had given effect to the ruling by introducing the Protection of Life During Pregnancy Act 2013, related regulations and guidance document. On 4 December the committee concluded its supervision of Ireland’s implementation of the judgment in A, B and C v. Ireland, and the case is now closed.

Therefore, to conclude this point, it is inaccurate to say that Deputy Coppinger’s proposals will entitle the Oireachtas to legislate for abortion. The Oireachtas has now clarified the law on abortion in Ireland through the Protection of Life During Pregnancy Act 2013. As I have stated in this House a number of times, I believe that this matter should be dealt with by the Thirty-second Dáil, when parties have a fresh mandate from the people for their policies. I do not want it to be an election or pre-election issue. It needs to be dealt with sensitively.

What I believe is required now is a considered and careful public debate to find a consensus. We will shortly be voting on two proposed constitutional amendments, one on marriage equality and one to reduce the age at which candidates are eligible for election to the office of President from 35 to 21. These proposals have come about following a thorough process of debate and consideration by a Constitutional Convention involving citizens.

To conclude, I oppose this Bill, first, because it is unnecessary as legislation is already in place, and, second, because it is incomplete. It removes existing rights for women and the unborn without undertaking an analysis of the policy and legal implications of such a change to

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our Constitution or enabling legislation. I believe it would be irresponsible and unjust to ask the people to vote on an amendment without clearly delineating what would replace the existing provisions, and I urge Deputies not to support this Bill today.

Deputy John Halligan: I remind the House that the Government's response to the tragic case of Savita Halappanavar, the Protection of Life During Pregnancy Act 2013, has actually created a situation in which medical conditions due to pregnancy which are not in themselves life-threatening must become life-threatening before it is legal to terminate a pregnancy. This Bill was meant to bring an end to the long failure to legislate for the existing constitutional provision, yet its silence on the gestational stage at which an abortion may take place to save the life of a mother speaks volumes, and these restrictions clearly bear heaviest on the most vulnerable.

As has been said, we were confronted earlier in the year with the horrific case of a vulnerable and suicidal young rape victim who was denied a timely abortion and ended up having to have a caesarean section to deliver her baby prematurely. Despite repeated promises of compassion on the part of the Government, pregnant women in cases of fatal foetal abnormality must still take the unenviable and terrible trip to the UK if they want to terminate their pregnancy.

I do not know if the Minister is aware that the UN has repeatedly criticised Ireland's highly restrictive stance on abortion. It runs contrary to the UN human rights treaties to which we have signed up, including the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination Against Women. The Minister is also being criticised by Europe on this restrictive stance on abortion. The situation that prevails in this country is inhumane and proves that the long arm of the Catholic Church still reaches into the main political parties in the Dáil.

Approximately a year ago a number of women visited me here, one of whom had been violently raped, and I asked a question on Leaders' Questions on the subject of fatal foetal abnormalities. As I am sure the Minister would accept, rape is a violation of a woman's human rights. It is a violation of her dignity, which always has a catastrophic effect on a woman for the rest of her life. I am not too sure of the statistics and I am open to correction, but I think that last year nine women who were raped had to travel outside this country for an abortion.

I do not want to personalise this, but I ask the Minister, his Government and everybody in the House, if they were confronted by a situation in which their wife, daughter or mother had been physically abused and raped, would they insist on their wife, daughter or mother going through with her pregnancy if she was unable to do so and wanted an abortion? It is inhumane and cruel, and I do not believe there is any man in this House who, if his loved one told him she wanted an abortion as she did not want to carry a pregnancy all the way through for nine months because she had been raped, would advise her to carry it for the full nine months and have the child. I accept that some women might choose to do that, but most do not.

The hypocrisy on this matter causes a stench in this House. I have spoken to people in this House and been told I was right on the question of fatal foetal abnormalities, yet here we are in 2015 and we are still telling vulnerable, devastated women who have been raped or have pregnancies involving fatal foetal abnormalities that they can have an abortion but not in Ireland. The Minister said he has stated in the House several times that this matter should be dealt with in the Thirty-second Dáil when parties have a fresh mandate for their policies from the

people. There is widespread anecdotal evidence that the new legislation does not even scratch the surface of establishing women's rights in Ireland. According to an opinion poll conducted by *The Irish Times* Ipsos MRBI, 75% of people are in favour of legislation for the Supreme Court X judgment. The poll also showed a substantial majority of voters backs wider access to abortion than was proposed in the legislation. Up to 83% of respondents said abortion should be permitted in cases where the foetus is not capable of surviving outside the womb, while 81% said abortion should be allowed in cases of pregnancy resulting from rape or abuse. Some 78% were in favour of cases where a woman's health was at risk.

What more of a mandate does the Minister want? He speaks about the need for a public debate. Over the past three years, legislation dealing with fatal foetal abnormalities, pregnancy from rape and abortion on demand has been brought into this Chamber on several occasions by many Members, including Deputies Clare Daly and Ruth Coppinger. All the indications are that there is public support, particularly in cases for women with fatal foetal abnormalities and women who have been raped. It is fundamentally wrong, incorrect, insensitive and appalling to think that we are afraid of introducing legislation to cover this.

What is the Minister afraid of? If he is not afraid of the general public, the people who elect us and ultimately make the decision as to what they want, then it must be the church. It must be the case if all the opinion polls show the public is in support of introducing legislation. Are there four or five Fine Gael Members who are anti-abortion anyway and will do everything to stifle debate to ensure abortion will not be legislated for in cases of fatal foetal abnormality or for women who have been raped? The Minister, as well the former Minister for Health, has not explained this. What is prohibiting them from bringing forward legislation when the opinion polls show these details? Why does it have to go into the next Dáil? Why can it not be introduced in this Dáil, if Members of Fine Gael, the Labour Party, Fianna Fáil and Sinn Féin believe in their hearts and souls that there are times when women should have an abortion? I do not agree with the Minister's argument that this matter should go to the Thirty-second Dáil.

Most of the Dáil is made up of men who will never need an abortion. We do not know what it is like. Men can be raped but not to the extent that women can be. We do not have to deal with the physicality of fatal foetal abnormality. Most men in this Dáil, accordingly, are out of touch with how women feel when they are violated. That is shameful on all of us. The Government has had two occasions, through Bills introduced by Deputy Clare Daly and with this legislation, to deal with this issue. This does not have to go to the Thirty-second Dáil. The general public is demanding in opinion poll after opinion poll that in certain instances abortion should be made available.

Deputy Billy Kelleher: Listening to the debate so far, it indicates there will never be agreement on this issue either in this House or in broader society. It would seem some people bring this debate forward to embarrass others and cause political discomfort for some parties. I can assure Deputy Coppinger that she is not causing any political discomfort for me. We have to be mature in how we approach this issue because it has been divisive for many decades since 1983 when the eighth amendment was first introduced. It has been consistently a very emotional and divisive issue.

When one speaks to the general public, taking into account opinion polls and strongly-held views on all sides, there are varying views as to what should be available in terms of terminations or abortions. A substantial number of people believe termination should be available for fatal foetal abnormalities. In such cases, a woman is effectively forced by this State to carry

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a baby to full term who will not survive outside the womb. There is strong support for allowing for terminations in such cases. There are many others who believe termination should be included for pregnancy arising from incest and rape. However, there are many people who would support those three cases who would not support abortion on request. I do not believe the public would accept the idea there is a broad consensus to support the deletion of the eighth amendment, Article 40.3.3° and put nothing in its place. There is a strong view among the public that, in amending the Constitution, they would like to know what is to be put in its place. One could argue would the public actually trusts the Legislature to legislate for this particular issue if the eighth amendment were repealed. The public wants to know what the Legislature intends to bring in.

There is no way there is unanimity out there in broader society that they are all in favour of one view or the other. It is not that simple as it is quite complex. Many people do believe the unborn should be afforded protection in the Constitution. It is evidenced by the fact that the original amendment was put into the Constitution and subsequently retained in recent amendments in 2002 and in the context of Supreme Court decisions. There is no uniformity of consensus out there. To pretend there is, is simply wrong. Maybe in some cases, people are being disingenuous and mischievous.

I believe the eighth amendment causes difficulties in the context of fatal foetal abnormalities. I supported Deputy Clare Daly's Bill on this matter at the time. I also believe it creates difficulties in the area of women's health. The legislation passed by this Dáil is very confining in the sense that it only affords protection for the woman in the context of her life being at risk. That in itself also causes difficulties for clinicians and women in making decisions in this regard. To argue the majority who support termination because of fatal foetal abnormalities, incest or rape would also support broader terminations on request is not accurate. It is simply not the case.

We can never legislate or base our decisions on opinion polls. It is important we have a full debate and discourse on this matter as a people. Everybody wants to duck this particular issue but it is time we confronted the many problems we have with terminations in this country with regard to fatal foetal abnormalities, pregnancies arising from incest and rape and the broader issue of abortion on demand. Until such time as we have a mature debate on this - not the point-scoring as evidenced here this morning - we will have to accept this Legislature and possibly the next one cannot deal with this. We do need to set up some form of commission at which all views can be expressed. Maybe then a consensus can be arrived at in the key areas of fatal foetal abnormalities, for which there is a strong consensus across the House, and other certain circumstances involving a threat to the health of a woman. I do not believe that the vast majority of the public want abortion on demand in statute in this country. I may be proved wrong about that at some stage in the future, but as I stand here today I do not believe that is the case. Many people will go some way towards agreeing to this in terms of accepting the ground of fatal foetal abnormality on the basis of a compassionate human approach, while others will instance the grounds of incest and rape, and others will say it is the right and entitlement of a woman to have an abortion on request. However, to bring those four views together and say that everybody on that side of the debate is supporting a liberal abortion regime is disingenuous and, to say the very least, inaccurate.

I and many others believe that the unborn is entitled to protection and that we must make very difficult decisions about when an entitlement to protection should be overridden in circumstances involving the life and health of the woman or whether we should adopt a compassionate

approach in cases involving fatal foetal abnormality. We will not get consensus on this in the Chamber, even with the number of Deputies present, as this debate will always be divisive.

The Minister should examine the establishment of a commission whereby an arrangement could be made to address some of the issues on which we may get agreement, such as in the area of fatal foetal abnormality. Many Members have expressed the view previously in this Chamber that abortion should not be allowed in cases of fatal foetal abnormality, but I believe those grounds should be included for many reasons.

The proposition that this Bill will address the problem is simply not true, because the public will not know what the Legislature is offering in terms of repealing the eighth amendment. For that reason, this Bill will not achieve a great deal other than causing the usual embarrassment and discomfort for some political parties and individuals in this House. The broader issue is still not being addressed despite our frequent debates, and the proposers know full well that, other than keeping the issue under public discussion, the Bill achieves very little in terms of addressing issues such as the health of the mother, fatal foetal abnormalities and some other areas that people in the middle ground believe should be examined. To delete the eighth amendment without offering the public an alternative, either in legislation or by way of a further amendment to the Constitution, would not be acceptable to the public at large. It would be another divisive debate and we could end up exactly where we are now. If we are interested in addressing the problem in one meaningful step, we should establish a commission - it has worked in other areas - whereby broad consensus could be reached at some stage among those in the middle ground in this debate. There are extreme views on both sides which will never meet. However, a vast body of people would like to show compassion in cases involving fatal foetal abnormalities or where the health of the mother is affected, and would like to address the chilling effect on clinicians, which the Minister mentioned. Those are areas on which some consensus might be found. This Bill will not achieve much other than bringing embarrassment to some. The Labour Party was singled out by the Deputy, and she has described Fianna Fáil in her usual eloquent way, which does not achieve much and certainly does not progress her argument.

Deputy Caoimhghín Ó Caoláin: Ar dtús ba mhaith liom a rá go dtuigim go bhfuil go leor daoine a chreideann go láidir agus a bhfuil tuairimí acu ar an dá thaobh den cheist seo. Caithfidimid cuimhneamh orthu sin ar fad chomh maith le pobal uile na tíre agus an cheist leochaileach seo á plé.

For many, and in that I include myself, this is always a very challenging subject. I have had to travel a journey in my personal efforts to meet and understand the positions taken by others on this most divisive of issues, as many have. No matter how various individuals of all views try to frame this, it is never a black and white issue.

I feel it is always best to have these complex issues addressed in a calm and considered way, based on evidence and on reasoned argument. I appreciate that there are very strongly and, in most cases, very sincerely held views on all sides of this debate. This is true of Sinn Féin also. Like all parties and all sections of society, we have members with varying and strongly held views on the issue, and we respect those views and our members' right to hold them. Our job as legislators is to listen to all sides but ultimately to legislate or to put it to the people to change the laws that frame our society. We must do so in a way that reflects the values of a modern Republic. We must vindicate the rights of all involved and ensure we do so in a fair, equitable and compassionate way.

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When my colleague, Teachta Brian Stanley, spoke on the Protection of Life during Pregnancy (Amendment) (Fatal Foetal Abnormalities) Bill in this House in February of this year, he started by extending his sympathies to all mothers and parents who have had to deal with the problems and challenges that were being addressed in that debate. I think it is right and proper that I do the same. We must be compassionate and we must realise that when we speak here our words can hurt someone, whether they are close by or tens, hundreds or thousands of miles away. My thoughts are with anyone who has had to deal with such challenges themselves. We, as legislators, must face up to our responsibilities.

Sinn Féin believes that Bunreacht na hÉireann is not and never has been the place to deal with the complex issue of abortion. We support and have supported for some considerable time the repeal of the eighth amendment of an Bunreacht. We also believe that we should deal with this most difficult issue through legislation.

Let me be totally clear: our support for this Bill to progress through the legislative process does not change our policy on abortion in any way. Its passage represents the only way of giving effect to our stated policy. Sinn Féin believes it is the right of a woman to seek, if she wishes, a termination of a pregnancy where her life is at risk or in grave danger, including from mental health issues, in cases of rape or incest, and also in the case of fatal foetal abnormality, as recently adopted by delegates at our annual Ard-Fheis in Derry in March. Our support for this Bill today therefore represents our attempt to put in place the necessary pathway to the effective introduction of our policy on this issue.

When we discussed the Protection of Life during Pregnancy (Amendment) (Fatal Foetal Abnormalities) Bill, our party did not have a definite policy position on fatal foetal abnormalities. Uachtarán Shinn Féin, Gerry Adams, is on record as having apologised for the fact that we had not reached a substantive position on fatal foetal abnormalities. We have since addressed that gap in policy. We dealt with the issue, as I have already said, at our most recent Ard-Fheis in Derry, noting that the law both North and South prevents women in cases of fatal foetal abnormality from accessing legal abortion services in Ireland should they wish to do so. We also called for legal frameworks to be introduced North and South that would allow women to access abortion services under these limited circumstances and that where a woman wishes to continue with the pregnancy she should be fully supported in that decision and all efforts should be made to ensure appropriate care and consideration. We also called for the introduction of an all-Ireland protocol on prenatal diagnostic screening in pregnancy.

We understand that to give effect to our policy objectives, we have to revisit Article 40.3.3°. Indeed, Sinn Féin policy has long been to revisit article 40.3.3°. It is my understanding that the official legal advice is that it would not be possible to provide a termination of the pregnancy in a case of fatal foetal abnormality without repealing the existing eighth amendment to the Constitution. We urge the adoption of this Bill to give effect to our party policy. As I mentioned at our Ard-Fheis, and as stated by others at the time, our party policy could not be brought into being without the repeal of Article 40.3.3°. Sinn Féin Party policy is a consideration for its members to undertake democratically. Some will not be pleased that we will facilitate the Bill before us but it is the members of our party, as democratically delegated, who decide policy. They are representatives of our members. As elected representatives we are in turn bound by their decisions. An Ard-Fheis motion calling for the repeal of the eighth amendment of Bunreacht na hÉireann was also passed in Derry.

With regard to those who will say this Bill would remove any protection for the unborn,

I refer them to the Protection of Life during Pregnancy Act 2013, which restated the general prohibition on abortion in Ireland while regulating access to lawful termination of pregnancy in circumstances where the life of the mother is at risk. That Act states clearly it is a criminal offence to destroy intentionally unborn human life. Prior to its enactment, there was the protection of the offences against the person legislation and, before that again, the Supreme Court had indicated that the right to life of the unborn was protected as one of the unenumerated personal rights under Article 40.3.3°, which includes protection of the right to life.

We have been accused of shirking responsibility in the past. This was never the case. There are issues that we must first put to the wider membership of the party before we move to speak on their behalf. I believe that is a prudent position. We have a policy that is democratically decided and we, as elected voices of Sinn Féin, have a duty to articulate and uphold party policy. We believe all possible means of education and support services should be put in place to prevent crisis pregnancies. We believe society has a responsibility not only to address the issue of abortion but also to address the fact that some 5,000 Irish women travel to Britain each year for abortions.

We have been accused of trying to avoid the issue in the past. This is also not true. We in Sinn Féin supported the Medical Treatment (Termination of Pregnancy in Case of Risk to Life of Pregnant Woman) Bill in 2012. This asked the Dáil to acknowledge the reality that the absence of required legislation denies women protection and the right to obtain a termination in life-threatening circumstances. It also asked the Dáil to acknowledge that the lack of legislation creates an ambiguous legal situation for clinicians.

Sinn Féin called for the Protection of Life During Pregnancy Act to be seriously examined and the planned review brought forward when reports surfaced on the case of Ms Y. This very distressing case was the first abortion application under the legislation. It concerned a young asylum seeker who had become pregnant in her home country after being raped. She had to wait two months to be referred to a psychiatrist to be assessed for a termination. Two State agencies had been aware that she was suicidal 16 weeks into the pregnancy. She reported she was told she could not have an abortion, after which she began a hunger and thirst strike. The HSE was contacted at this point and an emergency application was made to the High Court to forcibly hydrate the patient. The application was granted. A panel of experts was created, including psychiatrists and an obstetrician, and it was decided a caesarean section could be performed. This case was and remains a tragedy.

Sinn Féin believes the way to reduce the number of women seeking abortions is by way of State provision of comprehensive sex education, full access to safe birth control options, and full access to child care and comprehensive support services, including appropriate financial support for single parents.

Sinn Féin believes that full information and non-directive pregnancy counselling should be freely available. Sinn Féin is opposed to the attitudes and forces in society that compel women to have abortions and that criminalise those who make that decision. We accept the right of a woman to seek a termination of her pregnancy where her life is at risk or in grave danger and, as I have stated, in cases of rape or incest and where the tragedy of fatal foetal abnormalities presents.

We will, therefore, support the proposition that the Thirty-fourth Amendment of the Constitution Bill pass through Second Stage, while fully holding to and reflecting on our party policy.

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We can then, with all other legislators, consider addressing these most sensitive issues through legislation.

Is mór dúinn mar pháirtí agus mar shochaí aghaidh a thabhairt ar na ceisteanna fíorchasta seo le cinntiú go bhfuil tír shábháilte ar fáil do mhná na tíre.

Deputy Anne Ferris: I am a long-time campaigner for the rights of women. I firmly believe women have the intelligence, commonsense and responsibility to make their own decisions, together with their doctors, about their own pregnancies. The State should not be interfering with the personal bodily integrity of Irish women. Women do not need a nanny state to tell them what to do.

In the rare case where a woman wishes to terminate a pregnancy, it is generally for the most devastating of reasons. No woman takes such a choice lightly. Whether because of a rape, as with the young girl in the X case, or because of the effects of chemotherapy treatment, as with the pregnant cancer patient in the C case, or because the circumstances of the young suicidal immigrant Ms Y or the family in the midlands who suffered the indignity of watching their beloved deceased pregnant daughter maintained needlessly and artificially on a life support machine, reasons for terminating pregnancies are always tragic. These decisions are never easy but they are decisions that women and their families can make together. Therefore, I see no need for maintaining the eighth amendment to the Constitution. If the proposal to remove the amendment were to be put to the people in a referendum on 22 May instead of the presidential age proposal, I would be campaigning for it now as a fundamental human right alongside marriage equality.

Ireland is a more open and inclusive society than it was when this issue was last voted on. I trust the citizens of this country to be understanding of women and families in circumstances similar to those of X, Y, A, B and C and to want a constitution that is equally understanding. However, as Deputy Coppinger knows, the option to repeal the eighth amendment to the Constitution is not being put to the people on 22 May. The referendum legislation has been passed, the ballot papers have been printed and the posters are up. Regardless of how this House votes on this issue on Tuesday, there will simply be no opportunity to add it to the ballot paper on 22 May. As much as I support Deputy Coppinger's intentions, even I can see that there is simply no time for another referendum during the remaining term of this Government.

This Bill is before us today because it was drawn out of a lottery. That it was drawn out too late is not the fault of Deputy Coppinger. I will not criticise her decision not to withdraw the Bill. I, for one, do not believe the timing of this debate will have a negative impact on the marriage equality referendum outcome. It is important to highlight inequalities everywhere and as frequently as possible, and for that reason I welcome this debate today. I agree with Deputy Coppinger that the eighth amendment should be repealed. On principle, I will not be voting against this proposal on Tuesday. While I will not vote against it, I have yet to make up my mind on whether to vote for a referendum that simply cannot happen in the remaining time of this Government. Even if the vote carried, this proposal could not legally survive into the next Government's term. I am not a person to vote carelessly. I respect the right to vote in this Chamber and all that it signifies. I also understand the freedom I enjoy as a Government politician outside the Whip system. If I were to vote in favour of this Bill, it would be a personal vote and also one on behalf of all my colleagues in the Labour Party who are deeply committed to reforming Irish abortion law. They cannot all support this motion without defying the Whip and throwing the country into election chaos at a time when our economy needs stability and

the continuing growth. I understand that dilemma so, if I do decide to make a symbolic vote in favour of this Bill, it will be a personal one but also a vote cast on behalf of others in my party who are as committed as me to equality for women.

Labour Party members, including me, have worked for many months on drafting the legislation that could follow a successful repeal of the eighth amendment. That process has had input from leading legal and medical minds. There is in place a careful plan of action to repeal the amendment.

11 o'clock

Deputy Coppinger should be aware that the best way of ensuring a repeal of Ireland's archaic abortion law is for her to vote in the next general election for a continuing Labour Government. No other party in Ireland has the liberal grassroots support necessary to drive this reform. Without a Labour presence in the next Government, it simply will not happen.

Deputy Joe Higgins: Unfortunately, the contribution by the Minister for Health was disingenuous in the extreme. He contradicted himself in virtually every second sentence.

He said:

I believe that this matter should be dealt with in the Thirty-second Dáil, when parties have a fresh mandate from the people for their policies. I do not want it to be an election or pre-election issue. It needs to be dealt with sensitively.

How will the Minister get a fresh mandate if there is no pre-election or election debate? He believes he will miraculously have a mandate in the next Dáil without such debate. Incidentally, this Government has carried out many savage austerity measures for which it had no mandate from the people from the last election.

The Minister also said he believed that what is now required is "a considered and careful public debate to find a consensus". A consensus is when everybody agrees on an issue. There will never be a consensus in this State regarding the right of a woman to have an abortion because there are people, mainly those of certain religious convictions, for whom this is anathema. We respect their right to hold those beliefs, but they may not exercise a veto over the rest of society. That is what the Minister is allowing by saying that. To say we must wait for a consensus means never to introduce the right of a woman to terminate a pregnancy. The consensus argument could also be turned on its head; there is no consensus now, yet women are denied what we believe to be a basic civil right. Further, the Minister wants the debate to be conducted in a similar way to the same-sex marriage debate in the Convention on the Constitution, confined to 100 people or so. That is also a cop-out. Society has moved way ahead of this Government and the Minister. As colleagues have indicated, significant majorities in opinion polls support the right to termination under particular circumstances.

The Minister argues against this Bill because he says legislation is already in place. However, this legislation is so restrictive that it will scarcely ever be used by a woman in the very exceptional circumstances that it covers. Finally, the Minister says he opposes this Bill because it removes existing rights for women and the unborn without undertaking an analysis of the policy and legal implications of such a change for our Constitution. A constitutional amendment is not for analysis and detailed legislation, but to set down general principles. As stated in the Bill: "The amendment of the Constitution effected by this Act, for the avoidance of doubt, will

have the effect of removing the constitutional ban on abortion and of entitling the legislature to provide legislation for the provision of abortion in this jurisdiction.” It hands the decision to an assembly that is supposedly democratic. What do the Government and Fianna Fáil find objectionable about that?

It is quite incredible to hear Deputy Kelleher, representing the Fianna Fáil Party, come to the House today and accuse us of introducing this to, in his words, embarrass certain parties or Deputies. I assure the Deputy that colleagues and comrades like Deputy Coppinger have been campaigning for decades, more than 30 years in her case, for women’s right to choose, along with other rights. Is Deputy Kelleher one of those who would have said in a previous epoch that women should not campaign for universal suffrage because it would embarrass Prime Minister Asquith and the lords and gentlemen who ruled over the society of the day? Those who oppose this Bill do not draw attention to the current situation, where a woman in this State can be criminalised and sentenced to 14 years in prison for getting medication that would achieve a termination. They also use the term “abortion on demand” to describe what they are opposing, as if it were a light-hearted choice for any woman to seek the termination of a pregnancy. As is well known, it is a decision that is made after much thought by women.

Some Deputies claim they do not support this but that they would support termination of pregnancy in the case of a fatal foetal abnormality, for example, and perhaps of rape. However, as long as the constitutional prohibition remains, it is impossible to legislate for that, so if they support sincerely the right of a woman faced with the horrific situation of a fatal foetal abnormality, they will remove the constitutional prohibition. The reality is that no matter what people think, it is the right of a pregnant woman to decide for herself whether to continue her pregnancy. Without control of their own fertility and bodily autonomy, women in Ireland will never have equality. Have we not lived through religious and State policing of people’s bodies and personal lives for long enough to see the misery it inflicts? Have we forgotten the Magdalen laundries, the criminalisation of male homosexuality, symphysiotomy and all the vestiges of a horrific past, which are now recognised as an affront to human rights? It must, of course, be noted that this Government chose to ignore the women who survived symphysiotomy through providing an inadequate redress scheme. Even if it held and, hopefully, won a referendum to appeal the eighth amendment and remove the ban on abortion, there would still be problems for women because of the Catholic Church’s influence and control over sections of the medical establishment and hospitals. This issue also raises the need to fundamentally and totally separate church and State. All these issues are involved and implied in this.

Chuir an Teachta Coppinger agus mé féin an Bille um an gCeathrú Leasú is Tríocha ar an mBunreacht 2014 os comhair na Dála mar go bhfuil sé práinneach go mbeadh an ceart ag mná sa tír seo deireadh a chur le toircheas más é sin cinneadh na mná úd. Séard atá i gceist ná go gcuirfear deireadh leis an gcosc sa Bhunreacht ar cheart mná deireadh a chur le toircheas. Tá cásanna an-deacair ann, cosúil le féatais le héalanga marfacha. Tá sé barbartha go gcuirfí iallach ar mhná dul go dtí deireadh téarma an toirchis ina leithéid de chás. Tá cásanna deacra eile ann freisin. Dá bhrí sin, ba cheart go n-athrófaí an Bunreacht agus go dtógfáí amach an cosc ar cheart na mban deireadh a chur le toircheas. Is ceart bunúsach é sin agus dá mba rud é go seasann éinne sa Dáil seo ar son cearta na mban, ba cheart dóibh tacaíocht a thabhairt don Bhille seo.

Deputy Clare Daly: On the one hand, I very much welcome the fact we are here again discussing this issue but on the other hand, it really reflects very poorly on this House that all we do is talk about it. In fact, there has been no action whatsoever in any meaningful sense on

this issue. I recognise that over the course of the five or six debates we have had on this issue in the lifetime of the Government, there has been a seismic shift in the attitude of many of the representatives across the entire political spectrum and I sincerely welcome that. It is a good step forward but sadly it is not good enough and it is not quick enough because there is a huge gulf between the reality on the ground and the sentiments and actual policy on display.

The previous time we discussed the issue the Minister, Deputy Varadkar, said, as he said today, that as a doctor he considers the eight amendment to be too restrictive. He explained the circumstances where it has no regard for the long-term health of a woman in terms of conditions such as stroke and heart attack, among others. What he did not say at the time was that he knew then that another initial was being added to the list of women whose identities have been hidden as a result of the fact they have been a tragic victim of the eight amendment - the case of PP, the woman who was clinically dead but being kept alive on life support because she was pregnant. The Minister talked during that debate about the eight amendment exercising a chilling effect on doctors and that legal considerations were replacing what should be medical decisions. He was absolutely correct in that statement but he then concluded that the Government should not rush matters in the spring and that what we needed was a careful and considered debate. Here we are in the spring and the Government has made no provision whatsoever for any debate, not to mention a considered or a careful one. Not rushing something is not the same as doing nothing which, in reality, is what the Minister has done. In some ways, what he has done is worse than nothing because the Protection of Life During Pregnancy Act failed to do what it said it would do. It does not give pregnant, suicidal women access to a legal abortion in Ireland, to which they are lawfully entitled. We know that is the case because of the tragic case of Miss Y.

The situation continues to criminalise abortion and it resulted in a UN committee stating last August that it has a severe concern about the restrictive circumstances in which women have abortions due to Article 40.3.3° and the strict interpretation that exists in Ireland. It talked about criminalising the activity, the lack of legal clarity, excess scrutiny for doctors and interference with the medical profession, discrimination against those who cannot afford to travel and the fact that our laws add to the mental suffering of our female citizens. The committee required us to revise our legislation, including the Constitution, to take account of circumstances where women require an abortion in circumstances of rape, incest, health and fatal foetal abnormalities. That is a position which is roundly supported by the overwhelming majority in successive opinion polls. It is also the case that failure to do that would be in breach of Articles 2, 3, 6, 7, 17 and 19 of the European Convention on Human Rights and yet we talk about rushing the issue. The point has been made that not a single person of reproductive age had a say in the original eight amendment. The Government has been four years in office and it has failed to address the issue.

I agree with the points that have been made that this should not be a political football or an exercise in political point scoring. The reality is that nobody across the political spectrum has acquitted himself or herself very well on this topic. There is an incredible irony in the fact that Labour Party Deputies, who when times were hard, went out and campaigned against the original eight amendment and got vitriolic abuse at the time but when in power, they fail to address the issue. They then come into House and say we must wait for another Labour Party Government before there is any hope of getting it. That is an absolutely ludicrous position. I welcome the fact all of the parties have moved on the issue. This is the first time the Socialist Party has positively tabled an issue on abortion. I welcome that move, as I welcome the move by Sinn Féin and all of the other issues as well. Everybody has moved on this issue but the problem is

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our lack of action in dealing with the matter has resulted in an enormous gulf on the ground.

Let us look at the eighth amendment and why it was introduced. Abortion was already illegal in 1983. It was introduced because the Catholic establishment wanted to be sure to be sure that there would never be abortion in Ireland. Its abysmal failure should be reason enough for why it should now be repealed, because the eight amendment did not stop Irish abortions - it just stopped them happening in Ireland. We have exported 160,000 mothers, daughters, wives, sisters and girlfriends to have that procedure done in a different country. To add insult to injury, our Constitution gives us a legal right to an abortion but it just says that we have to have it outside of our waters. The only people then who cannot have it are people who are too poor, too sick or of precarious immigrant status. The eight amendment stands as a monument to our hypocrisy. That is all it is. It is an unbroken thread to the Magdalen laundries, symphysiotomy and other such practices.

The truth is that the annual rate of abortion worldwide is roughly similar everywhere. There is no link between the number of women who end up having abortion and whether it is legal or not. The only thing that changes is their access to safe abortion, with the result that probably during the course of this debate, worldwide, 12 women will have died as a result of unsafe abortions. I have heard our lack of abortion provision being described as medieval. The reality is that in medieval times, we had the Black Death and high mortality rates and people did not give a toss whether women had abortions or not. It has been established by anthropologists that abortion has been a worldwide phenomenon and as long as men and women have had sex, women have attempted to deal with their pregnancies. While surgical abortions were rare until the end of the 19th century, evidence of pharmaceutically-induced abortions were commonplace in Egyptian and Babylonian times and even in rural areas that were untouched by modern medicine. Abortions have always been practised. What changed is that during the 19th century it became criminalised and that was part of a campaign against growing women's rights and autonomy. It was a backlash against the suffragist movement, voluntary motherhood and the other struggle for women's rights in that regard. That is the context in which this restriction came about.

The only way out of it is to have a system, which I obviously support, where we would have in this country free, safe, legal abortion as part of our health service for any woman who wants it, whatever the reason, as part of our overall reproductive rights, which includes the right to have a child and the right to raise that child with dignity and support. It is a fundamental human rights and health issue. The question is how we get there. We would have got there already if we did not have the safety valve of Britain to deal with all of the cases. Our starting point must be to accept that the Constitution is no place for decisions about women's bodies and women's health. It is completely inappropriate and we need to take it out in order to either regulate or legislate for abortion. The Minister has said that will remove the protection the Constitution currently affords to women. I do not accept that argument because we would only then be in the same position as men. In fact, what it would do is remove the conflict between the rights of women and the right of the unborn. As the Minister is aware, doctors have a duty to their patients anyway so I do not think, if constitutional protection is removed, that there will be a free-for-all in terms of endangering women's lives.

It is the case that some citizens do not agree with abortion and I fully accept their right to make that decision for themselves. I will stand over it and campaign for them not to be forced into abortions but equally that must be a choice for a woman herself. She should not have to justify or explain her decisions and we should not have to be second-class citizens.

We must register that what we do here matters and has consequences and that what we do not do here also matters and has consequences. In the course of the previous discussion on this matter, the Minister referred to the Attorney General arguing and advising the Government against the introduction of the original amendment because of the mess he would create. The Attorney General was right. The Minister hid behind the current Attorney General and did not deal with legislation relating to fatal foetal abnormalities. Since then, a number of citizens have had to be banished from these shores to have that procedure away from their families and support network. Life is not black and white; it is very complex. The idea that we would have in place laws would dictate what a person can do with their body and health is, to me, reprehensible. As a State, we should be supporting people in their decisions and not adding to the trauma and difficulties that often arise in life.

Deputy Mick Wallace: The Minister will forgive me if I am repetitive. We have been here so often that I wonder about the merit of repeating things I have said before. However, there are probably people outside this House who believe the points need to be continually made until we get change. It is pretty clear at this stage that we do not agree on this issue. I respect the Minister's views but I will still make known mine.

According to Lakshmi Puri, Assistant Secretary General of the UN, "sexual and reproductive health rights are at the heart of gender equality, women's rights and women's empowerment". Some 20 years on from the Beijing conference, there is a recognition in the multilateral arena of the importance of women's reproductive rights to global development and to all policy areas and aspects of life. Unfortunately, however, Ireland's legal framework still has not caught up. Our Constitution and, in particular, the eighth amendment, enshrines in law the idea that women are second class citizens, slaves to their own bodies and reproductive capabilities. The fact that a woman's life is only as important as that of a week old foetus is proof of the deep-seated misogyny of our legal system. This issue should not be framed in terms of life and death; it should be about choice, bodily integrity and women's empowerment.

Ireland is one of only two EU countries that does not allow for abortion in cases of rape, incest or health risks and one of three countries that does not consider fatal foetal abnormality to be justifiable grounds for termination. In fact, out of 44 countries in the wider Europe area, only Malta, which bans abortion in all circumstances, manages to outdo us in the restrictive reproductive rights stakes. Our draconian treatment of pregnant women has rightly received the condemnation of several major human rights watchdogs. In its fourth periodic review of Ireland carried out in 2015, the UN Human Rights Committee expressed concern at the criminalisation of abortion under section 22 of the Protection of Life during Pregnancy Act, recommending, in particular, that provisions be made in the law to deal, at the very least, with cases of rape, incest, fatal foetal abnormality and risks to the health of the mother. Despite their intention, these laws do not actually stop women from seeking abortions. They only prevent women from receiving the medical care and support they need.

What a great little country we live in. Ireland has effectively been outsourcing its abortions to the UK for decades, with over 3,500 Irish women travelling there for abortions in 2013 alone. These figures are probably an underestimation because many women who travel for an abortion are unlikely to give their home address due to the stigma involved. According to the Irish Family Planning Association, since 1980, over 160,000 women have had to travel to the UK for an abortion. These women are often treated like criminals, abandoned by the Irish health care system in their time of need and excluded from any type of follow-up care, both physical or psychological.

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According to TASC, Ireland is now the most unequal country in the EU in terms of the distribution of income, with the top 10% holding up to 58% of Ireland's wealth, compared to 12% for the bottom 50%. Bearing in mind that a woman's ability to choose the outcome of an unwanted pregnancy is hugely dependent on her location, social status and wealth, forcing women to travel abroad, and, therefore, pay a considerable amount of money to access an abortion, feeds into our growing inequality and discriminates against the less well-off.

Yesterday, I read in *The Guardian* a shocking story about a ten year old girl in Paraguay who became pregnant having been sexually abused by her stepfather and was refused an abortion due to the country's strict reproductive laws. Regardless of the incidence of rape, and the fact that she is a ten year old child, she would only be legally allowed to have an abortion if it could be proven that her life was in danger. Does this sound familiar? According to Amnesty International, forcing this child to bear the physical and psychological effects of having her stepfather's baby at the age of ten is "tantamount to torture". What would happen if this situation had occurred in Ireland?

El Salvador, which also has one of the most restrictive abortion laws in the world, also draws parallels with Ireland. In both countries, medical practitioners face lengthy prison sentences for assisting pregnant women in accessing abortions. Doctors are put in the unenviable situation where they are forced to choose between their duty of care to the patient and their fear of being prosecuted and possibly imprisoned for up to 14 years. The lack of legal clarity for medical practitioners and the fact that the right to life of a notional child is placed on an equal footing as that of a woman resulted in the tragic case of *PP v. HSE* in December 2014. A woman who was clinically dead and surviving on life support was forced to act as a human incubator for three weeks for a foetus which was at too early a stage in the gestation period to have any hope of surviving outside the womb. It is our Constitution that allows for inhumane practices such as this to continue.

We have heard all the arguments before. We have witnessed the failures of the Protection of Life During Pregnancy Act 2013 in regard to *PP v. HSE* and also with the case of Ms Y last August, which was a case involving a teenage girl who became pregnant as a result of rape, had then attempted suicide and was refused an abortion and forced to have a caesarean section. The Government shows time and again that it has no real appetite for doing anything meaningful about this issue.

In the Programme for Government 2011-2015, the Government outlines its commitment to "ensuring that the rights of women and men to equality of treatment and to participate fully in society are upheld". How can women achieve equality, or participate fully in society, if they are prevented from having control over their body, health or future?

Minister for Health (Deputy Leo Varadkar): I have nothing much to add to what I said in my initial contribution. My argument that this issue should be dealt with by the next Dáil was, in many ways, emphasised by Deputy Anne Ferris, who pointed out that given the time remaining in the lifetime of this Dáil it is not possible to do the work suggested. I believe we need to give parties an opportunity to review their mandates. My party was elected on the mandate that it would not legislate for abortion. We feel honour-bound to respect that mandate, at least for the duration of this term in office. In recent months, other parties have amended and refined their positions on this issue, with Sinn Féin having adopted a new revised position on it and Fianna Fáil having voted at its Ard-Fheis to defend the eighth amendment. Fine Gael has not yet had an opportunity to consider what will be in its manifesto on this issue. Therefore, we do

not have a mandate to legislate for abortion.

Deputy Halligan mentioned opinion polls. Anybody who stayed up late last night will know that opinion polls are not always right. While pollsters will argue that it was within the margin of error, and they are probably correct, we know in this country that opinion polls can indicate one thing but when the papers tumble out of the ballot boxes, the result can be somewhat different. To the extent that opinion polls do matter, they indicate that the clear majority of Irish people do not support on demand or request but do support it in certain defined circumstances.

A number of Deputies spoke about the Catholic Church. Some of the speakers opposite are, perhaps, a little bit obsessed with the church for reasons I do not understand. As somebody who was brought up a Catholic but is not religious, I do not understand why other people who are religious are so obsessed by the church. The church has certainly done a lot of wrong down through the years, in particular in terms of its treatment of children and women but it has also done a lot of good. Most of the primary schools in our constituencies were established under the patronage of the church and paid for and subsidised by the church for years. The same applies to hospitals such as the Mater, St. Vincent's and many others which were established by religious orders when the State was either too weak or not sufficiently interested to provide health and education. Even now, Catholic charities do enormously powerful and important work. The pastoral work of parishes is very valuable and faith is very important to a great many people. However, I think we can all agree that decisions that are made about the future of our Republic should be made based on what we believe is best for citizens and not our attitude to the church, whether that be a favourable or a negative one.

I thank Deputies for their contributions to this debate. I am sure this is a matter we will discuss again.

Deputy Ruth Coppinger: The sum total of the debate seems to be business as usual in so far as the issue of abortion is concerned. The nod and wink policy will continue. Both Fine Gael and Fianna Fáil speakers in the debate today have not referred to any of the issues raised by the proposers of the motion and by others on this side of the House. There was no mention of the 4,0000 women who leave this country every year for an abortion.

I note the Minister of State with responsibility for equality is in the Chamber. I think he should listen as he has arrived at the end of the debate.

There was not one mention by any of the opponents of the Bill of the fact that thousands of women are forced to leave this country in secrecy, with stigma and at great expense, because of the failure of the Government to remove the eighth amendment. Neither the Minister nor the Opposition referred to the widely publicised cases that brought thousands of people onto the streets in this country. I refer to the tragic death of Savita Halappanavar and the disgraceful treatment last summer of a really vulnerable girl, a migrant who was pregnant, suicidal and a rape victim. Neither the Minister nor the Opposition spoke about how that case is to be dealt with. I also refer to the case last Christmas of a clinically dead pregnant woman whose family was forced to go to the courts for the right to bury her.

How dare Deputy Kelleher suggest that the purpose of bringing this Bill to the House was to embarrass politicians or political parties. This Bill was published last September by myself and Deputy Higgins as a result of the treatment of the pregnant rape victim last summer. The Bill has come up for debate now. I applaud Deputy Anne Ferris on giving her honest appraisal

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of the situation. It has been noticeable that no Minister or Deputy spoke in the debate on behalf of the Labour Party. In my view, that is absolutely scandalous.

How dare Deputy Kelleher suggest any ulterior motive. It is parties and people like us who for 30 years have campaigned for social progress in this country. My own first political action was in 1986, campaigning for the divorce referendum when I was a member of the Labour Party. I also campaigned on the X case in 1992 when many of us over here campaigned against the disgraceful incarceration of a rape victim. Unfortunately, we are the people who have had to assist women with accessing abortion pills, for example, those who are prevented from leaving this country because they do not have money. We are the ones who have highlighted the ongoing lack of abortion in this country. It is a little rich for somebody speaking on behalf of an all-male party to talk about political embarrassment which is absolutely secondary to the suffering of women under the eighth amendment.

I wish to clarify that this Bill is necessary if any reform is to take place around abortion in this country. Some people have said that they support abortion being permitted in circumstances of fatal foetal abnormality. According to the Government, that cannot be provided without a repeal of the eighth amendment. The Government can set up whatever commission Deputy Kelleher deems fit but we have to remove the eighth amendment before we can allow any humane treatment of pregnant women in this country.

On the point about the timing, of course it is possible for this to be dealt with by the Government in the lifetime of this Dáil, either in the autumn or the winter. There is no reason to prevent a referendum to repeal the eighth amendment being held in the autumn. The Taoiseach was speaking about a whole series of referendums he planned to hold but maybe these have been put in abeyance now. However, it was a political decision to hold a very minor referendum on the presidential voting age when for so long this issue was begging to be legislated for. A referendum could be held in the autumn.

I refer to the Minister's opening contribution. It is highly disingenuous of the Minister to talk about-----

Acting Chairman (Deputy Joanna Tuffy): I am sorry, there is a lot of background noise with people speaking. It is very difficult-----

Deputy Joe Higgins: The two Ministers are talking instead of listening to the arguments. That is very ignorant.

Acting Chairman (Deputy Joanna Tuffy): It applies to other Deputies as well. It is very difficult to hear the speaker.

Deputy Joe Higgins: There are so few people in the Chamber. Now that the Labour Party has deigned to come in, the Minister of State, Deputy Ó Ríordáin, might listen.

(Interruptions).

Deputy Ruth Coppinger: I find it very ignorant that the Minister of State with responsibility for equality is not even listening to what I am saying and neither is the Minister for Health. I ask that they show a little bit of respect.

Acting Chairman (Deputy Joanna Tuffy): Deputy Coppinger, I have dealt with the matter now. Please continue.

Deputy Ruth Coppinger: It is very disingenuous of the Minister to say that legislation for abortion exists and that we do not need this Bill. The Protection of Life During Pregnancy Act did not even facilitate the people it was meant to facilitate who were suicidal. That was very obvious last summer in the treatment of the most vulnerable migrant rape victim who was suicidal. She was deemed by doctors to need this but she could not get it. We need change. The Minister of Health has said that this is dangerous for women's health and he has cited circumstances and conditions where that might be the long-term health of women. We cannot deal with that until we scrap the eighth amendment. No change is possible. It is too forbidding of any change. We have to remove it from the Constitution.

The Minister said that voting to remove the eighth amendment would remove some rights for women. I ask what rights for women are involved. It is an imprisonment of women because as long as women are equated with a foetus, there cannot be any humane treatment for women. The eighth amendment has to go.

Deputies have talked about the need to wait until there is a consensus. There will never be a full consensus on this issue but what we can say is that it is probably not as divisive as some in this House would like to claim. Poll after poll has shown consensus on a number of issues, for example, where there is a risk to the mother's life. In one poll, 72% agreed there should be abortion in those circumstances. Another poll cited that 69% were in favour in the case of rape and this number was even higher in other polls. In the case of a threat to the long-term health of the woman, 68% agreed with abortion in that circumstance. Some 80% are in favour in cases of fatal foetal abnormality. These four cases show that there is consensus. Any division seems to be among the electorate that some in this House seem to want to court. I do not know if these might be older people or perhaps rural people. There is definitely a consensus around those four grounds for abortion. The argument made by the Taoiseach and the Tánaiste last year is that the people have spoken and that the eighth amendment represents what people want.

This is a completely different country from 1983. In 1983, Magdalen laundries were still open, contraception was not fully legal and available, homosexuality was illegal, and many more people went to church and adhered to the tenets of the hierarchy of the Catholic Church. We have a much more diverse, tolerant and liberal society now. I agree a referendum on the subject would be divisive but we have to have divisive debates if they are needed in order to protect women's health and women's lives and I believe it could be passed.

Ultimately, this is a woman's decision; only women can become pregnant. I point out that it is still women who, in general, are left with full responsibility for child-rearing. It is galling to listen to people throwing around the phrase, "abortion on demand", as if women just blithely demand an abortion. It is not a phrase I would use. Having a child is a lifetime commitment. It is not an inconsiderable or small thing in someone's life. In general what it means is poverty, particularly if a woman does not have the support of a partner. The biggest single group in poverty in this country is made up of lone parents. A parent is twice as likely to rear a child in poverty if she is on her own than if she has a supportive partner. We cannot divorce decisions that women are making from the context of the austerity regime which has been raining down on women disproportionately, more than any other group in society.

I wish to be clear about it. In the pro-choice movement there is consensus around what is needed. We need to delete the eighth amendment, have a discussion and introduce legislation after that discussion takes place among the elected Members of the Parliament of the people. That is a far better forum for deciding the health needs of the population and women than put-

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ting a ban in the Constitution. The ban was voted in 32 years ago, more than a generation ago. My generation was let down by that amendment. We should not let down this generation and future generations.

Cuireadh an cheist.

Question put.

Acting Chairman (Deputy Joanna Tuffy): In accordance with Standing Order 117A(1A), the division is postponed until immediately after the Order of Business on Tuesday next, 12 May 2015.

Proceeds of Crime (Amendment) Bill 2014: Second Stage [Private Members]

Deputy Eamonn Maloney: I move: "That the Bill be now read a Second Time."

The purpose of the Proceeds of Crime (Amendment) Bill 2014 is to strengthen the existing 1996 Act, titled the Proceeds of Crime Act. This amending Bill proposes to reduce from seven to two years the waiting period before the Criminal Assets Bureau can apply to the High Court for the disposal and forfeiture of assets frozen under section 3 of the Act.

Deputies and the public at large will remember June 1996. It is embedded in the public mind because it was the month Veronica Guerin was assassinated. At the time she worked for the *Sunday Independent* newspaper and was a distinguished campaigning journalist. Ms Guerin's untimely death and the subsequent public and political outcry led to the enactment of the Proceeds of Crime Act in October 1996 and, subsequently, to the establishment of the Criminal Assets Bureau.

It is widely acknowledged that this change in the law in 1996 allows the authorities to freeze the assets of those who obtain certain assets from criminal activity. It operates on the basis that those who obtain assets by criminal activity should not benefit from them.

I will set out the current scheme of the Act. Normally, the process starts with the Criminal Assets Bureau applying to the High Court under section 2 of the Act for an interim order to freeze assets without notice to the defendant. The trial of the action then takes place and if the Criminal Assets Bureau is successful an order under section 3 is made. This has the effect of freezing the assets until further order.

However, currently the assets cannot be disposed of or transferred into the Exchequer. This cannot be applied for unless an interlocutory order is in force for at least seven years. There can be no transfer of assets frozen under court order into the Exchequer. There remains a question mark over the ownership of the assets by the criminal involved in whatever activity. The Bill aims to reduce this waiting period from seven to two years. It could bring about a once-off injection of cash into the Exchequer.

Deputy Eric Byrne: Through the Chair, I am being distracted by a telephone call being made by the Fianna Fáil spokesperson on justice. With due respect to Members of the House, I think it is not appropriate.

Acting Chairman (Deputy Joanna Tuffy): I agree.

Deputy Eric Byrne: Thank you.

Deputy Billy Kelleher: I apologise. Sorry for interrupting.

Deputy Eamonn Maloney: That is no problem. The Bill aims to reduce the waiting period to two years. The Bill will assist the Criminal Assets Bureau in its important work of seizing the profits of crime, in particular in respect of those involved in the illegal drug business. I believe the period of seven years is too long. While I understand the legitimate reasons for that period in the original Act there is an opposing view on the matter now. I am one of those who believe that this process should be shortened from seven to two years and that is the cardinal point of this proposed legislation.

The new Bill would also make more timely the seizing of profits from the assets of crime. I have no wish to be prescriptive about it because we all have different views, but it is not a simple matter of the CAB seizing the assets, freezing them and then simply bringing them into the Exchequer.

If the legislation should proceed in that direction, one important aspect for many Deputies is the question of how that money would be spent. We all have different views about it, but I would be surprised if there was a lack of consensus in the House around the idea that this money should be used, for example, to fund policing against those who are involved in major crime. If there was a shortfall in resources then this could represent welcome funding for that area of policing.

I am pleased that the Minister of State who has taken on responsibility for the drugs strategy is present. This is an important matter for those of us who have within our constituencies, unfortunately, a serious illegal drug problem. There are many people involved in these issues in our communities. In particular, I have in mind the drugs task forces. It is important that, as Members of this House, we assist in or promote the idea that this money should also be used locally by those who are on the front line of the campaign in drugs treatment.

This particular amending legislation has been around for some time. It precedes the life of this Dáil. I commend Deputy Rabbitte - I am unsure whether he is present - who drafted the concept of the original amending legislation. Deputy Rabbitte was the first Deputy with a portfolio in the area of drugs misuse and drugs strategy, back in the 1990s.

It is very seldom that we get an opportunity to compliment or praise the work of the Criminal Assets Bureau, CAB. I have never had the opportunity in the period I have been here. I compliment the 70-plus staff, including members of the Revenue Commissioners, members of An Garda Síochána and officials from the Department of Social Protection. They do a very difficult job very well and I have no hesitation in paying tribute to them in this debate. They have seized much revenue from those who have illegitimately accumulated large financial reserves and assets such as houses, cars and boats. That is the sort of work that the CAB does, and all parliamentarians should recognise that. If this Bill becomes law it will be of benefit to the CAB. I also wish to mention Mr. Barry Galvin, whom I have never met, and to take the opportunity of praising him for the work he did at the very beginning of the CAB. I think he resigned in 2013. He did sterling work, and all law-abiding citizens in this State should compliment him in that regard.

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin): On behalf of the Minister for Justice and Equality, I welcome the opportunity to

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respond to the Proceeds of Crime (Amendment) Bill 2014, introduced by my colleague, Deputy Eamonn Maloney, and commend him on the work he has put into this measure. Unfortunately, the Minister for Justice and Equality cannot be here today to address the House due to a prior engagement elsewhere. As Deputy Maloney has said, I am delighted to make a contribution because of my recent appointment as Minister of State with responsibility for the national drugs strategy, which has a great connection with this area.

It is right to acknowledge the work of the Criminal Assets Bureau, as has already been mentioned. The bureau has been at the forefront of the fight against organised crime in this jurisdiction since its inception in 1996. The significant successes that the bureau achieves through its operations demonstrate the effectiveness of the approach we have taken to pursuing illegally gotten gains, and the bureau has served us well.

The Bill before us, while short and succinct, proposes a very significant change to what is a core feature of the non-conviction-based model for confiscation of the proceeds of crime, as set out in the Proceeds of Crime Acts 1996 and 2005. The principle of what the Deputy proposes - that is, a reduction in the statutory freezing period contained in that legislation - is a matter that is currently under review. This work is being undertaken in the context of a broader body of work which is reviewing proceeds of crime legislation in view of a number of matters, including the experience of the Criminal Assets Bureau, relevant court judgments and developments at national and international level in the law pertaining to the proceeds of crime and related matters.

As the general thrust of Deputy Maloney's proposal is under consideration, the Government will not be opposing the Bill's reading on Second Stage. However, the House will appreciate that while the focus of this Bill is very narrow, the affected provisions are key to the confiscation model contained in the legislation and are of significant import. It is therefore considered wise not to deal with the Deputy's proposal in isolation from the broader review which is under way and which will examine the legislative scheme in its totality. I will return to this. A court, in assessing the validity of our proceeds of crime provisions, could be expected to look at those provisions in their totality, so clearly the proposal represented by this Bill cannot be looked at in isolation.

I will now turn to the main provisions of the Bill. It proposes to substitute a statutory timeframe of two years for the current seven-year statutory timeframe contained in section 4 of the Proceeds of Crime Act and referenced in section 4(a) of that Act. Under the Proceeds of Crime Act 1996, where a court is satisfied that a property represents the proceeds of crime, it may make an interim order *ex parte*, followed by an interlocutory order on notice, freezing the property identified as proceeds of crime. If the respondent, who is the person in possession or control of the property, or any other person claiming ownership, is able to prove that the property does not represent proceeds of crime, then the interlocutory order may be varied or discharged as appropriate. If, at the end of the period of seven years, the respondent has not been able to prove to the satisfaction of the court that the property does not represent proceeds of crime, then a disposal order under section 4 may be made and the title to the property passes to the State. The Proceeds of Crime (Amendment) Act 2005 subsequently introduced a new section 4(a), which provides for a consent disposal order. Section 4(a) allows for the seven-year period to be reduced with the consent of all parties involved.

The Minister welcomes the debate today while having due regard to the overall context and background to the proceeds of crime legislation. The House will appreciate that tradition-

ally our approach to tackling criminal behaviour is to bring the perpetrators of crime to justice under our criminal law and to allow for the imposition of criminal sanctions and penalties on those convicted of crime. A more recent feature of our approach has been the establishment of well-developed systems for confiscation of the proceeds of crime. It is through divesting those involved in criminal conduct of their illicit gains that we seek to disrupt and dismantle criminal enterprises and prevent the possible future reuse of illicit funds for criminal purposes.

The non-conviction-based model for confiscation of the proceeds of crime, which is the model affected by the proposed Bill, was introduced into the Irish legal system through the provisions of the Proceeds of Crime Act 1996. The proceeds of crime legislation was introduced by the State as a proportional and legitimate response, in the interests of the common good, to the serious organised crime situation that had developed at that time, particularly the growth of organised crime gangs and the emergence of gang leaders and associates who ensured that they remained at a distance from the actual commission of offences, but who had most to gain from those activities.

The Minister for Justice and Equality is of the view that it is important to emphasise in this regard that the primary purpose of the proceeds of crime legislation is not to enrich the Exchequer with expropriated property but to freeze proceeds of crime to deprive those concerned of the benefits of criminal proceeds. The provisions of the 1996 Act were considered very novel at the time of their introduction; therefore, particular attention was paid to ensuring that the provisions met with the rigorous standards of the Constitution. It is worth recalling a number of the key concepts and features of the model. While traditional conviction-based models act *in personam* against a convicted person, the Irish non-conviction based model acts *in rem* on the property that constitutes the proceeds of crime. It applies civil law rather than criminal law concepts. Therefore, with regard to matters of evidence, it is the civil law standard that applies - that is, on the balance of probabilities, rather than the criminal standard of beyond reasonable doubt. The regime provided by the proceeds of crime legislation is not considered punitive or criminal in nature. The respondent is not necessarily suspected of the crime from which the proceeds have derived, and the State does not need to show a link between the person in whose possession the assets are seized and the crime. The effect of the order is solely to deprive the holder of the beneficial enjoyment of the property in question.

In considering the legislative model, it is important to note that the legislation provides for a number of very important safeguards such as notice provisions, the opportunity for a respondent to seek to vary an order, the opportunity for any persons claiming ownership to be heard, provision for legal aid, provision for compensation, etc. These safeguards are vital in ensuring that the system is fair and that the model is not unduly oppressive in effect. It is also worth recalling that since its introduction, the proceeds of crime legislation has been the subject of a number of challenges with regard to the question of whether it meets the standards of fundamental rights and protections enshrined in the Constitution of Ireland and the European Convention on Human Rights.

12 o'clock

There has been good reason for approaching with caution the seven-year timeframe other than on the basis of consent to disposal. Principal concerns in this regard relate to the potential for any reduction in the statutory timeframe to give succour to an argument that the legislative scheme set out in the Proceeds of Crime Acts is penal or criminal in nature and-or that the scheme does not take due account of potential third party interests.

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The most constant criticism of the legislation since its introduction has been that it penalises individuals without the individual affected being convicted of an offence or that it is penal in nature. A reduction of the period between the interlocutory order and the disposal order might render the legislation more open to challenge on the grounds that it is a penal confiscation without due process. The shorter the period before the forfeiture stage, the greater the chance that the forfeiture might be deemed penal. Also, while a period of seven years does not overcome all the relevant periods under the Statute of Limitations, it addresses the majority of them.

The period of seven years was therefore carefully selected at the time as a desirable time span during which contractual claims could be defeated. It is also significant that the current seven year statutory period fits within a scheme of protections for the person from whom assets are taken, and for third parties. Therefore it is important that consideration of any amending proposal take place within the context of a comprehensive review which would take into account whether, for example, these protections need to be adjusted. It is important that any changes to the statutory timeframe of seven years are not made in isolation which may have the effect of upsetting the overall legislative framework.

Following consultation with the Office of the Attorney General, the Minister, while sympathetic to the thinking behind Deputy Maloney's proposal, fears it is incomplete in that it only deals with the narrow issue of the statutory timeframe, outside of a comprehensive review of the legislation which would have regard to the totality of the legislative scheme.

An expert group established under the auspices of the Department of Justice and Equality has been engaged in a comprehensive review of the proceeds of crime legislation with a view to identifying possible improvements which would serve to strengthen the operation of the Criminal Assets Bureau. A number of matters are being reviewed by the group, including decreasing the amount of time which must elapse before criminal assets which have been frozen become the property of the State. When the work of the expert group concludes proposals will in due course be brought forward for inclusion in the proceeds of crime (amendment) Bill which is included in the Government's legislative programme.

The Minister has asked me to assure the House that Deputy Maloney's proposal will be considered in the context of the overall review of the proceeds of crime legislation which is under way and any emerging proposals will be contained in the proposed proceeds of crime (amendment) Bill.

I thank Deputy Maloney again for introducing the Bill. While there is agreement that the matter raised merits consideration it would be wise for such consideration to take place within a broader review of the legislation.

Deputy Billy Kelleher: Fianna Fáil will support the Bill, and I compliment Deputy Maloney for bringing it to the floor of the Dáil. I apologise for any interruptions; I assure the House it was not intended to be disrespectful.

We should never forget the original 1996 Act came about after the heinous murder of Veronica Guerin, a brave journalist, when the Government was spurred into bringing forward legislation. It has served the State well in trying to combat the criminal elements doing untold damage to communities and willing to challenge the State at the very highest levels with force. The Minister of State is now responsible for combatting the nefarious drug trade. The huge proceeds these criminal elements can gain from illegal activities such as this is an indication

we must consistently look at our laws, and the provisions and support given to An Garda Síochána and other arms of the State, to combat the criminal elements who are becoming more sophisticated. They are also becoming more affluent through the amount of proceeds of crime they have available to invest in their criminal empires. The Bill would assist in combatting this. Many of the major criminal gangs have huge resources available through the drugs trade, fuel laundering and tobacco smuggling. They are internationalised as they import weapons and drugs, tobacco and many other products. This trickles down to the smaller criminals. The end result is always a victim, and there are many victims of the drugs trade on a daily basis. We must address it.

I will deviate from Deputy Maloney's Bill to speak about the need for us to take a bottom-up approach to community policing. Reference was made to policing, and our commitment to community policing has weakened. This is not meant to be an overtly political point as I am speaking in general terms. The force is stretched and is under huge pressure. We must target the sophisticated criminal elements. The loss of community police throughout the country is something we will soon regret.

Last night I attended an awards ceremony for volunteers in Mayfield in Cork where I saw very healthy interaction, knowledge and mutual respect between An Garda Síochána and the community through community policing. The Minister of State is trying to combat drug abuse by criminal elements in communities, and community policing would be a big loss in this regard. Some of the community police officers were honoured last night, and I am sure this is replicated in many communities throughout the country. We must target the sophisticated criminal elements but not lose sight of the basic principle of having An Garda Síochána in our communities for the communities.

The Bill merits much consideration. Reference was made to Barry Galvin, the original legal officer to the Criminal Assets Bureau. At the time of that debate, the Seychelles were referenced as they used to advertise as a place where one could bring one's money and nobody would ever be able to trace it. A major concern at the time was that money was being channelled out of the country and huge sums were being lodged abroad and laundered back into the country to continue and fund criminal behaviour.

After the decommissioning of the IRA's terrorist campaign in the North there has been a drift of some elements into criminality at a very high level. We must not forget they were quite comfortable in confronting An Garda Síochána at a previous time and I am quite definite they would have no difficulty in confronting it in the context of their new nefarious activities. For all of these reasons the State must support An Garda Síochána. The State must defend itself and, more importantly, it must support the communities devastated because of this activity.

I am not sure whether Deputy Maloney will call a vote on the Bill but we will support it in whatever way we can. I wish the Minister of State well on his appointment. I criticised the Government for not taking more decisive action in appointing a Minister of State with special responsibility for drugs, implementing the drugs strategy and bringing forward a new strategy. Debate will start on this very soon which is very welcome. If we accept the amounts of money and the value of drugs seized on a continual basis are only the tip of the iceberg, what comes into the country and hits the streets is significant. For this reason any legislation which will undermine the ability of criminals to fund their empires and their ability to launder money and bring it back into circulation as respectable money is something we will support.

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I was interested to hear the Minister of State say a review will be carried out by an expert group under the auspices of the Department of Justice and Equality. That the group is looking at that is welcome. However, as always, these gangs are becoming more sophisticated. They respond rapidly to changing environments and are internationalised. They have huge resources and can evade the clutches of states. This is not only an issue for our Criminal Assets Bureau; there needs to be a pan-European effort to address these problems, including what is happening in the Mediterranean where people are being smuggled across borders and being abandoned at sea. This is not being done by individuals but by large trafficking gangs. We see it in the area of prostitution where women are trafficked across borders. All of that is done by very sophisticated criminal gangs. Any Irish legislation or pan-European or international provisions should be welcomed. I have often said the European Union has free movement of goods, people and services, as fundamental principles of the Treaty of Rome, but there must also be protections for European citizens and those who are trafficked into Europe for exploitation. At times, we are a bit weak in that area as evidenced by what is happening on the southern borders of the European Union and the Mediterranean. All in all, I wish the Minister of State well and thank Deputy Eamonn Maloney for bringing this interesting Bill to the Dáil.

Deputy Maureen O’Sullivan: Cuirim fáilte roimh an mBille seo. Ba mhaith liom aitheantas a thabhairt don Teachta Eamonn Maloney don obair a dhein sé. Is maith an rud é go bhfuil sé ag leanúint ar aghaidh fiú amháin i slí amháin. I want to look at how the Bill can tackle the proceeds of criminal drug dealing. I represent a constituency, parts of which have been devastated and ravaged by drugs. If this proposal gets through the various Stages, it would be of benefit. It would provide us with a speedier way to go after those who are making their living through crime. I note what the Minister of State said about the expert group. Why do these expert groups have to take so long? What is proposed today should be included and considered. Criminals get away with things for a long time and the communities they devastate have to live with that devastation for far longer than the criminals. When we look at drugs, we see that the impact is almost immediate. It may take a while before addiction sets in for an individual but the families and communities are affected in the short-term, with problems continuing for a long time.

The seven-year timeframe is far too long in dealing with the proceeds of crime. We know that criminal investigations take quite some time from the initial Garda operation to evidence gathering, building a case and due process in the courts. There could then be an appeal. In the meantime, the profit-making, dealing, intimidation and lavish lifestyles of criminals continue and the devastation they leave behind goes on for the people who are hardest hit. The Bill provides for a better sense of immediacy regarding the proceeds of crime by allowing them to be seized much more quickly. I think back to the early 1990s when Tony Gregory and other community activists and organisations tried to bring together representatives of the Revenue Commissioners, the investigative branch of the then Department of Social Welfare, the Department of Justice and the Garda drug unit. While there was an agreement in principle to the idea of the Criminal Assets Bureau, it is ironic that there was a reluctance to continue to combine their efforts into a single unit. That unit would have had the aim of examining the assets of the major drug dealers who were well known at that stage. Due to Tony’s persistence a sub-committee on drugs was formed in the Oireachtas and he kept up the effort to persuade the then Minister for Finance, Deputy Ruairí Quinn, and the then Minister for Justice, Nora Owen, as to the merits of the concept that led to the Criminal Assets Bureau, or CAB. In spite of the fact that 1995 was a particularly devastating year, it took a long time, in typical political fashion, for CAB to even be set up and for Tony’s role to be acknowledged. What he was saying then and what Deputy

Eamonn Maloney is saying now is “follow the money”. It is really about following the money much more quickly.

It was disappointing at the time for all of those affected by drug dealing that it took the murder of a journalist to bring about the establishment of CAB. Many people had already been calling for the scrutiny of the big players but they were ignored. These big players with lavish lifestyles, flash cars, dripping in gold and with spectacular sun tans were being seen going to collect their social protection money. Calls were made for an explanation of wealth known to be acquired through criminality. All of this was going on long before it received national attention through the murder of Veronica Guerin. It is very sad that it took the murder of a journalist and not the murders of other people in the areas affected and the deaths from drugs to give an impetus to the area.

We can see what CAB has done but it is under-resourced and still unable to tackle a lot of the big fish, many of whom live outside the State. These people are often unobtainable and CAB cannot go after them. What has been called for in many areas very much affected by drugs is a form of mini-CAB. This would be CAB-type agencies working at local and regional level to go after those who are seen in their communities to be making money through crime, particularly drug crime, and getting away with it. The big players are off in Spain, Portugal, the USA and Holland. There is a need for the Criminal Assets Bureau to work with the community policing forum and community gardaí on this issue. As such, the Bill could make a significant difference by reducing the waiting time before CAB can apply to the High Court for the disposal and forfeit of assets.

The USA does not appear to have the same rigmarole and red tape which we have. The RICO Act of 1970 came 26 years before our Proceeds of Crime Act. We are looking at those people who have livelihoods that are not in keeping with their known earnings. The Bill gets to the heart of that in a speedier way. In the USA, assets are dealt with at the time of prosecution. If the courts deem it proved that proceeds of crime have been built up over many years by people active in criminality, the US Marshals Service can act quickly and robustly to seize assets. Apart from drugs, where there are massive amounts of money to be made, another aspect of this issue is prostitution, particularly where women and girls have been trafficked. We know this is going on and that millions of euro, possibly billions of euro, are being made. Criminals have been allowed to get away with this for a long time.

I looked at the note from the Library and Research Service and was struck by a couple of things. In the reports from 2007 to 2011, CAB took in relatively little money compared with what we know was made through drug dealing and prostitution, in particular. Between 2005 and 2011, CAB did not cost the State any money, but it merely paid for itself. I was also struck by the lack of up-to-date reporting. The latest comprehensive data are from 2011, with a summary update from the Garda Síochána’s annual report in 2012. There is an obvious point to be made here about CAB being under-resourced. We have seen what it can do and there should be support to advance its work. I believe completely in the right to a fair trial, fair procedures and due process but it takes too long in the courts for this work to be completed. It is incumbent on us to do all we can to ensure that crime is not profitable for criminals.

Most especially, we see profits from drug crime. I was struck by what the Minister of State said in this regard. He said the primary purpose of the proceeds of crime legislation was not to enrich the Exchequer with expropriated property but to freeze the proceeds of crime to deprive those concerned of their benefit. The Minister of State knows from his work in the inner city

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that community workers have been calling for the proceeds of crime to go back to the communities that were hardest hit by the crime. In particular, the proceeds should go to those communities where drug crime is most prevalent. It should be provided to those organisations, schools, youth projects and community projects that are working hard on prevention. The Minister of State said that the seven year period was selected very carefully at the time the legislation was drafted as a desirable time span but we must talk about the damage being done in that seven years in the communities where crime is rampant. We saw in a spectacular court case involving a particular individual how long it took to seize his assets.

Importantly, the Bill contributes by ensuring that drug dealing and crime are not seen in communities as a way of life and a way to make a living. We see that in areas that are hardest hit during the recession, because their projects, community programmes and youth projects were hardest hit. We see in parts of Dublin Central that crime and drug dealing is a profitable way of life. I hope the expert group will take on board all aspects of the matter - not only this important Bill, but all the other factors affecting the communities that have been hardest hit by crime and drug dealing.

Deputy Michael Conaghan: I was delighted to hear the name of the late Deputy Tony Gregory being mentioned, because he was the first Deputy to speak on the floor of this House about the abuse of drugs and its consequences for communities, particularly in the Dublin area. We should remember that.

I support Deputy Maloney's initiative. Currently, when CAB seizes assets, there is a waiting period of up to seven years before it can use, dispose of or dispense those moneys, and this Bill from Deputy Maloney will change all of that. The waiting period will be significantly reduced and it will allow, therefore, for much quicker disposal of assets. That will certainly augment the work of the CAB. It will also support communities in terms of accessing funding for the various projects to do with drug treatment and drug prevention in the city communities, and it will help the sometimes difficult and dangerous work of the gardaí in the drug squad. It will help immeasurably the work of the drugs task forces and it will be a signal to the drugs task forces when they meet in communities that their ideas, criticisms and hard work are being echoed in this Chamber and are not simply being ignored.

As Deputy Maloney stated earlier, this Bill will reduce the waiting period for funds to be useable and allow for funding to be used creatively. I urge, if that is the case, that projects at community level, particularly those projects working with the youth clubs and groups that engage young people and give them alternatives to a drug culture, will have first call on that money. A drug culture is ever-present in many communities, waiting to lure young people as lifelong customers by all sorts of means. That is the drug barons' wish. We must challenge them at every turn, whether here, in communities or at various other forums at which we can raise these issues. I am delighted to support Deputy Maloney's Bill.

I commend the Minister of State, Deputy Ó Ríordáin. I am delighted that he has this portfolio, because over perhaps two decades on the city council, this was one of the issues about which he spoke passionately and knowledgeably at a time when these matters were not raised frequently at the city council. He has a clear record. I am delighted that he now has responsibility in this areas, and I know he will discharge that responsibility supremely.

I am delighted that it is Deputy Maloney who is doing this, because he is another person who has spoken in his community, sometimes at very difficult times, about the need to counter

the drug barons and their nefarious actions.

Deputy Finian McGrath: I thank the Acting Chairman, Deputy Durkan, for the opportunity of speaking on this important piece of legislation. I welcome the Proceeds of Crime (Amendment) Bill 2014 and I strongly commend Deputy Eamonn Maloney for bringing it before the House. It is a relevant and topical piece of legislation, but is also sensible and practical. Like my colleague, Deputy Maureen O'Sullivan, the first person I thought of when I saw Deputy Maloney's Bill coming through was the late Deputy Tony Gregory. I note that a number of colleagues have mentioned Tony, who was one of those who influenced me to get involved in politics when I worked in the north inner city and also when I was principal of a school.

The Bill is relevant today because there are very wealthy people making a lot of money out of organised crime. In the past 12 months there have been 12 deaths on the streets of Dublin and around the country, yet there have been no prosecutions. That shows how serious the issue is. Sometimes we do not even bat an eyelid when there is another gangland killing on our streets. That is unacceptable. Even in the past few days, the reports of a person being shot on the streets of Belfast at 9 o'clock in the morning have sent a shiver through every spine. We should never, ever be silent on this issue.

That brings me to the issue, related to discussion of the Bill, of guns in society. We need to examine this and to be vigilant. The Bill is important in that it targets those senior criminals who are making the money, but then it is important that the money is distributed to the people who have suffered as a consequence of these bully-boy antics. Many communities have been intimidated. Recently, I attended a number of meetings in my constituency about the fact that whole streets were being intimidated by a certain gang. One gang leader, together with around 20 or 30 young men, was spreading fear up and down those streets and the families were so intimidated they would not even dream of going near the Garda. They were telephoning local TDs such as myself and asking them to intervene and talk to the senior gardaí. We need to focus on that, because there is a significant element of society that is being marginalised and left out there on its own. When making these points, it is important that we say to those in middle Ireland who think drug-taking is acceptable in some way that they must accept responsibility as well, because the drug dealers will follow the market. If there is a market in the affluent Ireland for cocaine, the drug dealers will move into it and make money on the back of it. That needs to be said.

At present, the Oireachtas Joint Committee on Justice, Defence and Equality, of which I am a member, is doing a lot of valuable work, under Deputy David Stanton, on gangland crime in the community. We have held a lot of hearings. We have heard presentations from all the different voluntary groups, drugs groups, parents' groups and victims of crime, and we will be producing a comprehensive report. I hope the Minister will support the recommendations when that report is issued in either the summer or the autumn.

The Bill amends section 4 of the Proceeds of Crime Act 1996 by changing the period of freezing of assets from seven years to two years, and I warmly welcome that. It also amends section 4A of the Proceeds of Crime Act. This is the substance of the legislation.

When talking about crime and the proceeds of crime, as I mentioned earlier, we also need to think about the issue of firearms. There is significant a public safety concern among broader society about the availability of firearms, both legal and illegal. According to recent research done by the Oireachtas Joint Committee on Justice, Defence and Equality, there are around

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150,000 unregistered firearms. I am not talking about the responsible gun owners and the sensible people. I am talking about unregistered firearms. It is important to mention the threat to broader society. Between 2005 and 2008, 31 handguns were stolen and 1,236 other civilian firearms were stolen. Of the 1,236 firearms, only 373 were recovered. We need to be focused, and responsible gun owners need to be vigilant. They need to be careful. We need strong regulation and commonsense when dealing with this issue because we have enough guns in the broader society, a fact which must be recognised.

It is very important that we ensure the money recouped as a result of the Proceeds of Crime Act is put into services on the ground. We have many excellent projects in disadvantaged communities, such as preschool services, football clubs, children's clubs and other groups that are making a very valuable contribution to society. These groups regularly get in touch with us looking for funds and some of the requests are not for a lot of money. This week, a group of young adults with Down's syndrome got in touch with me. They are doing a course in Trinity College Dublin and needed €1,000 to finish it. I have been in touch with the Minister about it but it is an example of what can be done with a small amount of money. This Proceeds of Crime (Amendment) Bill could enable us to do a lot of work. We need to target children in particular. We need to deal with the issues of poverty and housing and with the issue of early education disadvantage. One has to get in early to save many of the children in these circumstances.

Many families in disadvantaged communities, where poverty levels are high, are not involved in any criminal activity. We should look at them as examples of good practice and of how some families can do an excellent job against the odds. We have a duty not to forget those families. One also has to target the 15% or 20% of very dysfunctional families that need supports and help but many others, whom I call the "silent majority", get up in the morning and send their children to school against the odds. They walk past gang leaders and drug addicts, they step over needles and syringes and yet they manage to survive because they are such incredible people. Society must ensure we never forget them and we need the resources from the proceeds of crime to be spent on these communities, particularly in the area of early education. If we can get to these children between the ages of two and four, before they start primary school, we can have a massive impact on their lives. If we invest in early education, preschool education and primary education there will be results and that has been proved recently in the valuable work done by many DEIS schools.

I warmly welcome the debate and commend Deputy Eamonn Maloney again on bringing the Bill before the House. I am delighted that there seems to be cross-party support for the legislation. I can see the late Tony Gregory looking down on us with a wry smile at a cross-party group of Deputies supporting something about which he cared very passionately. I welcome the legislation and I will strongly support it.

Deputy Thomas P. Broughan: I am delighted to be here to support strongly the Proceeds of Crime (Amendment) Bill 2014. It is typical of Deputy Maloney. In his time in this House he has brought forward a number of thoughtful and necessary pieces of legislation over a range of fields and none is more valuable than the proposed amendment of the Proceeds of Crime Act 1996, whereby section 4 will be amended by substituting "2 years" for "7 years" to significantly bring down the period of time within which the illegally acquired assets of criminals will be able to be taken back by the communities from which they were stolen in the first place.

This is another important piece of legislation and it reminds us of the rise of drug-fuelled crime in the period from the 1980s to the mid-1990s which led to the terrible assassination of

Veronica Guerin and the virtual collapse of law and order in many areas of our cities. This Bill brings us back to that era and the helplessness that many communities felt. I was one of the people who did not regard “Love/Hate” as a valuable contribution to drama because, like many of the citizens in this city, I lived through the situations depicted in that drama. It is very painful for communities to see, even in a dramatic form, the visualisation of the kind of suffering of those times when, in a period of five or six months, five or six people would be assassinated and where the iron grip of major drug gangsters was able to intimidate communities.

In the early 1990s, the party to which I belonged was involved in Government and we took a valuable step in establishing the Criminal Assets Bureau and giving it powers, which have been sustained by the Supreme Court, to ensure that the viciously ill-gotten gains that destroyed communities in this and other cities would be brought back to the community. From its establishment in late 1996 to the end of 2011, the Criminal Assets Bureau successfully froze some €70 million worth of assets. It has 70 staff from the Garda Síochána, the Revenue Commissioners and the Department of Social Protection, backed up by the Chief State Solicitor. It has done a very good job over the years and the money returned to the Exchequer, even in the period of the last Government under the 2005 Act, has been very valuable. In 2008, for example, over €6 million alone was returned and €1.5 million was returned in 2009. The figure for 2010 was €3.1 million and it was €2.7 million in 2011.

In economics, we sometimes debate the hypothecation of taxes. In the recent UK general election there was a major discussion of the value of specifically hypothecating taxes for particular purposes. Most of us would agree that the proceeds of ill-gotten gains from major crime should be returned to communities. In that context, one of the most appalling things about this Government’s record has been the way drug task forces have had their expenditure slashed by 70%.

Deputy Aodhán Ó Ríordáin: No, they have not.

Deputy Thomas P. Broughan: Sorry?

Deputy Aodhán Ó Ríordáin: It is 9.8%.

Deputy Thomas P. Broughan: It is 9.8%. What is the actual figure in euro?

Deputy Aodhán Ó Ríordáin: Since 2009 there has been an effective 9.8% reduction.

Deputy Thomas P. Broughan: I know some drug task forces have had cuts of up to 70%.

Deputy Aodhán Ó Ríordáin: *The Irish Times* has already accepted that the relevant report was wrong.

Deputy Thomas P. Broughan: I will follow that up with the Minister as it is his new area of responsibility. I was in correspondence with him recently about some of the anti-drugs structures in our own constituency. The cuts in this area were fairly vicious and must be restored. When people are doing a good job in taking on young people whose lives have been interrupted and whose family life, education and community activity have been totally devastated by drug-fuelled crime and they come to a community body for support, such as Kilbarrack coast community programme in Dublin Bay North, it is important we back them up to the hilt and give them whatever support is necessary. This should comprise finance and the enforcement of rules relating to community employment so that we can take on such people as support workers in the

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anti-drugs campaign. I look forward to the initiative taken by my colleague, Deputy Maloney, which will ensure the funds recovered will be seen on the ground helping communities through community and sport development.

I recall several years ago when Deputy Rabbitte was the leader of the Labour Party, a Bill was introduced whereby An Garda Síochána would be given powers in the court system to indicate the directors of major drugs organisations, as had been done with terrorist organisations. Unfortunately, Deputy Rabbitte decided he could not support such a measure where these gangsters could be pointed out and identified. I lost my job as Labour Party Whip at the time for supporting that Bill because I believed it was critical this House and An Garda Síochána took the strongest possible measures against these gangsters at every turn. That is what this Bill will do. My colleague, Deputy Conaghan, eloquently put forward a strong case in this regard, as he did in our many years together on Dublin City Council. We must take the strongest possible measures against these vicious criminals and unravel their grip on communities. We must step in as early as possible to ensure they do not get a grip on young children, teenagers or young people and embroil them in criminality.

This legislation is another important step forward. I assume the Minister of State will give it his full support and we will see it in action in the future as another major deterrent to this type of crime. I commend Deputy Maloney for introducing this legislation and hope the Minister of State will implement it quickly.

Minister of State at the Department of Justice and Equality (Deputy Aodhán Ó Ríordáin): Deputy Maloney will appreciate my earlier point about the Government's ongoing review of this area and that it does not intend to oppose the Bill. I commend the Deputy for introducing this Bill. It is typical of the work he has done in this House, focusing attention on issues of this nature. He has been working diligently in this area for many years, even before he was elected to this House.

I read an article today in the *Irish Examiner* about a man called Vincent O'Brien. It stated: "Cork city coroner Myra Cullinane was told yesterday that a spoon, a dirty needle, and other drug paraphernalia were found next to Vincent O'Brien's unconscious body in a toilet cubicle in Dunnes Stores on North Main Street, Cork, on 2 December." That is the reality of drug crime. There are very few crimes and little criminal activity that are not related in some way to the drug situation and the demand for drugs. Prostitution was mentioned earlier. I am quite sure if one goes down to low-level crime - if it can be termed that - such as burglaries, robberies and muggings, one will find they are connected in some way with the drug situation.

If any citizen feels they can engage in drug-taking at a recreational level, be they middle class, students or whatever, and not think they have fuelled a gang, as well as a situation that resulted in the death of somebody like Vincent O'Brien, then they are deluding themselves. The gangs that reap windfalls of money as a result depend on middle class drug-takers to fuel what they do. Drugs are in every city, town and village. Middle class people have a better way of hiding it while working class communities are generally devastated by it. We all have a collective responsibility for the deaths of people like Vincent O'Brien, as well as for the children born with drug dependency and for the young people who find themselves imprisoned for long stretches or dead as a result of their involvement in the drugs trade. I have seen where young people, who feel locked out of the mainstream economy and society, find somewhere else to get empowerment. The drugs trade is there willing and able to take them on and give them that sense of empowerment. They find it glamorous, lucrative and empowering.

Many of the issues raised today are valid. There is a need to see reinvestment in areas which have been devastated as a result of drugs and from the proceeds from this crime culture and criminal activity. We have much work to do, notwithstanding the Deputy's legislation and the Government's ongoing review of this area. This is an issue about which we have to think differently. Generations have been stolen, families have been devastated and people have been afflicted by drugs. It is difficult, trying and monumentally hard to overcome drug addiction. It is difficult to contemplate how hard it is for some addicted to drugs to get clean and on the better path. We have not helped in our public discourse, be it in the political or media sphere. We have denigrated those who have this affliction, calling them names and describing them as a subspecies, and believing it would be better if they were just moved on.

Deputy Maloney's Bill focuses on those at the top of society living the high life from the proceeds of crime. There is much goodwill in this House which will allow us to move on this. The message must go out that if, as private citizens, we think there is no connection between a drag on a joint or a pill taken in a nightclub and the death of someone like Vincent O'Brien, then we are lying to ourselves. We have to constantly and consistently spread that message in society because Vincent O'Brien's death is the fault of each and every one of us. We must take it on the chin and take responsibility for it to ensure we do not have another case like it. If Deputy Maloney's legislation can bring us some somewhere along the way, then it will be considered in the wider review the Government is undertaking.

Deputy Eamonn Maloney: We have had good contributions from Members. The one outstanding feature of this debate is that we are all at one in our concern about the communities ravaged by the misuse of drugs. We, as parliamentarians, are also at one in expressing our solidarity for the work of the Criminal Assets Bureau, CAB. I cannot speak highly enough of CAB given the difficult work it has done over the past 19 years. It is up to us, as Members of this House, not only to offer solidarity in terms of praise for its work but also to ensure it has the necessary financial resources which may come to the Exchequer in a more limited period of time, based on the assumption there might be this change from seven to two years. From the contributions of all the Deputies, it is clear we want whatever assets are available to the Exchequer to be allocated to complement the work of CAB or to do the very valuable and essential work, as outlined by Deputy Broughan, in particular, that is carried out by task forces within the community.

I want to raise two other issues. I fully support, as I am sure do all Members, the necessary review of the legislation because it has been in force 19 years and the entire drug trade and the practices have changed utterly in that time. The classes of drugs that were available in the early 1990s are completely different from the substances that are now being used by people. That is why the review is so essential.

In addition, an important aspect that did not apply so much in the early 1990s was the nature of the personnel now involved in these drug gangs. Most of us could write down the principal people involved in the gangs from one end of this country to the other. They are not that numerous and most of us know who they are. The aim of those people is to make a great deal of money and, in the course of doing that, to make many communities miserable. If we can make their lives miserable and if this small Bill can, in any way, make their lives miserable and take as many of their assets acquired through criminal activity from them, we will have done a good day's work. That is the function of Deputies in this House.

The presence of paramilitaries among drug gangs has been widespread since the mid-1990s.

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Deputy Kelleher made a sharp contribution in that respect. They operate not only in this city but all over the country, including in the Border counties. They have their claws in the drug trade. People who were formerly what could be described as “freedom fighters” can now work full-time selling these substances, or protecting people who sell it. That is the reality. If we can, in any way, diminish their influence, that is what we should do.

I thank the Acting Chairman, the Minister of State and Deputies Broughan and Conaghan and others who made very good contributions. All of us look forward to the review and we will have additional opinions to express when it is completed.

Question put and agreed to.

Acting Chairman (Deputy Bernard J. Durkan): As this is a Private Members’ Bill, it must under Standing Orders 82A and 118 be referred to a select or special committee. The relevant committee for this Bill is the Select Committee on Justice, Defence and Equality.

Proceeds of Crime (Amendment) Bill 2014: Referral to Select Committee

Deputy Eamonn Maloney: I move:

That the Bill be referred to the Select Committee on Justice, Defence and Equality pursuant to Standing Orders 82A(3)(a) and 118 and paragraph (8) of the select committees’ order of reference.

Question put and agreed to.

The Dáil adjourned at 12.55 p.m. until 2 p.m. on Tuesday, 12 May 2015.

