



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé hAoine, 9 Márta 2018

Friday, 9 March 2018

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

Paidir.

Prayer.

An Bille um an Séú Leasú is Tríocha ar an mBunreacht 2018: Ordú don Dara Céim

Thirty-sixth Amendment of the Constitution Bill 2018: Order for Second Stage

Bille dá ngairtear Acht chun an Bunreacht a leasú.

Bill entitled an Act to amend the Constitution.

Minister for Health (Deputy Simon Harris): Tairgim: “Go dtógfar an Dara Céim anois.”

I move: “That Second Stage be taken now.”

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

An Bille um an Séú Leasú is Tríocha ar an mBunreacht 2018: An Dara Céim

Thirty-sixth Amendment of the Constitution Bill 2018: Second Stage

Minister for Health (Deputy Simon Harris): Tairgim: “Go léifear an Bille an Dara hUair anois.”

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

Today, we mark the introduction of a Bill which, if passed, will give the people of Ireland the chance to vote on one of the most debated sections in our Constitution, Article 40.3.3°. I am conscious that we are sitting on a Friday, which is not usual. I thank colleagues for being here when they might have imagined themselves being elsewhere. I ask, as we sit here in these comfortable brown leather chairs in a somewhat abstract environment, for the somewhere else

we imagine to be the ports and airports of this country, whether in Cork, Waterford, Dublin, Shannon or elsewhere, where a woman one could know is waiting to go to another country. She might be sitting quietly next to the hen party, the businessman or businesswoman, or the honeymooners, seeming to be on a similar journey, but she is not. Even if she might have a girlfriend or a partner with her, her journey is a lonely one. No matter what her circumstances, she cannot access the care she needs in her own country. She may have been raped. She may have words of congratulations and questions about when she is due ringing in her ears even as she knows she is carrying a baby with a fatal condition but feels she cannot say. Do we imagine that whatever her circumstances that this is a journey or a decision she is undertaking lightly? This is a reality today for at least nine women in this country as we sit here in the comfort of Dáil Éireann.

I introduce this Bill mindful of the impact of the eighth amendment over the 35 years since its insertion. In particular, I am mindful of the women whose most painful, most personal stories we know because it forced them to go to court or to other countries. We are here because of the courage of women like Amanda Mellet and Siobhán Whelan-----

Deputy Mattie McGrath: On a point of order, please.

An Ceann Comhairle: A point of order.

Deputy Mattie McGrath: I would like to get a copy of the speech. I have asked but the Minister's speech does not seem to be available.

Deputy Simon Harris: It is being circulated right now.

Deputy Mattie McGrath: When?

An Ceann Comhairle: It is being circulated.

Deputy Mattie McGrath: I do not have it.

Deputy Simon Harris: I am happy to pause.

An Ceann Comhairle: I do not think we should pause. Arrangements have been made to circulate copies.

Deputy Simon Harris: We are here because of the courage of women like Amanda Mellet, Siobhán Whelan and so many others who publicly relived the worst moments of their lives to make us to think about why change is needed in this country. We are here knowing the tragedy which befell Savita Halappanavar and her family. We remember you, Savita. We remember Miss X. We remember Miss A, B, C and D. We remember Miss Y. We remember Miss P. We think, and we must think, of all the thousands of women from every county in Ireland who have made those lonely journeys to other countries at times of crisis in their lives because we have let them down. We think of the women who now face these crises alone and unsafe, with pills purchased online rather than with the safe medical care they need. I have heard from doctors that women are being harmed or are at risk as I speak by taking unregulated abortion pills. I cannot live with that and I cannot ignore that. If this Oireachtas facilitates a referendum, I will be casting my ballot for repeal and asking others to do the same because I cannot live any longer with a law that sees a woman or girl who has been brutally raped forced to continue her pregnancy or travel to another country if she cannot. I cannot live any longer with a law that forces families devastated by a fatal foetal diagnoses to travel to another country and bring home the

remains of their much-loved and much-wanted but lost child in the boot of a car or by courier service. I cannot live any longer in denial of the realities of women travelling every day from every county in the country or buying those pills on the Internet.

The Thirty-sixth Amendment of the Constitution Bill is not just about giving the people of Ireland a say on how they believe we should now proceed. It is about giving the people of Ireland a say on how we treat women. It is about how our country treats our sisters, our wives, mothers, daughters, friends and colleagues at a time when they most need our care. I do not believe Irish people want their country to be a place that is cold, uncaring and neglectful towards women in crisis but, unfortunately, that has been the sad and painful legacy of the eighth amendment. If we want to change things, we have to make the fundamental and important change of removing it from our Constitution. A great proportion of the people who will vote on this proposal, once the Oireachtas passes the Bill before us today, have lived with Article 40.3.3° for their entire reproductive lives. Many medical practitioners have had to practise under the shadow of Article 40.3.3° for their whole careers. I think it is time - in fact, long past time - that we give all of these people, indeed all our people, the opportunity to make their voices heard. There will be those who have never had a say. There will be those who have changed their minds and would like to have another say. There will be those who wish to strongly reaffirm their deeply held views. All of these people deserve a chance to have their voices heard and respected. I believe the holding of this referendum is nothing less than a democratic imperative. In my view, we have a duty as legislators to give the people of Ireland their voice and their vote.

It was 1983 when Article 40.3.3° of the Constitution was inserted by the eighth amendment, with the thirteenth and fourteenth amendments inserted in 1992, expanding the text. In 1992, the Supreme Court decided in *Attorney General v. X* that the Constitution permitted a termination of a pregnancy where there was a real and substantial risk to the life of a woman which could only be removed by terminating the pregnancy. Yet, it was another 21 years before lawful termination of pregnancy was placed on the Statute Book by means of the Protection of Life During Pregnancy Act 2013. However, so many of the difficult and painful realities facing Irish women could not be addressed by that Act due to the constitutional block that is the eighth amendment. Our law as it stands permits terminations only in situations where a woman will otherwise die. It does not permit termination, for example, in the heartbreaking cases where there is a diagnosis of a foetal condition likely lead to death before or shortly after birth. It does not allow termination where a woman has been raped. It does not permit termination where a woman's health may be permanently damaged by her pregnancy. It has become clear that the Oireachtas can do nothing to help these women without constitutional change.

When this Government took office, we put a process in place to work through that needed constitutional change. The Citizens' Assembly report and the report of the all-party Joint Committee on the Eighth Amendment of the Constitution provide the thorough and considered basis on which the Government now proceeds. I reiterate my thanks to those who participated for the substantial contribution they have made. As a result of their work and the further details considered by Government, we propose, by means of the Thirty-sixth Amendment of the Constitution Bill, to delete Article 40.3.3° in its entirety and to substitute an article in the Constitution the object and effect of which would be to articulate clearly the principle that laws may be enacted to provide for the regulation of termination of pregnancy. I wish to reassure Members of the Oireachtas and the public that this clause would not oust the jurisdiction of or restrict the right of access to the courts. Any legislation that may be enacted post referendum would, like all legislation, remain subject to review by the courts. It would also be subject to the normal

legislative process and detailed scrutiny in the Houses of the Oireachtas in a similar manner to any other legislation. If the amendment is approved by the referendum of the people, it would have the effect of deleting the eighth, thirteenth and fourteenth amendments of the Constitution, which would mean that the substantive law on the termination of pregnancy, which is currently provided in the Constitution and in statute law, would henceforth be provided by way of statute law.

The Bill consists of two sections and a Schedule. Section 1 provides that Article 40 of the Constitution will be amended by the substitution for subsection 3° of section 3, the text of which is set out in Parts 1 and 2 of the Schedule in Irish and English, respectively. Section 2 is the citation provisions and states that the constitutional amendment “shall be called the Thirty-sixth Amendment of the Constitution”. It also provides for the Act to be cited as the Thirty-sixth Amendment of the Constitution Act 2018. The Schedule consists of two parts. Part 1 sets out the wording of the proposed constitutional amendment in Irish and Part 2 sets it out in English. The English text reads: “Provision may be made by law for the regulation of termination of pregnancy.”

I wish to return to the recommendations of the Joint Committee on the Eighth Amendment of the Constitution. A majority of members of that all-party committee accepted the five ancillary recommendations set out by the Citizens’ Assembly in its final report. The committee also made recommendations of its own, which focus on decriminalising women, free access to contraception, comprehensive sex education and obstetric care and counselling. Those recommendations are extremely important to me as Minister for Health and to my commitment to ensuring that all women accessing maternity services should receive the same standard of safe, high-quality care. We have published Ireland’s first ever national maternity strategy. The Health Service Executive, HSE, has developed national standards for bereavement care following pregnancy loss and perinatal death and bereavement teams are being established in each maternity unit. The Health Information and Quality Authority, HIQA, now has national standards for safer, better maternity services. Every woman from every corner of Ireland should expect and be able to access the maternity services she needs. Our priorities for 2018 include improving quality and safety, developing community midwifery teams and increasing access to anomaly scans. There are challenges in that regard but we intend to build capacity in our ultrasound services and additional funding has this year been provided to the national women and infants health programme to develop a more equitable and consistent antenatal screening service.

The joint committee also made important recommendations regarding counselling and support facilities for women during and after pregnancy. I wish to inform the Dáil that the Government has agreed that I will return to it in the coming weeks to seek approval for a series of measures to further support women and improve access to counselling, contraception and perinatal care. I have established a group under the chairmanship of the chief medical officer to address the ancillary recommendations and formulate an effective and comprehensive response to the issues raised by the committee. Work is under way to consider the nature and scope of a free contraception service and what the introduction of such a service would involve. That has thus far established that provision of free access to contraception methods, which is currently limited to those with eligibility through the primary care reimbursement services, would require enabling primary legislation. Work to consider costs and other implications in that regard is continuing. If our underlying principle is that abortion should be safe, legal and rare, we must do all we can to reduce the number of crisis pregnancies and support women in every

way. That will be the focus of the proposals I will bring to Government in approximately one month's time.

The establishment of a legislative framework for the regulation of termination of pregnancy is a serious and challenging undertaking but it must be done because we cannot deal with the complexities of women's health and lives through a few rigid lines in Bunreacht na hÉireann. As we embark on a debate to replace a constitutional provision with a legislative framework, it is understandable that people would want to know what would follow that change. However, I wish to re-emphasise that any discussion about legislation is merely hypothetical unless a referendum to remove the eighth amendment is passed. This morning, I am publishing a short policy paper, which the Government approved at its meeting yesterday. That document updates Members and the public on the work being done by my Department on the recommendations of the all-party committee. It affirms the intention to permit termination of pregnancy in cases where the life or health of a pregnant woman is at risk, with no distinction between risk from physical or mental health. It confirms that a process similar to that set out in the 2013 Act would be required, whereby in such cases assessments would be made by two appropriate medical practitioners. It proposes to make provision for access to termination of pregnancy on an emergency basis on the assessment of one medical practitioner. It proposes to permit termination of pregnancy on the grounds of a foetal condition which is likely to lead to death before or shortly after birth. In such cases, two appropriate medical practitioners would be involved in the assessment, in recognition of the fact that those complex medical cases are currently managed by multidisciplinary teams. Women in those awful, heart-breaking situations will consider different options. Many will choose to continue with the pregnancy, while others may not. In those cases, the woman and her doctors are best placed to make such a decision and I trust them to do so.

In line with the recommendation of the all-party committee, it is proposed to permit termination up to 12 weeks of pregnancy without specific indication. However, I am proposing the introduction of a time period that is required to elapse between the assessment by a medical practitioner and the procedure being carried out. Contrary to some assertions, such provision would not make Ireland an outlier internationally, although I accept it represents a quantum leap from the current position, whereby we have one of the most restrictive regimes in respect of termination and are pegged at a similar level to Saudi Arabia. The proposed legislation is not without restriction. I believe it reasonable for there to be a brief period of time after the woman has her first consultation with her doctor in order to allow all the options to be considered and to facilitate informed consent. Informed consent is not an unusual medical principle. Only medical practitioners on the register of the Medical Council would be permitted to assess and, where appropriate, carry out a termination. Such medical practitioners are subject to the professional and ethical standards of the Medical Council and are governed by the provisions of the Medical Practitioners Act 2007. It is important to note that doctors operate in a regulated profession and, when considering any structure that may be put in place to operate termination of pregnancy in Ireland, it is important to understand that the normal medical ethics and best practice which we highly value - and recognise are practised by our doctors - will apply.

Where a foetal condition is likely to lead to death before or shortly after birth, or where maternal life or health is at risk, it is proposed that a gestational limit would not be included. Attending medical practitioners are best placed to make assessments and decisions on how to best proceed based on individual clinical situations. However, the spectre of late or full-term abortions is not the reality and is offensive to our medics. It is important to be clear and truthful

that, in cases where the foetus is viable, early delivery and the full range of neonatal care are the reality. Members should not take my word for that but, rather, should talk to those working in our maternity hospitals. We should not misinform the public on that reality.

Although termination of pregnancy would be lawful in the circumstances set out, it is proposed to retain the offence of intentional destruction of the unborn in defined circumstances. Abortion will remain unlawful in Ireland outside of the defined circumstances in any applicable legislation. However, a woman who procures or seeks to procure a termination of pregnancy for herself would not be guilty of an offence. We should not seek to criminalise vulnerable women in such situations.

It is proposed to provide in legislation for a number of issues not covered by the recommendations of the joint committee. These would include setting out provisions similar to those in the 2013 Act on consent and permitting conscientious objection. In line with the 2013 Act, it is also proposed to require certification by the appropriate medical practitioners in all cases of termination of pregnancy, and notification of each procedure by the medical practitioner to the Minister for Health. Similarly, it is proposed that provision would be made for a formal review process for a woman in certain defined circumstances. Reports on notifications and reviews would be published annually by the Minister and the HSE, respectively, as is currently the case under the 2013 Act.

I have outlined the Government's position and thinking on the issue but I wish to be clear that the Thirty-sixth Amendment of the Constitution Bill is not about what provisions we think legislation on termination of pregnancy should contain. Rather, it is about giving the citizens of Ireland the opportunity to exercise their democratic right to determine what is in our Constitution, which contains the founding principles of our State. I do not doubt the motivations or sincerity of those who wish to retain the eighth amendment. In fact, I do not doubt that we share some motivations. I do not like labels but I consider myself pro-life. I do not know anyone who is not. I do not know any woman or doctor who is not. I share the desire for the unborn to be protected in every way possible but that desire does not and cannot negate reality. The retention of the eighth amendment would not negate the fact that abortion is already a reality in this country and for Irish women. Retaining the eighth amendment will not prevent it from happening. If the purpose of the eighth amendment was to stop abortions in Ireland and to stop Irish women accessing abortions, it did not achieve that. All it achieved was pain and suffering. In this country, whether we like to hear it, denying reality has at times become a national bad habit. Denying realities does not make them go away. Instead it just leads to hurt and harm. Not only is the reality of abortion not going away, it is one that is now risking more hurt and harm to our women. We have to address that reality and it is possible to do so with compassion, with consideration and with care.

Now, as we kick off this debate today, a debate to empower the Irish people to have their say, as we sit here in these comfortable brown leather chairs in Dáil Éireann, think of the nine Irish women in our ports and airports today heading off on that lonely cruel journey. Think of the three women, at least, in their homes, their bedrooms or wherever else taking the abortion pill today without any medical support. They are the women I am thinking about today.

I commend the Thirty-sixth Amendment of the Constitution Bill to the House. I look forward to the debate and hope we can have cross-party and cross-group co-operation to facilitate the people of Ireland having their sovereign say on this matter in the month of May. Let us let the people have the debate and let us let the people make their decision.

Deputy Billy Kelleher: I welcome the opportunity to speak on this particular issue. It is something that has been debated in this Chamber on numerous occasions. However, we are inextricably on a journey to allow the Irish people to arbitrate finally on Article 40.3.3° and to deliberate on it in the meantime, not only in this House but in broader society. I hope the debate is one that, as so far to date, is understanding and comprehending of varying views but at the same time acknowledging that the *status quo* cannot remain. We do have to delete Article 40.3.3° and address it through legislation as is proposed in the published Bill.

I refer to Emma who is 24 years old. She says that when a woman gets to the airport, she gets on the flight, known to be the very early flight that people take. When waiting to board the plane she can see the other women. They all know she is there for the same reason. Emma says there is an immediate sense of shame that comes with that. It is overwhelming. However, the worst part was when she got back to the airport afterwards. She had to wait for five hours to get the plane home while sitting there feeling she had just committed a crime. She was so traumatised by the travel experience that she still cannot wrap her head around it.

That is Emma's story. She is a 24 year old Irish citizen who last year travelled to England for a termination. It is against that backdrop that we are debating this particular issue. As the Minister has outlined, we do have abortion in this country. Article 40.3.3° has not prevented abortion taking place. It has just displaced it to the UK, the Netherlands, other European countries and sometimes to the United States.

When we sat in the Oireachtas Joint Committee on the Eighth Amendment of the Constitution and looked at this, I hope I went there with an open mind in the context of listening to the evidence, hearing what the witnesses had to say when they presented, both clinical experts and witnesses who had a view as to what should be done in terms of Article 40.3.3°. Varying views were expressed by those witnesses and there were varying opinions within the committee itself. However, the overwhelming view of committee members was that Article 40.3.3° could not and should not be retained and there was a need for us to legislate to allow for lawful terminations in this country.

There are many reasons as to why that is the case. However, the overwhelming reason was that we were jeopardising the health of Irish women. We were treating pregnant Irish women as second class citizens in this State. The minute an Irish woman becomes pregnant, she no longer has control over her own health care. It is dependent on others as well at that stage. That was a strong view expressed by clinicians of varying professional backgrounds on this particular issue.

Looking at where we are in respect of trying to address the issue, the first thing we have to do if we are to bring about change is to repeal Article 40.3.3°. The Minister has published his policy document which reflects broadly the Oireachtas Joint Committee on the Eighth Amendment of the Constitution recommendations. The reality is though, unless Article 40.3.3° is changed all those policy papers and positions cannot be implemented.

There can be no change and let us be very honest. Many people have expressed huge compassion with young girls who have been raped, women carrying a child that will die at birth and women who have been impregnated by a relative. They have expressed huge compassion. However, the reality is unless we change Article 40.3.3°, that compassion is only compassion and nothing else can be done to address their pain and hurt.

I urge that when we debate this issue, not only here but in broader civic society and during the referendum itself, we have to be honest. If I stand up and say I have huge sympathy for Irish women in the context of them having to go abroad to address the issue of fatal foetal abnormality, to have a termination in another country at a vulnerable time, to have to bring back their baby in the boot of their car or FedExed back to their house, then the only way that issue can be addressed is by amending Article 40.3.3°.

Some people ask can we trust politicians if we amend Article 40.3.3°. The corollary of that is they are basically saying we cannot trust women. All we are going to do is to legislate to allow a woman to make a decision. I have to say, personally, I strongly believe we must legislate and the only way we can legislate is by repealing Article 40.3.3° itself. Do we trust women? Do we trust the women who carry us for nine months, grimace in pain to bring us into this world, nurture us, care for us and who cry for us? At the same time, we as a society are saying if anything happens to a woman and she, for whatever reason, cannot continue with the pregnancy, she has to leave this country, leave the State and seek a termination abroad.

Do we say to a woman who has been diagnosed with cervical cancer, that she cannot have treatment in this country? Do we say that she first of all has to leave this country, go to England, terminate the pregnancy and then come back to continue with her treatment? If we do not amend Article 40.3.3° that is effectively what we are saying to that woman diagnosed with cervical cancer.

Do we say to a woman who is pregnant as a result of a vile rape that she must carry the pregnancy to full term? If she does not, and if she self-medicates and brings about a miscarriage, she is potentially criminalised. She could get a custodial sentence of 14 years. However, the rapist could get a criminal conviction of eight years. That is what we are saying today in the context of the legislation currently on the Statute Book as passed in this Parliament and in the context of the Constitution itself.

Do I say to a girl of 14 that she must carry the pregnancy to full term and that the State would only allow a termination if she is going to kill herself? That is what we say to a young 14 year old girl. That is what we said to a 14 year old girl in the context of the X case.

Do I say to a girl who has been violated by a person she should be able to trust that she must carry her father's child to full term? That is what we are saying as it stands in the context of Article 40.3.3° and the legislation that has grown from that. If a girl is raped and impregnated by her father, the State will not do anything. The problem must be sent off to England. I find that quite offensive, being truthful.

What do I say to a woman who is so delighted and excited by the fact that she is pregnant she tells everybody about the joy and the fulfilment of that and then, suddenly, she gets the devastating diagnosis that she has a child that has a fatal foetal abnormality. The child will die at birth or just before or just after. She will get congratulations and the comments on her looking fabulous and questions of whether it is a boy or a girl. All the time she knows she is carrying a child that will die. That had a profound impact on the members of the Joint Committee on the Eighth Amendment of the Constitution that I sat with during the debate on this issue. Some of the members still have said they cannot support repeal. I respect it, but that in itself had a profound impact. The reality is that unless we repeal it, I can do nothing for that woman, nothing. Nobody else inside here can do anything for her either. She will still have to go to England to terminate that pregnancy. She will still have to bring it back in the boot of the car or courier

it back. Testimony from the witnesses who had to go on that very lonely and sad journey to Belfast, Manchester or Birmingham really tore at the heartstrings. I refer to when people are making these decisions and when we are having that debate. I urge them to be mindful of their language and sensitive to the fact that many women have gone abroad wanting to have that pregnancy. However, because they could not continue with it for the reason that it would die at birth, they felt they had to end it for the reasons I have outlined.

I urge colleagues to be mindful of their language and sensitive to the fact that many women have gone abroad, women whose pregnancies were wanted but who could not continue with them because their babies would have died at birth. They felt that they had to end their pregnancies for the reasons I have outlined. The journey that such women have had to take, if nothing else, is enough to convince me that we need to repeal Article 40.3.3° and introduce legislation that would allow for terminations here.

In terms of the 12-week gestational limit, people have asked if it is contrary to the public view and too liberal. It has been suggested that Article 40.3.3° could be amended but the proposals put forward by the joint committee and published in the Minister for Health's policy document this morning might undermine the argument. We must be very honest
11 o'clock about this. Are we to say to the Irish people that they should remove Article 40.3.3° but that we will leave a lacuna in the context of the debate and not say anything about what legislation is likely to be introduced in the event of the them deciding to strike down the aforementioned article? In advance of this debate and during the joint committee's hearings, almost everyone was asking what would replace Article 40.3.3°. This is what we are going to put forward but we cannot say definitively that it will be passed. That will depend on the Dáil. There could be a general election in the meantime or soon afterwards but it will be the Oireachtas that decides what will be in the legislation. This relates back to my original question. Do we trust politicians to legislate? Some people - including politicians themselves - are saying that they do not trust politicians to legislate but what they are really saying is that they do not trust women.

I firmly believe, having listened to all of the evidence and engaged in debates in this House, in broader society and in the committee rooms, that Article 40.3.3° has done a huge disservice to and caused a lot of pain for many women for a very long time. The figures are there to prove it if people do not believe me. Somewhere between 160,000 and 180,000 women have gone to the United Kingdom alone since 1983. Today, nine or ten women will leave Cork, Dublin and Shannon airports to travel to the UK for a termination. This evening, three girls or women will take abortion pills. They will put a towel down, lie on a bathroom floor and induce a miscarriage. That will happen in houses throughout this country tonight. Nobody can deny that it is happening. Terminations are taking place. They are unlawful in this country but they are taking place in bathrooms by way of abortion pills. They are also taking place lawfully in the United Kingdom because women are forced to leave this country. In all logic but, more importantly, in compassion and understanding, Article 40.3.3° must be replaced and we must be allowed to legislate.

In terms of whether politicians will do the right thing, we are here at the gift of the Irish people and if the people feel strongly on the issue in the context of the type of legislation that should follow on from the referendum, I am quite sure that all of these issues will be consistently debated in the years ahead in the proper forum, during general election campaigns and in the context of parliamentary debates in this House. Let us be very honest - that is how laws are made. I cannot understand the argument or suggestion that politicians would act against the

interests of Irish people. The vast majority of us in this House, whether male or female, will act in the best interests of Irish citizens. To date, however, we have been unable to act in the best interests of Irish women because of Article 40.3.3°. As we debate, listen and engage, we must be mindful of the language we use and conscious of the fact that if we use very harsh words to describe what happens during a termination or try to evoke emotions beyond the reality, we are insulting and hurting women who have already been through a traumatic experience. As I said previously, at least 160,000 women have had terminations in the UK. Tonight, three girls will have a termination in a bedroom or bathroom, having procured abortion pills on the Internet. They may be on their own, with nobody else knowing about it.

The issue of abortion pills was very much to the fore in the committee's deliberations, chiefly because Ms Justice Laffoy indicated that the Citizens' Assembly did not have enough time to fully address it. She said that the evidence towards the end of the assembly's deliberations showed quite clearly that the issue of abortion pills would have to be examined and she urged our committee to do so. We looked at the issue in detail and came to the broad view that we would have to legislate for lawful terminations in this country up to 12 weeks. We came to that view on the basis of the evidence we heard from various individuals and because the use of abortion pills is very prevalent in this country. It is estimated that up to 1,800 women per year procure and use such pills. It has been argued that the 12-week gestational limit recommendation could undermine the campaign to repeal Article 40.3.3°. However, that gestational limit is not out of step with the norms in Europe. The gestational limit in Belgium, the Czech Republic, Denmark and Germany is 12 weeks. In Italy, the limit is 90 days and in Luxembourg and Norway it is 12 weeks. The limit in Portugal is ten weeks, in Slovakia it is 12 weeks, in Sweden it is 18 weeks, while in Switzerland it is 12 weeks. The limit in Austria is three months, in Bulgaria it is 12 weeks, in Estonia it is 11 weeks and in Finland it is 12 weeks. In France, the limit is now 12 weeks. In that country it was originally ten weeks but it was extended to 12 weeks in 2001. The limit in Greece, Hungary, Iceland, Latvia and Lithuania is 12 weeks, in Macedonia it is ten weeks and in the Netherlands it is 21 weeks. In Romania, the limit is 14 weeks, in Russia it is 12 weeks, in Slovenia it is ten weeks, in Spain it is 14 weeks, in Turkey it is ten weeks and in the UK it is 24 weeks. We did not just randomly choose 12 weeks. Our decision was based on the fact that it is within the first trimester and that abortion pills are taken to induce a termination up to the eleventh or twelfth week of pregnancy. Abortion pills are being taken here at a rate of at least three per day. That figure could be higher if women are accessing pills through websites we cannot trace. In that context, the committee felt that if we do not allow for terminations up to 12 weeks, girls or women who find themselves in difficulty, who are bleeding or experiencing other medical complications having taken an abortion pill, would be reluctant to seek medical treatment because it would still be a criminal offence. That was another very important factor in our deliberations on the 12-week limit.

While the committee's work and final recommendations were not unanimous, the majority view was that Article 40.3.3° should simply be repealed but we understand that this Bill, as published by the Minister, accommodates our view while also acknowledging the concerns of Ms Justice Laffoy. It still allows for judicial oversight in the event of Article 40.3.3° being deleted and legislation being passed in this House. The committee was concerned that if the Government were to go beyond repeal *simpliciter*, there should be some form of judicial oversight. What has been published by the Minister, to be debated by the Irish people and the legislation that will flow from that, if it is passed, will have judicial oversight, which is important in any modern, democratic republic.

On the question of the terminations, where and how they will take place and the policies governing same, many are claiming that this will overwhelm our already stretched health service. However, the evidence from obstetricians, gynaecologists, GPs and others suggested that this is not the case. They argued that they would easily be able to cope with transferring what is happening to Irish women in the UK back to Ireland. Women would not have to travel to the UK but could have terminations here. It has been argued by some that if abortion is made available here, there will be a major increase in the numbers having terminations. I find that argument offensive, to say the least. It is to suggest that if there is an abortion clinic at the end of the street, a woman will traipse down there after the weekend to have an abortion. The idea is that if abortion is available, women will just turn up and have one.

That is being expressed by people who believe women will make these decisions very lightly. I have met many women who have had an abortion and nobody took the decision lightly. Whether it would entail a journey to England or a visit to her general practitioner, women do not make that decision lightly. When we are debating this issue, we must remain within the facts. This year, 3,600 women will travel to the UK and at least 1,800 to 2,000 women will take the abortion pill in this country. They are the facts. If we legislate and allow for lawful terminations in this country up to 12 weeks in general, and beyond that time in the areas of fatal foetal abnormality and the health and life of the woman, our health services will easily be able to cope. They should be able to cope with it because it is primarily a health care issue for women in the first place.

I welcome the Bill. I speak in a personal capacity although I am the Fianna Fáil spokesperson on health. I contributed to the Oireachtas committee hearings along with five party colleagues. We had varying views but the view I expressed is one in which I strongly, firmly and passionately believe, namely, that we cannot allow ourselves to turn our backs on Irish girls and women in times of need. It is time to change and to repeal Article 40.3.3°.

Deputy Mary Lou McDonald: Gabhaim buíochas leis an gCeann Comhairle agus leis an Aire. Tá sé thar am athghairm a dhéanamh ar an ochtú leasú. Tá sé in am dúinn muinín a bheith againn i mná na hÉireann. Tá sé in am dúinn san Oireachtas seo ár bpoist agus ár n-obair a dhéanamh.

I warmly welcome the publication of this Bill. It is only appropriate at the outset to acknowledge and commend the work of our Oireachtas colleagues on the all-party committee, under the stewardship of Senator Catherine Noone. I acknowledge my party colleagues, Deputies Louise O'Reilly and Jonathan O'Brien and Senator Paul Gavan, for their tremendous efforts.

The repeal of the eighth amendment is an absolute necessity to ensure that women have access to proper and appropriate health care. The truth is that the eighth amendment should never have been placed in our Constitution in the first place. It was a mistake and bitter experience over decades has amply demonstrated this. It is time to own up to that mistake and to correct it. It was - let it be said - born out of an entirely sexist view of the world and the conservative social values that dominated our society for decades. The power and influence of the church and its strict reactionary doctrine were central to that system. It was the dogma that produced the now infamous Magdalen laundries and mother and baby homes, when women were incarcerated against their will behind high walls and wrought iron gates for the supposed offence of becoming pregnant outside of wedlock, forced into slave labour under the shadow of the cross. Their children were taken away from them, they were told they were a source of shame, that they were sinners and were not fit to live amongst the general population. This was the cost of

a social system in which the primary function of woman was to bear children and to do so at any cost.

The insertion of the eighth amendment into our Constitution in 1983 was an extension of that system. That Ireland is gone and good riddance, and the eighth amendment, too, must go. It is essential to recall the real cost of the eighth amendment to real women and girls. In the 1992 X case, a suicidal girl of 14, the child victim of rape, was prevented by the High Court from travelling abroad to obtain an abortion. The eighth amendment has caused countless women and families with the trauma of a diagnosis of fatal foetal abnormality to be forced to make a harrowing journey abroad. It has created an alphabet roll call of women's misery, women who in many cases sought and could only find relief in international courts and tribunals to recognise their suffering and the cruelty of our State. It cost the life of Savita Halappanavar, a 31 year old who, while miscarrying, was denied the abortion that would have saved her life. In 2015, a pregnant woman was kept on life support for 24 long days after she was declared medically brain dead, because a foetal heartbeat was detected in her womb. When her family asked that life support be removed, their request was denied because of the eighth amendment. This was in spite of the fact that the foetus had no chance of survival. It took an appeal by the woman's family to the High Court for her life support to be switched off. Even in death, the eighth amendment could rob a woman of her dignity.

Some people will say that these are the hard cases, the outliers and exceptions. They will argue that hard cases make bad law. I say that these cases are the hardest, most cruel face of the eighth amendment. I say that our bad law made these hard cases. I say that these women and these cases are, in the very first instance, the reason to repeal the eighth amendment. We as a society must demand and ensure that there are no more hard cases, no more Savitas, no more traumatised women known to us in the public domain as letters of the alphabet. That is our first duty. We must assert clearly that the State will not force a rape victim to carry a pregnancy to term. We must demand that women and families faced with the devastating diagnosis of fatal foetal abnormality are no longer denied care, comfort and choice here in their home country. We must assert that doctors must be free to do their job and must be able to make medical decisions in the interests of women without a threat of criminal sanction. We must ensure that health care choices - life and death choices - are not skewed or delayed while medics seek advice from constitutional lawyers. We must be in no doubt that the eighth amendment has had that chilling effect.

I thank the Minister, Deputy Simon Harris, for his words this morning. It is essential that he has emphasised the fact that the courts still feature. Access to and the review of the courts are still applicable to any legislation that might come through this House. I say to those who would scaremonger on this count, "Shame on you." Anyone who argues that the courts have been written out of the scenario, that this is some kind of *carte blanche* for untrustworthy politicians, is willfully misleading public opinion.

Deputy Simon Harris: Hear, hear.

Deputy Mary Lou McDonald: Legislation that comes through this House is subject to review of the courts, full stop. May that message go out as clearly as the Minister has articulated it this morning.

On the legislation that might follow, there is no doubt that in the course of the public debate, attention will correctly turn to what might or might not find legislative expression. That should

not obscure the experiences of the eighth amendment. Let that not happen. The Minister has indicated in a sensible manner that he might be fully faithful, or largely faithful, to the findings of the all-party Oireachtas committee. That to me makes sense. The committee's deliberations were a collaborative exercise and the recommendations are clear. I note the proposition of 12 weeks to which the Minister and Deputy Kelleher referred. I acknowledge that it found expression initially as the solution to victims of rape and how they might be afforded the service they need in a compassionate, thoughtful and real way. I also note that it is based on the absolute reality of abortion pills, which women and girls are taking with no medical supervision, and on the utter certainty of the medical jeopardy this presents. I wish to acknowledge that the 12-week proposition is challenging for some people because it represents a marked departure in practice. I am thankful that we will have time for people to debate that proposition in a calm and informed way, should it come before the House. It is a proposition that Sinn Féin is considering and I will bring it to an Ard-Fheis of my party in advance of the legislation coming before this House.

I despise the term "abortion on demand". I wish that people would stop using it. It is deeply offensive to women and mothers. Women do not demand abortions or go to a clinic and flip-pantly, after an indiscretion, make a decision to have an abortion. I appeal that the public debate does not become so debased and disrespectful to women and girls that this type of rhetoric is thrown around.

The issue of trust has been raised. Frankly, I would understand a mistrust in the political system and establishment on this issue, not because the system has acted hastily but because it has sat on its hands and delayed for decades. We are not asking for an inordinate or inappropriate level of trust in us, although we are public representatives. We are asking people to trust themselves, to trust the evidence and to understand decades of real, lived experience. On "Morning Ireland" this morning I heard someone speaking from what was termed a pro-life position and discussing public opinion. That person noted - I believe honestly - that public opinion is in a process around the proposition from Government. However, there is no support in public opinion for traumatising rape victims and coercing them to carry a pregnancy to term. There is no support in public opinion to make exiles of traumatised and vulnerable women and couples and families with a diagnosis of fatal foetal abnormality. I believe that Irish public opinion no longer tolerates the view that women cannot get dignity and recognition or exercise their rights in Ireland, and that if they want them they should go to the European courts or the United Nations. I believe Irish public opinion has had its fill of that, and in time, when the proposition is put in an atmosphere of respect, calm and tolerance, that the right decision will be made, the historic wrong will be corrected and the eighth amendment will be repealed.

Deputy Gerry Adams: This referendum to repeal the eighth amendment is fundamentally about trust. First and foremost it is about the willingness of our society to trust women and to accept that women are equal citizens with a right to health and to make health decisions for themselves. It is also about trusting our medical professionals faced with difficult situations and decisions, and it is about trusting the electorate to come to a decision that removes from the Constitution an amendment which should never have been there in the first place.

The issue of women's health should never be a matter for a constitution. It should be legislated for in the normal way through the Oireachtas. I welcome the publication today of the Government's policy paper. Sinn Féin will study it closely. Tá mé fíorbhuíoch den Aire fá choinne a fhocail inniu.

I commend the Government on the proposed wording for the referendum. It allocates responsibility for legislating in a very simple and clear way, and provides that women's health will be legislated for in the Oireachtas and by the Government, as is right. The eighth amendment prohibits access to basic medical treatment that should be available to women in any developed society. It is unjust and we as legislators have a responsibility to end that injustice. The business of the State should be to ensure women have access to proper health services if they need them and if they choose to avail of them. The State has a responsibility to support women.

None of us should try to fool ourselves. Abortion is a reality here. Every day, here and in neighbouring states, Irish women are having abortions. Ten will leave today, and every day, for that reason. In my own constituency of Louth and east Meath, the official figures tell us that at least 83 women travelled to Britain for an abortion in 2016. In Dublin 1,175 women travelled that year, and across this State, at least 3,265 women travelled to Britain for an abortion in 2016. It is estimated that in the past 40 years, at least 170,000 Irish women travelled to other states for abortions. That means as many as 3,300 women travelled for abortions during that time from Louth. Thousands more are now using abortion pills that can be accessed over the Internet. They do so without medical supervision.

The Minister for Health, Deputy Harris, speaking in the Dáil in January revealed a 62% increase in the number of women from this State contacting one particular online provider over a five-year period. The number seeking pills increased from 548 women in 2010 to 1,438 in 2015. Do we want this to continue or do we want a mature society, tolerant and compassionate, open and inclusive and based on equality? Alternatively, are the attitudes from the time of the industrial schools, the Magdalen laundries and the mother and baby homes to prevail, when women were treated as chattels with no rights or protections? If we vote "No", we will be dismissing and condemning women.

The victims of rape and incest and women with fatal foetal abnormalities are not anonymous people. They are not statistics. These are our family members, our friends and neighbour and our workmates. They need to be treated with love and compassion. Winning this referendum will take hard work and leadership. I appeal for a reasoned, respectful and sympathetic debate. We must not and cannot let women down again. An uachtarán Shinn Féin, Deputy McDonald, speaking on this issue in January described the eighth amendment as a constitutional coup and the reactionary codification of the suppression of women. She is right. Níl aon áit ag sláinte na mban sa Bhunreacht. Ceist phríobháideach í idir bhean agus a dochtúir. Tá freagracht agus dualgas orainn maidir leis an bhfeachtas chun an t-ochtú leasú a aisghairm agus, mar reachtóirí, reachtaíocht a chruthú má tá saoránaigh in aghaidh an Achta sin.

It is time for women to make their own decisions and for us to support them to do this. Bí fíorchinnnte nach mbeidh saoirse ar bith ann gan saoirse na mban. It is time to trust women on this issue. Any decision about women's health must be made by women and their doctors. It is time to trust ourselves.

Deputy Eoin Ó Broin: Yesterday thousands of people marched through the streets of Dublin to mark International Women's Day. Men and women, young and old, of all political persuasions and none, were represented. They were united in a single belief, which is that the time has come to trust women. For decades, as other speakers have outlined, this State has failed women. It has failed to ensure that they have access to the health care they deserve. We have told ourselves the lie that the eighth amendment made our society a better place and that it protected women and children. Of course, the truth is very different. It put women's lives at risk.

It forced tens of thousands of Irish women to travel abroad for terminations. It caused, and it continues to cause, great harm to our mothers, sisters and friends.

Today marks a very important moment in our history. Finally, after decades of denial, we are reaching the point where we are going to trust women. To be a Member of the Oireachtas at this time is both an enormous responsibility and an enormous privilege.

I welcome the wording of the referendum Bill. I also welcome all of the work of the Minister and his Department in bringing us to this point and that of the members of the special Oireachtas committee. The issue of abortion should never have been dealt with in the Constitution. Details of any policy area, particularly complex issues of health care, should be dealt with in legislation and policy. That is what the referendum wording proposes and that is why I will be enthusiastically campaigning for it to pass. It is also faithful to the work of the Joint Committee on the Eighth Amendment of the Constitution.

I also want to welcome the Government policy paper published today. In my view, it provides a credible pathway to a more humane legal framework on the issue of abortion. It recognises that no woman's health, including psychological health, should be put at risk by forcing her to carry to full term. It also recognises that no family should be forced through the trauma of fatal foetal abnormality and that every family's individual decision must be respected. It further recognises that no woman should be criminalised for having an abortion. These are positions which the majority of people in this State, I believe, will firmly support.

The policy paper also recognises that in order to provide terminations in cases of rape or incest, an unrestricted period of access to terminations must be provided in consultation with the medical profession. As the House will be aware, Sinn Féin's current policy does not include this provision and, like other parties and sections of society, more generally, people are anxious about this proposal. I accept and fully understand that but my strong personal belief is that if one does not believe a survivor of rape or incest should be forced to carry to full term, then this is the only way in which this can be achieved. As Deputy McDonald stated, Sinn Féin will be discussing this issue in the coming weeks. I am hopeful that those of us already convinced can persuade our party colleagues of the merits of this view.

An Ceann Comhairle: The time is up.

Deputy Eoin Ó Broin: We need legislation that is humane, compassionate and respects women's health and women's choices. Crucially, we need legislation that trusts women and that is why I am supporting what the Government is doing today.

Deputy Jan O'Sullivan: Aontaím leis an Teachta McDonald go bhfuil sé ceart an cheist seo a chur ar mhuintir na hÉireann arís. Tá an t-am tagtha. Tá mé cinnte nach é Bunreacht na hÉireann an áit cheart don ábhar seo.

I welcome the fact that the Government has published its legislation and its paper on possible implementation of legislation should the referendum be successful. As somebody who campaigned against the amendment in 1983, I welcome this momentous day. It has taken a long time to reach this point.

We have heard much about what will happen if we repeal the eighth amendment. We also need to reflect on what will happen if we do not repeal the eighth amendment. If we do not repeal the eighth amendment, if we keep Article 40.3.3° in the Constitution, we will continue to

have the current situation. We will continue to have a variety of cases, regardless of the letters we attribute to them. We have heard about Miss A, Miss B, Miss C, Miss X, Miss Y and Miss D, the late Savita Halappanavar, Ms Amanda Mellet and many others. Apart from the ones we know about, there are thousands of Irish women who have had terminations since 1983. The assessed figure is that 170,216 travelled to Britain during that period. As others have said, that represents approximately nine women every day travelling outside of their own country - away from their own homes, support systems, families and, in many cases, children - to go to another country to have their pregnancies terminated. People seem to be okay about tolerating that into the future. The position is not going to change and all of the evidence suggests that we will continue to have the same kind of termination statistics in this country as other comparable countries. We have abortion in Ireland. We just do not have it on the soil of Ireland in terms of termination by medical means. We have it in lonely bedrooms with pills bought on the Internet by approximately three women every day. I expect that figure will probably rise because women are becoming more aware of this as an alternative.

We really should not close our eyes to what will happen if we retain Article 40.3.3°. We will not suddenly stop what has been happening in the past number of years. No doubt that will continue, but in a context where we will have the kind of cases that temporarily made people in Ireland stand up and take notice and that, for example, led to the 1992 referendum following the Miss X case. I very much remember the campaign at that time. I recall *The Irish Times* cartoon - if one wants to call it a cartoon because it seems a misnomer in this case - with a 14 year old girl with a barbed wire fence all around the map of Ireland. That young girl had been raped. The rapist was convicted and, I think, got out of jail after three years. She was only 14. Basically, the Constitution had to be changed subsequently to allow for freedom to travel and freedom of information but we still have the restriction in respect of the equal right to life of the mother and the unborn child, which is in Article 40.3.3°.

We were all hugely affected by the death of Savita Halappanavar. It made us recognise the reality. That reality was described extremely well, not only by Professor Arulkumaran, who chaired the investigation into the death of Savita, but also in much of the testimony that those of us who were privileged to be on the Oireachtas committee heard from medical people. I refer, for example to the master of the National Maternity Hospital, Holles Street, who described the difficulty for an obstetrician in circumstances where a woman is ill - she might have sepsis - and where he or she must determine the exact point at which the woman's health is in danger and then that at which her life is in danger. That is an impossible position for the medical profession. It is a much more impossible position for the woman who is in the situation and her loved ones. We cannot allow that to continue. If we do not repeal the eighth amendment, if we do not remove Article 40.3.3°, that will continue to be the case and there will be an impossible situation whereby if the mother's life is in danger, the medical profession will be able to intervene but if it is her health that is in danger, it will not be able to do so. The master of Holles Street and others - the joint committee heard a great deal of medical evidence - described how difficult it is to determine when that to which I refer happens. They also indicated that it happens quickly in many cases and that there is not enough time to intervene.

I was particularly moved by the medical evidence. I am convinced that we need to regulate abortion in the context of medical care in this country. That has to be the situation. The recommendations of the joint committee are clear in that regard. In case people feel that we somehow or other heard from prejudiced medical professionals or individuals who hold particular opinions, we heard evidence from two current and two former masters of Irish maternity hospitals,

two national medical professional bodies, the Irish College of General Practitioners and the Institute of Obstetricians and Gynaecologists, the World Health Organization, four specialists in maternal foetal medicine - three from Ireland and one from the United Kingdom - two specialists in perinatal psychiatry and the chief investigator into the death of Savita Halappanavar. The consensus of those experts is that the eighth amendment is the central barrier to the provision of best practice abortion and maternity care in Ireland and should be removed and that the current law, which includes criminal provisions, is overly restrictive, overly prescriptive and prevents doctors from being able to provide the highest standard of reproductive health care to pregnant woman. This medical evidence is particularly significant.

Deputy Kelleher referred earlier to how the medical profession will not be overwhelmed should we pass the referendum and introduce the legislation proposed by the Government. I had the privilege to chair this week a briefing meeting at which Deputy Kelleher and Senator Noone spoke. We also heard from Dr. Maeve Eogan of the Rotunda and Dr. Mark Murphy of the Irish College of General Practitioners. The evidence of Dr. Murphy was very clear. He had analysed the statistics around the number of likely medical and surgical terminations, respectively, and how even if only a minority of general practitioners opted in, it would still be very easy to deal with the kind of numbers we are talking about. It is important, therefore, not to have scaremongering and to have clear, factual evidence when we debate the issue.

We must debate it in an atmosphere of honesty. While there has been a great deal of talk about respect, with which I agree, there must also be honesty. The facts we put out there must be real and based on evidence. Unfortunately, I have heard statements adduced as evidence which are simply not true. We understand that this is a matter for the people of Ireland and that it is a question citizens will decide. I hope they will be given the kind of honest information they require. Part of that involves ensuring the kind of information we got at the committee is made available to people. For example, I refer to the pill, which the Citizens' Assembly suggested specifically the committee should address. We did so. The evidence is that women are accessing abortion pills on the Internet and taking them without access to medical supervision. I support the recommendations that there must be a medical context for all of this, largely through the GP service. We are talking about a situation in which even if women have complications, they feel they cannot go to their doctor or talk about what has happened to them. Certainly, the statistics on abortion in Britain show that Irish women have later terminations than women in Britain. That is not good. If there is access within our own country in the medical context, we will have the care we need.

I welcome the Minister's remarks on the ancillary recommendations of the committee around issues like contraception, sex education and ensuring care exists. Finance will not be a barrier to access to contraception, I hope. The international statistics show that where one has after care and advice on contraception, there are reduced numbers of second or third abortions. The international information provided to the committee showed that in many countries the abortion rate reduced after the introduction of legal abortion. Romania was one of the countries referred to. There is no information to suggest the rates will go up in Ireland. In fact, it is likely they will stay somewhat similar and maybe even reduce because evidence from other countries shows women having access to the kind of wrap-around care and advice reduces the number of women who go for termination. The Dutch model is a good one. We had evidence at the committee on abortion in the Netherlands where it has been legally available since 1984. However, the abortion rate in the Netherlands is one of the lowest in Europe at 8.6 per 1,000 in 2015. One of the factors to which that is attributed is the high use of contraception in the

adult population. The Dutch model also includes a waiting period, which the Minister is also suggesting. Certainly, I have no objection to that, albeit we did not discuss it or make any specific recommendations in that regard at the committee. It appears to be a successful part of the Dutch model. There are models there and we have a great deal of information as to how we can deliver care for women when they need it in these situations.

I turn to some of the particular evidence that came before the committee in the context of what legislation might follow repeal and the recommendation of a 12-week gestational period as the cut-off point. I pay tribute to the three members of the committee who made that recommendation. I hope the Sinn Féin position will change on this. I welcome Deputy Ó Broin's statement but it is important for Sinn Féin to support the proposal. I was convinced by the evidence as were other members of the committee, in particular in the case of rape. It is unacceptable to put women through the trauma of having to prove they were raped. We have been told categorically that it is not possible to do it in time for the woman who has been raped to have a termination. Ms Noeline Blackwell of the Rape Crisis Centre and Dr. Maeve Eogan of the Rotunda Hospital were both very clear that there is no physical way to determine conclusively that a woman has been raped. There is also no legal way to deal with the issue within the timeframe. I refer to the evidence of Mr. Tom O'Malley, a legal expert who came before the committee. Discussing whether there would be a court decision in relation to rape, he said a number of important questions arose including, who would adjudicate; would the woman bear the burden of proving that she had been raped and, if so, what standard of proof would apply; should the alleged perpetrator be identified assuming his identity is known to the woman; would the alleged perpetrator, if identified, have a right to be heard, for example if he was a husband or partner and objected to the requested abortion; would the woman who claimed she had been raped by a named individual be entitled to immunity from civil or criminal proceedings in respect of that claim; would evidence of the abortion or a request for an abortion be admissible in any later criminal trial; is there a possibility in some cases that an adjudication process of this kind could end up being a criminal trial in everything but name; and should there be, in any case, an absolute requirement that the alleged rape be reported to gardaí.

As such, there are huge questions around the issue of rape and most people who have doubts about what the legislation should contain but feel the eighth amendment is not appropriate would say that in the case of rape, a woman should be entitled to make the decision to have a termination of her pregnancy. Those of us around the committee were absolutely convinced of that from the evidence we heard. There is no way to provide for a woman who has been raped or is the victim of incest without establishing a safe period such as the 12-week period which has been recommended. There is no way to deal with rape as a matter of exception and we must be clear and honest about that.

In conclusion, I quote from my party leader's contribution on the debate here on the recommendations of the committee. He said our laws must be practical, enforceable and humane. I want to live in a country that treats all its citizens, including its women, in a way that is practical, enforceable and humane.

We should not fool ourselves, and nobody should be allowed to fool the public, that retaining Article 40.3.3° will somehow protect the country from the reality of abortion. Women need to be treated in their own country. They need to have the support of the medical profession, including doctors whom they trust. They also need the expertise of doctors in their own country.

As a country, we have to be honest about this issue. It is simply wrong to suggest we do

not have personal responsibility and rights in this area. This is a very personal matter. It is a personal issue for every woman who faces a decision, as well as for the loved ones around her. We would have a much better country if we gave people the freedom and space to make these kinds of personal decisions without trying to impose something from outside that simply cannot deal with the reality.

There is nothing that will stop Irish women in very difficult circumstances from choosing a termination. I have quoted the Termination for Medical Reasons group before so I have not referred to it very much this time round. That group was the most persuasive in arguing why Article 40.3.3° should not be in the Constitution. The individuals concerned were about to have a wanted child and found that child's life would not last. They ended the pregnancy, which was never going to produce a child that would live. They had to go to a foreign country and bring back the ashes or body of the baby in an aeroplane, boot of a car or boat. They had no support within their own country. If it is only for those people, we need to remove Article 40.3.3°. We need to do a lot more than that, however. We need to face up to the reality. I hope the amendment to the Constitution will be made.

Deputy Ruth Coppinger: I am sharing time with Deputy Bríd Smith.

Last night, I joined thousands of others on the march for International Women's Day. The key demand on that march was the repeal of the eighth amendment. There were many young people on the march. There were also older people. The marchers were primarily young, however, and the message was that a new generation does not want our past to be its future. They want to be able to have a democratic right to have a vote on this, which is the purpose of this referendum Bill. They do not want those who oppose that to play games with this legislation and try to delay it. Those people should at least stand for the democratic right of people to have a say on this.

The march ended symbolically around Busáras, Connolly Station, Dublin Port and the airport road, where thousands of nameless women started their abortion journey. Today, there is no question but that the horrific cases of A, B, C, X, Y and Savita Halappanavar will resonate throughout our discussion. We want to end the early-morning flight mentioned by a previous speaker — the flight of shame — and recognise the right of women, including pregnant women, to control their own bodies.

This is a very historic day. I would go so far as to say this is the most sought-after referendum that anybody could cite. It has been campaigned for over many years. The legislation is one of the most important civil, health and women's rights measures that will be introduced in this Dáil for many years.

Considering that, according to the Crisis Pregnancy Agency, one in three pregnancies is a crisis pregnancy, this issue affects quite a lot of people in society. It has been said already that the eighth amendment of 1983 was a constitutional coup. It was also a clerical coup because it was carried out, it would have to be said, at the behest of zealots of one particular religion. An interesting book by Dr. Andrew Rynne, who was a general practitioner at the time, lists the groups that called for the amendment, which included the Irish Catholic Doctors Guild, the Catholic Guild of Pharmacists and the Catholic Young Men's Society. These were the groups that made up the Pro-Life Amendment Campaign. Also included were the Catholic Nurses Guild of Ireland, the Federation of Christian Brothers and Other Secondary Schools Parents Association, the National Congress of Catholic Schools Parent Associations, the Council of

Social Concern, the Irish Pro-Life Movement, Muintir na Tíre, and the National Association of the Ovulation Method in Ireland. We have lots of members in that. Also included were the Irish Responsible Society, the Society for the Protection of Unborn Children, the Irish Association of Lawyers for the Defence of the Unborn. I think we know from where this emanated and we must correct this injustice now with this vote.

For pregnant people to lose their constitutional rights is unacceptable. It is a blight on women's lives. It is a blight on the State's human rights record. It is a symbol of how women's sexuality has been controlled in this country for far too long and of the rigid roles to which women have been forced to adhere.

To equate a woman with a fertilised egg, zygote, embryo or foetus is outrageous. It has led to the death and ill health of many people. I wish to quote a statement by Savita Halappanavar's mother after the death of her daughter:

In an attempt to save a four-month old foetus, they killed my 30-year-old daughter. How is that fair? You tell me.

The quotation is quite apt. The idea that the two should be equal is in question. The reality is that they were not equal. Women are subordinated if pregnant.

The main aim of the eighth amendment was obviously to prevent abortion but there was mission creep into other areas, including women's consent or pregnant women having consent, alive or even dead. The amendment must go for that reason alone. This referendum is about removing that archaic law. We should remember, going into this, the opportunism of political parties bowing to the pressure of the zealots to have a referendum in 1983. According to Dr. Andrew Rynne, both of the largest political parties prostrated themselves in front of these pressure groups with reckless disregard for the consequences. Thirty-five years on, we are in a position to right that injustice.

The claim has been made by those opposed to change that the eighth amendment has saved lives. We see this claim everywhere. We have no way of answering how many lives have allegedly been saved but we know for a fact that 170,000 women have given Irish addresses in the United Kingdom when having abortions. In addition, we now know that at least five people per day are having an abortion at home using an abortion pill. In this regard, let me read from a very recent academic study. It was, of course, conducted in Britain, not Ireland. The HSE should be producing this information. Carried out last year by Professor Sally Sheldon of the University of Kent, the study into the use of abortion pills North and South shows that 3,000 requests from Ireland, North and South, were sent to two websites alone: www.womenonweb.org and www.womenhelp.org. Let me break that down. Let us guess that 2,000 of the requests came from the Republic of Ireland. This amounts to 40 per week. Let us say that a number of the women did not go ahead with a termination because some people decide not to, as is their right - we are in favour of choice. That amounts to five per day. Therefore, the figures being cited by many people here may not be cited in full knowledge of the study to which I refer and should perhaps be much higher. The study covers only two websites; there are others. We have to face the reality that abortions are taking place. To say the amendment saves lives is obviously a joke.

The WHO told the Oireachtas committee there is no difference in abortion rates, legal or illegal. The Netherlands, which has really no restriction whatsoever, has the lowest rate in the

world. If the people to whom I refer were serious about lowering abortion rates, they would be backing campaigns for contraception and sex education, but their leaders vehemently oppose these. They need to be called out on that. We should stop calling them pro-life because women's lives matter as well. Whenever a woman dies or suffers, these people are wheeled out to deny the reality of why she has died, which is because of the eighth amendment.

On the question of life, there is no magic moment when a life becomes a human being. What we do know, however, is that one must have more importance than the other.

Some people are trying to make this referendum about something else. They are trying to make it about stigmatising the disabled, eugenics and most recently I even heard
12 o'clock about abortion for sex selection. None of these are reasons why pregnant people in Ireland choose abortion. They are also trying to make it about late abortion, showing horrific pictures which I hope the referendum commission, which is being set up today, will challenge. These are about 1% of abortions and are carried out most usually for health reasons. In this referendum, we must make the case for the repeal of the eighth amendment and make a positive case for legislating afterwards for the reality of why people choose abortion, whether on Irish soil or abroad. I think that people will support that and show the same solidarity and respect for choices as they did in the marriage equality referendum. Hear our voices, respect our choices.

If we have conversations in colleges, workplaces and schools, we will be able to persuade people that this change is necessary, that people do not make these decisions lightly and they are often difficult. The reasons why most Irish women choose abortion were listed in the report of the joint committee, the first being that the person could not cope with a child in their life at this time. That is an important reason and a valid reason for why someone should be allowed to make that decision, rather than it being made by the church or the State. That there was no support or money; age; education; health; rape; and fatal foetal abnormality were factors. I do not have the time here, but I exhort people to look at the cases published every day on the Facebook page, In Her Shoes, where people are coming out with their abortion stories, giving countless examples of why they have made that journey. Some 63% of Irish people who have had abortions have children already, which completely goes against the stereotype of the anti-abortion campaign. Most are aged between 30 to 34 years, the second largest group is 25 to 29 years. These are people who know what they are doing and we have to support them.

The proposal for 12 weeks would cover 92% of the abortions that take place. We have abortion on demand in Ireland for those who are in the know and can afford it. There is abortion on demand through the Internet or through going abroad: there are no questions asked. Let us legislate for it. Does anyone seriously believe that young people and women will accept living in the twilight zone if this referendum is not carried? Look at Spain yesterday, where 5 million went on strike for women's rights. People North and South, in both States, want the right to control their own bodies. Let us recognise the rights of those people.

Deputy Bríd Smith: Reifreann an-stairiúil is ea an reifreann seo. Is reifreann stairiúil é do mhná na hÉireann agus do dhaoine óga na tíre seo. Tá rogha againn sa reifreann seo idir dul chun cinn a dhéanamh nó fanacht sa dorchadas go deo.

It is really important that we understand that this referendum is about making a choice about what kind of country we want to live in. Do we want to move forward or do we want to stay in the dark ages, which I believe is best represented by the opinion of the Catholic bishops? I am

not against Catholics or any religion, I would probably risk my life to defend anyone's right to practice the religion of their choice, but the religion of their choice is their business and their business alone. When the Catholic bishops preach that abortion is murder and that we must oppose it in all cases, even in cases of rape, incest and in heartbreaking situations where a woman is told that she is carrying a child that will not live, and they say it is still wrong, that is what we must move beyond.

When I was in an abortion clinic in 1984, just after the referendum, I met a woman from Shankill. She was pregnant with her seventh child. She was poor and had struggled to get the money together to go to Liverpool for an abortion. She cried her eyes out to me before and after that abortion. I became her best friend in that clinic. The problem was not that she had to terminate the pregnancy of her seventh child, but that she had gone to confession before she went to Liverpool to tell the priest what she was about to do. He told her that she was committing a mortal sin and would go to hell. However, she had to make a decision for the other six children; would she live for them or would she die in pregnancy, because the doctor told her that she would not live through a seventh pregnancy. She made the decision to live for her six children and risk going to hell. I am delighted she made that decision and I comforted her by saying that I knew a firefighter who reared four boys, four very angry young men, who now live in this country. He reared them on his own, working through shifts and doing his best to rear the kids and guide them the right way, because his wife's doctor also told her that she could not carry through a fifth pregnancy or she would die. Her priest also told her that she would be committing a mortal sin if she terminated the pregnancy, and she made the opposite choice and she died. That man reared four angry boys, who missed the hell out of their mother, on his own. That is the sort of choice that we face in this country. We either move forward out of that dark, dark age or we stay in it. Worse still, it could get even darker because those who want to force women not to be able to make choices about their lives will be upbeat and confident in saying, for example, that they could arrest women for acquiring the abortion pill over the Internet. Maybe they could do what they did in the North of Ireland and arrest the mother of a young girl who procured an abortion pill for her. Let us think about the confidence that would grow on the side that wants to do us down, and do our gender and our rights down.

Like Deputy Coppinger, I was on the streets last night with the people who were marching. It was so uplifting and it really does contrast the dark ages with the future. The vast majority of the people who were out marching last night for repeal were young men and women; young, passionate and determined. This is about their future. I am gone past my sell-by date, as are many people in this Dáil. We have to think about them. Those who want to stay in the dark ages also bear a responsibility. Please do not do this to other women in this country ever again. My fear is that if we do not stick together and make sure that we confidently get rid of the eighth amendment, we will push women back into a more severe position. If I was young again, I would not want to live in this country after 29 May, or whatever the date of the referendum, if the eighth amendment is still in the Constitution. I would be gone on the next plane or boat and would stay away because it augurs really badly for the future of this country. The future is about equality, it has to be. We saw how it was celebrated after the same-sex marriage referendum was won. Equality must also be about women. It was International Women's Day yesterday and right across the world women are rising up and saying they are not taking this crap. From the #MeToo campaign to the demand for gender pay equality, a revolution is happening where women are saying they will not tolerate being second-class citizens. That is what the eighth amendment does to women in this country, it puts us into a category that we do not have equality and we will never have equality so long as it remains.

I want to say to those outside who support me on this, that when they go out knocking on doors during this campaign, they should be absolutely confident that they do so on an open door because we are talking to generations who have been through the dark ages. They will be talking to people who know about the bishops' cover-up on sex abuse scandals; only last week one of them, Bishop McAreavey in County Down, had to resign. Issues relating to the Magdalen laundries and sex abuse scandals are all baggage that we have in this country because we have a problem with sex and sexuality and with women's freedom and equality. We have to get over ourselves and move on. It is a huge challenge to us and one which the younger generation and the women in this country will stand up to and meet.

We will go through a difficult day today and a difficult period in the coming weeks in the debates. I want to say to people in this House that it is not on to use this issue to play political games. We have to get serious. If Members are on different sides, stand up and say so but they should not absent themselves from the Dáil or try to demand quorums or get up on their feet to kick up a stink in an effort to filibuster and delay. Let us get on with the business of putting the referendum to the people and let them decide. This will be hugely historic. It is a challenging time for us. I appeal to the people out there in the movement to work hard to fight to win this referendum. It comes as only one opportunity in a lifetime to do so. It will affect the generations to come. I will shut up now because although I am going to use all of my time I have spoken on this issue so often - I will continue to do so - I wish to send a message to the women who feel regretful about their own past and the stuff that has happened to them. I will not open up a can of worms for a lot of women. They know themselves what it has been like. They should not be afraid of the church and they should not be afraid of what they are being told by priests. They have their own beliefs and they should be proud of their own beliefs, hold on to them and express them, but not be made to be fearful of them. In making the choice that suits them, women should hold their heads up high and know they are doing the right thing by themselves, by their families and by their partners. They are not committing a mortal sin, they will not go to hell and someday the State will recognise that and someday doctors, clinics and medical practitioners will be by their side, will have women's backs and will support them.

I reiterate comments made by Deputy Ruth Coppinger and I repeat it as a sort of plea: those in the State who think that not having proper sex education and not having proper access to contraception is going to help to protect the unborn or sacred life are completely mistaken. We absolutely have to give non-Catholic and non-ethos based sex education to children and we have to make contraception free and safely available to women and men. If we do not do this all we do is create more opportunities and more definite situations where there will be more and more crisis pregnancies. If we want to end crisis pregnancies then we must open up the ancillary issues for complete accessibility for everybody. Many poorer people cannot afford to go to a doctor for contraception and cannot afford to buy the coil and so on. They need it available for free. We need to open up our services and our education so young people can have a healthy, well-rounded and well-informed attitude to their sexuality and their reproductive rights.

Deputy Mick Wallace: I support the Bill and I support the repeal of the eighth amendment. Should the referendum pass I will support the recommendations of the committee and, for the most part, the contents of the Government's policy paper. The first step, however, is dealing with the eighth amendment and this needs to be differentiated from the legislation to follow should the referendum pass. I have spoken many times in the Chamber about the need to provide abortion as a health care service. Today I shall challenge some of the reasoning behind retaining the eighth amendment and I will then address the Government's policy paper.

First, I shall address the issue of adoption as a solution to a crisis pregnancy, as suggested by some Deputies. A considerable amount of time in the committee was spent on this issue. This is a misogynistic view that sees women as nothing more than vessels. It suggests that women should go through life-changing trauma if it will help out a childless couple who cannot have a baby of their own. This is forced birthing and it is being proposed in a State with a history of forced births and forced adoptions by religious orders. It is an absolutely terrifying and nightmarish scenario. How would this idea be implemented in practical terms? This concerns women with crisis pregnancies and some may even be suicidal. Are the Deputies planning to detain these women forcibly? How would the babies be handed over to these childless couples? Would the women then have to be declared unfit mothers or become wards of state? This is a deeply shocking and extreme view. Forcing a woman to carry a pregnancy against her will falls under the legal definition of torture, but have we not done this to women in Ireland for a long time?

During statements on the committee recommendations I spoke about the committee's 12 weeks without reason recommendation and how it is specifically intended to care for women who are pregnant as a result of rape. To some people the "without reason" clause may sound like a radical liberalising of our abortion laws. This is not the case and I say this as someone who favours much more liberal abortion laws. Personally, for example, I do not believe a woman must be raped before we should feel compassion for her. The clause is simply an attempt to provide compassionate, non-directive, non-judgmental care for victims of rape who have a crisis pregnancy. Yesterday the Minister said that most people in Ireland agree with providing terminations for victims of rape. If Members agree with this I urge them to support the Bill. Presumably Members will do so as it is very clear that repeal of the eighth amendment is necessary to accommodate victims of rape in terms of abortion legislation. I urge them also to support the committee's recommendation, which is included in the Government's policy paper, if the referendum is successful. The inclusion of a specific rape ground in legislation is neither a compassionate nor a workable means of supporting women in these circumstances, for two main reasons. First, it is simply not possible to prove through a medical examination that a rape has occurred. Second, the requirement to disclose what they have experienced in order to access abortion will likely re-traumatise and re-victimise such women. If a victim of rape must convince others that she deserves access to support, that person is disempowered all over again. This is the context for the without reason clause.

I am aware that there are many Deputies and members of the public who do not believe that terminations for women who are the victims of rape should be permitted, that we should not change things or repeal the eighth amendment. Of course every rape is different, but I ask these people to imagine themselves in the shoes of such victims. Imagine the waves of nausea and vomiting, the feeling of complete and utter contamination, the pain of vaginal penetration, the pain of vaginal ruptures and torn skin, bleeding and infection, the pain of the restraining, the hitting, punching and choking and then imagine you are pregnant as a result. Now imagine you are 14 years old, the same age as the girl at the centre of the X case. Imagine the psychological trauma of carrying that child to birth: the real, physical weight of that child and the pain of childbirth. Think about this: a 14 year old girl who is pregnant as a result of rape and forced by the State to remain so. Imagine the practical reality of this. Does she continue to go to school? As she gets bigger and bigger, does she continue to wear her school uniform or is she granted an exemption? Does she tell her friends and all the people in her class that she was raped? How else does she explain the fact that she is pregnant? Does she tell her teachers? It is very, very difficult to hide the signs of pregnancy. Should she tell her neighbours and her cousins that

she was raped? The context for this situation is a pervasive rape culture where sexual violence is trivialised and where victims are often blamed, so much so that most rapes are not even reported. Imagine this is your own 14 year old daughter and consider the practical, everyday reality of this. How would you explain this to her younger brother or sister? How would you feel sitting down to dinner every evening and looking at her as her body changes or in the morning when she has morning sickness as a result of rape? How on earth would you deal with this reminder every minute of every day of the extreme violation of your daughter? Maybe your daughter would be happy to carry this child to term and raise this child and maybe you would be happy with this and support her, but surely we should give her a choice in the matter. It is inhumane not to give her a choice.

With regard to the Government's policy paper, I am slightly concerned about the proposed time period between the request for a termination and the abortion pill being accessed. A cooling-off period like this in legislation may become another access barrier. I welcome the Minister's comments today and recently on the importance of repealing the eighth amendment, but this proposal will look like the Government does not yet fully trust women and it risks replicating a damaging and patronising stereotype of women. The World Health Organization has said that waiting periods like this "demean women as decision makers". France, Spain, Finland and Denmark do not have these time lapses. Waiting periods will only lead to delays in accessing treatment. If a woman decides to have an abortion, when she presents to a GP or elsewhere for treatment she will have already devoted a considerable amount of time and effort in making this decision. It is not a decision taken lightly. It is often, for a number of different reasons, a very emotional and distressing process. I believe that this proposed cooling off period sounds like a sop to placate those who seem to think women have abortions as a contraceptive measure without giving a second thought to it. One of the most upsetting and devastating aspects of this debate which some people seem to misunderstand is that women and couples who choose abortion often desperately want to have the child. Amanda Mellet desperately wanted her child. She was told the foetus had congenital defects meaning it would die in the womb or shortly after birth. Last year, the UN Human Rights Committee ruled that Ireland had subjected Amanda Mellet to "discrimination and cruel, inhuman or degrading treatment" because of its laws against abortion. While I appreciate the Minister's thinking regarding informed consent, it is important we respect the decisions of these women.

The first positive legislation to provide for abortion in Ireland was introduced just over six years ago in this Chamber by Deputy Clare Daly. We have been very slow to do the right thing. Let us help to make it happen at last.

Deputy Clare Daly: Obviously, I welcome the Bill and the fact that the Government is dealing with this issue comprehensively and expeditiously. This responsibility rests not just with the Minister and the Government, but with all of us in this House. For far too long the Irish people have waited to have a say on this. What we are doing is giving them a platform to decide precisely this matter for themselves. When we do this, we must put party and personal views behind ourselves and say this is a personal, private health care matter. The idea that it ever had a place in our Constitution is really frightening. I respect the fact that many of our citizens have very different views on this subject. They are entitled to those views and to have them respected, but the only way everyone's view can be respected is if we repeal the eighth amendment and allow people who feel they need to choose abortion that right. People who do not want to choose abortion, for religious or other reasons, already have that right respected, and I fully respect and stand over that.

I find it strange in some ways how much the debate has moved on since those days six years ago when Deputy Wallace, Deputy Joan Collins and I introduced the Medical Treatment (Termination of Pregnancy in Case of Risk to Life of Pregnant Woman) Bill. At the time we were very apologetic that the only legislation we could put forward was to provide for abortion in circumstances in which a woman's life was in danger. However, even on this limited ground, the vote was 110 to 20 against. Not just the position reflected in the vote, but also the content of the discussion has moved on so much in the intervening time, and that says a lot. In some ways what it says is that everything is different but legislatively everything has remained the same. We need the eighth amendment repealed to be able to recognise properly Ireland's abortion reality.

I also welcome the judgment of the Supreme Court this week. It is helpful. The fact that the court was clear in its ruling clears the way for us to recognise fully at last the rights of pregnant women, who, as I said, should never have been put in this position in the first place by the insertion of provisions concerning abortion into the Constitution. In saying this, it is important to say also that this does not mean the unborn has no rights, an argument that has started to be put forward already. That is not true. What the judgment says is that the unborn has no constitutional rights other than that outlined in the eighth amendment. How do all our peers across Europe and what we would call our compatriots in the advanced world treat the question of the unborn? They do not say foetal life has no value. No one says that. What is being clearly said is that foetal life does not have a value equal to that of the life and worth of a fully grown woman. Other societies have adopted measures whereby foetal life gets a certain amount of protection, particularly as the pregnancy develops, which can be reflected in legislation, but it is not the same as for a fully grown woman, a woman who may have other children, a husband or a partner - or not, as the case may be. It is important to say this.

In the six years since we introduced our Bill, there have been consequences of the inaction of this House. Some 6,500 Irish women have ordered abortion pills online without being able to get appropriate assistant treatment from their doctors. It is a relatively safe pill but still, they should not have had to make that decision because of our inaction. It should not have been the case that almost 20,000 women were forced out of our health care system to access safe abortion in the UK in the six years since we discussed this. The barriers to legal and safe abortion have exposed these women to added harm. I will not go over the cases to which other Deputies have referred: Savita Halappanavar; Ms Y, who came here seeking asylum and had her rights violated again by effectively a forced pregnancy following rape; the case of Amanda Mellet, which has been highlighted already; and the families who have received a diagnoses of fatal foetal abnormality and who so bravely championed their cases to the European Court of Human Rights. We owe them a debt of gratitude.

We have had many chances to deal with this before now. Members of this House have said Irish society was not ready but actually, it was the politicians who were not ready. Irish society has long been ready to deal with this issue. What we have seen in recent years is an awakening of the silent majority, the people who did not go out on the streets but who believe this is a private, personal matter and who want to respect the views of all people but do not want to go out and lobby on the matter. These people are now making themselves known more. As I said, it was the politicians who were not ready. I welcome the fact that the Minister has taken the helm on this. That is appropriate. All Members who say they are in favour of repeal have a responsibility to go out and campaign for it. Why would they not? To say one wants to protect women's health, lives and choices is something to be very proud of and I think the Irish people

are capable of understanding that message.

The Citizens' Assembly played a great role and the joint committee was a really useful exercise. If anyone has concerns or doubts about this issue, they should take the time to read what has been published online by both the committee and the Citizens' Assembly. What was dealt with in these fora was strong, factual, evidence-based information from medical and legal experts, as well as women who have the direct experience. This is what should mould this discussion. It is not a question of whether one agrees or disagrees with abortion or whether one is pro or anti-abortion. Abortion exists and happens and will not stop happening. It did not stop happening in the six years during which we did not deal with it and it will not stop happening in the future. The idea that the floodgates will open if we bring this measure in is just not scientific, evidence-based or factually correct. We do not know how reliable the Irish figures that are quoted are because many people do not give Irish addresses when they travel and so on. Therefore, to say our abortion rates are lower is not scientific. Outlawing abortion does not mean there is no abortion. The choice is not between abortion and no abortion; it is between safe and unsafe abortion.

Deputy Wallace and I were in Malawi last week visiting a refugee camp. Because we have an interest in prison issues, we also took time out to visit some prisons there. We visited the women's prison in Lilongwe, the capital. Most of the women in prison in Malawi are either there for infanticide or, because abortion is outlawed there, may have miscarried and have been convicted on the basis of induced abortion. Looking back on Ireland's history, one can see there were high levels of infanticide. Women should always have the right to have children when they want and when they feel they are capable of parenthood, and we should support that.

Our shortcomings as a State in allowing backward attitudes to sexuality absolutely must change. I imagine most citizens want to keep abortion numbers down. I certainly do. I do not want anyone to have any medical procedure he or she does not need. However, if one really wants to reduce the number of abortions, all the evidence shows that the way to do so is not through restrictive legislation but through comprehensive sex education and widely available contraception. These are the ways to reduce abortion rates and it is what we need to do. We need safe abortion through our health service, not someone else's health service. It would be remiss if we did not mention the debt of gratitude we actually owe to medical practitioners in the UK in particular, who have provided safe abortion for 170,000 Irish women since 1983. I really hope the future of the country will not be reliant on other people's health services. We need to raise the standard of health care for women at home. I agree with Deputy Wallace that some of the measures in the legislation need to be changed, but generally it is heading in the right direction. If we bring this in it will mean earlier and safer abortions without the risks and cost entailed in travelling and without the stigma of criminality, and the facts indicate this will have a positive impact on women's health.

I do not have time to develop other points, but last week the EU Commissioner for human rights made an excellent speech in the European Parliament. He warned about the danger of backtracking on women's rights and warned about complacency. He made the point that gender equality has not been achieved in any EU country and it will take vast cultural and economic changes to get anywhere near this. Some of us are further behind than others and we have to stop paying lip service to women's equality. This means fair pay for fair work, protecting women's rights in the workplace, affordable child care and access to full reproductive rights. In his remarks, the Commissioner addressed the issue on a European basis, stating restrictive laws should be brought into line with international human rights standards and best practice.

Best practice is achieved by ensuring abortion is legal and on a woman's request, and that it takes place in early pregnancy and thereafter is made available throughout pregnancy to protect her life, her health and her freedom from ill-treatment. This is what we should strive for. Any practical and financial barriers, along with criminal penalties, need to be removed. It is a human rights issue and a health issue and it is something we as a society should begin to embrace because it is incredibly positive if women and their partners, if they have one, are having children when they want and when they have the means and wherewithal of supporting those children.

Deputy Mattie McGrath: I am pleased to be able to speak on the Bill. I have many concerns about its very rushed nature, which I will address in my remarks. The manner in which the Government has dealt with this referendum Bill has been nothing short of disgraceful. No rationale has been offered as to why the entire process has had to lead to a mad rush towards 25 May as the date of the proposed referendum that will strip unborn children of all constitutional protection if the eighth amendment is removed. How tragically ironic that 25 May is national missing children's day in the United States, whose abortion regime we are set to follow in so many ways. Recently, the Taoiseach used the phrase "safe, legal and rare" which he copied from Hillary Clinton. Is 50 million safe, legal or rare? If it is, they are badly mixed up. We will follow in so many ways and I will say more on this later.

We now know the decision of the Supreme Court to reject the High Court finding that the unborn child enjoyed significant constitutional protections beyond the eighth amendment was an historic lost opportunity. The decision of the Supreme Court was profoundly disturbing to me and many others. It has demonstrated with absolute clarity the eighth amendment is now the only defence the unborn child has against arbitrary decisions of a future Oireachtas and politicians on the extent and grounds upon which abortion may be obtained, and we know this. We also know if the eighth amendment is removed, Bills will be introduced here the week after to extend the time in terms of the gestation period. In light of this, the stakes could not be higher in terms of the need to retain Article 40.3.3°.

Despite the unanimous decision of the eminent justices, there was actually no true justice contained in the court's judgment. It has effectively put at zero the reality of the unborn child as a living breathing member of the human family that is uniquely vulnerable and open to attack. While I do not believe the eighth amendment will be repealed, regardless of today's decision, I do think that if the Government's hostile, manipulative and aggressively pro-choice agenda is successfully perpetrated upon the people, then the court's decision may be seen as the Irish equivalent of *Roe v. Wade* all that time ago in the United States. That historic decision of the US Supreme Court essentially shot down possible constitutional protections and handed over to US state politicians the power of life and death over the unborn child. I mentioned the more than 50 million babies lost since that judgment. The questions we must ask ourselves now is do we really want to hand such power over to our political leaders and can we live with the consequences if we do. These are very important questions that will be put to the people.

I want to raise the recent findings of the very respected poll published this week of our GPs, in respect of the provision of abortion services. The poll of general practitioners found that two thirds of those asked stated they will refuse to comply with Government proposals to designate them as lead providers for abortion services. Is mór an trua é go bhfuil an tAire imithe. The Minister has left. He announced in the previous debate that GPs would be summarily instructed to be front-line deliverers of the abortion service even though he had not asked them or consulted. This is the answer. The *Irish Independent* reported that nearly seven in ten of the 497 GPs who voted in a closed doctors' forum stated they would not be involved in medical abor-

tions. This was a closed forum and it was not just anyone that was phoned up or completed it online as in other polls. This is 70%, which is pretty concerning, and if the Government does not want to listen to that who will it listen to? It did not listen when it forced free GP care for those aged under six. We see the bedlam this has caused. By any fair standard, this ought to be a devastating and potentially fatal blow to a central feature of the Government's plan on how it wants to roll out unrestricted abortion access up to 12 weeks.

It also demonstrates the absurdity of the claims that were made by the Chairperson of the Joint Committee on the Eighth Amendment of the Constitution that it could not find a single GP opposed to the repeal of Article 40.3.3°. It could not find one, but 70% of them have come out clearly. They were not asked, sought, allowed or wanted.

Deputy Ruth Coppinger: They did not ask to come in.

Deputy Finian McGrath: They could have come in.

Deputy Mattie McGrath: If the Minister decides to proceed with the plan to introduce legislation, it will be a case of him doing so while knowing with clear certainty that it will be practically impossible to implement, given the scale of opposition to it by GPs. I am sure they do not do this lightly. They do so with the best of consciences. They have a Hippocratic oath to look after people and mind them, so this is a considered opinion. This is a big blow and very startling. It is a crippling blow and an embarrassment for the Minister, Deputy Harris, and all those whose only intent is to foist an unrestricted abortion regime upon our people. Serious consideration must now be given to scrapping the proposal in light of the inherent unworkability of the proposals that has been clearly exposed.

I will now go back to the indecent haste. The Business Committee met only yesterday at 2.30 p.m. Many Deputies had gone home. We did not have a Bill. We did not have the so-called explanatory memorandum. We did not have an explanation from the Minister and his officials. We did not have anything. We did not have it this morning when he came into speak. Bhí deich nóiméad imithe before we got the speech. This is the indecent haste. We got the Bill online at 10.15 a.m., and several hours later we were expected to deal with this legislation on such a serious issue.

If we do not have doctors offering it, serious consideration must be given to scrapping the proposal in light of its inherent unworkability, which has been clearly exposed. The only other option is the likes of private, profit driven UK and US abortion providers, with appalling health records, to set up shop here. Has anyone considered this appalling vista? They should have the guts to say so. The Minister of State must now answer. How will it be delivered if the GPs have flatly refused? We know these people are only too willing. They are keen to come to this country, because theirs is a murky, dirty, money-driven business. We have seen that worldwide. We know they will do that if they ever get to operate here. That is exactly what they have done for years in the UK and tried to do in Northern Ireland.

Ms Liz McDermott from the group One Day More, one of the two witnesses before the Oireachtas Committee on the Eighth Amendment of the Constitution promoting pro-life values, said to the committee:

The provision of abortion is increasingly being questioned in other countries as people see where legalisation leads. Alternatives to abortion and support for women with difficult or unplanned pregnancies are also offered in these countries. However, because they do not

have anything like the eighth amendment in place and abortion is widely lawful, they face obstacles and difficulties carrying out their work. [That much has been proven.] Organisations which do life sustaining work are stymied and prevented from reaching out to women in a supportive way to give them the opportunity - not a choice - to keep their baby.

When people came from different parts of the world to speak to us, hotels were bullied out of offering a venue for their public meetings. These speakers included victims of rape, women who were conceived in rape and others. Thankfully we found a hotel in Cork, Deputy Kelleher's county, that took them. We held a very productive meeting of 500 people, who shared stories that were telling. However, the Oireachtas committee did not want to hear them, nor did the Citizens' Assembly. Above all, did the Minister of State or anyone in the Government want to meet them? No.

Ms. McDermott went on to tell us "We can see from other countries that abortion is a large and profitable global industry." It is interesting to see the same politicians who rail against global industries every day supporting this one wholeheartedly. It is an interesting analogy as far as I am concerned. Every day of the week they rail against our own global giants and the global giants that come here from abroad. Yet on this issue, we are buying into one, hook, line and sinker. We are delighted. We welcome them with open arms. We are saying to them "tar isteach agus beidh an-airgead againn, come quick, brostaí". The legislation is in a terrible hurry. Cén fáth? I would like the Minister to freagair an cheist sin, má tá sé ábalta. He should note that is nothing to smirk or be giddy about. It is a serious issue as far as I am concerned, though maybe for him it is not.

Abortion is a huge and purely money-centred industry. Ms McDermott went on to say:

Its practice, standards and methods are not always women centred, as is claimed, but may be more about profit. Just last month, the Care Quality Commission in Britain issued a damning report on the abortion provider, Marie Stopes. It revealed that staff were being paid bonuses to encourage women to go through with abortions. [I stress that this was an independent inquiry.] The inspectors found evidence of a policy in all 70 Marie Stopes clinics in the country directing staff to contact women who had decided not to go through with an abortion, offering them a new appointment.

Bonuses were offered to staff. These women were being traumatised. Many of them had decided not to have their abortion because of the eighth amendment or for other reasons. Perhaps compassionate people spoke to them. These women were being lobbied, as if the providers were salesmen selling car or hoovers to householders. It is despicable, and it is before our eyes. We know it. If the media would only be honest and fair it would print the news. In the words of Ms McDermott:

This is tantamount to placing pressure on women to opt for abortion and is rightly causing people to rethink their support for abortion and look at alternatives which genuinely care for women and babies. This is just one of several recent scandals involving the abortion industry in England and elsewhere.

Is this the kind of abortion regime we want here? It looks increasingly obvious that this is what we will get if the opposition of the GPs is anything to go by.

Those opposed to abortion are not all religious fanatics. I have teams out in Tipperary with whom I go out canvassing every night of the week. They are of all religions and none. Some

are agnostics and some are non-believers. They believe in and value life.

In his rush to bring the Bill forward, the Minister said that we must have an open and respectful debate. He referred to Ms Savita Halappanavar, as did several other speakers who spoke before me. Will they not allow her to rest in peace? Three independent reports adjudicated that her death arose from a misdiagnosis and bad practice. Unfortunately, there are countless deaths from sepsis in our health service, even this year. There are greater numbers in the NHS in England and all over the world. For this woman's grave to be pounced on gach lá in aon áit chun an scéal sin a rá is uafásach ar fad. I really am saddened by it. All the Deputies want a respectful debate.

Ms Halappanavar's husband appeared on radio with Ms Marian Finucane five weeks after the incident. We sympathise 100% with the loss of his wife and the mother of his expected baby. He was asked whether he wanted abortion introduced into Ireland. D'fhreagar sé an ceist by saying that he did not. This was on live radio. The recording has not been played since. I am demanding that RTÉ produces that replay. It was never accessible on the RTÉ player. It was removed. RTÉ is supposed to be responsible and fair, and our taxes fund it. The presenter then asked Mr. Halappanavar if he wanted his wife's situation to be used. He asked for it not to be used and misused. I heard Ms Halappanavar's mother being used in this way. People should respect his rights and not pounce on the grave. People can see what is going on.

What are we going to do? The Minister has made so many promises. A letter was given to me by several people in County Wicklow, the Minister's constituency. In the election campaign he promised that he was pro-life and would do everything he could to save lives. He is running and hiding from those constituents now. This promise was signed by him and sent out to thousands of voters at the time. He will have to freagar that ceist in áit eile.

Then we come onto Deputy Kelleher, who said that pro-life people do not trust the Oireachtas of the future. He conflated that with a claim that we do not trust women. This has nothing to do with that. The people have proved that they do not trust politicians. It was proved when the then Taoiseach, Deputy Enda Kenny, said he got a wallop or a kick from the public when he asked them to get rid of the Seanad. We need that Chamber because legislation is rushed through here and this Bill is evidence of that. This legislation is being made with indecent haste. It panders to certain groups that want a vote on 25 May at all costs. The optimum time to have a vote, if we want to have one, is September. Then all the students are back in college, all the kids are back in school and the vast majority of parents and guardians are insan tír anseo, they are back home from their laethanta saoire.

The mad rush will catch its proponents napping. How dare Deputy Kelleher say that? We are not saying that we do not trust women. I met 30 women at a meeting last night. I refer to young women and mothers who go out canvassing. We must not conflate this issue with mistrust of women. Deputy Jan O'Sullivan appealed for respect, careful perusal and compassion. She then went on to say talk about Savita again. Downright untruths and being peddled every day of the week in the House when the facts are there. We can access the evidence of the tragic loss of life that happened so unfortunately. In my county, I recently attended the funeral of a man in his 40s who died from sepsis. There are dozens of them in this country, more this year than ever, with the serious incidences of flu that took place. The story of Ms Halappanavar is used all the time. Deputy Adams spoke about respect and respectful debate. That tells its own story.

I will return to the subject of the Citizens' Assembly, the very genesis of this. The night I met the then Taoiseach, Deputy Enda Kenny, before he formed the Government, I asked him about the eighth amendment, because he knew where I stood. He assured me there would not be any problem. He said there would be a Citizens' Assembly, followed by an Oireachtas committee and then a free vote, and everything would be hunky-dory. It is not hunky-dory. The Citizens' Assembly was caught napping only last week, when replacements had to be sought. I wonder why they had to get so many replacements? I compliment people who give their time to serve on the Citizens' Assembly. However, the real citizens' assembly is an áit seo - Teach Laighean. That is the citizens' assembly to which we were elected. I am privileged and honoured have been elected to represent Tipperary. We all have that privilege. This is the citizens' assembly; not that carry-on that cost €2 million. We do not have money to pay for people's orthodontic treatment and we are bussing patients to Belfast to get their cataracts done. Deputies Michael Collins and Danny Healy-Rae and I have all experienced this. However, we have money to throw away on this.

As for the RED C poll, I do not trust any polling company to be honest. I never hired one in my life or engaged one. I can say that with impunity. The company was caught when it wanted to replace people but we knew the whole time that there was a malfunction, a set-up and a stitch-up there because 11 counties, including my own, were left out of the Citizens' Assembly. RED C has further acknowledged this in its own report. Thousands of people have written to the Government looking for an independent report on what went on. It was a stitch-up and, as I said before, the stitches are briste. The geansaí or gúna has fallen apart and is in a heap of brus. That is what happened. RED C has acknowledged that it would need at least 400 or 500 people to have any kind of representative example of the voting population of our Twenty-six Counties. It has admitted that, yet Ms Justice Laffoy is happy to say that everything is okay. I refer to when replacements were being looked for and I want to ask a ceist. Cad a tharla do na teachtaí in the assembly? Why did those people all leave after the first part of it, or after the piece dealing with the eighth amendment? The assembly had other work to do as well.

We then saw the flagrant abuse that went on to select new people, involving selecting family and friends. It was a set-up, a stitch-up and a codology. Someone else last night used the word "codology" instead of "theology". There is much codology here, but the people - tá siad ag fanacht. They are waiting in their houses and are ready to come out here. They did not trust the Government or the politicians - tá Deputy Kelleher imithe - when they refused to give more powers to the Oireachtas. They said "No" then as well. They did not trust the politicians when they wanted to get rid of the Seanad. We have a wise, intelligent and educated electorate, thankfully. I want every person to be able to be in the country to vote. People say I do not want them to cast their vote. I am a democrat to my very foundations. It is only fair and it is respectful that people vote. It is not like the sham of the Citizens' Assembly, a con job. A polling company that was friendly to the Government got the job. This is what happened. The Government has been found out and caught napping. As I said, there is much untruth here. It sticks in my throat to hear Members talking about the late, poor, unfortunate Savita Halappanavar when her family has asked that she not be used in this issue.

I ask representatives about tomorrow too. Tens of thousands of people will be walking in Dublin tomorrow. I would ask some of the parties of the left, especially, to refrain from the indignation and the disgraceful spitting on, and attacking of, people who want to express their democratic right to march in Dublin tomorrow. I have been on those marches before and I will be there tomorrow. There will be intimidation, bullying and-----

(Interruptions).

Deputy Mattie McGrath: -----banners and lines of gardaí trying to keep people away from those marching. We do not interrupt marches others want to have. I welcome yesterday's march as well. We are in a democratic country but that is the kind of selective democracy that others want with no respect for the unborn baby at all. We were talking about International Women's Day and women's rights but there is no respect for the baby. Most Members did not mention the baby in their speeches.

Deputy Catherine Murphy: I am sharing time with Deputies Ryan and Healy. I acknowledge that this is a historic day. Far from it happening with undue haste, it has in fact been through a lengthy process, including the Citizens' Assembly and the all-party committee. While Deputy McGrath is entitled to his opinion, I do not believe that he would ever see this as having a right time. I come to this debate as somebody who was a member of the all-party Joint Committee on the Eighth Amendment of the Constitution. That had three months of intensive hearings where what we heard were actual facts, not rhetoric or personal beliefs, but actual facts writ large. Those facts were indisputable. There was medical expertise from across the Irish health care system and, indeed, the international medical community was *ad idem*. The eighth amendment endangers women, it ties the hands of medics and, ultimately, it puts lives in danger. It was unequivocal. It was no accident that the committee struggled to source medical experts who would take the view that the eighth amendment was a good thing. The reality is that the vast majority of maternal professionals want and need the eighth amendment to be repealed.

I am generally happy with the wording and with the general scheme as has been outlined by the Minister. I commend the Minister, Deputy Simon Harris, for his work on this issue. It was not my experience on the committee that formed my position. In 1983, I strongly opposed the insertion of the eighth amendment into the Constitution, believing that the Constitution is not and never should be the place to deal with a health care issue. Since 1983, we have had to watch as countless women and families have been traumatised and victimised by the application of the eighth amendment. We have been through the alphabet soup of women who have suffered and some who have died. They are just the high-profile cases. That does not necessarily capture the hundreds of thousands of women and medics, some who faced fairly dicey decisions that could have gone either way.

We know the eighth amendment gives an equal right to life to the unborn and the mother. Where there is a risk to health, we heard medics ask us whether they would intervene when it is a 20% risk, a 50% risk, or if they waited until it was an 80% or 90% risk. What parent would want that for a daughter or a sibling for a sister? What child would want his or her mother to be put in that kind of peril? That is exactly what is happening. That is what the eighth amendment means.

The big thing that stood out for me at recent committee hearings and the surrounding debate was the issue of health care and specifically people's right to equal health care. Anyone who has had the misfortune to require a medical procedure will be familiar with the consent form a person or one's next of kin is asked to fill in. That does not happen when one is pregnant. There is no consent when one is pregnant. The eighth amendment precludes consent when one is pregnant. That is a very significant constraint on the medical profession. Put simply, there is no equality of health care in Ireland because of the eighth amendment.

Thankfully, Ireland has changed. It is a changed place since 1983. People realise that life is not black and white. There is a whole sequence of shades of grey which we have seen played out over the decades. We have come on in leaps and bounds with regard to our cultural attitudes, yet the existence of the eighth amendment has ensured that the way in which we treat pregnant women has not progressed at all. There are barbaric cases such as that of the woman whose dead body was essentially used as an incubator while her family had to fight through the courts for the life support to be switched off. Her body was decomposing. People asked what kind of country we are when they saw that scenario. We are a compassionate people. That compassion will and does extend to maternal care. We need to trust our very well-regulated legal profession. Ultimately, we need to trust women and to repeal the eighth amendment.

This is a people's referendum. One can make changes to the Constitution that are often quite technical, about timelines for how long a Parliament might sit or whatever. This is a people's referendum and we are seeing evidence of people engaging. I am seeing it in my constituency. I have been engaging with it and have done some canvassing as well. I will be voting for repeal and I will encourage others to do so too. I urge people to get active, to have conversations about the topic and to put compassion to the forefront of everything that they do over the next weeks and months as we hopefully get closer to providing equality of health care for women in Ireland.

The committee was very clear about the ancillary recommendations, that they were not ancillary but were central to the kind of health care system that we required. Comprehensive and non-religious-based sex education is required. Contraception must be freely available. This is what one does. Education and the provision of contraceptives are the kind of things that will reduce the numbers. They are not ancillary recommendations nor are the recommendations that there has to be equality of maternal care.

In terms of things such as anomaly scans, it should not matter if one lives in a part of the country that is a significant distance from a teaching hospital. There must be equality for women in the health care system. The committee very strongly wished to have such equality but that will not necessarily find its way into legislation. Resources will be key in that regard. Resources must be provided in a way that respects that this is not just about repealing the eighth amendment but, rather, a much wider range of things that need to be done.

The key issue is that we must repeal the eighth amendment. I will be out canvassing and campaigning to ensure that my party and I play our part in trying to achieve that.

Deputy Eamon Ryan: The Green Party will be supporting the campaign for the repeal of the eighth amendment to the Constitution. The provisions set out by the Government following receipt of the advice of the Citizens' Assembly and the Oireachtas committee very closely mirror our party position in many ways and we will be supporting the Government in that regard. Some in our party have a different view and may campaign on the other side of the referendum, as they are fully entitled to do, and they will be respected in so doing.

Ultimately, the people are sovereign when it comes to decisions on the Constitution. The Oireachtas can help to guide the debate and referendum but it does not own or control them. It has done a good job in framing the debate in recent months through mechanisms such as the Citizens' Assembly and the Oireachtas committee, while the broad outline of the legislation that is being presented and the wording that is proposed to replace the eighth amendment are of further assistance in that regard.

In my contribution during the consideration of the report of the joint committee by the House, I articulated my concern that any provision relating to this matter would be inserted into the Constitution. My sense was that the original attempt to deal with the issue and, as Deputy Clare Daly stated, provide an equality of rights between the rights of the foetus and those of the mother in a constitutional way was a mistake and never going to work. I was concerned by the proposal for a further provision to the Constitution and believed it unnecessary. Most European and other similar countries have no constitutional provision on this issue. On first reading, the wording that has been presented by the Government seems to be reasonably clear and simple, does not unnecessarily constrain the Oireachtas and perhaps provides legal protection that the Attorney General thought necessary in order that the legislation that will be considered would not be challenged. The broad approach and outline of the provision makes sense.

I was pleased that much attention was given in the Minister's speech to the issue of improving the care we provide to mothers who are making decisions on pregnancy and that he will come back to the House with detailed provisions in that regard. One of the opportunities we have in what I hope will be a moment of change is that not alone will we not be forcing women to travel by boat or plane without any contact or take pills ordered from the Internet without medical assistance but also that we will ensure that the choices made by women are full, free and unencumbered by State-introduced mechanisms which would steer those always difficult decisions. It is very welcome that the Minister discussed ensuring that we proceed with our national maternity policy and further resource maternity services. However, we must go beyond that. We must signal a change in Government policy, much of which is antithetical to women, such as our tax and pension systems and a range of other mechanisms which make it more difficult for women, in particular those who are on their own in terms of raising a child. Change on that scale is needed.

If the people vote for us to change how we approach this issue, it will be vital to have a detailed understanding of and statistics and data on the decisions that are being made and the circumstances within which they are being made. That is not intended to in any way impinge on the privacy of or try to influence those making such decisions but, rather, to help us understand why we, like so many other countries, have so many unwanted or emergency pregnancies and to assess what we can do to ease the circumstances that lead to such situations. As all Members have said, no one wants to put anyone into a position of having to choose.

As all Members know, the timeframe for the referendum is short because of the need to await the judgement delivered yesterday by the Supreme Court. It would be appropriate to hold the referendum before the end of May.

I am uncertain of the meaning of a provision in the Minister's well-articulated speech, which I read with interest. It refers to terminations that take place after the first trimester period in which it has been recommended that an indication is unnecessary. In terms of later terminations, the Minister stated that it is important to be clear and truthful that, in cases where the foetus is viable, early delivery and the full range of neonatal care are the reality. I do not understand what that means and I ask the Minister to clarify it. I am sure that clarity will be brought to such issues during the debate that we will have in the coming weeks, which is the purpose and the valid role of such debate in this referendum.

There is a role for the Medical Council in terms of medical ethics because, as well as two doctors assessing the inevitably complicated and hugely different individual cases, our policy indicates that the Medical Council must contribute to providing an ethical structure for such

decisions. The details of how that works can be addressed in the legislation and need not be dealt with now. We must agree upon the broad principles, the heads of a Bill, the issues set out by the Minister and the statements which will give guidance to the people as they make their decisions in this referendum. Even though such situations are very rare, we want them to be safe, legal and rare, and the role of the Medical Council in terms of ethics and the structures in place in such circumstances must be teased out.

As Deputy Catherine Murphy stated, this is an historic day. It will be seen by some as a turn in the wrong direction but, for me, it is a step in the right direction and in tune with the women who have had to make difficult decisions or take difficult journeys. Such women will now have to make less of a journey because we will deal with this in our own country. As we have recognised over the years, the mother has the right to make this choice. That has already been decided. Today, we are deciding how we step with her in that process. It is a welcome move away from saying goodbye to women at passport control and towards their not having to travel because we will deal with these issues at home.

Deputy Seamus Healy: In the short time available to me, I wish to welcome the Bill, which provides for a referendum to repeal the eighth amendment, and confirm my support for it. I will be supporting repeal in the referendum. It is 35 years since Article 40.3.3° was enshrined in the Constitution. In 1983, I publicly opposed and voted against that amendment. I did so because I believed then, as I do now, that it would have a seriously detrimental effect on the well-being, health and lives of women and that it would give rise to widespread uncertainty and confusion in terms of legal and medical matters. Sadly, that is what happened. There have since been numerous referendums on the issue, Irish and European court cases and the deaths of women. We must remember cases such as those of Ms X, Ms Y and Ms P and the A, B, C and D cases. Some 35 years on, it is now a democratic imperative that the public be given an opportunity to decide this issue. A new generation of Irish women and men must be allowed to have their say on the eighth amendment as they are the ones it will affect on a very personal basis.

We, as legislators, have a responsibility and a duty to give the people of Ireland a voice and a vote on this issue. Irish abortion exists. It is a reality. It takes place in other jurisdictions, for the most part, for those who can afford it and by way, more recently, of the abortion pill here at home.

In 2016, 3,265 Irish women and girls travelled to the UK alone. However, many more travelled to other jurisdictions as well. From my own constituency of Tipperary, 69 women travelled. About 170,000 Irish women and girls have travelled to other countries for abortions since 1980. The abortion pill is of course the new reality in Ireland, with about 1,500 being taken per year. Abortion must be dealt with urgently, and, I believe, in a compassionate and an understanding way.

We cannot continue a situation where women's lives are at risk and the medical profession is unclear about the legal position. We must protect the health and safety of Irish women. I am satisfied this requires the repeal of the eighth amendment and the implementation of legislation enshrining the recommendations of the Joint Committee on the Eighth Amendment of the Constitution. In short, we must trust Irish women.

I acknowledge this is a difficult, sensitive and emotive issue for many people. The reasons are not hard to understand. Intense ethical, religious, social, political and intimate personal issues coincide. However, I believe there is a significant middle ground and a majority of the

public is in favour of repealing the eight amendment and in favour of the recommendations of the Joint Committee on the Eighth Amendment of the Constitution.

In this country, debate around termination has been characterised by polarising arguments and a lack of respect for opposing views. I respect and understand those opposing views. I welcome the recommendations of the Joint Committee on the Eighth Amendment of the Constitution generally and also in relation to the issues of rape, incest and fatal foetal abnormality. I specifically welcome the joint committee's recommendation 2.11:

The Committee is of the view that no differentiation should be made between the life and the health of the woman. This is consistent with the evidence from medical experts made available to the Committee regarding the difficulty medical professionals have in defining where a threat to health becomes a threat to life.

I welcome and support the Bill and hope there will be a constructive and respectful debate on this issue in the coming months.

Deputy Kate O'Connell: Last week in this country we experienced an act of God. I refer to Storm Emma. We had four days of bitter ice, cold and snow. Who did that weather and that act of God leave out in the cold, both figuratively and literally? Women again, as it is always. Between 36 and 48 women either had to cancel expensive flights, hotel rooms and appointments in the UK or reschedule them because of an act of God. A further 12 to 15 women were waiting by the door to get illegal pills, probably fretting about whether the postman would be able to battle the elements and deliver them.

Of those women sitting in the waiting rooms of England now, many will have been tipped across the safe threshold for taking tablets through no fault of their own but due to an act of God. I refer to weather and factors beyond their control. How do we in this House feel about that? Today, I pay tribute to the Minister for Health, Deputy Simon Harris, for the leadership, compassion, maturity and understanding he has shown in regard to the eighth amendment. I also thank Deputy Kelleher for his considered contribution to the Chamber this morning.

I was struck last night by a tweet I read from a woman called Aoife. She stated that it was honestly no wonder that one of Ireland's mythological creatures is a woman shrieking in endless rage and sorrow. It brought me back to childhood and tales of banshees in primary school. I thought about Pádraig Pearse's poem *Mise Éire*:

Mise éire:

Sine mé ná an Chailleach Bhéarra

Mór mo ghlóir:

Mé a rug Cú Chulainn cróga.

Mór mo náir:

Mo chlann féin a dhíol a máthair.

Ireland has always been painted as female, as our mother, our homeland and the cradle in which we were reared and nurtured. I refer to Ireland and the suffering and labour of a gender personified and immortalised in art and literature as confined into the shape and borders of a

country. I refer to Irish women confined and contained within that country.

In respect of the utter hypocrisy of the thirteenth amendment, why did we need it? Why did we need to enshrine the right to travel? Travel for what? Travel with what intent and to what end? I asked a witness who favoured retaining the eighth amendment at the Joint Committee on the Eighth Amendment of the Constitution if he would support repealing the thirteenth amendment. He bluntly replied with one word: “No”. This man, who commands huge respect among people who want to keep the eighth amendment, said on the record that he does not want to repeal the right to travel. The people to whom he is aligned and supports must therefore want the *status quo* to remain. I refer to the people who claim to love both. Those people who state falsehoods about foetal development and try to bamboozle people with billboards and posters of computer-generated impressions of what the unborn human might look like. Now, that witness was not an expert on gynaecology, although he is an eminent legal mind who campaigned fiercely for the eighth amendment to be introduced in 1983. Then we asked Dr. Peter Boylan, when he appeared before the joint committee, a reasonable question. Will there be far more abortions if we repeal the eighth amendment? Dr. Boylan, the former master of the National Maternity Hospital, Holles Street, who himself has delivered more than 6,000 babies and is one of Ireland’s respected consultant obstetricians and gynaecologists, said it was documented that in countries where abortion is banned the rate of women dying remains high. He said approximately 70,000 women die each year from complications relating to unsafe abortions.

The joint committee heard testimony from Professor Abigail Aiken that Irish women today are attempting self-abortions with potentially fatal consequences. It is equally well documented, she said, that countries with liberal laws and easy access to contraception have lower rates of abortion than those with restrictive laws. Women in Ireland with financial resources have access to termination of pregnancy, primarily in the UK. However, women who are poor, in the care of the State or women who are refugees do not have such access. The thirteenth and fourteenth amendments to the Constitution are of no assistance to these poor women and refugees. Without access to abortion in the UK, it is inevitable that Ireland would have an epidemic of illegal abortions and a massive increase in maternal mortality, resulting in dead women.

If Ireland were to enact legislation in line with the EU consensus, including termination without restriction up to ten weeks, our law would be among the most conservative in Europe. However, it would deal with the vast majority of circumstances in which women currently access services outside the State. The forthcoming referendum on the eighth amendment should put a simple binary question, the experts said, to the electorate. I refer to being for or against repeal. Legislation is the responsibility of the Oireachtas not the people. On repeal of the eighth amendment, Irish law on termination of pregnancy would continue to be governed by the Protection of Life during Pregnancy Act. There would be no legislative vacuum pending further legislation. In the meantime, women in Ireland will continue to access services in the UK or elsewhere in Europe or to access abortion pills illegally, as they are doing today. All of the international evidence is that in countries where there is a liberal law or where they change from a restrictive to a more liberal law, the rate of termination falls. This must be tied in, however, with improved health, contraception and sexual health education and cannot be looked at in isolation. That is what the experts said and that is what really shook so many of us in the Oireachtas committee. We at the committee had been hearing anecdotal suggestions that floodgates would open, that Irish abortion rates would rocket, that women would go wild altogether with abandon and would use abortion as contraception but experts at the coal face of our health service dispelled all of those myths. How could we be sure though? We asked the eminent

head of obstetrics and gynaecology in St. George's Hospital, Tooting in London, who also happens to be president of the International Federation of Gynaecology and Obstetrics, Professor Sabaratnam Arulkumaran, who said that the experience in France, Italy and Turkey is that once termination of pregnancy is legalised, the abortion rate comes down. The main reason for that is that it is combined, as Dr. Boylan mentioned, with good post-abortion contraception. It is a very clear distinction that it comes down without any difficulty. Second, because medical termination of pregnancy is available, things are getting safer. The WHO document shows that the chance of a mother dying during a termination in the first trimester is 0.1 per 100,000, which is minimal. As the gestation period increases, so too do the complications and risks. Illegal abortion comes to the fore when women are in the later period of gestation and run into difficulties. Legalisation of abortion brings the termination rates down. That is the experience, not just in one country, but in a number of countries including South Africa. Is that not interesting?

People are being told that repealing the eighth amendment will have a catastrophic effect on women's health. That is simply not true and not repealing it is far more dangerous. People are being told that repealing the eighth amendment will lead to more Irish women having abortions but all the evidence would suggest that this is not true either. The Oireachtas committee asked Ms Leah Hctor, the regional director for Europe of the Center for Reproductive Rights to outline the norms in a European context, including whether the countries that introduced a 12-week gestational limit increased that later. I thank Deputy Billy Kelleher for reading into the record of the House this morning the details of term limits in a European context. Ms Hctor said:

[I]t is my understanding the limit was decided in the law reform process and I do not believe we have seen change in a European country. A country that has set a ten or 12-week limit on request or a later limit has not shifted. Other requirements and facets of the law have changed and developed over time. The most common limit is 12 weeks. Although these countries' laws were adopted at a time when medical abortion, the abortion pill, was not available, it is interesting that the ten to 12-week period in place in their laws is the time period within which medical abortion is safe and now available. Even though that was not the case at the time, it is interesting to see that the time period they set also lines up with the time period for medical abortion being safe, as stated by the WHO.

In that context I find it remarkable that the campaigners to retain the eighth amendment are so grievously misrepresenting the facts to the public. Through a combination of online, mobile and billboard advertising, they are putting falsehoods into the ether. Their philosophy seems to be that if one cannot convince them, confuse them and their fake fact floodgates are bursting open across the country as we speak. They have the privilege of free speech, as we all do but when their free speech serves their own ends and not the people, then we have to stand up and say, "That is not true and is deliberately designed to cause pain".

While we are on the subject of privilege, as I said on Wednesday during the debate on mother and baby homes, it is important that Members of this House, past and present, pause on occasion and check their privilege. I am not talking about the privilege and honour that comes from serving as a Deputy. I am talking about the privilege that so many of us take for granted and can remain utterly blind to, that is, the privilege of being born healthy and able bodied to parents who either raised us themselves or gave us the opportunity to be raised by others; the privilege of being wanted, loved, fed and reared in a safe and secure home, of being valued in a society that was practically designed for us to participate in as an equal, with the economic safety net of family and friends and with every opportunity available to us to succeed and grow.

We must all remember to check our privilege from time to time. Some of us may not notice the huge headstart afforded to us by virtue of where, when and to whom we were born.

My mother is 70 now and we had a party to celebrate her birthday at the end of January. I talked about her during Wednesday's debate too. She often talks to us about the girls in rural Ireland who had their babies at home and if they did not survive, they were buried at the end of gardens under apple trees. The babies that survived home births to young girls were treated totally differently to other children, were seen as lesser and were made to know it too. There was little sign even then of a willingness to love both, as the girls were judged too. That sexual apartheid was supported by laws and encouraged in an attempt to discipline communities.

My mother is not an outlier of her generation. She has many friends her own age with similar stories. They tell tales of only daughters impregnated against their will in order to guarantee inheritance of a father's farm and of teenage girls cycling rattling bikes down dark, narrow roads who were set upon by men. Those men never paid any price for their crimes while the girls paid dearly. People might see this as washing our dirty linen in public but I would ask them to think about those 35,000 women who washed our dirty linen in private. People might resent hearing these stories and might deny that these things happened but these stories are true and these things did happen. We must all accept and not deny what is happening. Already the stains of these grave sins against our women are on all our souls. Those who support retaining the eighth amendment must surely believe that the stains of the many legal and illegal Irish abortions taking place are on our souls too. They must therefore welcome what must be news to them today, namely that repealing the eighth amendment will lead to fewer abortions and less staining on their souls in the long run. The longer the *status quo* remains, the harder it will be for us to launder the stains out and we do not have 35,000 women trapped in a barren prison anymore to do our laundry for us. That privilege is all ours.

Deputy John Lahart: In a previous contribution on this topic I outlined my own views in favour of repeal of the eighth amendment. I want once more to thank my party leader, Deputy Micheál Martin, for having had the wisdom and foresight some years ago to grasp that the issue of abortion and the right to life of the unborn are matters of conscience for members of Fianna Fáil, and for allowing each party member elected to the Oireachtas the freedom and space to articulate his or her own position on the matter without being subject to a party Whip.

I will start by mentioning the ancillary recommendations of the Oireachtas committee, which are included in chapter 3 of its report. They have been much overlooked in the debate. These recommendations deal with the provision of the most effective method of contraception free of charge, and having regard to personal circumstances, to all people who wish to avail of it within the State. The committee was of the opinion that there is a clear link between effective sex education and lower levels of crisis pregnancy. I support that and equally support the committee's recommendation that all women should have access to the same standard of obstetric care, including early scanning, testing and anomaly scans, irrespective of their geographic location and having regard to their socioeconomic status. I also support the committee's contention that improvements should be made to counselling and support facilities for women during and after pregnancy, including post termination, and that perinatal hospice services should be made available to women who require them. I strongly endorse those recommendations of the committee which, as I have said, have often been overlooked and constituted a considerable part of the work the committee undertook.

My party decided on a free vote of conscience on this issue some years ago. It is worth

dwelling on the idea of a free vote momentarily. We should not take the notion of it for granted because free votes are rarely permitted by parties or groupings in most European or Westminster-style parliaments. They are also extremely rare in Ireland, with only four free votes having been identified since 1970. Free votes remove the comfort of hiding behind a party Whip on an issue and demand of everyone a clear indication of where they stand. So it is with the issue before Members today.

In today's debate, Members are considering Second Stage of the Thirty-sixth Amendment of the Constitution Bill 2018. The Government has introduced a Bill which, if passed, will give the people of Ireland the chance to vote in a referendum on what we all accept has become one of the most vexatious and debated parts of the Constitution. The Bill gives the people of Ireland the ultimate say on whether Article 40.3.3° ought to be retained or repealed. This point is worth dwelling on and is worthy of particular emphasis.

As I mentioned in a previous contribution on the matter, there has been much debate as to the make-up and outcome of the deliberations of the Citizens' Assembly on this matter. There has indeed been some criticism of the manner in which the assembly was constituted in terms of its membership. Following on from that, there was further criticism of the manner in which the Oireachtas Committee on the Eighth Amendment of the Constitution conducted its business, and accusations of bias in a particular direction, particularly as regards witnesses who were invited to give evidence to the committee. In my view, all those arguments, some of which may or may not have had validity, were waved aside once the work of the Oireachtas committee was presented to this Dáil, the democratically elected citizens' assembly. Those who had criticisms to make, whether of the composition of the Citizens' Assembly or witness attendance at the Oireachtas committee, have been able to articulate those criticisms forcefully in this House and have done so. Once the debate entered this Chamber, those who felt their voices were ignored or that their views were not given equal weight to contrasting views had, and will have next week and beyond, the opportunity to clearly express their views in an unfettered way. They have done so, passionately and cogently.

The matter will eventually go before the people for ultimate adjudication. Each side, in advance of the referendum, will be guaranteed equal access to, and opportunity for, the presentation of its arguments. Finally, on referendum day, after due consideration of the matters at hand, as is proper in a republic, the people will be asked to adjudicate on the matter. The vote of each citizen will have equal weight and my own vote and that of each Member here will be no more or less important than that of any other citizen.

I find absolutism on this matter difficult to reconcile with my own life and my experience of life. I have always regarded myself as pro-life and still do. I am conflicted by many aspects of the debate, however. As I said on another occasion, I find it difficult to accept the extremes articulated at opposite ends of the spectrum of discussion: on the one hand the view that completely ignores the unborn and on the other the viewpoint that ignores the rights of women. I do know this much, though; if, as a man, I was capable of being impregnated, there are circumstances in which I would feel entitled to a say in whether that pregnancy was brought to fruition. In such circumstances, having exercised my conscience, I would have to accept and live with the consequences of that conscious decision and reconcile myself to it. However, I would like the choice in certain circumstances. Clearly, it is unnecessary to outline why such a choice does not apply to me. However, paradoxically, as a legislator I find myself in the position of having the power to determine the choices women make in such circumstances. If I would like the right to choice in such hypothetical circumstances, I feel compelled to recognise the rights

of women in real circumstances.

In Ireland now, as the law exists, a risk to the health of the woman is insufficient to justify a legal termination. The Oireachtas committee concluded that some change is needed in the law. Given the ebb and flow of public debate in the last 30 years, the cultural and societal changes that have taken place, and the practice in other countries as outlined by Deputy Kelleher this morning, many of which have cultural and religious contexts not dissimilar to our own, it is difficult to counter that conclusion. It is difficult to counter it specifically in the contexts of rape, fatal foetal abnormality and incest. The Protection of Life During Pregnancy Act 2013 provides protection for women only where there is a real threat to the life of a woman including a threat of suicide, but not to her health. The Citizens' Assembly recommended that the termination of pregnancy that is the result of rape be lawful up to a 22-week gestational limit. The Oireachtas committee rejected this gestational period in favour of a period of up to 12 weeks.

I believe that it should be lawful to terminate a pregnancy that is the result of rape or other sexual assault, if a woman so chooses. I trust women. Furthermore if, as a man, I was biologically capable of being in such a position, I would feel entitled such a choice. As a legislator, I find myself determining whether women have that choice. I share the committee's recommendation that it would be unreasonable to insist on the reporting of rape as a precondition for exercising any right to terminate a pregnancy that has resulted from rape or sexual assault. I also subscribe to the committee's view that there is a need to avoid the further traumatising of a victim of rape or sexual assault.

In the case of foetal abnormality that is likely to result in death either shortly before or shortly after birth, the Citizens' Assembly recommended that termination of pregnancy should be lawful without gestational limit. As many Members have reminded us, the issue of fatal foetal abnormality concerns a much-wanted pregnancy and not an unwanted pregnancy. The Oireachtas committee recommended that it should be lawful to terminate a pregnancy without gestational limit where the unborn child has a foetal abnormality that is likely to result in death before or shortly after birth. I trust women and I share the committee's recommendation with respect to this provision, if a woman so chooses. Not all women may exercise this choice. The idea does not sit well with me that a woman with a much-wanted pregnancy who is faced with that traumatic diagnosis and who chooses to terminate must, under existing law, travel to undergo a termination and all the concomitant issues associated with it.

I and my colleagues recognise that this is a challenging issue for people. The people are entitled to be consulted. For most, it is a decision of conscience. Thankfully we live in a democracy, which entitles the people to the final and ultimate say as to whether or not Article 40.3.3° should be repealed or retained as it is. For me, the answer is clear: Article 40.3.3° needs to be repealed and the Oireachtas, the democratically elected citizens' assembly, empowered to legislate a way forward for women should that repeal be successful. I support the repeal of Article 40.3.3° of the Constitution for the reasons outlined, and I support the findings of the Oireachtas committee in this regard, particularly as they relate to cases of rape, incest and fatal foetal abnormality.

I repeat my previously expressed views that my party has always been a warm home for people who have pro-life views, as are many parties in this House. The decision, made some years ago, by the party leader to allow a free vote of conscience on the issue has afforded all of the members of the party the opportunity to express individual and personal views on the issue. My free decision is to support the repeal of Article 40.3.3° for the reasons I have outlined.

Deputy Jonathan O'Brien: I welcome the opportunity to speak on this Bill. I pay tribute to the Minister for Health, Deputy Harris, for ensuring that it was debated at the earliest opportunity. As he said in his own contribution this morning, it is unusual for us to be here on a Friday, but I do not believe that anybody in this House or in the Oireachtas had any complaints about sitting today to begin this debate on this Bill. The quicker we have the debate the better, so we can get the legislation into the Seanad and then get the referendum commission established so that the real debate, outside this House, can take place. That is the important debate that needs to happen.

On the policy proposals which were produced this morning, it is important to say that they are only proposals. They are guidelines, indicative of what future legislation may look like. However, that legislation will not come to pass until the people have had their say in this referendum. I hope that during the debate on the referendum that we do not get bogged down in what future legislation might provide for. We are being asked one question: do we support the repeal or the retention of the eighth amendment? That is the question that needs to be answered in the first instance. As part of that debate people will argue the pros and cons on each side, and the various viewpoints expressed should be respected.

There are some people who were on the committee and there are some within this Oireachtas who will campaign vigorously to retain the eighth amendment, and that is their right. I completely respect that. However, those individuals also need to respect the views of people who have changed their opinions over recent weeks. I include myself in that group. Asking how a person could change his or her opinion on a matter such as this does nobody any favours. If nobody changed their opinion on this matter there would be no need for a referendum in the first place because people had their say in 1983.

It is important that people are allowed the space to look at the evidence. I have always believed that no one person can convince anyone to change their mind on this issue. However, a person's mind can be changed if they are open to listening to the evidence presented. That is what I did on the Oireachtas committee. I listened to the evidence with a very open mind, and based on that evidence it was clear to me that the eighth amendment was an impediment to women's health care. I have no doubt about that: it was suggested by all of the evidence.

The most controversial aspect, and the most debated of the recommendations to come out of the committee, is the question of unrestricted access to abortion for 12 weeks. It is important to say why the committee arrived at that recommendation. There were two main reasons. The first reason is that it was a clear recognition of the reality of abortion pills today. The second reason is that we looked at how the issues arising from rape, incest and pregnancies resulting from sexual violence could best be legislated for. It is true, as I am sure others will point out, that a number of options were presented to the committee in this regard. I sincerely believe that there is only one compassionate way for legislating on these issues, which is to allow for an unrestricted period of up to 12 weeks during which women can have abortions. I do not believe there is anything compassionate about forcing a woman who has been raped to go to someone and relive that experience so that person can sign a piece of paper which gives the victim permission to have bodily autonomy. That is not compassionate and it is not the way we should approach this. For that reason, the committee decided on the 12 weeks unrestricted access. It was the only compassionate way of dealing with this.

Much has been made of the ancillary recommendations and I was glad to see that the Minister focused on them in his own contribution. All of the evidence presented to the committee

debunked the myth that when a more liberal abortion regime is in place instances of abortion increase. In fact, based on the evidence, where a more liberal regime is coupled with the ancillary recommendations proposed, including free access to contraception and sex education, abortion rates actually decrease. That is something which needs to be debated further in the course of the public discourse.

I will not speak for much longer. I presume that one of my colleagues is going to take up the remainder of the time allocated. I look forward to the passage of the Bill and I look forward to a calm, rational public debate. I hope that, no matter what side of the debate one is on, other people's views will be respected. I hope that people will be truthful in what they say and with the information they present. In recent days I have heard some members of anti-choice or pro-life groups put forward arguments which are simply not factual. Those people are not helping anyone when they do that. I encourage everyone at least to look at the Official Report of the Oireachtas committee and at the evidence which was presented to it before making up their minds and casting their ballots. Whether one agrees or disagrees, I believe it is imperative that everyone goes out on the day of the referendum and has his or her say.

Deputy Aengus Ó Snodaigh: Ba mhaith liom an deis seo a thapú chun labhairt ar an gceist ríthábhachtach seo atá ag déanamh tinnis don tsochaí le tamall rófhada anuas. Is ceisteanna móra iad ceist an ghinmhilleadh agus ceist an leasaithe a rinneadh ar Bhunreacht na hÉireann nuair a cuireadh an t-ochtú leasú isteach ann. Tá muidne ar an dtaobh seo den Teach go huile agus go hiomlán i gcoinne an leasaithe sin agus molaimid an tAire as an gcinneadh a ghlac sé féin agus an Rialtas fáil réidh leis an leasú sin. Sa deireadh thiar thall, beimid in ann reachtaíocht a thógáil isteach chun déileáil le na ceisteanna a bhaineann le ginmhilleadh agus sláinte na mban. I welcome the certainty provided by Wednesday's Supreme Court judgment on the unborn and the Constitution. The judgment paves the way for a referendum on the eighth amendment. People are looking for controlled change of our laws on abortion. People want to protect women's health and well-being and ensure that doctors can care for their patients here in Ireland. This is only possible if we remove the eighth amendment from the Constitution. What will follow after that will be decided by the people but also by this House.

It is clear that society has moved on, as the referendum on same-sex marriage clearly showed. There is an appetite for reform and society demands that the State be in tune with the rights of all of its citizens. We expect citizens to access services which many believe the State should be responsible for delivering. We must have equality in health care between women and men in the State but we will not have it as long as the eighth amendment remains in place. A woman should not lose the right to health care simply because she is pregnant. Under the eighth amendment, women lose that right when they become pregnant. I trust women to make decisions that will affect them; the eighth amendment does not.

We must be clear in all of the hysteria that will flow from this debate. While I respect those who have an alternative or a different view to me, I have heard extreme views, from some in this Chamber and some outside, and those extreme views do not have any place in the debate that will happen over the next number of weeks.

We should be clear that no woman in the State will be forced to have an abortion - not one, not ever. I will campaign to have the eighth amendment repealed and will stand shoulder to shoulder with all the women in Ireland who want to be treated with respect and who want equality and choice and control over their bodies. This is what we should do.

9 March 2018

It is time to right a fundamental wrong that occurred in 1983. It is time for a human-rights based Constitution that acknowledges women as full people. The reality is that for as long as the eighth amendment is in place, women will continue to be second-class citizens in their own State. There are other sections of the Constitution that also need to be removed to ensure that women are treated in this State as full citizens and not second-class citizens as the Constitution would have them.

In the past, this was a State in which the Catholic Church held sway over all in society, or at least tried to. One need only look at the disgraceful and horrific treatment of the women and children who were incarcerated in Magdalen laundries and the mother and baby homes to see how the State and religious institutions persecuted and oppressed women. Let us not be fooled into thinking that somehow women have all escaped this ill treatment and persecution by the State; they have not. The eighth amendment is one of the biggest obstacles in the State that we must overcome in order to achieve true equality for women.

I commend the women who have continued the struggle for equality during the decades. It was certainly not easy. They were vilified by the media, by religious institutions and at the time by much of the political establishment, and some still vilify them to this day. I also commend the new generation of young women who have taken up the fight. We would not be having this debate if it were not for their activism, courage and campaigning.

My heart goes out to the women from every city, village and town across Ireland who have had to make the lonely journey to England to avail of something which is recognised in most states as a fundamental right. I have spoken to many of them over the years and they have explained to me how they have been demonised by some commentators and campaigners, and that is shameful.

The eighth amendment was inserted in the Constitution 35 years ago and a generation of women of child-bearing age have not been given a say on an issue which affects them. It did not stop Irish women having abortions. All it did was export the issue to Britain which is what the conservative elements of our society have always done. Between January 1980 and December 2016, at least 170,000 women and girls travelled from this State to access abortion services in another country, mostly in Britain. Between those years, based on the British Department of Health and Social Care statistics, at least 168,000 women and girls who accessed abortion services in Britain provided Irish addresses. In 2016 alone, 3,265 women and girls gave Irish addresses at British abortion services and that is obviously an underestimation as not all women provide their Irish addresses when they attend abortion clinics in England. Also, they do not all travel to England. Some go to other countries in Europe, such as the Netherlands.

A 2016 report shows that 1,642 abortion pill packages were sent to Ireland in a three-year period between 2010 and 2016. That was the figure supplied by just one provider of the pill. In other words, thousands of abortions have occurred in Ireland in the past eight years due to the use of the abortion pill. We have abortion in Ireland. We just do not legislate for it and provide the proper medical supports that are required and are provided as of right in other countries, and all because an amendment to the Constitution 35 years ago that should never have been inserted into it. There are lessons there for legislators.

The Constitution is supposed to be there to protect citizens, not to box them into a corner or to force them out of the country. All too often politicians are too scared to legislate and they go running to the Constitution to absolve themselves of their responsibility as legislators. We

can no longer do that, especially when it comes to abortion. We have the duty. We have the responsibility, not just to pass the legislation before us but also to go out there and explain to the public why the eighth amendment needs to be repealed and that we, as legislators representing the Irish people, can be trusted to bring about legislation that will bring us into the modern world and to protect and respect women.

Research undertaken by the HSE's crisis pregnancy programme in 2010 showed that 87% of women in Ireland who had an abortion stated it was the right outcome for them. Of course, it is possible to regret having an abortion. It is possible to experience feelings of regret or loss afterwards and I do not wish to erase the experience of women who do. However, it is also possible to feel a sense of relief and closure on having an abortion. We heard repeated earlier, from other spokespersons and others in the Chamber, stories of rape and incest. When one thinks of a young woman or a girl who has suffered horrifically by a rapist, I can guarantee she will feel closure and a sense of relief not having to carry to full term the product of a rape or incest. Similarly, it is possible to regret having placed a child in adoption, having adopted a child, having given birth or not given birth, or not having the choice not to give birth. Such is the variety of human experiences and emotions, significantly restricting women's access to abortion provokes feelings of depression and anxiety and this increases the risk of suicide in pregnancy. This burden is merely made worse by the isolation and stigmatisation felt by these women who are compelled to travel abroad for access to safe, legal abortion services.

In terms of maintaining the *status quo* of exporting the State's abortion services and needs to Britain, there are a few issues to bear in mind. The first is financial. A trip to Britain for an abortion can cost over €1,000. For many this is a prohibitive amount of money, and not something that they can raise easily. Women have had to borrow from friends and family, or take out loans from the bank. Many women who cannot raise the money resort to desperate measures to end their pregnancies.

Without the support of the Abortion Support Network which helps many women to raise the money they need for their abortion, there would be many more deaths from botched abortion attempts.

The second matter is legal status. For many migrant and refugee women, travelling outside Ireland for an abortion is impossible owing to their legal status. Many of them arrive in Ireland unaware of its strict abortion laws until it is too late. The horrific case of Ms Y in 2014 showed what happened when people who were unable to travel were forced to carry a pregnancy against their will.

The third issue is child care. For Irish women seeking an abortion in Britain, organising child care is an issue. Many women cannot tell people that they are travelling for an abortion. If they cannot arrange for someone to mind their children while they travel abroad, they will not be able to go.

The fourth matter is health. Abortion is legal in Ireland only where there is an immediate risk to the life of a pregnant woman. This means that women who need an abortion for health reasons must still travel. If a woman has a condition which limits her mobility or means that she cannot fly, it is a barrier to travel.

It is time to hold a referendum on the eighth amendment and I will certainly vote in favour

of the repeal Bill. I will also certainly campaign in the next number of weeks to repeal the eighth amendment. It is time the issue was dealt with and that the women of Ireland had their voices heard.

Deputy Joan Burton: Cuirim fáilte roimh an mBille seo chun Airteagal 40 den Bhunreacht a leasú agus téacs nua a chur ann ionas gur féidir socrú a dhéanamh le dlí chun foirceannadh toirchis a rialáil. Beidh cead ag gach aon duine a bhfuil vótáil acu vótáil. Ba mhaith liom go mbeadh gach aon duine ábalta vótáil agus go mbeidh vótáil i bhfabhar an Bhille seo.

As we move to pass the Bill, we pass the responsibility for the decision from the Chamber, assuming, as I am confident it will be, that it is enacted, to the people and each citizen who is registered to vote. The Labour Party will speak to people to seek to persuade them to cast their ballots in favour of the proposed change to Article 40 of the Constitution. We will ask them to substitute for Article 40.3.3o the amendment the Minister has proposed. I join those who hope the debate will be a concerned one. It is an important and vital debate which must be a concerned one which will produce a good outcome for the people, in particular women. That is why I want to see a “Yes” vote.

Yesterday, we put on a brave celebration to mark International Women’s Day. We celebrated women who had fought for the right to vote, among others, for women 100 years ago, including the right to control their own fertility. While we, rightly, celebrated the achievements and legacy of the women concerned, we should be honest that we, the women of Ireland, inherited a republic of misogyny and cruelty and a Dáil and a Seanad which remain cold places for women and girls. In 1983 the Labour Party was very clear that the eighth amendment was the wrong one for the Constitution and the people, in particular women. Instead of doctors and midwives providing the best maternal care for women, we have had instead decisions on women’s care placed in the hands of lawyers and the courts. In fact, the notes the Oireachtas Library and Research Service has provided show that in the 35 years since the eighth amendment was made, court case after court case has intruded on the most private, sensitive and, often, risky parts of many people’s lives, namely, when they are having babies. Instead of the process being dominated by midwives and doctors, it has become the province of lawyers, which is not good for anybody. In the broader consideration of this issue let us put women first, trust them and ensure we provide the best maternal care. It must be clear that when a woman is pregnant and proceeding to have a baby, we want to see a successful outcome.

Can we look at what has been happening in this country and how we have dealt with this issue? In some ways, the best thing to do is look at the work of some of our writers, including Edna O’Brien and other young women who ended up having to leave Ireland for pagan England because it was only there that they could resolve their issues. That is what a lot of their literature has been about. I have never been aware of a situation where abortion has been a happy issue for anyone, just as the loss of a baby in a miscarriage is a very unhappy event for anyone who has experienced it. The debate must, therefore, be realistic about the lives of women and their partners and couples and what actually happens. In that context, I refer to the decision of the committee which I absolutely support on a 12-week provision. It is, in fact, quite conservative. Some in the media have allowed themselves to be carried away and indicated that this will turn Ireland upside down. This is the country which sent tens of thousands of young women and girls to England, either when they were pregnant or as soon as they had left the Magdalen laundries or other institutions. By the way, priests met them off the boat, as did people from various religious societies to see if they could persuade them to turn back.

During the years I have talked to many people who did what one could only have expected them to do in the circumstances, which was to get the boat to pagan England. In those days it was a boat for the most part. They began again lives which had been interrupted completely and, in many cases, destroyed by what an authoritarian Catholic Church, together with the Oireachtas, had visited on women as the standards acceptable in holy Catholic Ireland. That does not mean that there were not people in holy Catholic Ireland who were not sympathetic and caring, but they always seemed to be outnumbered by those who placed a religious fatwa on those whose sexual behaviour was deemed to be unacceptable, with reference to the norms of the Catholic Church. In a way, that is why the revelations of clerical abuse and other such issues were so shocking and continue to shock. They were so out of line with the presentation of the Republic. We must, therefore, be clear that the 12-week proposal is a conservative measure. That is why we should have a great deal of confidence in proposing it as an appropriate provision in the vast majority of cases in which people want, for their own reasons, to have a termination.

Last week in my constituency I spoke to a small group of approximately 20 people, together with a local doctor and a lawyer, to discuss what was meant by the various proposals and what might happen. What stood out for me was that many older people, probably past their child-rearing days, did not really understand how much medical technology and practice had changed. Many who hear about an early termination tend to think about a procedure such as dilation and curettage or a rather invasive surgical process. In recent years, certainly over the past decade, we have witnessed the development and widespread availability, without issue, of the morning-after pill in chemist shops all over Ireland. I was a member of this House when the proposal in that regard was first made. As with married couples having access to contraception and divorce and many other issues, people who were negative about social change really felt and forecast that the sky would fall in. It was felt that if we brought in divorce, all the daddies in Ireland would leave their children. Members will remember the poster stating “Hello Divorce ... Bye Bye Daddy”. It was believed that if women got the right to control their own fertility and gained access to contraception, they would suddenly go mad. It was not believed that we would never have sex again but that no more babies would be born in Ireland. We have one of the highest fertility rates in Europe. Even counting all the people who go to England to have a termination — it is not an absolutely exact science — all the evidence suggests we have a relatively low abortion or termination rate by European standards. If we get better maternal provision, as proposed and in respect of which I welcome the observations made by the Minister on providing free contraception services, we should end up with services of better quality that will help people to make decisions and result in better outcomes for families.

Since the technology of the abortion pill was introduced, girls have been taking it, whether in toilets in colleges or in their own bedrooms. We know that taking abortion pills is relatively safe but there are those who suffer from medical complications and who may be at risk of infection, albeit comprising a very small proportion. We need to ensure they have medical help available and, in particular, aftercare, because many of those young women will want to have a baby in later years. We will want them to be able to do so successfully when that is what they want.

For most people, pregnancy is a happy experience. For a small but significant number of couples, however, it ends in spontaneous miscarriage. Everybody knows that. Medical science is seeking to advance its knowledge in this regard and reduce the incidence. For an even smaller number of people, pregnancy ends in a termination or an abortion. For many couples

and individual women nowadays, the problem is actually getting pregnant and holding on to the baby. Considering the variety of experiences people have, we have to provide better care for women and couples. The care should reflect the complexity of our lives as they are now lived. While we are aware of our history, we really need to consider what is available now and how we can best address the needs of pregnant women.

As everybody has said here this morning, we have abortion for women in Ireland but it takes place abroad, mostly in England or, as I said before, “pagan England”, as it was often vilified in earlier decades. Much of the relevant information is not really available during people’s education in secondary school. It is a *sine qua non* that if we agree to change the eighth amendment and, as I hope, provide for legislative powers in the Oireachtas, we will provide for better sex education and relationship education in schools in order that the pupils, when they become adults, will be able to decide what is best for them and their families.

It is important that there be aftercare. If a person who has a termination when relatively young does not have the medical care she requires, particularly if she picks up an infection, for example, her chance of having a baby may be significantly reduced in later years. We need to examine this as a whole-of-life issue for many women and families.

I ask those who intend to vote on this to consider some of what we know. Almost everybody, in his or her wider circle of friends and family, knows a couple or individual who has experienced a fatal foetal diagnosis. At times as a public representative, I have talked to people about very sad issues such as where and how they would be able to find grave space for a baby and whether they – they are usually in their 30s - could find a space where they could be buried with their baby when they die. We should not put them through what is, for them, often casual torture. We need to rethink how people are supported and helped.

Consider the case of the 14 year old Ms X. People suggested she be prevented from travelling out of this country. Would anyone like to see his or her 14 year old forced to carry a pregnancy to term if it resulted from rape? Particularly since I lived in Africa, I have not believed the Catholic Church itself believes she should be. Most Catholics do not believe she should. For instance, I do not believe Catholics for Choice in America believes so but one of the peculiarities of our involvement in this cul-de-sac of argument on the eighth amendment is that we have been forced into such places. It is absolutely appropriate and fitting that we now move away from the era of the X case. We must do so with the will of the people, however, and that is why we need to talk to people and respect their views and different stories. It is such a private and personal issue. Ultimately, we must ask the people to make the best decision they can make, mostly for women of childbearing age but also for their children, grandchildren, nieces, nephews and wider family. Their views must be taken into consideration. This is what I believe people did in voting in the marriage equality referendum. It made it a much more collective debate. We sat down and thought, as a society, not about what might be perfect but about what would provide the best outcome for the maximum number of people. We addressed that according to a rights framework.

One hundred years ago, the suffragettes simply wanted to end the prospect of fertile women ending up having had 16 or 20 pregnancies and to allow women to control their own fertility. Now, 100 years later, we are moving to provide for women to control their fertility here. We know that women can access terminations but must do so abroad. In the context of this debate I remember former Deputy Maureen O’Carroll who lived for much of her life on Kirwan Street in Stoneybatter and later Finglas, on Dublin’s northside. During the adoption debates in the

early 1950s she was one of the first people to consider the situation of children who would end up in institutions. She was also very far seeing in wanting to end the status of illegitimacy. Looking at the long story, I hope that when people come to vote that they will say “Yes” to change and support the proposals in this Bill.

Deputy Gino Kenny: Yesterday marked International Women’s Day. I was one of thousands who joined with our sisters to celebrate, support and show solidarity to women not only in Ireland but across the world. The atmosphere on yesterday’s march was electric and was probably the best International Women’s Day march I have ever been on in Dublin. The main theme was repealing the eighth amendment. Hopefully next year, we will celebrate its removal from the Constitution. The vast majority of those who took part in that march never had a vote in Ireland’s draconian abortion laws. Young people, particularly, are clamouring for change. They are not prepared to allow the 35 years of fundamentalism by the State and the Catholic Church to define their future. Today we are one step closer to trusting the people of this country and for women to decide on their bodily autonomy.

What it comes down to is that people who do not want to see abortion in this country do not trust women. It is about moral control and the institutions which had control over everyone’s lives, and especially women, losing that control. Abortion is a reality in Ireland. Twelve women a day travel for a termination, and in my own constituency of Dublin Mid-West two women each week, more than 100 each year, travel abroad for terminations. This Bill does not seek to make abortions compulsory, but is about decriminalising abortion in this State and, more importantly, decriminalising women for making that choice. These women are not criminals. They have gone on this journey to Britain or elsewhere feeling as though they have been criminalised by the State and the church. It is about supporting those women who have made that deeply personal decision, medically and legally. Who has the right to judge them? I do not nor do Members here, the State and particularly not the Catholic Church. The Catholic Church has a nerve to judge women in this country considering its particularly hideous history here. They are hypocrites. People power and the testimony of individual women have brought us to this juncture, not politicians, the church or the State.

Only those aged 53 years or over had the chance to vote on this issue in 1983. I did not have a vote. The Minister for Health did not have one. It has been 35 years of hurt, not for us but for the women who have never had a choice. That is a shameful length of time to elapse. It is time to right the terrible wrong in this country and wipe away the past to give people, especially women, in this country a future and a choice.

Deputy Mick Barry: The year I turned 20 years of age, a fundamentalist, misogynistic amendment was written into the Constitution. The year 1983 was 35 years ago. Since then 170,000 women have been forced to travel for abortions. For a new generation and those who can become pregnant today, it is a toxic legacy. It sits on their shoulders and haunts them, an unwanted ghost from a different century.

I remember the X case in 1992. A 14 year old girl was raped, and when gardaí were consulted, they told the family they did not believe she could travel to England, that it was against the law due to the eighth amendment. When the High Court was summoned, it said that the family could not travel because of the eighth amendment. It took 50,000 people to come out on the streets, promising they would be back the following week with twice as many people, to force the Supreme Court to overrule that verdict. The 14 year old went to England. Afterwards, we had a referendum and we voted to give women the right to travel. The right to travel is a fairly

bitter right and more than 8,000 women each year go to places such as Liverpool and London in secrecy and shame. Every second year there is another case: the A, B, C and D cases; Miss P, Miss Y, Savita, Amanda Mellet and many others. What a country. Who can take pride in any of that?

We now have a chance to correct this horrible mistake and to remove the eighth amendment. Ten women daily still travel, with five women taking the abortion pill every day, but are denied medical assistance. There can be no doubt that the amendment must go. The same voices which told us to put it in the Constitution all those years ago, tell us to keep it there. Only this week we were told by the Catholic bishops that it would be a manifest injustice to repeal the eighth amendment. Was it not a manifest injustice that 170,000 women were forced to travel? The Magdalen laundries was a manifest injustice, as was the Tuam scandal and the mother and baby homes. With respect, the bishops may choose to get their own house in order before lecturing women about injustice. I and many others will be less inclined to listen to the voices of bishops than we are to listen to the voices of women and pregnant people, including women who have gone through the real lived experience of crisis pregnancies.

In the context of listening to women, my attention was drawn to a Facebook page which was started recently called In Her Shoes. Women can post a selfie on the page but it is a selfie with a difference. They post photographs of their own shoes, and then tell the story of their own personal experience of abortion. It is an excellent and revealing page and the stories are powerful. I will read part of one story into the record of the House. It says:

We arrived in Liverpool, got into a taxi, when the taxi man heard my accent he said the address of the clinic without me telling him where we were going - He knew ... When it was all over I remember being so hungry. I didn't want to go eat in a restaurant, I wanted to go home to my Mam - that wasn't an option.

Another says: "From the second you're pregnant the 8th amendment suggests that you're not competent to give consent about your care". Another woman posted:

People are still ashamed. The stigma is still there. I don't regret my choice, I never did. What I do regret is the unnecessary journey it took, the unnecessary cost of last minute flights on top of the cost of the procedure.

In the course of the debate, I will encourage Members to listen also to the views of the expert witnesses who came before the Oireachtas Joint Committee on the Eighth Amendment of the Constitution. Dr. Abigail Aiken from the University of Austin, Texas, surveyed the evidence of thousands of Irish women who had taken the abortion pill in recent years. Dr. Aiken found that the profile of a typical woman who took the abortion pill is totally different from the stereotype the anti-choice campaign would have us believe. The typical profile is a woman between the age of 30 and 34, a mother whose contraception has failed. The survey showed that 54% of people surveyed applied for the pills because their contraception had failed. Nearly two thirds, 63%, were already mothers. The biggest single cohort - at 26% or more than one in four - were those aged between 30 and 34.

Professor Sabaratnam Arulkumaran, an internationally renowned physician, was another expert to give evidence before the committee. Professor Arulkumaran had chaired the HSE inquiry in to the death of Savita Halappanavar. Professor Arulkumaran told the committee:

If abortion is not made legal, it will promote illegal abortion. Those women with influ-

ence and financial resources will get it performed in a safe environment. Those who are poor with less influence will resort to unsafe abortions. This would be a social injustice.

Those who told us that legalising divorce would open the floodgates were wrong. They now tell us that legalising abortion would also open floodgates. The experts, however, tell us that the Netherlands, which has legalised abortion on request along with free contraception and a national programme of sex education, has the lowest abortion rate in the world.

Some men of my generation have asked me what this referendum has to do with them. It is about their daughters and their granddaughters. We need to show support and solidarity and that we respect the decisions that women are sometimes forced to make. I was on the large International Women's day demonstration last night. There was a big one in Dublin, a big one in Cork and others around the country. I saw the new generation, of both genders and none, fighting for a different Ireland and a better Ireland to the one in which I grew up. We should stand beside them and behind them to show support to help them make the change this State needs to make.

An Ceann Comhairle: Deputy Kenny has spoken already.

Deputy Gino Kenny: I have spoken, but I will speak again.

An Ceann Comhairle: I am afraid not.

Deputy Maureen O'Sullivan: I am sharing my time with Deputy Broughan.

I am aware of the wide range of views on repeal or not to repeal. I know it has been a very difficult issue for many people. It has been divisive because the views are deeply held and passionate on both sides. I have attended quite a number of meetings and, as I said in January, met a wide variety of people. I have met women who were hurt by abortion, I have met women who regretted having an abortion and I have met women who were glad they had not gone ahead with an abortion. I have also met those women for whom having an abortion was the right decision. Those women were very upset because, having made that decision, they were unable to have that abortion in Ireland. Let us consider the role of men. They are involved in the sex that creates a pregnancy. I have met men who did not want the termination to proceed and I have met men who did want the termination but the mother did not. While it is predominately a woman's issue, I believe we also need a space for that male view.

With the referendum on divorce, we were told there would be a massive increase in the numbers looking for divorce but this did not happen. With the referendum on marriage equality we were told there would be dark consequences to come and that did not happen. It is the same with the repeal of the eighth amendment. I do not believe it will mean a floodgate of girls and women looking for abortions. It just means they can have the termination in Ireland.

The reality is that while we debate the issue today Irish girls and women, coming from every county in Ireland, are travelling to other jurisdictions for a termination, or they are travelling back from those jurisdictions having had the procedure. The irony is that girls and women have the right to travel for an abortion. If they have this right then they should have the right to obtain the procedure, medically supervised and safe, in Ireland without the stress and expense of travel. It is expensive to travel so certain girls and women are precluded because they cannot afford the expense involved. This is a discrimination against those women from poorer backgrounds. There is another reality. While we debate the issue, Irish girls and women are access-

ing abortion pills online. This is unregulated and without medical supervision. Representatives from the medical profession, from those working in the maternity hospitals and from the HSE have real concerns over the increase in those accessing the pills. They also have questions on the safety of the pills.

Abortion does happen in Ireland within the constraints of the eighth amendment but abortions have always happened in Ireland when backstreet abortions unfortunately and sadly led to horrific deaths for quite a number of women. Like others, I would prefer if girls and women were not in situations where they have to make that decision, be it an unplanned pregnancy for whatever circumstance, or facing a fatal foetal abnormality with little or no chance of life outside the womb. I hope the other recommendations of the committee that the Minister referred to earlier about comprehensive sex education and free access to contraception are implemented. I believe that sex education has to be about more than just providing facts. It also has to be about personal development, assertiveness and critical thinking.

Women from Ireland are more likely to have later abortions and abortions done surgically than are women in the UK or in other jurisdictions where abortion is legal. This is due to the time needed to organise travel and to organise the finances needed, hence the early termination here, when the decision is made. I accept the 12 weeks, but I hope that when the decision is made, the procedure can be carried out as soon as possible.

The current wording causes great difficulties for women and for the medical profession, including the possibility of a prison sentence. We have had enough of those legal cases where a letter of the alphabet designated extremely painful, personal situations. Repeal of the eighth amendment will mean abortion is accessible in the State and it will be regulated in line with best international health care practice. The Minister said that termination in pregnancy will be lawful in the circumstances set out and it will be unlawful in circumstances outside of that.

At a presentation in the audiovisual room yesterday, Members heard certain statistics and a presentation supporting the opt-out clause for doctors. Statistics indicate that we are not talking about huge numbers of abortions or the need for huge numbers of doctors to carry out the procedure. In the case of the vast number of women and parents involved, the pregnancies will continue. Fears around repeal are alleviated when we consider the facts and experiences of other countries. We are aware of the liberal abortion laws in the Netherlands but it has low abortion rates. It also has the highest number of planned pregnancies in the EU. The Netherlands have liberal and extensive education programmes in the schools and comprehensive health care and excellent counselling services.

As we debate the accessibility of abortion in Ireland we also need to look at the care available for those who continue with unplanned and difficult pregnancies. We know the difficulties they face and especially the difficulties for teenage pregnancies. No repeal would mean the travelling for abortions would continue by those who can afford it. No repeal would mean the continuation of buying pills online, with the associated safety risks. I have quoted her previously but for me, the most telling quote came from Dr. Mahony when she said, “what we as doctors require is clinical flexibility in order that women and their doctors can make appropriate decisions in the very difficult circumstances that arise from complications in pregnancy”.

Finally, this is a decision for the voters in Ireland. It is right that they will have their say in May. This is as it should be because we live in a democracy.

Deputy Thomas P. Broughan: I thank the Ceann Comhairle for the opportunity to speak on the Thirty-sixth Amendment of the Constitution Bill 2018 before us. I thank Ms Justice Mary Laffoy and everyone involved in the Citizens' Assembly, the members of the Oireachtas joint committee and all those who gave their testimonies to both processes. It has not been an easy task, and I have the utmost admiration for all our colleagues involved who went into these processes open-minded and listened to the medical and legal evidence and personal stories of people affected by the eighth amendment. When the former Taoiseach, Deputy Enda Kenny, announced that there would be a Citizens' Assembly to examine the eighth amendment and then an Oireachtas committee to review the proposals of the assembly, many of us believed it was a can-kicking exercise. However, the process has in fact turned out to be very informative and helpful for many citizens, including Deputies and Senators. Prior to the general election of 2016, I pledged to support repeal of the eighth amendment, Article 40.3.3°, and I will support the Bill.

Article 40.3.3° was inserted into Bunreacht na hÉireann in 1983. At the time I was opposed to the insertion of such an amendment into our Constitution because I believed it was wrong to tie the hands of Oireachtas Members on vital areas of public health policy involving women's health and pregnancy. Like many other citizens, I was profoundly disappointed that the former Taoiseach, Garret FitzGerald, one of my former teachers, did not stand up to the intense lobbying to change our Constitution during that period. Charles Haughey, who served as Taoiseach both before and after Mr. FitzGerald, was equally supine despite commitments he often made on Irish health care. It is also very revealing now to reread the prescient advice given to the FitzGerald Government by the Attorney General, the late Peter Sutherland, which that Government published in February 1983. Mr. Sutherland advised that the wording of the eighth amendment "will lead inevitably to confusion and uncertainty, not merely amongst the medical profession, to whom it has of course particular relevance, but also amongst lawyers and more specifically the judges who will have to interpret it".

Unfortunately, those who voted "No" in 1983, fearing that legislators would be placed in a straitjacket in respect of women's health issues, were proven right by the litany of tragedies and legal quagmires which have enveloped us since. Sheila Hodgers's cancer treatment, for example, was stopped by a hospital because she was pregnant. She lost her life in 1983 and was also denied pain relief. The X case, in which a 14 year old girl became pregnant after being raped, led to a referendum in 1992, and a subsequent referendum on the right to travel for terminations was passed. In 1997, Ms C, a 13 year old girl, was raped and became pregnant. She was taken into care and there was a court battle regarding her entitlement to travel to access an abortion. In 2007, Miss D, a 17 year old girl who was in State care, received a diagnosis of an anencephalic pregnancy and took the HSE to the High Court to allow her to travel for a termination. In 2010, Michelle Harte had cancer and became pregnant. She was not well enough to travel for an abortion, Cork University Hospital refused to perform a termination and in 2011 she died from cancer. In October 2012, Savita Halappanavar died tragically in University Hospital Galway after being denied a termination while she was miscarrying because of the presence of a foetal heartbeat. Ms Halappanavar's needless death led to the passage of the Protection of Life During Pregnancy Act in 2013. The Act has seen an average of 25 terminations taking place in Ireland each year since its commencement in 2014.

I have carefully studied the transcripts of committee proceedings, as well as the reports by the Oireachtas joint committee and the Citizens' Assembly, and I have considered deeply the stream of emails, letters and calls from my constituents, as I think we all have. I have also met

delegations representing both sides of this debate and am grateful for the respectful and informative discussions I have had. The Oireachtas joint committee comprised a cross-party mix of Senators and Deputies and heard from a variety of legal, medical and human rights professionals from Ireland and abroad. The committee heard personal testimonies from two groups representing families that had received the heartbreaking diagnosis of fatal foetal abnormality. Some of the committee contributions which I found particularly compelling were those of the consultant obstetricians and gynaecologists, Dr. Rhona Mahony, Dr. Peter Boylan, Dr. Maeve Eogan and Professor Fergal Malone; law lecturer Mr. Tom O'Malley; Ms Noeline Blackwell, chief executive officer of the Dublin Rape Crisis Centre; and the chief investigator into the death of Savita Halappanavar, Professor Sabaratnam Arulkumaran. These witnesses from the fields of academia, law, human rights and health have done a great service to the Government and the people of Ireland, and we must consider their expert opinions based on lived experience and international best practice. All have said that the eighth amendment endangers women and precludes doctors from being able to give the best medical care to women with unintended pregnancies or crisis pregnancies or both.

I believe the vast majority of Irish people understand the nuances of very difficult decisions on reproductive rights and know that such decisions to terminate a pregnancy are never taken lightly. I also believe the Irish people are compassionate and caring and want our pregnant women to be able to access health care in this land, at home. I believe they trust women and our skilled medical professionals to make correct private decisions on their personal and family lives. One can be anti-abortion but still support another person's right to make a decision as to whether to continue with an unintended pregnancy. Then there are the tragic and heartbreaking cases of much-wanted pregnancies that become crisis pregnancies when the parents receive a devastating diagnosis of fatal foetal abnormality. Any of us who has ever heard members of Terminations for Medical Reasons, TFMR, speak cannot help but be moved by their stories and admire their strength in speaking out. It does not bear thinking about what these families have had to go through in trying to access the health care they need when their heads are spinning and their hearts are breaking and their medical professionals cannot even provide them with the care they need.

According to the available statistics, more than 170,000 Irish women have had to travel to the UK or further afield to access reproductive health care since the 1980s. According to today's estimates, approximately nine to 12 women travel each day to access health care in another jurisdiction and approximately three more take safe but illegal abortion pills at home, which they have bought on the Internet, risking 14 years in prison. I have heard colleagues talk about these citizens having to try to access their health care in lonely bedrooms around the country. The eighth amendment affects all pregnancies: those which are much wanted and those which are unintended. A woman who is pregnant is not entitled to consent during pregnancy care and labour and a woman who has made the difficult decision to end a pregnancy is forced to get the funds together and make arrangements to travel to another jurisdiction, usually England, to access reproductive health care. The Citizens' Assembly and Oireachtas joint committee both came to the conclusion that abortion is a reality for many women and families in Ireland and that we should care for our women in every possible way at home and not add the trauma of travelling abroad to the situations of these often very vulnerable fellow citizens at that stage in their lives.

I have learnt some notable things that were surprising to me in my discussions and research. I heard a colleague refer to some of these statistics recently. The majority of people accessing

reproductive health care are already parents and in long-term relationships. The age demographics of pregnant people also show that a majority of people travelling are in their late 20s and early 30s. We also know that pregnant women travelling from Ireland access abortion care slightly later than their UK counterparts because of the added issue of arranging travel and so on. Among many incisive comments to the committee, Dr. Rhona Mahony said that the current constitutional provision “facilitates a real possibility that clinical decision-making may be delayed or distorted as clinicians ponder the law rather than medicine”. The eighth amendment has put clinicians in this situation of having to ponder the law rather than rely on their own professional expertise. Dr. Mahony also drew attention to the fact that “we have the lowest number of obstetricians in the OECD, comprising some 140 to 150 whole-time equivalent posts” and concluded that by “any reasonable international standard, that number should be at least twice if not three times as large”. We have drawn the Minister’s attention again and again at the Committee on Budgetary Oversight and across the floor of this House to the fact that his budget is at least €1 billion short, even for 2018. He has lost some battles in this regard and will have to start winning them. Among the most valuable of the joint committee’s work was its ancillary recommendations, as referred to by my colleague, Deputy Maureen O’Sullivan, a few minutes ago, aimed at greatly improving services for pregnant women and seeking more effective ways to avoid crisis pregnancies. These recommendations included major improvements in sexual health and relationships education; decriminalisation, including repeal of section 22 of the 2013 Act; addressing the costs of contraception, on which I heard the Minister’s comments earlier, which are welcome; and the provision of an easily accessible and uniform standard of obstetric care across the State. The Oireachtas and the Departments of Finance and Health must immediately begin providing the necessary additional funding to implement these recommendations after the referendum.

We have had a discussion about the paper the Minister published today. Gestational limits of 12 weeks are by far the norm across Europe, adopted by a plethora of countries. I think the exceptions might be Portugal, Slovenia and perhaps one other, which have ten-week or eight-week provisions. Most other European countries have adopted a 12 week provision. Ireland has, after Malta, the most restrictive reproductive health system in Europe, with only Malta having an outright ban. Many of the OECD countries highlighted our strict regime as a cause for concern during Ireland’s second universal periodic review. I have the list of countries that raised a concern about women’s health and pregnancy.

A key issue, which has been raised by colleagues who have already spoken, is trusting the House and our colleagues in the Seanad in the future. A fundamental reason I was opposed to the insertion of the amendment in 1983 was I believed it was the task of a parliament to legislate in these areas. We may have wide differences in economic areas, but at the end of the day, we are the people’s representatives and it is right that we should take responsibility for these matters. It may not be too long before a future Dáil is much more gender equal. It is right to trust the House and all of our colleagues to address these matters after the referendum.

I will support the Bill and I welcome the opportunity for the electorate to have its say, at last, on the matter. No one under the age of 53 has had a substantial say in the matter before us, and we have a whole generation of people who have never before had a vote on something that directly affects them so profoundly. It is imperative that the referendum be held by 25 May in order that the thousands of students travelling for the summer months are given an opportunity to cast their votes. I believe the majority of people want a kinder, better Ireland, where the eighth amendment has been removed from our Constitution so that we can look after our

women in their own country, safely, caringly and compassionately.

Deputy Bernard J. Durkan: I am delighted to have an opportunity to speak on this particular Bill. I was one of the people who was here in a previous era when discussions of this nature took place on the eighth amendment of the Constitution. To a great extent, a very animated debate took place at that particular time, which has been repeated on a number of occasions since. I hope that on this particular occasion, we will have a more mature and a more regulated debate in terms of keeping the emotion to a minimum, recognising the issue is important. It requires and deserves a full and thorough debate, with respect for one another's views, and it is no harm to say there are vastly disparate views on this subject that have been expressed in this country over the years, and in other jurisdictions also. I hope we can say to ourselves this is a new era and times are different. Our society has evolved and it is a time also for recognising the other's point of view. This is a feature of our modern society. I hope it will manifest itself in the course of the debate as it goes ahead.

I have not changed my views since I spoke, as did many other people in the House, on the 2013 legislation on the protection of life during pregnancy. It brought to the fore many of the issues spoken about in debates prior to that as did, funnily enough, the children's rights Bill. For some unknown reason, the same subjects came up in that debate, again on the basis the State was trying to take control of the family and children. In actual fact, the reverse is the case. The State is trying to protect the family and ensure each element of the family has a fair opportunity to develop, evolve and live in a society which, hopefully, is fairer.

I could never understand the situation, for instance, with regard to rape. I know there are strongly held views on the subject. If I had a daughter, which I do not, and she was the victim of such a crime I would find it very hard not to consult with her as to what she should do. She should at least have some control over what happened next. She should at least be consulted. It is not fair, and it would not be fair, to say "tough luck, that was an unfortunate incident". It is a little bit more than that. It affects the lives of the victims forever, for as long as they are alive. It is incumbent on us to address this issue now and we can do so. This is why, in the course of the committee's hearings, we had to come to the conclusion that the only way to deal with that situation without specifically getting into court cases, lawyers, evidence and counter-charges was to leave it at the 12 weeks that was previously recommended by the Citizens' Assembly.

Many people are worried about this. They are concerned about it on the basis it should be less. As has already been pointed out by other speakers, it is fairly average across Europe with one or two exceptions. To leave out the 12 weeks and reduce it further could mean eliminating some cases that would eventually end up in the traditional method of abortion, that of travelling overseas again. It is not something we should try to look forward to.

In the course of the hearings, it was patently obvious to everybody that women in certain situations found themselves in a very lonely position and isolated without comfort, advice or counselling. It was for this reason a great deal of emphasis was placed on the whole issue of counselling. We looked at a number of other countries throughout Europe, some of which have adequate counselling and some which do not. It was concluded there was a need for counselling, greater emphasis on sex education in schools and greater emphasis on back-up and counselling for a woman who might become pregnant in a crisis situation, and there are multiple reasons as to how that could come about.

We had an adequate opportunity during the period of the hearings to look at the situation

whereby it was said in the past that women would arbitrarily seek out an abortion as a means of birth control. Nothing could be further from the truth. There was no evidence to suggest that at all, good, bad or indifferent. In fact, the reverse was the case. There was clear evidence adduced in the hearings to the effect that women wanted the pregnancy to go right and wanted to produce the baby even if the baby was not perfect. They still wanted the pregnancy to go right and felt they had a requirement to do so for some reason - maternal instinct - they had in their own minds. In those circumstances the lack of adequate counselling was patently obvious. It was just appalling to listen to the type of stories being told, whereby they were isolated and left on their own with no advice whatsoever, so they had the choice of going abroad or staying at home and being in doubt for the rest of their lives, or suffering the consequences.

There are those who have said in the past the whole issue of suicide was myth and not real. Again, nothing could be further from the truth. In the course of our business as public representatives, Members all have met people who have had mental problems around crises in their lives. Because of this, it is incumbent upon us when dealing with this particular situation to so do in the clear knowledge we might be dealing with what could ultimately become a tragedy. It is in our interests, in the interests of the people of the country and in the interests of fairness to try to accommodate, as public representatives, the situation that can develop.

I want to mention briefly the type of situation that brought about a lot of emotive argument in the past. An example is a threat to the health of the woman as opposed to a threat to her life.

Very little emphasis was placed in the past on how quickly the situation can accelerate from a threat to health to a threat to life, and then it may be too late. There are a number of well known medical conditions that can accelerate so rapidly it may be too late when it becomes obvious to the physicians that action should be taken, or should have been taken and was not. Other speakers have enumerated a number of situations where this, in actual fact, did take place. It is no harm for us to think carefully about this as we speak at this time on these issues. We need to put ourselves in the shoes of the woman who might find herself in that type of crisis situation.

What would we expect to be done if we were in that position ourselves, as a man or a woman? The least we would hope for would be that society would be, in some way, on our side and, in some way, cognisant of the situation we were going through, that our health could ultimately be at risk and that we had a medical condition which might accelerate rapidly and leave us with little choice.

We must also consider a person in those circumstances who knows they have a condition that would lead to that situation. While everybody ponders it and various opinions on the right thing to do are sought, their condition and chance of life is deteriorating all the time. In those circumstances, there is nothing we should do other than show compassion and care for the person in the eye of the storm, that is, the woman in a crisis pregnancy.

There is also the issue of incest. In this country, we have a peculiar history concerning rape, incest, institutions, mother and baby homes and so on. I have spoken about this before, as many of us have. It was not a problem solely related to the churches. It related to our society, and to other societies in other jurisdictions. It was a blight and a blot on respective societies and jurisdictions that they did not have a bit more care and compassion when dealing with women who found themselves in a crisis pregnancy. Despite the other great achievements of Irish and international society, it was sad that a little more thought and compassion was not put into the area of mother and baby care. There was no recognition that in certain circumstances a woman

might find herself isolated, alone and condemned. In many cases, that is what they found.

This gives us an opportunity to again examine all the factors affecting the situation. Of course there are contradictions. Everybody has feelings for those born and those as yet unborn. There is no doubt about that. There are many contradictions. On balance however, in accordance with laws nationally and internationally, we cannot have a ridiculous situation where a mother is kept artificially alive while a baby is allowed to mature for an unreasonable period. It is so sad that we should subject people to that kind of treatment in this day and age.

It is equally sad that the only option for women in that situation was to send them abroad because no facilities were available at home. Surely it would have been better if we had regulations and controls at home as well as the necessary medical back-up before, during and after. That is something that this legislation proposes to do.

It is no harm at all to consider that there were a number of referenda on this subject. At one point it was intended to stop the right to travel. That failed. It was not on; it did not happen. In the back of people's minds, they know that there is a right for the woman to travel to seek the service that is not available in our own country. It is not convenient for her to do it. It is a lonely old trek. However, she can do it. It is legal. As such, it is not true to say abortion is not available in this country. It is not available in this jurisdiction, but it is available to people from, and who live in, this country who want to go to another jurisdiction.

Incidentally, I am not in favour of abortion *per se*. I never have been. However, there are circumstances that have arisen, which we have discussed, in the last several years where there is an obligation for us to move with the times. We have to move along. Society is evolving, as it should. We cannot remain embedded forever in history. The past is not a good place to go, as we know.

It has been suggested that the proposals in the legislation will ultimately mean abortion will be available without restriction, but of course it is available already. It is available via the Internet because women can access abortion medication without regulation and without medical supervision before, during or after, and without any counselling and advice.

One of the things we learned about during the hearings was the urgent need for advice and counselling. Women must be able to rely on medical and sometimes psychological advice and information to help them reach a decision, which might not lean towards abortion in all cases. They might not go that route at all. However, they need the advice. The last thing we should do is isolate women in that situation, to leave them on their own, let them put up with it or work it out for themselves.

With this legislation, the decision is in the final phase. It is now over to the people. It is true the people have decided on this issue before but they will decide on it now. Both sides in this argument have sought for a referendum for many years since 1983. Obviously, they sought it for different reasons. The time is now. It is now incumbent on everybody to ensure that the maximum amount of information is put into the public arena, into the hands of the people. That way when people go to decide, they will have the information at their fingertips and they can vote accordingly. I hope that they will do so in a way which will show compassion. If there is a need for other regulations, it will be shown up in the course of the debate and in the ultimate vote. It may well be a very narrow margin on either side. Then again, it may not. One never knows with these things. It is important that those who make the decision, that is, the people,

have all the information available to them without a slant or restriction in one direction or the other. In the final analysis, they will be able to make a compassionate decision, taking into account both sides of the argument without restriction, and recognising what history has shown us over the last several years. They will be able to recognise all the things that went wrong in past. This presents them and us with an opportunity to address those issues and right some of the wrongs of the past.

I am not an expert on these issues. I have to make up my own mind like everybody else. I intend to support the legislation and the Bill, as proposed, as I did in the committee. I did not change my mind, as I said to many people in the course of the debate. My argument now is the same as it was ten years ago. It may be right or it may be wrong. I do not know. The people will decide that. When they decide it, the decision will stand for quite a long time. It is something with which our society will have to live for a long time.

My last point concerns something we changed in the course of the committee hearings. We removed the proposal that the court could no longer review a decision of the Oireachtas, and that is as it should be. We were right to do that. It was important to do that clearly and unequivocally in the course of the argument. In a modern democratic republic where we have a dual system of the courts and the Parliament, the courts must ultimately have the opportunity to review and challenge, as they have done many times in the past. That proves what we are doing.

The point I want to refer to is this. Some say that nobody trusts politicians. That is like saying that nobody trusts the people, because the people elect politicians. When the people go to elections and elect politicians, I presume they do so in the clear knowledge that these politicians will represent them and their views. If people claim not to trust politicians and stand aloof from it, then they must stand aloof from politics too because everybody who gets involved in a public debate in one shape or form gets involved in politics in one shape or form or another. It is no harm to remember that if we do not trust politicians, then we do not trust the people because the people are obviously guilty of some misbehaviour if they elect politicians who are not trustworthy because they do not represent them. I do not accept that argument at all. Those arguments can resolve themselves. It is a matter for the people to elect the people they want to represent them. It is a matter for those who are elected to represent the people to the best of their ability, fairly, equally and in a way that they can look back on afterwards and say that they did the best they could. The time has come to trust each other to some extent. It is also time that we recognised the huge contribution that women have made to society and that Irish women in particular have made to our society. It is time to trust them, particularly in this year, with the current celebrations of the suffragette movement and International Women's Day. These things may only happen once a year and are all coming together. The fact is that the women who made these contributions to society over the years have to be trusted. They were trusted and we have to trust them now.

Deputy Kevin O'Keeffe: I have spoken already on this topic. I will make a few more points today and, hopefully, get a better balance in the Chamber. Many, including Oireachtas Members and my constituents, will know that I am against the repeal of the eighth amendment. I was there in 1983. It was a divisive campaign but, luckily, we live in a democracy and the democratic decision was taken. We had a Supreme Court decision two days ago and it highlighted for me the importance of the eighth amendment in this country and the amount of lives saved. I am concerned with the way we are moving forward. While some say it should have been started before now, there seems to be an effort now to rush the process through to get everyone in the electorate on board because people feel that they can take for granted the

electorate in various quarters - that is to say students - but I assure Members that there are many students who are against the repeal of the eighth amendment. Do not get carried away and think that any sector of society is under control.

I respect everyone's views. What happens in here is that we get various organisations being criticised. This morning, the church was being castigated. It has no form of defence in this Chamber which is a bit worrying in a way. It was accountable for issues which happened and should not have happened but one cannot mix all those issues up with this current issue. As everyone has acknowledged today and over the last months when talking about it, it is an important issue. Much was made of International Women's Day yesterday and I commend all those who participated in the celebration of 100 years of women voting. I, too, acknowledge that many issues relating to women still need to be addressed but I see things improving greatly. Women's representation in the Dáil is not great but I know from involvement in other sectors that there are many great women at the forefront of some of the major companies in this country, such as Glanbia and FBD Insurance. I am on the Joint Committee on Transport, Tourism and Sport where the head of the National Transport Authority, a lady, came before us, as did the head of the Road Safety Authority, a lady. Do not feel that we have been shy in acknowledging the role of women. Any women I deal with are able to fight their own corner. I wish them the best.

What we have here is the issue of the foetus, of the unborn, who do not have a say or a means of fighting their corner. On page 11 of today's Bill digest is the line "legislate to address termination of pregnancy, any rights of the unborn and any rights of the pregnant woman" and that Article 40.3.3° should be repealed. That is why I am here today. I felt strongly about it. I watched much of the proceedings on my iPhone and, during the day, all but one or two Deputies have steamrolled the issue of the repeal of the eighth amendment. One would think that 99.9% of people are in favour of repealing the eighth amendment. The impression that one would get from this Chamber today is that there is an overwhelming majority. It concerned me. I have to apologise for a few colleagues who could not be here today. They would love to be but because of the prevailing circumstances and short notice, they were not able to be here today to speak on behalf of the retention of the eighth amendment.

We talk about giving women recognition. While I said things are slow, during the last 12 months as a Dáil we have extended parental leave rights to the husband. The husband must have a part to play with the newborn as well and in the creation of the newborn. As a man, I feel no problem in speaking here even though I am single. Talking to other people, it is felt that the man plays no role. I respect the rights of women. Health issues need to be addressed. While I will put my hand up and say that I did not read their reports entirely, from what I have seen I do not think the Citizens' Assembly, or for that matter the Joint Committee on the Eighth Amendment of the Constitution, took on board alternative proposals or suggestions regarding what could be done to avoid total repeal of the eighth amendment. I say that because it is ironic that the Minister, in his deliberations today, is rushing to improve matters in his speech this morning. He said:

We have published Ireland's first ever national maternity strategy. The Health Service Executive, HSE, has developed national standards for bereavement care following pregnancy loss and perinatal death and bereavement teams are being established in each maternity unit. The Health Information and Quality Authority, HIQA, now has national standards for safer, better maternity services. Every woman from every corner of Ireland should expect and be able to access the maternity services she needs. Our priorities for 2018 include im-

proving quality and safety, developing community midwifery teams and increasing access to anomaly scans.

There is mention of other issues. Why were these proper supports and advisory services not in place before now? These things are a chance to work for the betterment of those who find themselves pregnant, perhaps in an unwanted situation. Would I be in agreement with the 12 weeks? I am not in agreement with anything but just criticising some of the things.

Just because other counties provide for abortion before 12 weeks' gestation does not mean we have to follow suit. We are members of the EU but there is much legislation and many services in other countries that we do not have in Ireland. Rather than making comparisons, we should be able to stand on our own. The people of this country have been good at making known their decisions.

The Government must think of the impact of this legislation on the youth of the future. If the eighth amendment is repealed and further legislation in this regard is enacted at the end of the year, it will lead to a cull of the youth of the future. There will be fewer young people as a result of this legislation and I do not know, therefore, how the Government can say it is thinking of them. It is more or less telling an unborn he or she will not be here in the future.

As regards conditions such as foetal abnormality, I refer to the comments of Sabina Higgins, who said it is an outrage against women that in the case of foetal abnormality a person should be made to carry the baby to term. Kathleen Rose, the daughter of Tracy Harkin, has trisomy 13, which is one such condition. Will there be a rush job in such cases? If such a condition shows up, will the woman be straight off to an abortion clinic? The child may suffer no problems resulting from the condition after he or she is born. There could be minor difficulties but such people can still live and enjoy life.

I have been to so-called mass of the angels funerals, seen small coffins carried by the mother or father to the graveyard and witnessed how emotional the parents are because of the premature death of a baby. Such babies must have had a life. Does life start after two days, eight weeks or 12 weeks? I admit that no one has been able to give a straight answer to that question and I am still open minded in that regard. However, I believe that life is present within the first few weeks after conception.

As regards walking away from responsibility, people being able to access abortion pills online is a manifestation of global interference in our society. Similar issues such as cyber-bullying and the age of consent in regard to accessing mobile phones and so on have recently arisen. That age of consent in Ireland is likely to be 13 rather than 16 because we cannot beat the system put in place by the companies that provide the technology. It worries me that we would acquiesce to such a problem. More care facilities are needed.

I am delighted to speak on the issue of the eighth amendment and I will be against its repeal. I was a candidate for election in 2016 and one of the biggest commitments I made during that campaign under the name of Fianna Fáil was that I would not support the repeal of the eighth amendment. However, with all due respect to my party, I now speak as an individual because of the decision by my party not to make a political statement on the issue.

Deputy Ruth Coppinger: Is the Deputy going to vote to allow a referendum?

Deputy Kevin O'Keeffe: I will not. I said that yesterday.

Deputy Fiona O'Loughlin: I disagree with the comments of my colleague, Deputy O'Keeffe, but I respect his views and his right to air them in the House and elsewhere because there is no doubt that any debate on the eighth amendment is very divisive. We can see the evidence of that within families, communities and political parties. We have had the opportunity to listen to much debate on the issue. Most of the debate in the House has been very respectful and understanding of the views of other Deputies, which is very important. It is an opportunity for a reasoned and respectful debate and it is to be hoped the same will pertain outside the House.

For any of us to have a real understanding of what the eight amendment is about, we must walk in the shoes of women who face or have faced a crisis pregnancy, those of their partners and those of doctors who have worked under conditions that were not always clear cut. There is no doubt the eighth amendment could be viewed as a platform for massive inequality, given that the last vote on the matter was in 1983 and that the women whose lives are today directly affected by the amendment have never had the opportunity to vote upon it. Very few women of childbearing age have had the opportunity to vote on it. Life has changed, as has the world and people's life experience. In the past ten years, my views on and understanding of the situation have changed. We cannot get away from the fact that reports from the UK Department of Health and Social Care indicate that at least ten Irish women a day travel to the United Kingdom, without medical help or family support, for abortions and put themselves to huge cost in so doing. There were more than 4,000 such journeys last year, with 5% of the women involved giving my home county of Kildare as their address. Free will, responsibility and choice are very powerful. Using that choice and free will to make the right decision for oneself is important. My choice may not be what another woman would make, and *vice versa*.

For almost all women, unless they have gone through an horrific situation of rape or incest, to hear that they are to give birth nine months hence is a cause of great joy and for many it is the most wonderful news they could hope to hear. However, to then get the tragic and sad news that the baby may not survive past birth is an awful situation and I could not dictate to any woman in such a situation how she should feel, deal with that crisis or what she should do.

Ireland is a very caring nation and a referendum, vote or amendment on an issue such as this will never please everybody. However, we have a duty to try to do the right thing and give the best information possible to the people of the country to assist them to make their decision. As a society, we know far more than we did 30 years ago and have learned much about ourselves as a nation.

Ireland now welcomes people from other nations of the world and is required to welcome those fleeing war, abuse, death or violence. Such people arrive to a country that has very little choice and many restrictions in terms of abortion. Although Irish women have the choice to make the difficult decision to leave Ireland and have a termination, there are women living in Ireland who cannot leave this country and that choice is, therefore, removed from them. However, I do not think any woman makes such a choice lightly.

Everyone contributing to this debate is entitled to express an opinion without being labelled pro-life or pro-choice. As far as I can see, everyone, including myself, is pro-life but to be labelled as one or the other can cause great disrespect. We must ensure that every woman who has a crisis pregnancy has the opportunity to deal with that pregnancy and, it is to be hoped, the State would provide the help and support needed to cope with a baby, possibly in adverse circumstances. A referendum is the right way to go. However, we have to be clear and unambiguous about the wording that would replace the current wording. Thankfully my political

party, Fianna Fáil, has agreed that Deputies and Senators will have a vote of conscience. That is why myself and Deputy O’Keeffe can share this speaking time and come from completely different views.

I looked at the policy paper published yesterday by the Government and there are a few items worthy of note. The key thing is that the question of whether to amend the Constitution is for the Irish people to consider and determine by way of referendum. The policy paper is important. Obviously, it is only relevant in the event that the proposed referendum on Article 40.3.3° is passed. It is important this information is out there now. The 21 policies listed will require further scrutiny, refinement and definition, taking into account legal advice. I want to refer to three in particular, policies Nos. 1, 2 and 14.

Policy No. 1 refers to the termination of pregnancy on the grounds of a risk to health, which includes the risk to the life, of pregnant women. That is so important. Policy No. 2 refers to making no distinction between a risk to the physical health and the mental health of a woman. I think that is crucially important. In respect of policy No. 14, the general scheme would provide for conscientious objection, in line with that provided with the Protection of Life during Pregnancy Act 2013. That is also important. Medical professionals who do have a conscientious objection to dealing with the possibility of a termination would have the right to remove themselves and another medical professional would be recommended.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I am sharing time with Deputy Fitzpatrick. I am pleased to speak in support of this Bill to bring about a referendum on the eighth amendment. At the outset, I acknowledge the leadership and empathy of the Minister for Health, Deputy Harris, to bring us to this point. For more than three decades pregnant women in Ireland have recognised and lived the restrictions imposed by the eighth amendment on their reproductive lives. Thousands have left this country to access lawful abortion elsewhere. Thousands more have imported medication, abortion pills, and self-administered terminations in their own homes.

We have no way of knowing how many women have continued with pregnancies they did not want, have suffered severe health consequences from pregnancy or have harmed themselves in the attempt to bring their pregnancies to an end. As a feminist, a progressive and a lifelong activist for social justice, I am proud to be a part of the Government that now asks these Houses to ask the people is this a situation that we are willing to endure.

The proposal of a referendum on repeal of Article 40.3.3° has come about not only through the excellent work of the Citizens’ Assembly and the Oireachtas Joint Committee on the Eighth Amendment but, fundamentally, through the decades of civil society activism that has highlighted the impact of the eighth amendment and through the bravery and generosity of people, including some women in this House. I greatly acknowledge their contribution in telling their stories of the eighth amendment. These stories cannot be ignored. Across the thousands of submissions to the Citizens’ Assembly, people told us about the hardships they suffered to access abortion and about the desperation they experienced from pregnancies they did not want.

One of the experiences relayed in the Abortion Rights Campaign submission is of a woman who was raped by a man she considered to be her friend. When she found out she was pregnant, she decided she could not, as she put it, continue with the pregnancy that brought so much pain and destruction in her life already. She took a train to Dublin, slept overnight in the airport and took a 6.50 a.m. flight to the UK. She had to stay in a hostel and could not even experience her

bleeding and loss in private. Instead, she had to try to sleep in a 16 bed dormitory because she could not afford a hotel. She was treated kindly by nurses and bus drivers. When she got on her return flight, there were three other women travelling on their own who looked exactly like she did. They never said a word to each other but they did notice each other. That woman did not access aftercare until ten months had elapsed because of the stigma she felt was attached to having had an abortion. This is not what should happen to someone who has already been the victim of a terrible disrespect for her right to decide what happens to her body. This woman should have been able to access the abortion care she needed here in Ireland. However, the eighth amendment made that impossible.

Another woman's submission relays how in 2005 her abortion saved her life. It allowed her to go on and have children later in a secure and safe environment where she could provide for her family. Another woman again, part of the "In Her Shoes" Facebook project for first person narratives, tells us she accessed abortion care because she already had two existing kids but with a myriad of issues. She had no money, a rocky relationship and felt continuously at the end of her rope already because, before the pregnancy, one of her children required a huge amount of extra care. She simply could not care for her existing family if she had another child.

Yet another woman told of how she got pregnant with her husband. He left her with five children already to take care of and refused to support those children. She accessed abortion care because she could not care for another child. She never told anyone she had an abortion. Again, another young woman told "In Her Shoes" about her boyfriend, whom she trusted. He had been removing the condom during sex without her consent, a highly abusive practice known as stealthing. She then bought abortion pills online. Her powerful words stay with me. It was not her choice to be a mum. It was not her choice to have a child with a man that did not respect her body and her boundaries. She said she was sorry over and over again and realised she was also saying sorry to herself. This was such a sad position to be in. She was alone, bleeding, keeping a secret and taken advantage of by a guy she thought was good.

I relay these stories because the question of whether to repeal the eighth amendment is not some abstract Constitutional conundrum. It is about real life. Life is difficult. Life is sometimes messy. There is no typical person who accesses abortion care. More than half have been using contraception that failed. Many already have children. Many are in stable relationships. Some are adolescent girls for whom I have a special ministerial responsibility. Some are unwell and cannot cope with the physical and emotional costs of pregnancy. Some are poor, some are rich, some are old and some are young. Some are families who long for the safe arrival of their much wanted child but are devastated by an unexpected diagnosis and decide that their parental love will not allow them to have that child suffer a painful and short life and death. All are people who made decisions about what they can and cannot bear. I refer to ethical decisions, decisions that are right for them. Now, we must let the Irish people make a decision. Do we want to force women to make these decisions in shame and in stigma in the shadows of the State? Do we want to continue to prevent doctors from caring for their patients where they agree that ending a pregnancy is the right course of action for them? Do we want to continue to rely on the kindness of strangers in another country? I refer to taxi drivers, hoteliers, nurses, pharmacists, doctors and Irish emigrants who provide warm beds and financial support to meet the needs of women who have lived in this country. Or do we want to make sure that people can make decisions for themselves in their own country and in their own home? If we think that change - any change - is needed to make our law better and to meet the needs of pregnant people in this country, then we must vote to repeal the eighth amendment. If Members of this

House believe that the decision about the future of the eighth amendment is not ours alone nor that of the electorate of 1983 but is rightfully the decision of the Irish people, then we must vote to support this Bill.

Deputy Peter Fitzpatrick: I listened with consideration to the comments made by the Minister for Health, Deputy Simon Harris, this morning. As a member of the Oireachtas Joint Committee on the Eighth Amendment of the Constitution, I am particularly interested in this issue and have made my views well known. I would like to take this opportunity to address the Government's current plans. I believe today to be a very sad day indeed. No matter how we try to describe what we are doing today, abortion involves the ending of a human life and removing the eighth amendment will lead to more abortions taking place and more babies losing their lives. I believe that our role as legislators is never to promote or campaign for laws that would end human lives. The debates we have in this House should be about laws that are intended to improve lives and protect the vulnerable.

At meetings of the Oireachtas committee, there was a real denial of the reality throughout the country. No women were invited who could talk about how their abortion negatively affected their lives. No families were invited to talk about the children who are alive today thanks to the eighth amendment. No families were invited to talk about the children they adopted as a life-saving alternative to abortion. If the committee was not prepared to invite these families, then we cannot in all honesty sit here and say that we have acknowledged the reality of what is actually happening in Ireland today. Instead, we have only looked at one side of the debate and I must take issue with the Minister on this point. We have buried our heads in the sand when it comes to looking at all of the good things that the eighth amendment has done for Irish society.

A few weeks ago, a group of volunteers visited my home town of Dundalk as part of the "Lives Saved" tour. They were there to highlight the number of people who are alive in the Louth region thanks to the eighth amendment - an estimated 2,900 people. These are people who are walking around the streets of Louth, going to school or college, building lives of their own. They are not invisible statistics but they and their families have been invisible in the debate so far. These are families where a woman found herself unexpectedly pregnant and initially panicked and considered abortion. In a country like the UK where one in five pregnancies ends in abortion, this initial panic usually brings a woman to the door of an abortion clinic where the life of her unborn baby is ended but in Ireland, things have been different. Women who have faced unplanned pregnancies have the space and time to think about their situation. They get support, find help and are encouraged by family members so they do not need to end the lives of their babies. It is these kinds of situations that make up those 2,900 people in my home county of Louth and all over Ireland as well. These people are alive because of the eighth amendment but their stories are not being listened to. They were not even allowed to appear before the Oireachtas committee and I do not understand why they do not seem to matter to so many people who want to stand up here and talk about the eighth amendment.

I have listened to the Minister talking about improving supports for women and their babies but it is strange to be discussing them during this debate. How can we be realistic about providing supports on the one hand while on the other we are saying that it is okay to end the life of a baby? This is what it boils down to. Abortion ends the life of a baby. The unborn baby is not a clump of cells and we need to be honest about that. The baby's heart starts beating at just three weeks in the womb. He or she has eyes, a nose, mouth, tongue and eye lids at just six weeks. The baby's organs are developing at eight weeks and at 12 weeks the baby can suck his or her thumb. Just think about that for a second. We call ourselves a democracy but we are spending

hours today discussing a law that would end the life of a baby at 12 weeks when that baby can suck his or her thumb. This is not democratic. This is not compassion or kindness. That is what this law would do and I am not happy with that.

I believe that there is something far better that we can do for women and their babies. We could look at adoption. This is something which is life saving and provides a way for women to avoid abortion even if they do not feel that they can then go on and look after their baby as he or she grows up. We all know someone who has been adopted. We know the joy and happiness that it can bring to the families involved. Adoption gives new hope to so many people but when I attempted to discuss it at the Oireachtas committee, there was no interest in going down that road as a life-saving alternative to abortion. By all means let us improve supports for families but let us not pretend that today is about anything other than ending the lives of babies. If we go ahead and remove the eighth amendment, we know that vulnerable people will be targeted. We only have to look to the UK, where 90% of babies diagnosed with Downs syndrome in the womb are aborted. Again, some people do not want to talk about this but we have a duty to talk about it. As legislators, we have a duty to children diagnosed with disabilities just the same as to everyone else. We need to look at how the laws that we introduce will affect those babies. When we look abroad, it is a very worrying situation. At the moment, the eighth amendment protects these children. If we remove it, they will be left with no protection under our laws.

I have been very honest about how I feel about this issue. I listened to all of the hearings during the Oireachtas committee sessions but I was not convinced by those who made the case for repeal of the eighth amendment. Having looked at all of the evidence, I believe that the eighth amendment has contributed hugely to Irish society. People are walking around Ireland today thanks to these few lines in the Constitution. It has protected women and their babies while at the same time ensured that doctors in Ireland have been able to provide an excellent standard of care for women while they are pregnant. Removing the eighth amendment would have a tragic effect on our country. It would lead to more abortions taking place. This would mean that more babies would lose their lives and more women would suffer from the loss of their baby and the other negative effects of abortion. Women and their babies deserve far better than abortion. They deserve a proper discussion of how to provide real supports that will improve their lives but these supports should not be set beside the removal of legal protection for unborn babies. As legislators we have a responsibility to look after everyone living in Ireland. The way to do that is to keep the eighth amendment and work to improve supports for women and their families. Anything else would lead to the loss of human lives. We can and must do better than this. I will be supporting keeping the eighth amendment.

Deputy Marcella Corcoran Kennedy: I welcome the opportunity to speak on this incredibly important legislation. I thank the Minister for Health, Deputy Simon Harris, and his team for being ready with the legislation following the recent Supreme Court judgment.

Unexpected pregnancy has featured in the lives of women and men in this country and globally for as long as we have existed on this planet. A woman's choice to end a pregnancy has been the subject of great debate in Ireland for decades. In considering this Bill, it is important to look back in order that we can move forward. Abortion was initially outlawed in Ireland in 1861. The relevant sections of this nineteenth century Act remained in law in Ireland until 2013 when they were repealed by the Protection of Life During Pregnancy Act. It remained a criminal offence for doctors to perform an abortion in this country for 152 years. It is absolutely shocking that legislation from 1861 had such an effect on the medical profession in this country. We only have to think back to the Magdalen laundries, to Ann Lovett, the Tuam babies, the

Kerry babies and so many other heart breaking cases to be reminded of how pregnant women suffered at the hands of both the Church and the State.

In considering from where we have come, it is important to look at the availability of the termination of pregnancy in Ireland and how we arrived at our current position. In 1965 in the *Griswold v. Connecticut* case, it was held that the US Constitution implies a fundamental right to privacy and that a ban on contraception was in breach of this right. This was expanded in 1973 in the *Roe v Wade* case. In that case, it was ruled that within this right to privacy was the protection of a woman's choice to have an abortion. Ivana Bacik said this case was a catalyst for conservative forces in Ireland to lobby for a constitutional referendum to reinforce the legislative prohibition on abortion. It was *Griswold v. Connecticut* which was particularly relevant in *McGee v. the Attorney General* in 1974, as it was in this case that an unenumerated right to marital privacy was outlined. In Ireland, this ruling led to the legalisation of contraception and, particularly, was influential for the referendum on the eighth amendment even though the case itself was not about abortion. There were fears that if this right to marital privacy could be interpreted from the Constitution, a right to abortion might also be gleaned as per *Roe*.

In 1983, as we all know, the eighth amendment to the Constitution was introduced. In it, "the State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right." It is my view, and I do not think many would argue with me, that the aim of that amendment was to prohibit abortion being carried out in this country. In that regard, it has failed dramatically, as we know by the evidence presented to us by the Citizens' Assembly and the joint Oireachtas committee that we charged to examine the assembly's report.

Next we come to the *X* case in 1992. This case required that the courts examine for the first time how the right to life of the unborn and the right to life of the mother interact. The ruling was that if there was a substantial risk to the life of the mother, including a risk because of suicide, abortion was to be permitted. While that was a step towards liberalising abortion laws in Ireland, this progress was not matched by the Legislature. We did not react to the ruling at all. There was no new legislation introduced, meaning that the 1861 Act was still in force. This led to great legal confusion for the people on whom we depend most, the medical community. We reneged on our responsibilities in this House at that time. What we did instead was have a referendum in 1992, namely the failed twelfth amendment referendum. This would have stated that suicide was not a substantial risk to the life of the mother for the purposes of obtaining an abortion. The failed twenty-fifth amendment vote in 2002 would have removed suicide as a substantial risk to the woman's life in terms of permitting abortion and would have introduced new penalties for anyone performing such a procedure.

I am talking about women's health care in this regard. Women's health care has no place in the Constitution in my view yet, every step of the way, we have prevented women who needed health care from receiving it by pursuing them through the courts or by obliging them to pursue their rights through the courts. That is completely unacceptable.

In 2006, the case of *D v. Ireland* took place. We hear people referring to the cases of *A*, *B*, *C*, *D*, *X* and *Y*. Let us remind ourselves that in all of those cases, we are talking about human beings - young women who were hoping to have lives, who have brothers, sisters and partners. They are all different cases but we are talking about human beings in our own society. We are not just talking about abstract concepts but people who laugh, cry, are happy or sad and who had aspirations but wound up in the very difficult position of having an unexpected pregnancy. In

the D case, at the European Court of Human Rights the woman argued that she had to travel outside the country for the purposes of obtaining a termination for a fatal foetal abnormality. She argued that her human rights had been breached. Unfortunately, it was established that she had not exhausted all possible domestic options before travelling and therefore there was no breach.

Another element of the right to life of the unborn which the courts have had to establish is what exactly counts as the unborn. In 2006, the case of *M.R. v. T.R. and others* took place, which dealt with *in vitro* fertilisation, IVF treatment. It established that an unborn child must be in the womb. Again, the ruling was appealed to the Supreme Court and was upheld. In the case of *A, B and C v. Ireland*, three women brought a case against Ireland who had all had to travel to the UK to obtain terminations.

Thinking back to Savita Halappanavar, it was when we were considering the Protection of Life During Pregnancy Bill that people began really to realise the legal status of what we have in place here. As those of us who were in the House at the time can recall, we legislated very narrowly in that Bill. Under the provisions of the Act, it is still very difficult for women to obtain the treatment they require and it is also difficult for doctors to define what a real and substantial risk is to a woman's life. Máiréad Enright and Fiona de Londras argue that the court judgments were not written with guidance to doctors in mind. Although the Protection of Life During Pregnancy Bill was written for doctors, the core test it requires them to apply in determining whether a woman is entitled to a life-saving abortion is an unvarnished transplant of the X test. It is very sobering and crystallises matters for me that, under the current legislation, it can be less of a legal risk for a doctor to allow a pregnant woman to die under his care than for him to perform an abortion in Ireland. That is incredible to me. The attempt to balance the right to life of the mother and the right to life of the unborn seems to disregard the health of both, as things stand. Therefore, focusing on the life instead of the health of the woman is extremely challenging. It raises questions. Does an inviolable foetus assert its right to life against a pregnant woman?

The Y case is another tragic case. Again, we have to think of the humanity behind the latter. The events took place with the Protection of Life During Pregnancy Act 2013 in force. She was an asylum seeker who arrived in Ireland and, having been raped on her way here, discovered that she was pregnant. She contacted the relevant authorities seeking an abortion and was told she would need to travel to England in order to terminate her pregnancy. That was impossible as she was an asylum seeker with very little money and restricted travel authorisation. She attempted to get to the UK but was denied entry and sent back to Ireland. As time went on, she was disturbed, concerned about her status and told medical staff that she was suicidal and would die rather than have her baby. Eventually, she attempted to take her own life and went on hunger strike. She was told that a termination would be performed if she started to eat again - this is the awful reality of what we are subjecting people to in this country. In the end, a court order was obtained to force feed and hydrate this young woman and she was forced to deliver a baby by Caesarian section. In heaven's name, is that not enough of a reality for people who are thinking about this to be able to say it is wrong for that to have happened to that young woman? She came to Ireland to seek asylum and what did we force her to do? We forced her to have a baby, conceived as a result of a rape, delivered by Caesarian section.

An Ceann Comhairle: As we have now reached 4 o'clock, I ask the Deputy to propose the adjournment of the debate.

Deputy Marcella Corcoran Kennedy: I propose the adjournment.

Cuireadh an díospóireacht ar athló.

Debate adjourned.

The Dáil adjourned at 4 p.m. until 2 p.m. on Tuesday, 20 March 2018.