



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Céadaoin, 17 Eanáir 2018

Wednesday, 17 January 2018

Chuaigh an Leas Chathaoirleach i gceannas ar 2.30 p.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Leas-Chathaoirleach: I have received notice from Senator Pádraig Mac Lochlainn that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Health to ensure funding sought by Letterkenny University Hospital to reopen the 19-bed short stay ward is provided.

I have also received notice from Senator Keith Swanick of the following matter:

The need for the Minister for Health to address the rationing of life support within intensive care units in the public health system.

I have also received notice from Senator Victor Boyhan of the following matter:

The need for the Minister for Rural and Community Development to provide an overview of the CLÁR programme; if he will give details of the 2017 targeted investment programme awarded for small-scale infrastructural projects in rural areas; and the national financial allocation to local authorities for CLÁR programme areas in 2018.

I have also received notice from Senator Tim Lombard of the following matter:

The need for the Minister for Agriculture, Food and the Marine to include funding for cattle underpasses in TAMS II.

I have also received notice from Senator Jennifer Murnane O'Connor of the following matter:

The need for the Minister of Housing, Planning and Local Government to outline why Carlow has one of the lowest thresholds in the country for people seeking inclusion in the housing list.

I have also received notice from Senator Neale Richmond of the following matter:

The need for the Minister for Transport, Tourism and Sport to address the delays and

overcrowding on the Luas.

I have also received notice from Senator Rose Conway-Walsh of the following matter:

The need for the Minister for Rural and Community Development to provide an update on the construction of a sea wall at Bunnafolly, Doohama, County Mayo.

Of the matters raised by Senators that are suitable for discussion, I have selected the matters raised by Senators Pádraig Mac Lochlainn, Keith Swanick, Victor Boyhan and Tim Lombard and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise. I regret that I had to rule out of order the matter submitted by Senator Neale Richmond on the grounds that the Minister had no official responsibility in the matter.

Commencement Matters

Hospital Accommodation Provision

Senator Pádraig Mac Lochlainn: I have just become aware of this case in recent days in Letterkenny University Hospital. I could give so many more but this example particularly captures the crisis we have at the hospital in so many respects. A 92-year-old man with pneumonia and an underlying heart condition is gravely ill but for 22 hours he did not have a hospital bed. There are so many examples and not a day goes by that in Donegal we do not speak with families and loved ones about usually elderly parents, aunts or uncles being stuck in this position. It is an absolute scandal and the Government is well aware of this.

Last year there were almost 5,000 people on trolleys at Letterkenny University Hospital, which means almost 5,000 human beings were denied dignity and the service to which they are entitled. That is twice the number from 2016, so the crisis doubled in scale. These are the highest numbers since the records of the Irish Nurses and Midwives Organisation, INMO, began. There was an appeal from the Letterkenny hospital management to reopen the 19-bed short stay ward and approximately €1.8 million was applied for. The Department was told about the crisis we are facing and why these beds needed to be reopened but there has been absolute silence from the Government.

The issues at the Letterkenny hospital are much bigger. Deputy Pearse Doherty and I submitted a report last year on the need to invest in Letterkenny hospital, documenting years of historic funding discrimination. Letterkenny University Hospital is the sixth largest hospital in the State. The way it has been treated is wrong. The same applies to the treatment meted out to doctors and nurses who are always praised by the public, and I mean the people who managed to get into the hospital. The difficulty is that everyone concerned is being failed and has been let down by the Government. I hope to hear today from the Minister of State that he will sanction funding amounting to €1.8 million so that the 19 beds can reopen thus ending the trolley crisis at the hospital.

The problem in Donegal at Letterkenny University Hospital has been made worse by the fact that one in four beds in the community hospitals located across the county were closed during the period when the Minister of State's party was in government. As many as one in four beds in community hospitals has been closed and one in three nurses let go. Therefore, we have

a community hospital primary care infrastructure that has been starved of resources. That situation has a knock-on effect on the hospital, which is also starved of resources. The very least the Minister of State can do, as a gesture of goodwill, is give them the resources they need to reopen the short-stay ward that has 19 beds. I urge him to deal with the current crisis and then he can address the wider issue of funding neglect.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Senator for raising this issue.

First, I wish to acknowledge the distress for patients and their families, and the impact on staff, caused by overcrowded conditions in some of our hospital emergency departments, including the one in Letterkenny.

Tackling overcrowding in emergency departments is a key commitment of this Government. As part of budget 2018, an extra €30 million was made available to respond to winter pressures in 2017, with a further €40 million being provided in 2018. As part of these measures, nearly 150 additional beds have been opened this winter in Beaumont Hospital, St. James's Hospital, Naas General Hospital, St. Luke's General Hospital in Kilkenny, Our Lady of Lourdes Hospital in Drogheda, and in Limerick and Galway. Further beds will open throughout 2018, including at Our Lady of Lourdes Hospital, Drogheda, which will see new emergency department and ward capacity come onstream in 2018.

Part of this funding will also be focused on supporting older people to remain in their own homes by providing additional home care packages and additional transitional care beds per week over the winter period. These measures have already been rolled out to targeted hospitals nationally thus helping to alleviate some of the pressure our hospitals are currently experiencing.

In terms of the specific query raised concerning Letterkenny University Hospital, I am aware that a proposal for additional beds in Letterkenny was submitted as part of the winter plan for 2017-18. I have been informed by my officials that these additional beds have not been funded under the winter plan for 2017-18. However, my Department is undertaking a health system capacity review, in line with the Programme for a Partnership Government commitment, the findings of which are due to be published early this year. The review will provide an evidence base for future capacity decisions.

It is important to note that the public hospital system has seen a growing demand for care, and Letterkenny follows this trend. Emergency department attendances at Letterkenny were up by over 1% at the end of 2017, including an almost 5% increase in emergency department attendances by people over 75 years, when compared with 2016. Notwithstanding the pressure on the emergency department at the Letterkenny hospital, it is worth noting that patient experience times in Letterkenny are above the national average. That means patients complete their episode of care more quickly in the emergency department in Letterkenny, which goes back to the point raised by the Senator about the staff, doctors and nurses who work in the hospital.

I shall conclude by noting the commitment given by this Government to develop and improve services at Letterkenny University Hospital, as evidenced by the significant level of investment in capital projects in recent years. These developments include multiple remedial works following flooding in 2013, a new state-of-the-art blood science laboratory in 2015, a new medical academy and a clinical skills laboratory opened last year.

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In addition, the HSE has advised that several important staffing posts are currently being progressed, including for a second consultant endocrinologist and advanced nurse practitioners.

An Leas-Chathaoirleach: I thank the Minister of State for his reply. Senator Mac Lochlainn can make a brief supplementary comment.

Senator Pádraig Mac Lochlainn: The Minister of State's response is quite extraordinary. He acknowledged that an application for funding amounting to €1.8 million was received to reopen the 19 beds. The provision would take some of the pressures off the nurses and doctors who must work in impossible conditions every single day they work in the emergency ward. He has acknowledged the application has been received but the scheme will not be funded. He also mentioned that an evidence-based health system capacity review is under way. What more evidence does the Department of Health need? The numbers have doubled since 2016.

When the Fine Gael Party entered office in 2011, there were hundreds of patients on trolleys in hospitals in County Donegal. Most of those on trolleys at the time were elderly people who had worked and paid taxes all their lives and who expected to be treated with dignity when they got older. Now, the numbers on trolleys in hospitals in County Donegal runs to thousands. In 2017, almost 5,000 citizens ended up on trolleys in Letterkenny University Hospital. How can this evidence not be more clear in terms of the need to invest in more beds in that hospital? It is an absolute sin that a ward of 19 beds is lying empty when it could be put into service and we could solve this current crisis at the hospital. The Government refuses to invest €1.8 million in that hospital. The Minister of State's response is unacceptable. I appreciate that he is taking guidance from hospital management in Letterkenny, but it is an insult to the intelligence of the people of County Donegal to talk about 5,000 people on trolleys, some of whom were processed more quickly in Donegal than in other hospitals. The Minister of State knows that is not an acceptable response. I consider him to be a decent human being. The response he delivered is indecent and intolerable. I appeal to the Minister of State to deal immediately with this matter so that the funding sought to reopen the short-stay ward and bring the 19 beds into operation will be forthcoming. That will take the pressure off the heroic nurses and doctors who are dealing with this crisis. Then we should address the wider issue of Letterkenny hospital later this year.

Deputy Jim Daly: I thank Senator Mac Lochlainn. I appreciate his frustration. I also appreciate his role as a public representative; he is doing a very fine job. He has brought this issue to the notice of the Seanad with passion and conviction. I agree with him and I support him on the principle of opening transitional care beds. That is the way to deal with the issue in the future and that is the way to take the pressure off emergency departments. We need to invest more in that area.

Last year, an additional €30 million was invested in transitional beds. However, this was not sufficient to open additional beds in all the locations in which we wanted to open them. The HSE must work to strict criteria in deciding where to open these beds. For a variety of reasons, it is not always possible to open beds. In my constituency, 25 empty beds are not in operation due to union issues and objections. There are a number of considerations involved - I am not suggesting that this is an issue with Letterkenny - but there are myriad reasons beds can and cannot be opened at a given time and why beds were opened in some places and not in others. The budget was €30 million in 2017 and an allocation of an additional €40 million was made in the 2018 budget to deal with the winter overcrowding in this coming year. I cannot give the Senator any commitment because, as he knows, this is an operational matter for the HSE.

However, I can guarantee that the position of Letterkenny University Hospital will be looked at very seriously again. As resources allow and as other matters fall into line, I hope we can open additional step-down care beds in Letterkenny. That is the practical solution to the problem.

An Leas-Chathaoirleach: I thank the Minister of State and the Senator

Hospital Services

Senator Keith Swanick: I dtús báire cuirim fáilte roimh an Aire Stáit, an Teachta Jim Daly, as bheith anseo inniu. Ba mhaith liom labhairt faoin seirbhís sláinte. Tá cúpla ceist simplí agam. Dhá sheachtain ó shin bhí scéal dochreidte sa *Sunday Business Post*. People were rightly shocked to see the headline “Life or Death: Top doctors say life support now being ‘rationed’” in a newspaper at the weekend. The relevant story by Susan Mitchell, which was published in *The Sunday Business Post*, goes on to state that doctors were forced to make “tough decisions” and prioritise some critically ill patients. It is clearly stated in the article that the crisis stems from a shortage of intensive care beds in hospitals.

I preface my concerns about the problems relating to the intensive care units by stating that the vast majority of people who use the public health system have extremely positive experiences. Let us look at what has been said about the intensive care unit, ICU care. Dr. Tom Ryan, a consultant in intensive care and anaesthesia in St. James’s Hospital is president of the Irish Hospital Consultants Association, IHCA. Two weeks ago, Dr. Ryan noted that we are effectively rationing life support. Dr. Ryan is a senior medical professional who knows what he is speaking about. Dr. Emily O’Connor is President of the Irish Association of Emergency Medicine and a consultant in emergency medicine in Connolly Hospital Blanchardstown. She stated that doctors were having to make “tough decisions about which critically ill patients to prioritise”. I could quote from members of the Irish Nurses and Midwives Organisation, INMO, SIPTU and other unions who are on the front line in intensive care units. The Irish Medical Organisation, IMO, and the Royal College of Surgeons in Ireland have repeatedly warned about cuts in bed capacity and the impact on patient safety. What do unnecessary risks or tough decisions actually mean?

The absence of a post-operative bed in an intensive care unit, ICU, means that critical life-saving surgery is delayed, deferred or - God forbid - cancelled. No doctor ever wants to be in this position. It runs contrary to our Hippocratic oath, contrary to the guidelines of the Medical Council, and contrary to the reasons many of us decided to get into medicine and health care. Doctors routinely have to sit down with family members and loved ones and say that in their professional opinion, having reviewed and assessed all of the options, the likelihood of survival is slim. Some of us have to give this bad news thousands of times in our professional lives. I can remember the first time I had such a conversation. I assure the Minister of State that it never gets easier. I never thought that one of these reasons might be that an ICU bed was not available.

In 2018 we were told by the Government that we were the richest in Europe and had the fastest growing economy in the eurozone. There is something profoundly sick about the fact that ICU beds are being rationed. This is why the type of problems being experienced within ICUs is so alarming. The failure to provide emergency surgery because of the absence of an ICU bed is nothing short of a national scandal. There can be no surprise that there is a shortage of ICU beds. It was highlighted for the HSE in 2009, but cuts of €576 million have been made to the

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capital budget for acute hospital care in the past ten years. What makes it worse in the case of ICUs is that it directly impacts upon serious elective surgery, such as procedures for treating cancer, and hinders doctors from escalating really medically sick patients, for example a patient with pneumonia, from the medical ward into an ICU bed.

Knowing what I know and speaking to people on the front line I can only conclude that the medical outcomes of people have been compromised and that people are dying as a result. This is a very serious thing to say but it is unfortunately the case. People are dying as a result of the absence of ICU beds.

Deputy Jim Daly: I thank Senator Swanick for raising this issue and giving me the opportunity to provide an update to the House.

I fully accept that there are critical care capacity deficits in hospitals across the country. I recognise the ongoing challenges this presents and also its impact on patient flow within emergency departments. Currently, the annual national adult critical care bed capacity census reports a capacity of 240 adult critical care beds as of 30 September 2017. The HSE national service plan for 2018 recognises that, following the organisation of hospitals into hospital groups, it is clear that critical care capacity building is required in the hub hospitals in order to meet the ongoing and increasing critical care requirements of complex, multi-specialty, severely critically ill patients.

I assure the Senator that the 2018 service plan identifies increase of critical care capacity as a priority for this year. In particular it identifies the opening of additional high-dependency and critical care capacity at Cork University Hospital and the Mater Hospital as specific priority actions. Hospital groups are also facilitating the implementation of the national critical care nursing workforce plan, Career Pathway, to recruit nursing graduates.

The Senator may also be aware that my Department is undertaking a health system capacity review, in line with A Programme for a Partnership Government commitment, which is examining health service capacity across all key areas of primary care, acute care and services for older people. This includes examining current and future demand, capacity for adult critical care and the need for additional adult critical care capacity up to 2031, taking into account demographic growth.

Senator Keith Swanick: I thank the Minister of State. It is worth noting that the HSE commissioned the Prospectus report in 2009, which recommended that the number of ICU beds be increased by 45% immediately and be doubled by 2020. These recommendations have not been acted upon and no additional ICU beds have been provided. An additional 1,500 acute hospital beds have also been closed. Dr. Fergal Hickey, who was a consultant in emergency medicine in Sligo University Hospital, said that an estimated 300 to 350 patients - real people - are dying every year due to a shortage of critical care beds. Does the Minister of State agree that the number of ICU beds must increase? What timeframe does the Government have for this? Does the Minister of State agree with the hospital consultants that the number of additional acute hospital beds that are required to provide an internationally accepted standard in Ireland is 4,000? By OECD standards, Ireland is one of the top spending countries in health. Something is seriously wrong when the number of acute hospital beds here is one of the lowest of all OECD countries. That is the fundamental problem.

Deputy Jim Daly: I assure the House that my Department is committed to working with

the HSE to address the clearly identified need for critical care capacity over the coming years. I absolutely agree with the Senator. I acknowledge the issue and, as I said earlier, it is recognised as a priority for the year ahead by the individual hospital groups. The implementation of hospital groups facilitates further reorganisation of these services across hospitals in line with the hub-and-spoke model. Over the medium to long term, the health service capacity review will provide the basis for determining the extent of the capacity requirements over the next 15 years and the type of capacity needed. The findings will also inform the development of a new ten-year national development plan. Work on the HSE capacity review is at an advanced stage and I expect to receive the final report very shortly. I intend to bring the report to the Government and have it published as soon as possible thereafter.

The Government is committed to making tangible and sustainable improvements in our health services. The health service capacity review was a key element of this and the Sláintecare report provides a framework and direction of travel for improvement. The Government has already given its approval to move ahead with the establishment of a Sláintecare programme office in the Department of Health. The role of executive director of the Sláintecare programme office was advertised on Friday 12 January, as the Senator is aware, by the Public Appointments Service.

On his specific question about consultants and the 4,000 beds, the Senator will appreciate that prior to the publication of the capacity review it would not be appropriate for me to comment on any numbers or figures in that regard.

CLÁR Programme

Senator Victor Boyhan: I welcome the Minister for Rural and Community Development, Deputy Ring. I especially wish to acknowledge that the Minister is responsible for CLÁR and that it was he who reopened the programme in 2016. While the Minister might be based in Dublin 4, he is certainly working hard for rural communities. It is interesting to note that the CLÁR covers a programme relating to various counties or parts of counties: Cavan, Clare, Cork, Donegal, Galway, Kerry, Kilkenny, Laois, Roscommon, Sligo, Tipperary, Waterford, Westmeath, Wicklow and all of County Leitrim, which is the only entire country within CLÁR. It is an important measure. It ties in with the Government's commitment to the Action Plan for Rural Development. I am very aware of all the objectives of that. It is important that we hear how the 2017 programme went, what are the Minister's intentions for funding the CLÁR programme and any plans for bringing it forward into 2018. It is an important programme in the context of rural development and it acknowledges that there is a need for investment in rural communities. I thank the Minister.

Minister for Rural and Community Development (Deputy Michael Ring): I thank Senator Boyhan for raising this issue and for the other issues he has raised regarding rural Ireland. I am glad the Senator has a concern. I appreciate that and the support which he and others gave me in the Seanad when we discussed rural issues before Christmas.

The CLÁR programme provides funding for small-scale infrastructural projects in disadvantaged rural areas that have experienced significant levels of depopulation. The aim of CLÁR is to support the sustainable development of identified CLÁR areas with the aim of attracting people to live and work there. The funding works in conjunction with local funding and on the basis of locally identified priorities.

The programme was originally launched in October 2001 to provide for targeted investment in disadvantaged rural areas. The areas originally selected for inclusion in the programme were those which suffered the greatest population decline from 1926 to 1996, with the exception of the Cooley Peninsula, which was included on the basis of the serious difficulties caused in that area by foot and mouth disease.

The average population loss in the original CLÁR regions over the period 1926 to 1996 was 50%. In 2006, an analysis of the 2002 census data was carried out by the National Institute for Regional and Spatial Analysis at Maynooth University and the programme was extended to include areas with an average population loss of 35% between 1926 and 2002. CLÁR was effectively closed to new applications from 2010 and all funding provided over the period 2010 to 2015 was in respect of prior commitments. However, the Government relaunched the CLÁR programme on 6 October 2016 based on the original areas outlined above, with a focus on three separate measures. The first measure concerned safety measures for schools and community or sports facilities, the second measure concerned playgrounds and multi-use games areas and the third measure concerned local access roads.

On 1 December 2016, the allocation of €8.293 million to 651 successful projects under the programme was announced. The 2017 CLÁR programme, with an indicative allocation of €5 million, was launched on 31 March 2017 with a closing date of 5 May 2017. Funding for the programme was available in 2017 under four separate measures. The first measure concerned support for school and community safety measures, the second measure concerned play areas, the third measure concerned targeted community infrastructure and the fourth measure concerned first responder supports. In total, more than 500 applications were received, to the value of €15 million, across the four measures. Applications under the first, second and third measures were submitted through the local authorities while applications under the fourth measure were submitted from voluntary organisations involved in community-based response to emergency situations. In total, just over €7 million was allocated to 231 successful projects, across the four measures, ranging from pedestrian crossings at rural schools to emergency response vehicles.

However, in order to ensure that the CLÁR programme continues to target the most appropriate rural areas, I am committed to carrying out a review of the areas covered under the CLÁR programme during 2018 in light of the most up-to-date population position as published by the Central Statistics Office in 2017. I have secured a budget of €5 million for CLÁR for 2018 and decisions regarding the measures that might be funded for 2018 will be made available shortly.

Senator Victor Boyhan: What the Minister has secured for CLÁR is really good news. Will the Minister release or publish the national map setting out the CLÁR areas? Some people are still in doubt about that. It is also important to keep local councils informed of what is going on. Departments tend to engage with local authority executives but not necessarily local elected members. The Minister will appreciate that his party has a large number of local members, both elected and non-elected, who are very active in rural communities throughout the country. Therefore, given that there have been some changes since the last one two years ago, could we get the map? I also ask that local authorities are kept informed about the work because it is really positive, and it is important that it is made known. I thank the Minister for attending and giving us his time.

Deputy Michael Ring: I will get the Department to send the Senator the maps. Every local authority area has its map because they have to consider these maps when making their applica-

tion under the CLÁR programme. The Senator made a valid point. In my area, there are towns and, in particular, villages that are in CLÁR and others that are not in it but should be. I have to be careful how I put it but there are villages where one would feel they have a better standard of living and more people are working and employed there than in other areas. I saw it myself. An area that made an application for a scheme did not qualify because it was not in the CLÁR programme. I would consider this area to suffer major disadvantage. Therefore, I intend to carry out a review of the scheme.

One of the best aspects of the scheme is the first responder supports. Last week, we provided funding of more than €500,000 for doctors who are on-call and make themselves available in a voluntary capacity. Renault sponsored a number of vehicles throughout the country and I helped to fit out the equipment. These first responders, as they are called when there is an accident, have saved many lives in rural parts of Ireland. There is the Order of Malta and there are many other voluntary organisations. They give of their time to provide a service for communities and they are expected to also collect money for vehicles that can cost anything up to €100,000, which does not make sense to me and that is why I brought in this scheme. Last year I asked the local authorities and the communities if they wanted to make an application for a miscellaneous scheme. I will do the same again this year. I did it on the basis that if there was something I felt several communities needed I could consider a scheme for the following year.

I would love to have more money for the CLÁR programme. It was one of the better schemes in respect of local authority expenditure and how it worked. I intend to open it again early in the new year along with the local improvement scheme, LIS. I will review the overall context of the CLÁR programme, who is in and who is out. We need to have guidelines because we want to identify and target the disadvantaged areas, particularly in CLÁR.

TAMS Administration

Senator Tim Lombard: I welcome the Minister for Agriculture, Food and the Marine to the House and compliment him on the good work he is doing in the Department.

I would like him to include cattle passes in the targeted agricultural modernisation scheme, TAMS II, which was launched in 2015 with a budget of almost €400 million. We are halfway through that programme and farmers have shown significant interest in it. To date almost 12,000 farmers have applied to the scheme which is positive because the scheme helps them modernise.

Halfway through TAMS II, however, only 10% of the money has been drawn down. There are many applications in the system. I have asked before that we expand it by including generators but today I want it to be expanded to include cattle passes. Farmers on fragmented farm holdings, some in dairy, which have expanded, have unfortunately seen large numbers of animals cross roads, main roads and byroads. It is dangerous. It is also a drain on manpower if a herd is crossing a road. Labour is a problem on farms. We have a real commitment and vision in the food policy, Food 2025. There has been a large increase in the volume produced on dairy farms in recent years. A step towards helping these farmers modernise their systems would be to expand TAMS II to include cattle passes, which would in turn help with labour and health and safety problems.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I thank Sena-

tor Lombard for raising this matter and welcome the opportunity to outline the current position regarding TAMS II.

During 2015, a suite of six measures was announced under TAMS II. These measures were launched under the Rural Development Programme 2014-2020 and are co-funded under the European agricultural fund for rural development, EAFRD. The measures provide grants for capital investment in physical assets to assist the Irish agriculture sector to respond to a range of policy challenges. The six measures initially launched were: the young farmers capital investment scheme; the dairy equipment scheme; the organic capital investment scheme; the animal welfare, safety and nutrient storage scheme; the low emission slurry spreading scheme; and the pig and poultry investment scheme.

The objectives of the scheme include enabling growth and competitiveness in the sector, addressing environmental and climate change issues, supporting the increased efficiency of holdings and improving animal health and welfare. In addition to these objectives, the young farmer capital investment scheme aims to address one of the key structural issues in the sector by specifically targeting support at young trained farmers, offering them a higher rate of grant aid at 60%, compared to the standard rate of 40%.

In March last year an additional measure, the tillage capital investment scheme, was added to the list of measures. One of the objectives of this scheme is to facilitate the tillage sector to develop a targeted and precise approach, focusing on environmental dividends, efficiency and growth. There is a huge variety of items available under the suite of seven targeted agricultural modernisation scheme, TAMS, measures.

In all measures, applications and payment claims must be made online, either by the farmer or by an adviser authorised to act on the farmer's behalf. The final allocation in respect of TAMS II for the full rural development programme will be in the region of €395 million. In order to encourage the drawdown of funding, provide increased budget certainty and ensure that all farmers can avail of funding over the entire period of the rural development programme, from the sixth tranche onward the length of time in which to undertake the works approved was reduced from the three-year period in previous tranches to six months for mobile equipment and 12 months for fixed building works. The period for the completion of works approved or to be approved under previous tranches remains unchanged. I am delighted that the scheme has proved to be so popular with Irish farmers, with more than 15,500 applications submitted to date. Of these, more than 12,500, 80% of the total, have been approved to commence work.

The figures are much lower where payment claims are concerned. It is open to approved applicants to submit an online payment claim as soon as they are in a position to do so. Within the approved deadline, the timing of the submission of a payment claim is entirely a matter for individual farmers, and when they carry out the approved works is up to them. To date, just 3,500 payment claims have been submitted. The Department has actively encouraged all approved applicants to submit payment claims, including by contacting approved applicants individually by text message. I urge all approved applicants who have completed their works to submit a payment claim as soon as they are in a position to do so.

To date, payments have issued in more than 2,600 cases, amounting to a total of more than €36.5 million. All payment claims are examined and paid as soon as possible after they have been submitted. Where any issue arises with a payment claim, the applicant concerned is contacted directly by the Department to resolve outstanding issues. All 12,500 approvals issued

represent potential outstanding liabilities for the Department. Until these approvals mature to payment stage, or the timeframe of the approval expires, a budgetary provision must be available to make payments. Until the budgetary position becomes clearer, it is not possible to consider adding additional items, including cattle underpasses, to the comprehensive list of investment items already available under the suite of seven TAMS II measures. It is not proposed, therefore, to add any additional items at this time.

Senator Tim Lombard: I thank the Minister for his comprehensive response and for the update on the TAMS scheme. He is right in saying that it is a very important scheme, and the uptake among farmers, with more than 12,500 applying, is very much welcomed. Again, it comes down to the payment and the actual payment scheme. In many ways it is in the farmers' hands. They must move the projects forward and trigger the payment. When will the Minister have an indication of whether there will be money left over from the scheme? Does he know a date on which these applications will mature and will not be drawn down? I expect that a cohort of applications in the system will not be drawn down.

Do we know the date on which this cohort will fall off the system? We might then know when the funds assigned to them would be made available, and thus be able to extend the scheme to cattle passes or even agricultural generators. I know it is an issue of timing, and I appreciate that the Minister is under pressure, but it is important that at some point we get a budgetary figure and amend it appropriately.

Deputy Michael Creed: I thank Senator Lombard. The scheme is extremely attractive and successful, not least because of the level of grant aid but also because of the range of projects covered under it, which are myriad across a number of sectors in agriculture. A total of 15,500 applications have been made under it. Some 12,500 applications have been approved but in only in the region of 2,500 of those approved have payments been claimed. The problem for the Department is getting certainty around the intentions of those who have approvals outstanding but where no claims have been submitted. We have applied a time limit to more recent tranches of applications whereby an applicant has a six month period for an application for mobile equipment and a 12 month approval period for buildings.

The unfortunate reality for a substantial number of applications prior to that stage is that they have had a three year approval process and that three year process has not begun to expire yet. It is probable that a number of those approvals will not proceed. Currently, they may be resubmitted at a later stage but it makes it difficult to consider at this point in time whether there is sufficient head room to consider other items under the rural development programme and the targeted agricultural modernisation scheme, TAMS. There is no shortage of asks.

I appreciate the points the Senator has raised here and with me privately about underpasses. I accept the principle of the point made, namely, that the absence of underpasses makes it difficult to farm fragmented holdings, particularly dairy holdings where crossing busy roads multiple times each day is necessary.

There is no shortage of asks in respect of TAMS. The Deputy also mentioned generators and that is another area where there is interest. The list of asks is very long but until we get greater financial certainty around what are the intentions of numerous approved applicants whose applications are timed to expire as this year progresses, we will not have sufficient clarity as to what head room is available.

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Sitting suspended at 3.20 p.m. and resumed at 3.30 p.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, statements on the report of the Joint Committee on the Eighth Amendment of the Constitution, to be taken at 4.45 p.m., with the time allocated to each Senator not to exceed ten minutes. Time can be shared.

Senator Catherine Ardagh: To start with I will mention the Kerry babies case and the gross miscarriage of justice against Joanna Hayes and her family. Yesterday the Garda apologised to her family but we must call on the Government and the State to apologise to her and her family for what was a gross and unbelievable miscarriage of justice.

I was two at the time. I learned yesterday from various journalists who attended the tribunal how the family and Joanna were bullied by gardaí and coerced into signing statements on the matter. She was traumatised by the tribunal and by arms of the State on the matter. When she was vindicated by her blood samples which showed she was not the mother of the child, they came up with a theory of superfecundation, a word the whole country looked up yesterday. The mind boggles; it was like seeing a horror movie mixed with an episode of “Father Ted”. It is time for the State to clean up its act and treat women properly. The State’s treatment of women has been awful. It is something we need to look at very clearly and carefully. I hope the Government takes it on board and issues an apology to Ms Hayes and her family immediately.

The second issue I will raise is the housing crisis. We did not see an improvement over the Christmas period. There are 91,000 people on social housing lists and over 3,000 children living in homeless accommodation. The Minister is coming out with figures and changing the goalposts. He is contradicting himself left, right and centre. Every day in all of our clinics, the biggest issue we hear about is housing and homelessness. It cannot continue this way. We need to see proper action, a proper plan and a State-wide social housing programme. I call on the Government to initiate one without delay. I ask the Government to implement an ambitious, city-wide or State-wide house building programme.

Senator Victor Boyhan: I will raise three issues. The first is the fodder crisis. The Leader indicated that the Minister for Agriculture, Food and the Marine will come to the Seanad. We should ask him to specifically address the fodder crisis in the north and west as a result of the bad weather. The Minister spoke at some length at the IFA annual general meeting yesterday. The Taoiseach attended the AGM yesterday and expressed some concerns about a number of issues in agriculture. That resonated very well with the IFA. It is indebted to him. It appreciates the Taoiseach and the Minister attending its annual general meeting yesterday. It is a sign of their enormous interest in rural Ireland and agriculture. That is important. There has been some suggestion by the IFA and other organisations that a voucher scheme for supplementary nuts, silage or hay should be introduced. It needs to be done. There needs to be a single strong message in the Department’s response to the situation. I would appreciate if the Leader could do that.

I acknowledge the sad passing of a former Senator, Dr. Maurice Hayes, who served two terms in the Seanad. I know we will have another opportunity to pay tribute to him. He was a very proud Ulsterman. He was a personal friend of mine. I worked closely with him and served with him on the National Forum for Europe for over five years. He brought amazing skills.

That is for another day. I acknowledge that on our first day back since his passing.

I wish to raise an issue that appeared in today's Inside Politics digest of *The Irish Times*. I will not mention the journalist's name because that is not appropriate. More important is the issue. It stated:

The Seanad is back from its Christmas break and will ease into the day at 2.30 pm with commencement matters, followed by the order of business, otherwise known as the procession of windbagging.

I think that is grossly offensive and grossly insulting. People will say a clever politician would not get up and criticise the media for fear that he or she would not get coverage or support.

Senator Terry Leyden: The Senator certainly will not.

Senator Victor Boyhan: I think it is a disgrace. I see enough journalists around this House every day, but I do not see them in here. I do not see them commenting about what we do on Commencement Matters. I am more interested in people taking the time to come in here and listen. They do not even have to come into this Chamber. They have the privilege, as many of us have, of looking at proceedings on monitors in their offices. I recognise the media have an enormous job and make an enormous contribution, and we need to work together. As we start another year, I ask them to get up here, take the time to get on with the real job of journalism, which is not walking the back corridors of Leinster House but being in here listening to constructive and positive debate in which we partake.

I want to send that important message, particularly to *The Irish Times* journalists who are spending a lot of time talking about their tracker poll on the referendum. They are spending a lot of time sending emails and looking for responses. Let them get up here and deal with the real work that is exercising the people of this country on a daily basis, namely, housing, employment - to a lesser extent - and education. There are bigger issues that we need to look at. I appeal to journalists, particularly political journalists, to get into these Houses and do the real job of journalism and report about work.

Senator Rose Conway-Walsh: I start by wishing everybody a happy new year. I congratulate the Cathaoirleach on his marriage to Con.

(Interruptions).

Senator Rose Conway-Walsh: Not the Cathaoirleach.

An Leas-Chathaoirleach: A little longer than that, you know.

Senator Rose Conway-Walsh: I think we would have heard about that, a Leas-Chathaoirleach.

An Leas-Chathaoirleach: You probably would have.

Senator Rose Conway-Walsh: I congratulate the Leader on his nuptials over the Christ-

mas period.

I also send the solidarity of the House to Joanne Hayes and her family. I acknowledge the absolute injustice and torture she suffered at the hands of the institutions. One can only come to the conclusion that there was absolute collusion between individuals working in those institutions to be complicit in her torture over months and years. That must never happen again. One thing that has improved in a sense is that now people are not willing to stand by and let these things happen. However, it shows the younger generation exactly how women were treated in this State. We hope it will never happen again.

There should be an inquiry into the behaviour of those involved in making the decisions that led to the treatment of Joanne Hayes. It is not something that can be let lie. I am very conscious that behind this there is a woman and a family, who must have control of what happens from here on in. She should be substantially compensated. She can never be truly adequately compensated for what has happened to her, but she should have a say in that. I do not want this just to be another outcry which is then dropped. It needs to be brought to a conclusion once and for all. Those who behaved in the way that they did need to be held accountable.

I commend my own colleague, Deputy Louise O'Reilly, our spokesperson on health, on bringing together today the Irish Medical Organisation, IMO, the Irish Association of Emergency Medicine, IAEM, the Irish National Midwives Organisation, INMO, and SIPTU representing the care workers, to tell us their experiences of working inside the emergency departments of this State. What they said was not news to any of us. However, it really brought it home that, across the board, the clinicians and the workers are working in a very dangerous and toxic environment, both for themselves and for the patients they see. They are really concerned that we need an accelerated programme of reinstating beds. They have the solutions. That is why we do not need the review of the bed capacity. We do not need any more evidence. The evidence is already there.

I encourage people working inside the system to come forward. They have been targeted in the past. I know myself when we have had community campaigns, where individual nurses who supported the campaigns, either to keep hospitals open or to keep beds open, have been targeted. That must stop. We must have a critical mass working with the public and a critical mass of workers to come forward to say that these situations are dangerous and they can no longer go on.

I ask the Minister for Health to come into the House, maybe even to specifically address the situation of workers. It is not good enough that every time the Minister is coming all the beds are cleared and everything is made to look rosy. The management within some of these hospitals are telling clinicians and nurses that if they do not like it, they can leave it. We have to stand up for workers in these situations.

Senator Frances Black: I would also like to highlight the audiovisual room event that was on today around the emergency crisis. Even though we all know there is a crisis, it is just shocking to hear the stories. That is what was really most upsetting. I refer in particular to the choice of who can have a bed, whether it be a 90 year-old woman who is very sick with a bad chest infection or a 45 year-old woman who might have breast cancer. They have to choose which one gets the hospital bed. It really is shocking to think that this is going on in this day and age. There were many more stories like that. It is awful. I have had relatives myself who have had to wait two days to get a hospital bed.

I want to highlight an issue around homelessness and the short notice period that tenants are facing if landlords attempt to evict them. The notice periods for rental properties range from 28 days for tenants in the property less than six months to 56 days for tenants *in situ* for two to three years. In the current housing crisis, with so few available rental properties, it is obvious that these notice periods are not enough for anyone to get alternative accommodation. It is very worrying. I know that myself. We all have adult children and it is very worrying that they cannot seem to get accommodation these days. Perhaps we can get the Minister in to give us an update on what has been going on and what kind of work has been done, if at all possible. It would put us all in the picture.

Today though, I mostly want to express my sympathy to Ms Joanne Hayes, and indeed the whole Hayes family, for the trauma they suffered. It is being revisited now with the reopening of the case of the killing of the Caherciveen baby. The Hayes family were forced by the gardaí to sign statements. A group of gardaí had already decided that Ms Hayes had killed a baby found on the beach in Caherciveen. It should be remembered that Ms Hayes had told the gardaí where she had placed her stillborn child and this was ignored. I welcome the fact that an investigation into the death of the baby found in Caherciveen is now being reopened because of new DNA evidence. However, this investigation could have been carried out 34 years ago if the gardaí involved had believed Ms Hayes. The methods used by gardaí involved in the case to extract confessions should also be investigated and other cases examined which relied on statements given to these gardaí should be examined. I mostly want to express my sympathy today to Ms Joanne Hayes and her family.

Senator Ivana Bacik: I join others in expressing solidarity with Ms Joanne Hayes and her family in the context of the reopening of the case. I am glad to see it reopened. However, I do think a State apology would be appropriate. Like others, I was too young to know the details of the case at the time. I do remember in school hearing about it and being aware even then of the immensely brutal way in which Ms Hayes was treated by the gardaí. At the time a “heavy gang” was operating within the Garda and there was quite a notorious culture with regard to the extraction of confessions. Mr. Brendan Kennelly at the time described the treatment of Joanne Hayes as being akin to a medieval witch hunt. At the time, there were a number of appalling cases in which the State failed women, particularly young women. I am thinking about the Ann Lovett tragedy that occurred around the same time. It was just the year after the eighth amendment had been passed and Members will have a debate on the committee’s report on that today. Perhaps it is a time for us to reflect, looking back on those events decades ago, on how the State mistreated women and how we hope things have changed. A State apology would reflect that change and give recognition to the immense injustice done to Joanne Hayes and her family at the time.

I ask for a debate on the ongoing crisis in Syria. Unfortunately, we saw some very sad developments over the Christmas break as there is a real and ongoing humanitarian crisis in Ghouta and Idlib. Members will have a debate on foreign affairs in the coming weeks and I might raise this with the Minister in that context. I will certainly raise it at the foreign affairs committee. It is important that Ireland should do as much as we can to highlight the extreme emergencies of east Ghouta and Idlib and the immense pressure on civilians. I know quite a number of patients are awaiting medical evacuations in besieged eastern Ghouta but despite quite a bit of public focus on that crisis over Christmas, only 29 of those patients have been evacuated and at least 529 more still require urgent medical treatment. It is a similar position for people awaiting medical treatment in Idlib, where there are increasing civilian casualties. It

is a somewhat forgotten tragedy in the sense that public focus has shifted somewhat from it but I hope we can raise it with the Minister in a debate in this House in the coming weeks.

I welcome the announcement in the legislative programme for this term that we will have progress on the gender pay gap transparency legislation. I had the pleasure of speaking at a symposium on the gender pay gap last week organised by the Ministers responsible for justice and business and enterprise. They gave assurances and the Minister for Justice and Equality, Deputy Flanagan, in particular indicated he would progress our Private Members' Bill, which has passed through Second and Committee Stages in this House with Government support. I ask the Leader to make inquiries as to when we might see the Bill on Report Stage and if it can be debated in Government time or it needs to be discussed in Private Members' time as a Labour Bill.

Senator James Reilly: The leader of the Sinn Féin group raised our current difficulties in the health service and we are all aware we need more capacity. We are now fortunate as a nation to have additional funds for the health service. However, there must be acknowledgement from people that having had so many cuts and the reality of the troika in town, which was checking reports every three months and was not prepared to write the cheque for the following three months if the report did not come in as expected, we have much ground to make up. One cannot possibly hope, within a couple of years, to restore our service on the basis of getting back to an OECD average when there were so many years in which we were so far behind.

Beds are of course an issue but reform is equally important. We must move away from an illness-based health service towards prevention and early intervention. That means there should be a new GP contract and restoration of the cuts made on foot of the financial emergency measures in the public interest legislation. Everybody experienced those but they have not been reversed at all in general practice, which is having a very negative effect. We also need more access to diagnostics for GPs. I want to be able to look after my patients by ordering an X-ray or ultrasound so as to manage the problem without them ever having to go to hospital, if possible. We need more home help and day hospitals, where people can be absolutely assured that a procedure will take place because the bed would not be occupied from the night before. There is a wonderful opportunity for outpatient follow-up to be carried out in the community, nearer patients.

There are many other matters that could be addressed but I will not get into them because I wish to raise an issue I have raised a number of times before. It is the anomaly in the pension system brought about by previously passed legislation. The anomaly has resulted in upwards of 36,000 pensioners being discriminated against, many of whom are women who took time out of work to raise children, who are the future of our nation, or looked after loved ones who otherwise would have ended up in State care thus costing the State considerable sums of money. Not alone have they lost out by giving this service that was born out of love, they are now being penalised for saving the State money.

I am very much encouraged by what the Minister for Employment and Social Affairs has said and hope that she will bring this issue to the Cabinet this week. I also hope, arising from that, restoration will be made immediately in terms of current pay and that the back pay issue can be resolved over a slightly longer period. It is important to remember that for many of these people, who are mainly women, time is not on their side, so we need to urgently address this injustice.

Senator Gerry Horkan: I wish everybody a happy new year. I hope everyone has a productive, healthy and happy year. I also congratulate the Leader of the House on his recent marriage. I congratulate him and his new husband.

I wish to refer to the proposed worldwide ban on the importation of plastics by China, which is an issue that is becoming more relevant by the day. China proposes to ban imports from Ireland and many other countries. I understand that 95% of this country's plastic waste has gone to China in recent years. Therefore, it is important that we invite the Minister for Communications, Climate Action and Environment to this House to discuss the measures that are being taken and will be taken to resolve the issue. There have been fires in recycling depots here in the past number of years. We do not need the stockpiling of various types of plastics to develop. I refer to the more useful ones that are recyclable and the other plastics that tend to end up in the process as well.

Notwithstanding all of that, Ireland has come a long way with the introduction of the plastic bag tax, better light bulbs, pay-by-weight waste collection, a ban on the use of smoky coal and the introduction of a recycling scheme for waste electrical and electronic equipment, WEEE. All of these measures were implemented by previous Fianna Fáil Governments. We need to consider how we generate waste now. We must come up with ways to reduce, reuse and recycle as much as possible because landfill is a thing of the past. The new thermal treatment plant, waste to energy incinerator or whatever one wishes to call it, which depends on one's perspective, is located in Dublin. It is operating at capacity despite all of the talk that it would not even be half full when it opened. I remain to be corrected on that aspect but that is my understanding of the issue.

It is important that the Leader arranges a debate on the matter with the Minister soon because waste is a health issue. Health affects people when they are unwell and housing affects people, particularly if they do not have a house. However, every single household in the country produces waste so each household should be encouraged to have many ways to responsibly dispose of their waste. By that I mean in such a way as to minimise the amount of waste that goes to landfill or is incinerated.

We need to talk to producers about banning certain types of packaging that is not recyclable. For example, the polystyrene sheets that are used to wrap food and provide pizza bases and fast-food boxes. Many producers are using more sustainable packaging but some do not. We should aim towards households and businesses being able to say they have a strategy where they do not have residual waste for landfill or incineration, that as much of what we consume is reusable and, ideally, a reduced amount of packaging. We have all heard about people getting packages over Christmas that comprised of huge cardboard boxes that had a huge amount of paper inside or plastic packaging to wrap a tiny product. I call on the Leader to arrange a debate, as a matter of urgency. I am conscious that the Green Party has prepared a Waste Reduction Bill but that is not why I have raised this issue. I note that the Green Party has called for a discussion on waste reduction. Waste is a topic that affects every house in this country and must be tackled, as a matter of urgency.

Senator Gerard P. Craughwell: I know that the Leader missed me on the day of his nuptials. I did try to get to his wedding. I wish him and his husband the very best and congratulate them both.

Senator Jerry Buttimer: The Senator was too busy canvassing.

17 January 2018

Senator Gerard P. Craughwell: I want to discuss the serious issue of social media. My colleague and the Leader's colleague, Senator Noone, was charged with the responsibility of chairing the all-party Committee on the Eighth Amendment of the Constitution. She did it as a professional and worked hard. It is probably a bit unfair of me to mention her while she is sitting here in the Chamber. She was subjected to the most vile attacks on social media over the past few days, which is outrageous. The woman did nothing but the job she had been given by the Taoiseach. I gather the attacks did not come from Ireland but Massachusetts in America.

Is that what we are facing into now, as we enter into what will be a terribly difficult time for this country? Will these outsiders be interfering in Irish social issues?

Let me tell the House that I had the pleasure this week of having two people removed from Twitter for ongoing attacks on me. Can I advise Senator Noone that she do the same. If we see one of our Seanad colleagues being attacked, we should have the courage to stand up for him or her. They are only doing a job. Nobody in Parliament likes having to deal with difficult issues, but like it or lump it, we have to do it. That is what we are paid to do.

I had the pleasure of attending the retirement of Sergeant Major Noel O'Callaghan in Athlone recently. Mr. O'Callaghan is one of our finest soldiers. He has a major issue with the raising and lowering of our national flag. Some time ago the Taoiseach said there
4 o'clock was no need to lower the flag. It is a great military ceremony every day to have the flag raised and lowered in a military barracks. Mr. O'Callaghan is correct in what he says, namely, there are national flags in tatters hanging out of buildings all over the country. That is not just disrespectful, it is disgusting to witness.

I ask the Taoiseach to reconsider this and return to raising the flag at sunrise and lowering it at sunset and giving it the respect to which it is entitled.

I wish Members a happy new year.

Senator Ray Butler: When the Senator gets the new job in the Phoenix Park.

Senator Jerry Buttimer: The Senator and Senator Daly.

An Leas-Chathaoirleach: The Senator will have his opportunity.

Senator Martin Conway: I agree wholeheartedly with Senator Craughwell's comments on the treatment of Senator Noone on social media.

Today I wish to address something that has been going on in this country for a long time, namely, the situation in Caherciveen and the treatment of Ms Joanne Hayes. As a young fellow, I followed the tribunal and was quite shocked at the behaviour back then.

An Leas-Chathaoirleach: She is from Abbeydorney.

Senator Martin Conway: I am fully aware of that. Kerry is a big county. I listened very carefully to "Prime Time" last night and to the journalists who wrote the book about that particular incident. An Garda Síochána has a lot of questions to answer about not dealing with this situation in the 1990s. DNA and DNA profiling was available in the 1990s. Mr. Gerard Colleran was quite right in what he said last night in that the gardaí have serious questions to answer as to why they did not deal with this particular case in the 1990s.

It is absolutely appropriate that An Garda Síochána apologised to Ms Joanne Hayes. It was also appropriate that the Taoiseach apologised to Ms Joanne Hayes from Strasbourg today. I have no doubt that in the fullness of time, an appropriate State apology will be delivered in Dáil Éireann on behalf of the State by the Taoiseach. It is the appropriate thing to do.

I also noted the Taoiseach's comments that in due course the State will engage with Ms Joanne Hayes's representatives as regards compensation. I believe the Garda has not answered the questions in full. An answer and an explanation is required to the very pertinent questions that Mr. Gerard Colleran asked on "Prime Time" as to why this did not happen in the 1990s, even though the Garda had been asked *ad nauseam* to reopen the case and to use modern science, such as DNA profiling. Why was it not done in the 1990s? I would like an answer to that. The people of Ireland deserve an answer.

Senator Máire Devine: Hear, hear. Following on from Senator Craughwell raising the issue of social media, he is a big guy and is well able to deal with social media.

I wish to address the seeming U-turn in the proposed appointment, the first of its kind for Ireland, of a digital safety commissioner to oversee and hold Facebook, Instagram, WhatsApp, Snapchat and so on to account in respect of our vulnerable children. This issue has been discussed at length by the Joint Committee on Children and Youth Affairs. We have worked on it and discussed it with witnesses in recent months. It came to our attention yesterday that the Taoiseach has been quoted as saying that the initiative has been shelved. This issue is not just about children and youth affairs, it is also involves all aspects of the mental health of children and adults. Will the Leader clarify whether the appointment of a digital commissioner - which was promised by the Minister for Communications, Climate Change and Environment, Deputy Denis Naughten, and supported by the Joint Committee on Children and Youth Affairs - is to be shelved?

Senator Colm Burke: If one goes back five or six years, one will find that clear targets for the creation of jobs were set out by the Government. People were very sceptical that those targets could be achieved. It is interesting that the CSO publication in recent days gave the figures for the third quarter of 2017, which show that there are now 2.2 million people at work. That is an increase of 48,000 year on year. It is a huge achievement for this country and for the people who are to the fore in creating jobs, whether from companies abroad or companies based in Ireland, but also for the various State agencies that have assisted in the creation of those jobs and that have put forward a very positive image of Ireland to the international community. We should be congratulating everyone involved, namely, Enterprise Ireland, IDA Ireland and every other State agency that played a part in this. We should also be congratulating the people who have worked to provide those additional jobs. Long may what is happening continue. We have an extra 48,000 jobs compared to this time last year.

The second issue I wish to raise is that of a report published by the Ombudsman in recent days in respect of the treatment abroad scheme. That scheme is a little different from the cross-border health scheme. I was involved in bringing forward the cross-border health scheme at European level. The treatment abroad scheme covers instances where a treatment is not available in this country and medical practitioners have recommended that a person receive treatment abroad. The Ombudsman found that the way decisions taken by those administering the treatment abroad scheme have been managed has not been in the best interest of the people who are looking for that treatment. There have been a number of cases where I have had to threaten judicial review in respect of decisions. I make no apologies for having to do that. It is impor-

tant. There are 17 or 18 recommendations in the Ombudsman's report. He has set a deadline of the end of February for them to be implemented. It is very important that they are implemented, that the report is given serious consideration and that the issues raised in it are dealt with. If someone is looking for medical treatment abroad, it is obvious that he or she has quite a serious issue and is not able to get treatment here.

I ask the Leader to convey to the Department of Health and the HSE our view that it is important that the recommendations of the report are implemented and that it does not become another report which just sits on a shelf. This is about people's health, their care and their treatment.

Senator Trevor Ó Clochartaigh: Déanaim comhghairdeas leis an gCeannaire freisin as ucht a phósta le linn na Nollag. Guím gach rath air féin agus ar a pháirtí. Tá súil agam go mbeadh blianta fada sona acu. I wish the Leader all the best on his nuptials. I hope he and his partner have long and happy years together. It is a wonderful occasion. Well done.

I also want to refer to a very serious issue that arose in Carraroe a week ago last Friday when a two year old toddler began choking. An ambulance was called and the family were told it was on its way. An uncle of the child came to the house and saw that the child was very distressed. Due to previous situations that had happened in the area, he decided that they should bundle the child into the car and get to the hospital as quickly as possible. They did that. They kept in contact with the ambulance service. The ambulance was to meet them *en route*. That did not happen. They took the initiative and rang a garda, a friend of the family, who sent a colleague of his who was on duty to meet them at the halfway point on the road to Galway city. They met at Spiddal, the child was brought in the Garda car and the ambulance met with them outside the city in Ragoon, on the way to the hospital. The child was lost twice on the way to the hospital; he had to be resuscitated twice. It was a very serious scenario and it raises some serious issues for the family. The first is around the protocols for call-outs. As there is an ambulance station in Carraroe, which is within five minutes of the family's house, why was no ambulance crew available for the child? Why did it take 50 minutes for an ambulance to get only as far as Ragoon, which is on the outskirts of the city, when it had been called? It would have taken another 50 minutes to get to Carraroe had the family not taken the initiative themselves.

There is also a fire brigade station in the area. There are two emergency medical technicians on that crew and people who are trained in emergency first response. If an ambulance is going to take such a long time, why is there no protocol to call these services to the scene to intervene as quickly as possible? This service would also have a blue light vehicle that could have been used in that emergency scenario to bring the child to hospital.

We certainly need a very serious discussion around the provision of ambulance services in rural areas. We have a vocal campaign in north Connemara, in the Leenane area, where there is concern over the lack of cover by ambulance services. We are also concerned that ambulances are possibly being held up outside the emergency department at University Hospital Galway. We often see a number of ambulances waiting - sometimes six, seven or eight - and it is my understanding that an ambulance cannot be released until the patient is on the trolley and in the hospital system. The ambulances are therefore held up.

Why was there such an inordinate delay in getting an ambulance to this family? They were extremely distressed. Thankfully there was a positive outcome; the child had to undergo a minor procedure and has recovered but it was a very touch and go situation. We want to avoid

any more of those happening in the future but we really need to address the issues. I am aware that the Minister, Deputy Harris, has been spoken to about the issue in Galway and the north Connemara situation. Promises have been made and it has been put back to the National Ambulance Service, whose response to this situation was that it was not an absolute emergency. An infant potentially choking in the back of the car certainly is a very serious situation and I cannot understand why it is not being dealt with. I would like to see this investigated fully. Perhaps the Minister could be asked to come to the House for a debate around those services.

Senator Keith Swanick: Tharla ócáid stairiúil in Éirinn 99 bliain ó shin Dé Domhnaigh seo chugainn. Tháinig an Chéad Dáil le chéile i dTeach an Ardmhéara tar éis an olltoghchán agus d'athraigh na heachtraí seo ár dtír agus ár stair. The 1918 general election and meeting of the First Dáil on 21 January 1919 transformed this island and changed the course of our history. It was a transformative time in terms of universal suffrage. The Representation of the People Act 1918 caused the electorate to almost triple. It also saw our first female representative elected, namely, Countess Markievicz.

I remind Members that when, in 1998, all the people voted by a majority and by majorities North and South in favour of the Good Friday Agreement, it was the first occasion since the historic 1918 election that the people of this island had voted on the same day on the same issue of their constitutional status.

In May 2017, the Declaration of Independence Day Bill, which I drafted, was supported through Second Stage in the Seanad by Members from all sides. We are awaiting Committee and Remaining Stages. Senator Horkan stated during that debate that time is of the essence if we are to have the legislation through the Oireachtas before the centenary of the meeting of the First Dáil and the Declaration of Independence on 21 January 1919.

I ask the Leader to work to see that the legislation is back in the Seanad as quickly as possible in order that we can formally recognise these truly historic events.

Senator Paudie Coffey: I welcome the Leader back to the Chamber as a married man. I wish him and his husband Conchobar the very best for their future together.

Ireland had, and still has, a lot to be proud of but our past shows there are a lot of shameful chapters about which we should be embarrassed and shamed. During public discussion and discourse in recent years, we have heard about the Magdalen laundries, the mother and baby homes and now the Kerry babies' case and the treatment that was meted out to Joanne Hayes. These are all shameful episodes in Irish history. I want to raise another shameful episode that has received public attention in recent times. It relates to a man named Billy Kenneally, a convicted paedophile, in Waterford. The victims are seeking a commission of inquiry to investigate who knew what at the time he, and possibly others, was abusing young children in Waterford. I am raising the issue because it is a serious one. These victims are brave men who revealed their identity in order to raise awareness around the issue and to ensure that we have full transparency, accountability and justice in this particular case of abuse. It is well known that people in authority at the time knew about the abuse and allowed it to continue. People in An Garda Síochána, the clergy and State agencies, as well as in the political system, were aware that this abuser was running rampant in the Waterford area and abusing young children. These brave young men stepped forward when they discovered this paedophile was still a basketball coach. They went public, took on this case and the man was convicted.

These men are fathers of children themselves, as are many of us here, and there is an obligation on us as a society to ensure that there is full justice and transparency in this case. I have spoken to the Minister for Justice and Equality and he has acknowledged the need for a commission of inquiry. He understands the pain and suffering that the victims have endured and he is currently engaged with the Attorney General to find a way forward to ensure that this commission is established. However, I ask the Seanad for its support to ensure that these victims are supported and their stories heard in the full light of day, that there is full transparency and justice, and that the people of authority who knew what was going on are brought before the commission to ensure it never happens again. We all have an obligation in that regard. I support these brave victims. We must ensure they get the commission of inquiry they so badly want.

Senator Rónán Mullen: I heard what my colleague, Senator Colm Burke, had to say in the context of people needing to get medical treatment abroad. However, a category of people who, by definition, cannot get medical treatment abroad are those in need of intensive care treatment, that is, patients needing critical care support in our hospitals. It is disturbing to learn that 300 people a year may be dying because of a lack of intensive care beds. It is disturbing to learn that Ireland has 3.7 beds per 1,000 of population. This is about two thirds of the OECD rate. Germany has eight beds per 1,000. It is disturbing to hear and to learn that, in some cases, people are missing out on life saving organ transplants because of the bed shortage and that there is a higher mortality for patients who, due to the shortage, are placed in unsuitable locations.

This strikes me because we will be discussing the pro-life issue and what it means to be truly pro-life later on. Our hospital care system is not very pro-life in the way that it is operating. I am not faulting medical staff, who are doing their best. In fact, they are the ones who are pointing out a situation where, apart from the possible impact on patients, there is also the possible negative psychological impact on medics of having to choose, in some cases, who gets care because of the shortage.

Dr. Emily O'Connor of the Irish Association of Emergency Medicine states that they have to make very tough decisions regarding which critically ill patients to prioritise. She stated: "It is no exaggeration to say this can mean the difference between someone being offered the opportunity of critical care or not." In other words, if one person gets the bed, someone else loses it. This is in a First World society, where potentially 300 people are losing their lives for the want of beds. We hear so much about this in the hospital system but we need to let it sink in. I am worried that we are seeing a system that has been allowed to degrade to such a point that those who have dedicated their lives to healing the wounds of others are being forced to decide which of their patients is to be let die due to a lack of resources. Are we there? If that is true, the system is now harming not only the patients but also the doctors because no doctor should ever have to decide which of his or her patients-----

Senator Colm Burke: On a point of order, people are living 2.5 years longer now than they were in 2000 so in fairness-----

An Leas-Chathaoirleach: With respect, that is not a point of order.

Senator Rónán Mullen: I will conclude, if I may.

Senator Jerry Buttimer: It is information.

Senator Colm Burke: It is information.

An Leas-Chathaoirleach: The Leader will reply.

Senator Jerry Buttimer: I fully intend to. It is a health issue.

Senator Rónán Mullen: I am not here to make party political points.

Senator Jerry Buttimer: The Senator is and he has just done it.

An Leas-Chathaoirleach: Order, please. I ask the Senator to wind up.

Senator Rónán Mullen: I am finishing.

Senator Jerry Buttimer: He has done it.

An Leas-Chathaoirleach: I ask Senator Mullen to wind up. His time is up.

Senator Rónán Mullen: In fairness, let us say I am wrong. Let us say I am accidentally wrong.

An Leas-Chathaoirleach: I cannot get into an argument now.

Senator Jerry Buttimer: Accidentally wrong.

An Leas-Chathaoirleach: The Senator's time is up.

Senator Rónán Mullen: To get a defensive attitude from Government suggests that what it is interested in is the prestige of the party-----

An Leas-Chathaoirleach: Is the Senator calling for a debate? We cannot have a debate now.

Senator Jerry Buttimer: Go away out of that.

Senator Rónán Mullen: -----not the core of the issue. The Leader can correct me courteously if I am wrong. May I conclude on what I was asking for?

An Leas-Chathaoirleach: Is the Senator calling for a debate?

Senator Rónán Mullen: What I want and what I believe is imperative is that whether I am right or wrong it should not cause offence if we really care about human dignity. I would like the Minister for Health to explain to the House, if this situation has been allowed to happen in the ways that I worry about, how many members of the public have lost their lives as a result, if that is true.

An Leas-Chathaoirleach: The Senator has used up twice his time.

Senator Rónán Mullen: How many people are at risk of missing out on life-saving treatment because of the current crisis? I am not saying anyone is personally to blame but it is a serious crisis which should not be responded to in a party political defensive way, I suggest.

Senator Jerry Buttimer: What is the Senator doing himself? He is being political.

Senator Catherine Noone: I want to follow up on Senator Horkan's point about plastics. He made some very valid points about waste and the disposal thereof. There is a fundamental issue in the use of plastics and we have to try to move away from using plastic to the extent that

we do, as a world. The waters of the world are becoming oestrogenised because of the amount of oestrogen in plastic. This will be a serious issue down the road. It is more than a waste issue; it is a fundamental issue. Young Fine Gael, YFG, launched an idea for plastic coffee cups. Many outlets now allow customers use reusable cups. YFG has suggested imposing a levy on plastic cups like the levy Fianna Fáil introduced on plastic bags. Ours has become a much more disposable society. That is a good idea and should be followed up.

I thank Senator Craughwell for supporting me on social media and again here. Sad to say, one gets used to the abuse. I mute people and do not see it and do not give them the satisfaction of blocking them because they want to be able to say that I blocked them. I just ignore them for the most part. We have to learn to ignore it rather than constantly try to fight it. Sometimes people will not agree with me or do not like what I represent. That is life. It is a difficult part of the job. The Senator's comments are valid. The mute button, however, is one for everyone to consider. It was Senator Richmond who pointed it out to me because I was not aware of it. One does not have to block them because much of the time they want that.

I agree with Senator Devine about the digital commissioner. I too would like to know the story because it has come up often. As far as I know there was strong support for that from Government. I would be very supportive of having a digital commissioner. I am not sure the Leader would know about that today but I encourage us to have a debate on it and if possible a debate soon on the environmental area, in respect of the previous issue I raised.

Senator Jennifer Murnane O'Connor: I welcome everyone back from the Christmas break, although I know we were all working.

I agree with what previous speakers said in respect of the case of Ms Joanne Hayes. What happened to that lady was horrific and we all need to make sure that it never happens again.

I call on the Minister for Justice and Equality to come to the Chamber to allay my fears regarding the digital age of consent for children. According to a report arising from pre-legislative scrutiny of the general scheme of Data Protection Bill 2017 carried out by the Joint Committee on Justice and Equality last November, the digital age of consent - the age at which a child can consent to use online services - should be set at 13 years. The new EU general data protection regulation comes into effect on 25 May 2018 and I am concerned that many parents do not know that their children will be treated as adults online from the age of 13. This must be investigated further, and I know that there is time to do so. If a parent is told that, from 26 May next, his or her 13 year old will become an adult online, he or she might cry. A child of 13 cannot consent to a medical procedure, drink alcohol or vote. However, we are suggesting that children roam the worldwide web alone just because they have reached an age adopted from social media companies. While I understand that an official age has not yet been set before the EU general data protection regulation comes into effect on 25 May, I cannot agree that 13 is a suitable age. From where did it come? We need much more debate on this matter and we cannot let it slide as a result of our own ignorance.

It worries me that experts such as Dr. Mary Aiken and Professor Barry O'Sullivan are concerned about the report's recommendation of this age, which will be the lowest digital age of consent in Europe. They are concerned that parents are not aware of this provision and have had no part to play in this. Children are able to use technology, but can they be responsible at 13? A 13 year old could not be left on O'Connell Street and told to go shopping and look after himself or herself. Why are we allowing 13 year olds to navigate the Internet alone? The age

of 16 is a much more appropriate age of consent and would be more in line with consent and maturity.

Recently, shareholders in a popular technology company called for more help for parents to regulate children's use of devices. I agree that parents cannot do this alone. We live in a changing world. Current studies show that the time children spend using these devices is excessive.

An Cathaoirleach: The Senator is 35 seconds over time.

Senator Jennifer Murnane O'Connor: I will say a little more. I am speaking as a parent and I know that parents need to know what is going on. I want to know what sort of public awareness campaign is operating in respect of this issue. We need to debate it and the Minister for Justice and Equality needs to be here for that debate. This is a very serious issue.

Senator Kieran O'Donnell: Like my colleagues, I wish everyone well in the new year. I also join everyone else in congratulating the Leader, Senator Buttimer, on his recent marriage and in wishing him well.

I want to raise a specific issue. There have been quite a number of debates on health. I wish to refer to the city where I reside, Limerick. People speak about issues relating to management and systems. The biggest single issue in Limerick and the mid-west is bed capacity. A report by Teamwork Management Services was completed prior to a reconfiguration which took place in 2009 and which involved the closure of accident and emergency departments at Ennis, Nenagh and St. John's Hospital in Limerick. This pushed demand into the existing accident and emergency department at University Hospital Limerick. Apart from addressing the closure of the three accident and emergency departments, the report outlined the need for 138 new co-location beds to be put in place at University Hospital Limerick. That never happened. I have worked with the management of University Hospital Limerick. A welcome proposal to put in place 96 acute beds at the hospital has been put forward. It suggests that these beds be located directly alongside the new emergency department, which works well but which has major capacity issues. In working with management, I secured funding to enable the design for the project to get under way a number of months ago. I would like that 96-acute-bed unit to be included in the capital plan that is currently being reviewed. I have written to the Minister for Health and the HSE about this. Ultimately, without University Hospital Limerick having these extra beds, it will be impossible for it to deal with the overcrowding in its emergency department and meet the needs of our increasing older population. The fundamental problem in University Hospital Limerick is bed capacity. I ask the Leader to ask the Minister for Health, Deputy Harris, and the HSE corporate team from Mr. Tony O'Brien down to ensure that this 96-acute-bed unit is included in the revised capital plan.

Senator Neale Richmond: I appreciate this opportunity to speak and the Leas-Chathaoirleach fitting me in when I arrived in the Chamber slightly late.

An Leas-Chathaoirleach: I called Senators in the order in which they indicated.

Senator Neale Richmond: I thank the Leas-Chathaoirleach for that.

I wish to raise the issue of public transport provision primarily in Dublin. I ask the Leader to arrange for the Minister for Transport, Tourism and Sport to come into the House for us to have a substantive debate on public transport provision in Dublin. The key issue as it relates to my area is with respect to the Luas. Since the Luas has been operational, it has become a victim of

its own success. People in Sandyford have to get the Luas four or five stops out of town to be guaranteed that they can get on the Luas at rush hour. We need to have a proper debate to make sure that public transport is adequate in this city, that we are meeting the demands of a growing population and that we will be able to factor in the increased housing provision and increased office provision to make sure that all transport modes, particularly the Luas, are up to standard. We should debate that issue as soon as possible.

Senator Joe O'Reilly: I congratulate the Leader on his recent marriage and wish him and Conchobar well. I similarly congratulate my colleague, Senator Richmond, and his good wife on the birth of their son, Luke Thomas, and wish them well.

Senator Ivana Bacik: Hear, hear.

Senator Joe O'Reilly: The good news with the domesticity of my two colleagues on the Labour Panel gives me the hope that they may devote more time to domestic affairs and home matters and that they may be less competitive on the panel. I am optimistic in that regard-----

An Leas-Chathaoirleach: I do not know how relevant this is to the Order of Business.

Senator Joe O'Reilly: -----that I will have an easier year in 2018 because of their new altered circumstances, and I would like an assurance from the Leader on that alone.

Senator Rónán Mullen: The Senator will be safely in the Dáil.

Senator Joe O'Reilly: Moving on, I concur with the consensus emerging in this Chamber today regarding the Joanne Hayes story. It is a blot on our collective past. It is a horror. It is not something that we should try to write out of history, deny or engage in some sort of mental gymnastics to pretend it did not happen. It did happen. We should be collectively ashamed of it and make amends in the future.

I wish to briefly raise two other matters. The first matter is the ever-remaining threat of Brexit. It remains a constant threat to our country but it also remains a threat to the Border community where I live in a very particular way. There is a risk of complacency now that we might get somewhat smug about it and think the matter is solved. In that regard, I am happy that our committee here is continuing. I am also happy that the Taoiseach spoke about it strongly today in the European Parliament and sought to gain the help of our European colleagues to ensure that the agreement with the UK is hammered into real practice. I want an assurance from the Leader that we will have constant monitoring of the Brexit debate because the people I represent and the entire economic and social life of my community stand to be dislocated and destroyed by Brexit. I would be negligent if I did not ask the Leader to assure me of the constant monitoring of this issue. When the Taoiseach comes to this House, I ask that it be the number one item on the agenda and that we get assurances from him as to what is being practically done.

I wish to raise a not-unrelated matter, which is very important to my community and to the west. Farmers are experiencing a crisis because of the weather conditions we have had. Farmers face a very serious fodder crisis which is causing great mental distress, animal welfare problems and financial hardship of mammoth proportions. They are trying to bring fodder up from the south and east where it is more plentiful and transporting it to Cavan and Monaghan, west Cavan in particular. If one purchases silage at €25 a bale in the south and includes the transportation bill, it is very serious. I ask through the Leader that the Minister for Agriculture, Food and the Marine subsidises the transport of fodder from areas of plenty to those of great

need. I have farmers watching the Houses today who expect a solution to this real hardship. This is a real human tragedy and an animal welfare issue and I ask the Leader to deal with it urgently. There should be no casual procrastination on this one.

Senator Paddy Burke: I congratulate the Leader of the House, Senator Buttimer, and Conchobar and wish them well in their marriage. I wish also to be associated with the expressions of sympathy on the death of former Senator Maurice Hayes with whom I served in the House for ten years. He made some very valuable contributions in the House. I know the Leader will organise expressions of sympathy in the House at a later date. I also express my condolences to the family of the late Peter Sutherland, who was a great Irishman and statesman and who sadly passed away at a very young age also.

I support the call by Senator O'Reilly for a debate on agriculture. I ask the Leader to ask the Minister for Agriculture, Food and the Marine to come to the House in the very near future to debate agriculture. As Senator O'Reilly said, we face a fodder crisis. We never had such severe and harsh weather with a lot of rain as we have had over the past number of months. We had a very poor harvest in some areas last September which has culminated in a fodder shortage. Bringing fodder to the west and north is very costly. Senator O'Reilly has asked the Minister to provide compensation for the transport of the fodder and I agree. I hope we have a debate here in the very near future on this very serious issue. As Senator O'Reilly said, it is a human issue and an animal welfare issue.

I support Senator Horkan in relation to waste plastic. Europe will have to look at the packaging of products. There is far too much packaging used for many products. While China will not take our plastic, a great many of the products which come to Europe are generated there. They are culprits in this regard also. I support Senator Horkan's call for a debate on this issue. We could look at incineration and see how the two incinerators in the country are working, whether there are problems and if they are viable. We should look at what we can do on packaging. The vast majority of packaging should be recyclable or biodegradable. Those are issues which could be dealt with not only nationally, but also in Europe. I support the call for a debate.

Senator Pádraig Ó Céidigh: Níl mé ag caint ach nóiméad nó trí. I have some involvement in tourism and had a meeting this morning with Fáilte Ireland. I ask the Leader of the House to ask the Minister for Transport, Tourism and Sport to be proactive on the following. The single biggest area deprived of tourism in Ireland is the midlands. Fáilte Ireland has very good plans for the midlands. Recently, the Minister announced that €33 million would be spent on tourism development in the midlands. The problem is that it does not have any staff there. A tourism centre is required in Mullingar that would take just about six people. Tourism is hugely important in the rest of Ireland but the midlands are left stranded. It is by far the weakest area. All that is required is an investment in the region of €400,000 for six people to go and develop tourism in the midlands region. It certainly has many tourism attractions, primarily east of the Shannon, quite frankly, but the focus is on the Shannon. I have been asked and petitioned to raise this in the Seanad and request the same.

An Leas-Chathaoirleach: I heartily concur with all of the messages of congratulation the Leader has received on his recent happy occasion and wish him long life and happiness.

Senator Jerry Buttimer: I thank the 22 Members of the House for their contributions on the Order of Business and wish them a very happy, prosperous and peaceful new year. I hope we can work collectively to serve the people who elected us to serve and work on behalf

of them. I begin by joining with Members of the House who expressed their sympathy to the family on the death of the late Maurice Hayes, a former Senator. He was indeed a most prolific and prodigious Member of the House. We will honour his work and contribution to civic life in this country on another day but I pay tribute to him today. Equally, I join in the words of commendation on the passing of the former Attorney General and European Commissioner, Peter Sutherland. He was a statesman. It is a pity his words and writings were not listened to more carefully. I had the pleasure of meeting him on a number of occasions. He was a most courteous, personable and tremendous person and I extend my sympathies to his family.

Senators Ardagh, Conway-Walsh, Black, Bacik, Conway, Murnane O'Connor and O'Reilly raised the apology made to Joanne Hayes yesterday by An Garda Síochána. As Leader of the House, I join in welcoming the apology by An Garda Síochána and indeed the remarks of the Taoiseach today in Strasbourg where he apologised on behalf of the State. Certainly the Hayes family, which has requested privacy, deserve to have that but equally, the way it was treated by an arm of the State and by the State itself left an awful lot to be desired. Senator Ardagh made reference to Joanne Hayes's age when that event took place. From looking at the media reports of the tribunal of inquiry and the Garda inquiry, the way she was treated was extraordinary. As the Tánaiste said today, the matter of compensation is something the Government will discuss. Senator O'Reilly is correct. This did happen. We should collectively be ashamed of the way she was treated. It was a dark period in our country. If we cast our minds back, and the "Prime Time" programme last night depicted the imagery of that time, and compare it with where we are today, I certainly hope we are a much better, gentler and kinder nation. I certainly think the issue is one that has not and cannot be left.

Equally, a young baby who was killed is in a grave today in Kerry and the Garda investigation is continuing. There is a need for anyone with information about the tragic death of Baby John to come forward. As Leader of the House, I appeal to anybody with information, particularly the family of Baby John, to come forward to the Garda. They will be dealt with compassionately and in a very caring way. The distress caused by that event to those people also needs to be exorcised. Joanne Hayes was the subject of a very prolonged scandal and ordeal that was simply wrong, as the Minister for Justice and Equality, Deputy Charles Flanagan, noted and we need to put that right.

Senators Conway-Walsh, Black, Reilly, Colm Burke, Mullen and Ó Clochartaigh raised the issue of health. I agree with all Members of the House that we need more bed capacity. Why I got exercised at Senator Mullen in particular is that the use of language is important in terms of those who work in, those who administer, those who are ministerial appointments and Members of both Houses of the Oireachtas who are concerned or interested in health. Nobody accepts that there should be anybody on a trolley. Equally, nobody accepts there should be people waiting inordinately for treatment.

For the information of Senator Mullen, I am not being defensive at all. As a patient, as the relative of a patient in a hospital, as somebody who worked in the hospital system and as somebody who chaired a health committee, I know, probably more than most, the workings of the health system. The previous Government and this Government, in particular, have opened more beds for the first time in a decade. Some 227 new beds have been opened. If it was a matter of funding alone, the problems in the health system would have been solved. There has been a 20% increase in funding over the past three years. The highest health budget in the history of the State was published in October 2017. If it was about funding or political accountability, the matter would be solved right now. To resolve the matter requires the collective working, not

just of one part but of all parts, of the health systems.

Let me put it in context, as Senator Colm Burke rightly said. This point needs to be re-emphasised. Life expectancy has increased by two and a half years. In our country alone, 63,000 people go through outpatient departments and 23,000 go through accident and emergency departments. There are 16,000 day case procedures, along with inpatient activity. What is our mortality rate? There is increasing staffing and an increasing health budget, and HIQA is doing its job in terms of increasing standards. We are making progress. We are not regressing, in terms of health expenditure. We are actually increasing health expenditure. Whether in terms of primary care under the previous Government or this Government, more primary care units have been opened. The Minister of State, Deputy Finian McGrath, is in the Visitors Gallery about to speak on another matter. This is the Minister who has increased the funding for disability and for social care. One should not come in here and state Government is not doing X or Y.

Senator Rónán Mullen: That is our job.

Senator Jerry Buttimer: The Senator's job-----

Senator Rónán Mullen: I asked the Leader about intensive care beds and he has not said one word about it.

An Leas-Chathaoirleach: Order, please.

Senator Jerry Buttimer: I am coming to that. The Minister will shortly be bringing a report to the Cabinet on bed capacity. There have been intensive care beds opened. Senator Mullen is entitled to his opinion-----

Senator Rónán Mullen: I am asking questions that need to be asked.

Senator Jerry Buttimer: -----but he is not entitled to cite false information about the health service.

An Leas-Chathaoirleach: Order, please.

Senator Rónán Mullen: Did I say anything that was false?

Senator Jerry Buttimer: The Senator did actually.

Senator Rónán Mullen: Would the Leader give it to us there instead of just defending his party?

An Leas-Chathaoirleach: Senator Mullen already asked a question.

Senator Jerry Buttimer: The problem you have is that you come in with a one-dimensional speech. Look at the overall collective approach to health.

Senator Rónán Mullen: The Leader is not addressing the worries of experts in intensive care.

An Leas-Chathaoirleach: The Leader should address his response through the Chair - no cross-currents now.

Senator Jerry Buttimer: Let me make it quite clear. There is a Government plan on health. There is increased investment. There is an increase in staffing and there is a restoration

of pay. What we must do now is commit ourselves further in the face of increased demand to see how we can make the health system deliver more for people, whether it is in the case of investment in increased intensive care beds or whether it is in the case of organ donation, the model of which this Government is changing. Under the previous Government, the health committee that I chaired held hearings on that issue and produced a report. Some Members of this House did not agree with it. There is investment beginning to take place from regression and let us not say there is nothing being done when there is.

Senator Ardagh raised the issue of housing. I would be happy to have the Minister, Deputy Eoghan Murphy, come to the House in regard to the issue of housing. Once again, we are seeing progress being made, although I accept it is slow progress. There is progress being made in terms of investment, in terms of the houses being constructed and in terms of Government commitment of prioritising the social housing needs of our people. That is a fact, not an opinion. Multi-annual funding and the highest budget in the history of the State for housing were delivered in the most recent budget. This is fact, not fiction. I accept progress will be slow but we cannot come out of a crash and start building houses again at the rate we should have been building them. Equally, there is an obligation and duty on the banks, the construction sector and the Government with local authorities to make sure we expedite the building of social housing units.

Senators Boyhan, Burke and O'Reilly raised the issue of agriculture and fodder. I welcome the remarks by the Minister, Deputy Creed, yesterday at the IFA AGM regarding a transport subsidy for farmers affected by the fodder crisis. There will be a debate in the House next week on agriculture and Members can contribute to it.

Senator Boyhan also raised the issue of *The Irish Times* political digest and the use of windbagging by Members of the House. We could all perhaps be accused of that. I will make the point on a serious level. We can have robust debate and disagreements but it is the prerogative of every Member of the House to come in here and raise a matter of extreme importance on the Order of Business. That is what the Order of Business is about. It is about Members raising matters of importance on behalf of constituents, communities or on their own behalf; it is not about windbagging. It is about being able to come in here and articulate a viewpoint on behalf of citizens and communities. It is important. Senator Boyhan is right. There is an element within the media who are now starting on a very slow race to the bottom while commenting on what we do. I will give the example of the political tracker on the eighth amendment. One can track what one's political representative is saying or doing. That is a very cynical approach to the issue. It is a substantive issue that requires debate. I appeal to members of the media who report in this House. We can have colour pieces but this is about issues being raised by Members.

An Leas-Chathaoirleach: There was a time when the Order of Business was merely about the order of the day. That is all I want to say.

Senator Catherine Noone: That would be great.

Senator Jerry Buttimer: I would very much like that or whatever the Cathaoirleach wants to implement. I am replying to the 22 Members.

The issue of Syria is a very important one. We will have a debate on foreign affairs next week or the week after. Senator Bacik raised an important matter. I noted her remarks on the

gender pay gap and I am happy to have the Minister come to the House on that. The Minister replied in the Dáil today to a parliamentary question on the commission. I noted the Senator's remarks. I will be happy to have that debate in Government time if we can.

Senator Reilly raised the issue of the Army and pensions. The Minister, Deputy Regina Doherty, has committed to that issue in terms of the restoration and the anomaly. Equally, in terms of the new GP contract and the FEMPI measures, the Minister, Deputy Harris, is committed to their reversal.

Senators Horkan, Noone and Paddy Burke raised the issue of recycling our plastics in China. I agree with all of them on the issue. It is a matter that will not go away. It requires urgent action at European and national level. As Senators Horkan and Paddy Burke said, the issue of the sourcing of the product in China is one it is important to get right. As Senator Horkan said, the Minister, Deputy Naughten, has set up a recycling ambassador programme with 650 workshops across the country. The issue of education is important for us as a State because if one looks at the figures for contamination of the dry recyclable bin, it is around 38% or 28%, which is a huge figure. The principle behind the Waste Reduction Bill is one we all subscribe to but I am happy for the Minister to come to the House to have the debate the Senators require.

I join Senator Craughwell in condemning the abuse on social media of any Member of the House whatever his or her viewpoint. We are all subjected to it irrespective of who we are and there must be a certain level of decorum and respect on any forum of debate. I do not support the trolling of Senator Noone by outside of the State groups from Massachusetts who have been advised to intervene in the debate. Irrespective on one's viewpoint, Senator Noone has shown herself to be a very competent and professional Chairman of the Joint Committee on the Eighth Amendment of the Constitution, as she has been as a Member of this House having been elected on a number of occasions. No Member of the House should be subjected to the abuse she has received in recent weeks.

Senator Craughwell also raised the very important issue of our national flag. I wish Sergeant Major O'Callaghan well in his retirement. The raising and lowering of the national flag is important. There should be adherence to criteria regarding the standard and quality of the flag on public buildings.

Senators Devine and Noone raised the issue of the digital commissioner. Before Christmas the Taoiseach stated that he was not proceeding with the appointment of the digital commissioner as of now. He called on the technology companies to be more proactive and that is as much as I know. Perhaps Senators Devine and Noone might raise the issue as a Commencement matter to get it addressed.

I join Senator Colm Burke in welcoming the creation of the 48,000 new jobs and the fact that more people are back in work in our country today. Like him, I hope that the recommendations from the Ombudsman's report on the treatment abroad scheme will be implemented. I know it is a serious and complex issue. It goes back to people being able to access treatment. I heard remarks attributed to Mr. John Hennessy of the HSE this morning on the radio. I certainly hope the Department of Health and the HSE take seriously the Ombudsman's report and implement it.

Senator Ó Clochartaigh, who had to leave, made reference to the distressing story of the young child in Carraroe. I do not have the information to hand. Certainly there are protocols

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that need to be followed. I suggest he raise this as a Commencement matter. I would be happy to have the issue taken back to the Minister and the HSE.

Senator Swanick raised the very important issue of the transformation that took place as a consequence of the sitting of the First Dáil in 1919 and the Declaration of Independence Day Bill. I would be happy to liaise with the Senator afterwards on the progression of the Bill.

Senator Coffey raised the issue of the commission of investigation into Bill Kenneally. I know the Senator has spoken and written to the Minister for Justice and Equality. It is a very serious matter and one on which the victims, who very bravely came forward, deserve to have answers. It is unacceptable to have any delay in justice or any collusion in the obstruction of justice by anybody. In this matter we must support the victims. I know the Senator has been very proactive in this matter. I would be very happy to have the Minister come to the House. I know from talking to the Minister and listening to the Taoiseach's remarks on it, that the Government is committed to uncovering the truth as to what happened.

Senator Murnane O'Connor raised the issue of the data protection Bill. I am not aware of the transcript of the work in the committee, other than what she said today. We have to be very careful and very proactive on the matter. As we all know, increasing numbers of young people are engaging on social media. It is a fact of modern life that social media and the digital world are becoming more prevalent and accessible at a younger age for people. We need to see action on it.

Senator Kieran O'Donnell raised the issue of Limerick. I think I have addressed the issue of bed capacity that he commented on.

Further to what Senator Richmond said, I would be happy for the Minister, Deputy Ross, to come to the House on the provision of public transport in south Dublin. The point he makes in the context of Sandyford is that it is disheartening that people have to go four or five stops away from the city centre to be able to get on the Luas. That is a matter for the Luas management, Dublin City Council and the Minister to come together on. I will have the debate at an early opportunity.

I congratulate Senator Richmond and his wife on the birth of Luke Thomas, who I know has brought them great joy and happiness. I wish him and his new family every success and joy.

I am very pleased the Seanad committee on Brexit has been given an extension to its work thanks to the work of the Seanad Committee on Procedure and Privileges. It is important that Brexit features prominently in this House and I am happy to do that.

Senator Ó Céidigh raised the issue of the work of Fáilte Ireland in the provision of tourism.

I am not familiar with the issue of Mullingar and the staffing levels there, but if he wants to give me the relevant information, I would be happy to put it to the Minister.

I inform the House, mar fhocal scoir, that the Taoiseach will be before the House on 1 February, as we agreed before Christmas, and I look forward to the engagement with him. I thank Members for their words of commendation on my recent marriage. Married life so far has been pretty good. I wish all Members a very prosperous and peaceful new year. I hope we can work together, irrespective of our political viewpoints, on behalf of the people who put us here, the

citizens, in getting legislation passed. To those Members who are not Government Members I say that this does not mean voting against the Government all the time; it means they can come over and join with us sometimes. I wish all Senators and their families a very peaceful and prosperous new year. I also wish our staff who work in the House well.

An Leas-Chathaoirleach: I would like to be associated with the Leader's tribute to the three great Irishmen who passed on to their eternal reward recently, namely, Dr. Maurice Hayes, Peter Sutherland and former Deputy Paddy Harte. Paddy Harte was a Member of the Dáil from 1961 until 1997. He served from the Seventeenth Dáil through to the Twenty-seventh Dáil. Peter Sutherland was one of the great Irishmen of his time and an international statesman. I was a Member of the Seanad with Maurice Hayes from 1997 until 2007. We stayed in the same house in Dublin and often had breakfast and tea together. The Leader will arrange that we will pay tributes on another day.

Senator Jerry Buttimer: I will.

Order of Business agreed to.

Report of the Joint Committee on the Eighth Amendment of the Constitution: Statements

Acting Chairman (Senator Gerry Horkan): The time allocated to each Senator is not to exceed ten minutes, and time can be shared. I welcome the Minister of State, Deputy Finian McGrath, to the House and ask him to make his opening remarks.

Minister of State at the Department of Health (Deputy Finian McGrath): I am glad to be back in the Seanad once again. I stand before the House fully aware of the sensitive and complex nature of the matter we are about to discuss. I am also aware of the wide range of views that exist within this House and throughout the country on this subject. I am sure, however, that it is possible for us to have a respectful debate on the issue. My own personal position is that there is a need for constitutional reform. I support repeal of the eighth amendment and strongly support a woman's right to bodily autonomy. The Joint Committee on the Eighth Amendment of the Constitution and the Citizens' Assembly before it have shown us a good example in this regard. While the views of their members may have been different, the debate never became personal. Today, too, each of us is approaching the issue from a position of wanting to contribute to the common good and to do what is best for the people of Ireland.

Before getting to the substance of the recommendations, I wish to take a moment to commend all members of the Joint Committee on the Eighth Amendment of the Constitution for their work and thank them all for their contributions. Senator Noone, in particular, must be thanked for her calm and balanced handling of the issue as Chairman. I also commend and thank the chair of the Citizens' Assembly, Ms Justice Mary Laffoy, and the members for their careful deliberations and valuable contributions.

As we all know, addressing the legal position on termination of pregnancy in Ireland would require a change to the Constitution. Article 40.3.3° of Bunreacht na hÉireann states: "The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right." The Protection of Life During Pregnancy Act 2013 currently regu-

lates access to lawful termination of pregnancy. Its purpose is to confer procedural rights on a woman who believes she has a life-threatening condition in order that she can have certainty as to whether she requires this treatment.

Last year, the Government put in place a process to examine Article 40.3.3°. A Citizens' Assembly was established with the first order of business being to consider the eighth amendment of the Constitution, Article 40.3.3°. In June 2017, the assembly recommended that the eighth amendment be replaced with a provision that explicitly authorises the Oireachtas to legislate to address termination of pregnancy, any rights of the unborn and any rights of the woman. The assembly also recommended a number of reasons for which a termination of pregnancy should be lawful in Ireland and the gestational limits that should apply. An all-party Joint Committee on the Eighth Amendment of the Constitution was then established by the Oireachtas to consider the Citizens' Assembly's report and recommendations. I should note that the recommendations contained in the committee's report represent the views of the majority of members but that there was not unanimous agreement on them.

The main conclusion of the committee's work is that change is needed to extend the grounds for lawful termination of pregnancy in the State. In order to effect that change, the committee recommended Article 40.3.3° be removed from the Constitution by repeal. The committee then went on to make recommendations on the grounds on which termination of pregnancy should be permitted in Ireland if Article 40.3.3° were repealed. In the first instance, the committee recommended that termination of pregnancy should be lawful where the life or health of the pregnant woman is at risk, without any distinction between risk to physical or mental health. Assessments should be made by no fewer than two specialist physicians, and gestational limits should be guided by the best available medical evidence.

Second, the committee accepted that it should be lawful to terminate a pregnancy that is the result of rape or sexual assault. However, there were concerns about the practicality of including rape as a ground in legislation. The committee was therefore of the opinion that it would be more appropriate to deal with the grounds of rape or sexual assault by permitting termination of pregnancy with no restriction as to the reason up to 12 weeks' gestation, provided it is availed of through a GP-led service and delivered in a clinical context.

On foetal abnormality, the committee recommended that where the unborn child is diagnosed with a foetal abnormality that is likely to result in death before or shortly after birth, it should be lawful to terminate a pregnancy without restriction as to gestational limit. Where there is a diagnosis of a foetal abnormality that is not likely to result in death before or shortly after birth, the committee recommended that the law should not provide for termination of pregnancy. This differs from the recommendation put forward by the Citizens' Assembly, which proposed permitting the procedure up to 22 weeks' gestation in such cases. I hope this divergence will help to reassure people about the careful consideration which the committee gave to this issue. On this point, as Minister of State with responsibility for disabilities, I attach particular importance to the committee's statement that the State should provide specific resources in order that there are social supports for parents and better facilities for people whose children have special needs. This is a particularly important issue for me as Minister of State.

The majority of members of the committee accepted the five ancillary recommendations set out by the Citizens' Assembly in its final report. They also made recommendations of their own focusing on decriminalising abortion, free access to contraception, comprehensive sex education, and obstetric care and counselling.

This Government is fully committed to ensuring that all women accessing maternity services should receive the same standard of safe, high-quality care. Every woman from every corner of Ireland should expect and be able to access the maternity services she needs. The implementation of the national maternity strategy, *Creating a Better Future Together*, will, I am sure, help this aim to be realised. Furthermore, officials in the Department of Health, under the chairmanship of the Chief Medical Officer, have established a group to address the recommendations and formulate an effective, comprehensive response to the issues raised by the committee in its ancillary recommendations. The group will cover the following areas, both within the Department itself and the HSE: sexual health; primary care; acute hospitals; disability services; mental health; as well as any other areas subsequently deemed relevant. Sometimes we are presented with the most difficult challenging problems to deal with, areas in which the way forward may not seem clear cut. In these circumstances, I believe our health care professionals are best placed to advise on the optimal treatment options.

We should allow them, in consultation with women, to exercise the clinical judgment and highest standards of medical practice which we know they daily uphold. I like to think that I come from the tradition of Wolfe Tone and the late Tony Gregory which talks about including Catholics, Protestants and Dissenters on this island, with a strong equality emphasis at the heart of our society. I now look forward to a constructive debate on the issues raised by the committee. In closing, I would stress again the need for us all to recognise the sensitivities involved and for our discourse to be respectful of differing views.

Acting Chairman (Senator Gerry Horkan): I thank the Minister of State. I remind Senators that they have ten minutes each and that time can be shared. There is no guillotine. Everybody can speak for ten minutes if he or she so chooses. A number of Senators have indicated to me and I have written their names down. A number of Senators in the Chamber have not yet told me in what order they want to speak but I will take them. That settles that. I ask everybody to be as respectful of everybody else's position as he or she can be and that we have a sensible and comprehensive debate in a reasonable fashion.

Senator Keith Swanick: Ag tús na díospóireachta seo ba mhaith liom buíochas a ghabháil le gach ball den choiste, na Teachtaí agus na Seanadóirí, go háirithe Seanadóir Buttimer, Seanadóir Gavan, Seanadóir Mullen, Seanadóir Noone, Seanadóir O'Sullivan agus Seanadóir Ruane. I rith na Nollag bhí seans agam staidéar a dhéanamh ar an tuairisc dheiridh. Ach tá go leor ceisteanna agam agus tá inní orm. Tá an cheist seo an-chasta. It is, as I said, a complex issue, despite the attempt by many to simplify it into a binary issue.

The opportunity over Christmas to study and reflect on the report of the Joint Committee on the Eighth Amendment of the Constitution was one I took very seriously. It is a profound question and a profound decision to attempt to remove the rights of unborn children from the Constitution, irrespective of what law or laws might be proposed here in the Oireachtas. One could, for example, be in favour of repealing the eighth amendment to Bunreacht na hÉireann in the mistaken belief that it removes the constitutional and legal protection to the unborn, thereby paving the way for abortion. There are some who believe that the unborn child is not a human. That is not my view, both personally and professionally as a doctor. When an overjoyed or anxious expectant mother presents to a doctor to confirm a pregnancy or to review her health status during pregnancy, the doctor will carry out two sets of clinical tests and observations. A doctor will conduct a clinical assessment of the mother and carry out an ultrasound of the baby, to ensure that it is developing in a healthy manner.

Repealing the eighth amendment to Bunreacht na hÉireann is unlikely to guarantee abortion without restriction, because as the Attorney General has advised and indeed other constitutional lawyers have pointed out, there are other parts of the Constitution that protect the right to life of the unborn. This is something that An Taoiseach outlined yesterday, when he addressed this complexity. He said: “Because we would find ourselves in a very strange situation if we repeal the eighth amendment only to find out there are other rights to life that exist in other parts of the Constitution, that might then make any legislation we pass unconstitutional.” He may be right, I do not know, but I look forward to hearing other speakers, or indeed the Minister, address this question that the Taoiseach has raised.

I will move away from the constitutional aspects of this issue, because we have yet to see the referendum Bill and the proposed legislation that would be used if the referendum were to pass. One of the fundamental issues I have with the current unrestricted proposal up to 12 weeks, and I say this is in the absence of a referendum Bill or draft legislation, is that it appears to equate fatal foetal abnormalities with unlimited access to abortion. The issue of the protection of life is somewhat linked to a highly relevant issue I raised earlier today in this Chamber regarding the effective rationing of intensive care unit, ICU, beds in our public health system. In an earlier contribution I referred to the fact that the absence of an acute ICU bed, for example, should never be the reason that somebody dies. No doctor ever wants to be in this position. It runs contrary to our Hippocratic oath, the guidelines from the Medical Council, and as I told the Minister earlier, contrary to the reason I decided to get into medicine.

The protection and preservation of life is complex and it can also be tragic. As a doctor, I routinely have to sit down with family members and loved ones and say that in my professional opinion, having reviewed and assessed all of the options, the likelihood of survival is slim. I have given this bad news hundreds of times in my career. It never gets easier. In all those conversations I never thought that one of these reasons might be that an ICU bed was not available. However, following the logical thread of what is proposed here in the report from the joint committee, there could be a situation of the availability of abortion on economic or lifestyle grounds, for example, and that this could be given the same status as abortion arising from horrific cases of rape or incest, or indeed fatal foetal abnormalities.

In a way, I bring a unique perspective to this issue as I worked as a general practitioner in the UK for many years. Legislation in England, Scotland and Wales, specifically the Abortion Act 1967 and the Human Fertilisation and Embryology Act 1990, allow a woman to have an abortion up to 24 weeks of pregnancy if two doctors agree that it is less likely to cause harm to her physical or mental health than continuing with the pregnancy. Of course we know that the 1967 Abortion Act does not extend to Northern Ireland and that abortion is legal there in very exceptional circumstances. The reason I raise the UK legislation is to point out a serious problem that I foresee with what is being proposed here.

It appears, and again we have no specific legislation to review, that the Government will accept the recommendations from the committee. As I understand it, this will create a regime of abortion on request for up to 12 weeks and this would occur in the GP setting or perhaps in a health clinic. In effect, it is proposed that GPs would prescribe abortion pills and that they would be taken under medical supervision of a GP. I stress this is my understanding of what is being proposed. Is this a way of trying to ensure that there are no abortion clinics in Ireland and that, in effect, the proposal would be to outsource the abortion clinic services to an already underresourced and overstretched general practice setting?

Has the Government, or indeed the Minister or officials, engaged with the GP representative groups on the specific aspect I highlighted, namely, the creation of an abortion clinic within surgeries around the country. Existing Medical Council guidelines require GPs to treat a woman who may have had an abortion. Section 21.3 of the Medical Council guidelines states: “You as a GP have a duty to provide care, support and follow-up services for women who have an abortion.” Has the Minister, or any of his colleagues, had engagement with the Medical Council on what is being proposed? I feel this would be crucial.

Currently we are bound by the *Guide to Professional Conduct and Ethics for Registered Medical Practitioners*. Section 21 of this deals with abortion and section 22 deals with end-of-life care. The proposals appear to go a lot further than the law in the UK, for example, which I referred to earlier, because in the UK a doctor or nurse has the right to refuse to take part in abortion if they do not believe in abortion or have ethical issues about the protection of the unborn. GPs must refer a patient to another doctor or nurse and these rules are set down by the Medical Council in the UK and the Nursing and Midwifery Council. Have there been any discussions on these matters? If not, there needs to be. The law of unintended consequences could be at play here, because Dr. Rhona Mahony, the master of the National Maternity Hospital, has already said that it is her belief that the eighth amendment of Bunreacht na hÉireann is distorting clinical judgments. I cannot agree or disagree with this claim, as I am not on the front line of clinical work in obstetrics. The broader point that she raises regarding the criminal context of abortion in Ireland is an interesting one, when she said:

The issues really are quite medical. We are looking at a requirement for us to determine that a woman is at risk of dying, and that decision is made in a criminal context. It is under the shadow of a custodial sentence of 14 years [...] and I do believe that distorts clinical judgment.

The complexities that I have highlighted are designed to be constructive and the questions I have asked come from a very narrow area of this entire subject, but it is one of which I have intimate knowledge. Throwing labels on people and putting people in a category because of their deeply held views on these matters is very damaging. I know many people who are deeply traumatised by the issue of abortion, from both perspectives. It requires compassion and understanding to deal with a woman who is in a crisis pregnancy situation and to deal with a family to tell them that having reviewed the anatomical scans with the consultants, there is no longer any sign of life from their much wanted child.

My wife Aislinn and I are blessed to have two young healthy children. They, like every child, have brought more joy to our lives than we ever could have known. An estimated 14,000 women, however, endure a miscarriage in Ireland every year and it is almost taboo to talk about it. I salute the courage of Kathryn Thomas who spoke recently on the “Late Late Show” about her own experiences.

There are really important aspects of the committee’s report that deserve to be praised and I fully support them, specifically that all women should have access to the same standard of obstetrical care, for example early scanning, anatomical scanning, in other words, scanning for anomalies, irrespective of their location or socioeconomic status.

The proposal to improve counselling services to support women is one I support, as well as the proposal to have a perinatal hospice service for those who wish to avail of it. The review of sexual health education with a focus on consent is a welcome proposal. I look forward to

hearing the response from the Minister of State and Members of the House on this most sensitive personal issue.

Acting Chairman (Senator Gerry Horkan): As there is nobody here from the Independent group, the next speaker will be Senator Gavan.

Senator Paul Gavan: I welcome the Minister of State to the Chamber. I pay tribute to almost all the members of the committee, who put in a tremendous amount of work. Regardless of their own opinions, they treated each other with respect, for the most part. I pay particular tribute to the Chairman, who behaved tremendously well throughout. I say that as someone who rarely gives praise to Fine Gael but it is well deserved.

I will begin by referring to the 1983 referendum. I remember it well and I suspect the Minister of State does too. It was my first foray into politics as a 17 year old. I stood with the anti-amendment campaign as did my party. It was a horrible time, a time when many people, women in particular, felt suffocated by an all-encompassing campaign that relied on the surface on bright papal colours and slogans like “Yes for life, Baby.” Underneath there were anti-choice groups such as the Life Education and Research Network, LEARN, telling people “We must remember that those who choose to travel to Britain for abortions do so for social reasons”. It is quite a shocking statement. Equally shocking, incidentally, is any reference to choosing abortion for lifestyle reasons. I was quite taken aback to hear that in this Chamber. We have to remember these dark times. Then we had the infamous banner which said “the abortion mills of England grind Irish babies into blood that cries out to heaven for vengeance”. That is what we had to put up with at that time. It is no wonder it was a campaign with no tolerance for people who held a different view. It was a campaign that had open contempt for those of us arguing that the Constitution was no place to deal with complex issues around women’s health.

The previous year in 1982 I remember a girl on our school bus; she was a couple of years younger than me and she just disappeared one day. She could not have been more than 14 years old at the time. We gathered later that she had become pregnant and there was a suggestion it could have been incest. We never knew for sure because we never saw her again. That is how matters were dealt with in those days. Women and girls who found themselves pregnant were simply removed from our society. That was not in the 1950s but in the 1980s. A couple of years later when I went to college in Limerick, I lived beside the Good Shepherd Convent, which at that time was a prison for women who became pregnant. I did not know that because I was new to the city. I walked past it every day in blissful ignorance. They could probably hear me and my mates come in late at night, doing what young fellows do when they are at college. They were a stone’s throw away from us, locked up because they had committed the sin of becoming pregnant but, not to worry, they were kept busy working as bonded labour in the convent dry cleaning business during the day. Again, this was all in the 1980s.

The only politician of note in Limerick to speak out against the proposed referendum was Jim Kemmy. After a vicious campaign of vilification, he lost his seat in the November 1982 election, ironically to a pro-life Labour Party Deputy. Jim Kemmy was on the right side of history on this issue, as was Dr. George Henry, the then master of the Rotunda Hospital, who, during that heated sectarian debate, had the bravery to say if the amendment was passed he failed to see how it could be possible to treat a mother with a serious illness knowing it would damage the foetus. How right he was. His expert opinion as a medical health care professional was ignored, just as hardcore fundamentalists today tell us to ignore the advice of our medical experts across Ireland. We cannot and should not ignore their evidence any longer. That is what

the Oireachtas committee was tasked with considering. We were to bring in medical and legal experts to the committee to discuss the recommendations of the Citizens' Assembly. We were to then make recommendations to the Government on the basis of that evidence.

The evidence we received from our constitutional experts made the case many times that the Constitution is not the place for specific medical grounds to be enshrined and neither is it the place to regulate best medical practice. It is for these reasons and several others that the committee reached a conclusion that Article 40.3.3o should not be retained in full. That vote was taken and passed on 18 October at the conclusion of module 1. We then voted in December to recommend repealing and removing Article 40.3.3o from the Constitution in its entirety. The current situation whereby a woman can only have an abortion if she is otherwise going to die is simply not tenable in any society that is serious about protecting and respecting the lives of women. Professor Arulkumaran, president of the International Federation of Gynaecology and Obstetrics, explained to the committee that risk with regard to the life of the mother is something that can escalate in minutes or in hours. The current law does not allow our medical experts to act until it may be too late for a woman's life to be saved. Crucially, this testimony was tested and supported by every single medical expert who came before our committee. It was further supported by Dr. Rhona Mahony, the master of the National Maternity Hospital, who compared the current legislation with a situation of medical roulette with a woman's life. Doctors are mandated by the law to wait until the very moment at which a woman's illness turns from a risk to her health to a risk to her life. This goes against all other aspects of best medical health care. I ask Members to think of a loved one of their own - a partner, daughter, sister or niece - and ask themselves this question: if that person was ill or sick, would they want a doctor to have to wait and play medical roulette with her health until she was dying before they could intervene? We must be prepared to trust our doctors and medical professionals. It is plain and simple as "the eighth amendment creates unacceptable clinical risk" for women. That is a direct quote from the committee proceedings. That is why all of us, regardless of political party should support the call to repeal the eighth amendment.

For these reasons, I also fully support the committee's recommendations to allow for terminations when the mother's physical or mental health is at risk. In 2018, surely it is time for us to trust women. We have to face reality. Ireland is not an abortion-free country. Women in Ireland have abortions all the time. Each day, ten women travel for terminations. Some of them are probably boarding a plane this evening as we have this debate. The vast majority of these women receive no after care when they return home. We also know that 1,800 abortion pills were supplied to Irish women over the Internet by one provider alone in 2016. This is the reality right across our island. To put these figures into context, it is estimated that about 12% of Irish women of reproductive age have had an abortion. That means all of us, whether we are aware of it, know somebody who has had an abortion. These are the people the State has failed and continues to fail. There is a gross hypocrisy at the heart of the so-called pro-life campaign. As Professor Arulkumaran said, everybody is an abortionist. Some support legal abortion. Those who do not support legal abortion support illegal abortion. Irish women will continue to access abortion. I want their medical needs to be provided for in Ireland in our hospitals.

I will deal with the recommendation that the law should be amended to permit termination of pregnancy with no restriction as to reason with a gestational limit of 12 weeks. The Citizens' Assembly came to this conclusion because it could see no other way to assist women who had become pregnant as a result of rape or incest. After hearing the medical and legal evidence, our committee came to the same conclusion. The alternative would involve requiring a woman

to provide some kind of proof or certification she had been raped. I cannot imagine how that could be an acceptable means of dealing with this issue. The 12-week issue also raises another fundamental question. If someone I know finds herself in the early weeks of pregnancy and passionately believes she is not ready or able to continue with the pregnancy, should any man or woman or indeed the State have the power to insist she must continue with that pregnancy until full term? Women must always have access to the best medical health care in a safe supporting environment.

The ancillary recommendations deserve careful consideration and support if we are ever to achieve a health service fit for our people and women in particular. I fear that these recommendations will be ignored. I want to highlight the huge inconsistencies in how sex education is delivered in this State and the need for progressive policy in this area, which is applied regardless of the so-called ethos of the schools. This issue brings up the glaring anomaly of a State that claims to be a republic but still allows religious control of the majority of our school system.

In 1987, Christy Moore wrote a powerful song called “The Other Side” which contains the lyric:

... men in black will claim a social order

Frightened women sail to the other side.

Thirty years on the only thing that has changed is that they are more likely to fly than to sail.

Regardless of one’s views on this difficult issue, it is time for the Irish people to have their say on the matter. One would have to be 52 years old in order to have voted in the last referendum. This referendum will not be easy. Many challenging conversations will need to be had. It will take courage and real leadership. There is very little sign of this leadership among the Taoiseach’s comments last week. I truly hope he does not falter in the same manner that Garret FitzGerald did in 1983, with a half-hearted support for the repeal campaign. The women of Ireland deserve better. They must not be failed again.

Senator Máire Devine: Hear, hear.

Senator Gabrielle McFadden: Like other speakers, I wish to say “Well done” to all the members of the committee, particularly to Senator Noone. We are immensely proud of her and how she conducted the whole process.

When we listen to debates on the issue of abortion we so often hear the voices of the zealots at either end of the spectrum, people who hold entrenched views and who believe that anyone who does not support their views is an enemy who must be shouted down. However, I am one of the many people who reside in the grey area between the two extremes. I consider myself to be both pro-life and pro-choice. I sometimes wrestle with the issues and my opinions may alter based on learning new facts or hearing new perspectives. This is not a sign of indecision, rather it is a sign that I want to make a mature and informed decision. I am willing to listen to others but I will make up my own mind.

I believe strongly in freedom of speech and I would fight for it but I also believe that this debate should not be confined to those who shout loudest or those with the most dogmatic positions, whichever side they are on. I believe that this position represents the vast majority of the population of this country. It is because I do not believe that I have all the answers and that

I believe people should have the right to make up their own mind on this most sensitive issue that I have come to the position that I am supporting the repeal of the eighth amendment. Let the people decide for themselves. I do not believe that this makes me anti-life and I refuse to be categorised as such.

The eighth amendment was passed in 1983, as was mentioned, 35 years ago. That means that nobody currently under the age of 52 has had an opportunity to have their say on this issue. In those intervening 35 years, 165,000 Irish women have travelled abroad for a termination. That is twice the capacity of Croke Park. Regardless of the eighth amendment, 20 Irish women a day are travelling abroad for terminations or availing of a pill ordered online, which is taken illegally and unsafely.

As a modern secular republic, the time has come for us to be mature enough to take responsibility for the health and well-being of Irish women and girls. There are so many complex issues involved in this debate - threats to the life or health of a woman, rape, incest, fatal foetal abnormalities, crisis pregnancy and so many others - that I do not believe we can lay down a clear black and white dogmatic position to women. In the real world decisions on these issues should be made by a woman in conjunction with her doctor and her partner, and not written in the Constitution. That is why I have decided to support the removal of the eighth amendment. The responsibility then lies on us, in a mature and caring way, to legislate, but the content of that debate is for another day. Today I call on all public representatives in both Houses to exercise the ultimate in democracy and to allow the people to decide.

Senator Lynn Ruane: I thank the Minister of State for being here. It is quite hard to capture in words how proud I am to have been part of this committee. I owe that very much to my colleagues in the Civil Engagement group who stepped aside and did not contest our place on it and allowed me to have a voice in that room. I was not even born in 1983, so I definitely felt that I was the one in the group who had the least experience walking into the room. I thank them for their support. I also thank the Chair of the committee who was very just, fair and patient throughout the process. I thank her for the role she played at this historic time for women in Ireland.

The report speaks for itself. It is clear. The recommendations are clear, with good descriptions of the thought process taken by the committee members and the factors that led us to decide as we did. I hope that people take the time to read it. It is not as fully complete as it could be. There were issues that I pushed to be included that did not make it in but, for the most part, I am extraordinarily proud of the work we did and the report that was produced. I am thankful to the members who engaged in this process in an open and honest way, especially those who described the process as a journey. It was this journey that allowed real scientific and medical evidence to prevail while keeping the woman at the centre of the debate. Members challenged their long-held views and, in many cases, changed them. One of the most powerful things a public representative or anyone can do is to admit growth, to admit that maybe their previously expressed views were based on a lack of or incomplete information, and I would like to applaud them for that.

As we move forward from this report and towards a referendum, that educational process is one that needs to be replicated in communities across the country. I hope that politicians can go forward and become ambassadors for starting those conversations and informing people about the realities of the eighth amendment and what the criminalisation and illegality of abortion has meant for women in Ireland.

I may have been a strong supporter of repeal on the committee but it was not long ago that I went on a similar journey. It was only five short years ago and I remember having conversations with friends and other students in college where I expressed a lot of misinformed and incorrect views on abortion and the eighth amendment. I was challenged on those views and, as a result, I took the time to educate and empower myself and that has made all the difference. No matter what one's view on abortion is, one should be fully armed with the facts, with the statistics, with the expert testimony and testimony from women affected and be fully aware of the impact of the eighth amendment on reproductive rights, on female autonomy, on health care and on maternity because it may radically change how one feels. It also may not change, and that will be the case for some people, but it is the responsibility of every politician and every person who will vote in this referendum to undergo the same process of information-led reflection and decision making that has defined every step of the process that has resulted in us debating this report in the Oireachtas today.

Now that we have been through the committee process and hours of expert testimony from women, doctors, lawyers, health-care providers and international experts, the extensive debate on every aspect of the impact of the eighth amendment on every part of women's health care and their lives, I now believe that the eighth amendment is one of the primary barriers to the reproductive freedom and the enjoyment of true equality by women in Ireland. It is a blunt instrument in our Constitution that takes away the ability of women in this country to make fundamental decisions around their reproduction, maternity and their own lives. It is the lives of women that we are talking about. When one takes away the ability of a woman to decide if and when she wishes to have a child, one takes away her control over her own life.

It has gone far beyond its original intended purpose, namely, an ostensible constitutional ban on abortion and has affected every aspect of women's health care and their medical autonomy. While the eighth amendment affects every woman of childbearing age in this country, it disproportionately targets poorer women, migrant women and refugee women without the means or methods to travel, and places them in impossible situations, forced to choose between motherhood against their will or unsafe and illegal abortion procedures.

It is archaic and a relic of an Ireland that no longer exists, where women were mistreated, belittled and locked up if they violated a narrow set of dogmatic religious teachings of how women should behave and live their lives. It does not belong in the constitution of a modern, secular republic. It is morally wrong and it will probably be one of my proudest moments as a Member of the Oireachtas that I was able to vote in favour of recommending its repeal. I am proud of the contents of this report. It does a comprehensive job of covering many of the policy details that arise when legislating for abortion access. I draw particular attention to the ancillary recommendations which are, arguably, the most important part of the report as they relate to access to contraception, health care and sexual education, which every international expert said were the best methods of reducing abortion rates. However, I recognise that much of the political, media and public attention has focused on the recommendation of access to abortion in the first 12 weeks of pregnancy. The committee's decision to recommend a 12-week limit was not plucked from the sky, it was the recommendation of the Citizens' Assembly and it is also widely accepted as an international and Europe-wide standard. We decided that it was an appropriate response to the issues that arise in terminations in cases of rape and incest in terms of verifying sexual assault with survivors and unnecessarily re-traumatising them. It also matches the gestational limits in terms of the use of the abortion pill, as it is advised to use it in the first 12 weeks of pregnancy.

I was therefore struck by the comments made by the Taoiseach but also echoed through many media outlets and politicians at his post-Cabinet press conference last Wednesday that our recommendations may be a step too far. I do not think these recommendations are a step too far. Rather than trying to dismiss the results of two representative, accountable and democratic processes informed by expert evidence, we would be better off considering the extent to we have become desensitised to the impact of the eighth amendment and the horrific stories that come to light as a result. Each day in which we leave it in the Constitution is a step too far. I listened to many of the stories in the past few months presented in an art installation entitled “Not at Home” by a group called THEATREclub. I think of the woman who travelled to Leeds for an abortion denied her at home and who accidentally drank a cup of tea on the flight over. She could not be put under an anaesthetic as a result and because she could not afford to fly over on another date, had to undergo a surgical abortion with no anaesthetic that day. Her experience was a step too far. The bags of some women were searched in the airport, and their bloody clothes and underwear were on display for airport staff. That is a step too far. The loss of dignity for those grieving mothers who had to travel after major surgery being exposed in a public place like that is a step too far. Women having to sit in cinemas in Liverpool after abortion procedures, where they would be warm and somewhat comfortable, being in public view if they started haemorrhaging is a step too far. It is a step too far for families who terminated in cases of a fatal foetal abnormality and had the bodies of their babies sent to them as if they were an Amazon delivery. It is a step too far that women who were raped and forced to continue the pregnancy because they could not afford to travel and because Irish law did not deem them worthy of access to a termination. It is a step too far that women who were forced to give birth against their will because they were either too poor to pay for flights or because they were a migrant and had no passport. It is a step too far when public representatives put out blatantly false and scaremongering information that abortion access on request up to 12 weeks will increase terminations in cases of Down’s syndrome. Having to even set foot in an airport and travel abroad to access health care, the whole 134-mile trip to Liverpool, is a step too far. Let us not make the mistake of standing still; instead let us take a step forward, not a step too far.

I will not accept that these recommendations are too radical when the alternative is the *status quo*, which sees stories like these come about every single day and where women are forced to take their lives in their own hands to travel to another jurisdiction because some politicians in this country are too pious and sanctimonious to accept that whether they like it, women need and will always need access to abortion. Politicians who say they cannot accept this report may feel they are taking a brave stand based on a moral and principled opposition to abortion but their position will not stop abortion. It will simply say to women in this country that those politicians’ personal beliefs interfere too much to give them access to what they need and good luck on the flight to the UK because they will need it. Those politicians may be able to claim that their conscience is clear, that they did not vote to make abortion legal in Ireland but they did, they just required that it happen illegally and unsafely.

This report is not a step too far. It is a step in the right direction, towards giving women in Ireland control over their reproductive health, their bodies and their lives and will hopefully go some way to make amends for the historical treatment of women by this State. We may have been able to convince ourselves that the eighth amendment stopped abortion in Ireland but this report shows it did not. Women simply travelled abroad to access what was not legal here or they performed illegal abortions at home, on their own and without medical supervision.

Let us not make the mistake of collectively putting our heads in the sand again, as has been

the case with this issue for the past 35 years. Let us do right by Irish women and accept the decision of the Citizens' Assembly and the Oireachtas committee, repeal the eighth amendment and give women choice and control over their lives.

Senator Ivana Bacik: I welcome the Minister to the House and the opportunity to have this historic debate. I commend the members of the committee. The Labour Party and I fully support their recommendations. We have a long record of standing for repeal of the eighth amendment. The party has a record of social change issues on divorce, contraception, marriage equality and we stand by the committee's recommendations in full, including the recommendation for legal abortion with no restriction as to reason up to 12 weeks if the amendment is to be repealed. I commend Senator Ruane and the other members of the committee and Senator Noone on her excellent chairing of the committee. In particular I commend Deputy Jan O'Sullivan of the Labour Party, who put forward the recommendation for repeal *simpliciter*. I also commend the Citizens' Assembly.

Like other speakers, I am too young to have voted on the amendment in 1983 but it has cast a blight, a shadow and indeed a chill over my generation of women. I now have daughters growing up under its shadow. I felt its chill particularly strongly as a student in 1989 when I was threatened with imprisonment by the Society for the Protection of the Unborn Child, SPUC, and declared bankrupt in court because I and my fellow student officers were giving women in crisis pregnancies information on where to obtain abortions. The student movement has had a proud record of campaigning for repeal since that date. During the decades since we have seen tragic cases such as the X case, Savita's case and others but we have not been able to legislate. As legislators, we have not been able to take on our responsibility to women who have been so badly and grievously affected over so many years because of the eighth amendment. It has blocked us from legislating in cases of rape, incest, risks to women's health or fatal foetal abnormality. The only legislation we could pass in 2013 was accused of potentially having a floodgate effect. Only 77 women have had their lives saved under that legislation since it was passed, hardly a floodgate effect. We have seen a strong movement for repeal because of the recognition that we have abdicated our responsibility as legislators because of the eighth amendment. The committee's report marks a refreshing change in approach by legislators, a confronting of reality.

One key reason the committee gave for recommending repeal is health, because the eighth amendment has had a detrimental impact on the provision of services for pregnant women, particularly in respect of the timing of critical decision-making in saving a woman's life. The preponderance of medical opinion before the committee was in favour of repeal. This evidence came from the Irish College of General Practitioners and the Institute of Obstetricians and Gynaecologists, telling of front-line experiences of being unable to intervene to save a woman's life because of a foetal heartbeat. These sorts of experiences shaped a medical consensus that the eighth amendment is the central barrier to the provision of best-practice reproductive health care in Ireland. There was also a medical consensus that the criminalisation of women, the 14-year sanction, is overly restrictive and creates a chill factor for doctors in seeking to provide high-standard health care.

The committee also recognised the practical reality that thousands of women are accessing abortion every year in England. We know that 3,265 women gave Irish addresses in British abortion clinics in 2016. We know also that thousands more are taking abortion pills illegally in Ireland, 1,748 Irish residents contacted one provider, Women on Waves, in 2016. Since 1983 more than 160,000 women have made the journey for abortion abroad. The eighth amendment

has not prevented abortion, it has merely compounded the crisis of a woman's pregnancy by forcing her to travel or face the threat of prosecution. It is a class issue because women who can afford to travel have less difficulty in doing so. That is why the committee says it was persuaded to change the law, even those who did not come to the committee with a pro-choice perspective at the beginning. They also found persuasive the evidence from international experts that abortion rates decrease after access is legalised because post-abortion contraception and other services may be provided. That is part of the ancillary recommendations.

The committee recommended a repeal referendum. That is crucial. It rejected the idea that any replacement text be inserted because it could not recommend removal of the important supervisory jurisdiction of the courts and felt a replacement text would have too profound an effect on the doctrine of separation of powers. This view was shared by a group of prominent and practising barristers who wrote to *The Irish Times* in October 2017, saying it would be dangerous to put a replacement text into the Constitution and that it would carry a high risk of unforeseen consequences.

Back in 1983, Peter Sutherland and Mary Robinson, among others, warned of the dangers of any text in the Constitution. The then Senator Mary Robinson, speaking in the Seanad in May 1983, said that the wording was ambiguous and unsatisfactory and would create uncertainty. The Constitution is no place to regulate abortion. We must leave it to women and their doctors and we must legislate.

Let me put the case strongly for holding the referendum in May. No person aged under 50 years has had the chance to vote on this issue. A June date, as has been suggested, would rule out third level students, parents of secondary school students and others. We need to ensure a maximum turnout in order to end this chill and repeal the eighth amendment for the sake of our daughters and their generation.

Senator Aodhán Ó Ríordáin: I am an Irishman, the son of a woman who was forced to leave the Civil Service when she got married, a grandson of women who were born with no right to vote, and the brother of a woman who was born in the year the eighth amendment was passed when, as Ms Emily O'Reilly put it, the "Masterminds of the Right" got their way. It was the year Ms Sheila Hodggers died, having been denied treatment for her cancer while she was pregnant.

I am an Irishman. I live in a city dotted with physical reminders of Magdalen laundries, in a country with deep secrets of baby plots, mother and baby homes, sexual abuse and violence, where older women bear the mental and physical scars of churching and symphysiotomy.

I am an Irishman. Television images of my childhood were of violence, emigration, unemployment and occasionally of women who should not be believed. It was not that simple in the land of the whispering corners. It was really the fault of Ms Joanne Hayes, Ann Lovett and Ms Annie Murphy. It was really the fault of the girl in the X case and the law was there to prove it.

I am an Irishman. I stand in a Parliament, still overwhelmingly male, led by a Government which is overwhelmingly male and reported on by a media that is overwhelmingly male, who say there are two extremes to this debate on the eighth amendment. There are not two extremes to this debate,. There is only one, and that is the extreme that demands of all women in every circumstance to be forced always to take a certain course of action. The other side, my side, does not demand that of any women.

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I stand in a Parliament dominated by parties who speak of republicanism, who glorify post colonial victimhood, but who cannot genuinely appreciate that by ourselves alone we have perpetuated this injustice in contradiction of the human rights norm of every western democracy.

I am an Irishman. I will never be told by a doctor, nurse, or a medical professional that protecting my life or my health is constitutionally complex or legally uncertain. I will never have to employ legal representation from a hospital bed and no one will ever equate my life or health to the unborn because I am an Irishman.

I know that fundamentally this debate centres on a distrust of women, but I cannot fathom the intense loneliness and abandonment that thousands of women have felt over the years as they wait at airport departure gates or ferry terminals to travel abroad to terminate their pregnancies. Many have remained silent because of the whispering corners.

I am an Irishman, so I struggle to imagine the anguish and torture in a young woman's mind as she handles an abortion pill she ordered online as she sits alone in her room, consumed with the reality that she cannot tell anyone, not a friend, a doctor, not even a soulmate. These women are of Ireland, as much as our music, sport and dance. They are to be trusted to be empowered. The Constitution must protect them in every single way as much as it protects Irishmen.

In recent years, I have heard these names haunt the corridors of this building: Ms Savita Halappanavar, Ms Louise O'Keeffe, Ms Máiría Cahill, Ms A, Ms B, Ms C, Ms D, Ms Y, Ms Amanda Mellet and Ms Siobhan Whelan.

I am an Irishman and there is much to be ashamed of and much to be proud of, because I did not always subscribe to this point of view. It has been the inspirational women in my life and in my party, the Labour Party, who have helped to bring me to this compassionate position. They have reminded me that there were always voices who would not be silenced - from Ms Evelyn Owens to Máirín de Burca, Mary Robinson to Senator Ivana Bacik, women who stood for and stand for a different Ireland.

I am an Irishman, and I stand in awe of the mná who will not be silenced anymore. They speak through the National Women's Council, Terminations for Medical Reasons, Amnesty International, and through repeal groups in every corner of this country. Individuals, such as Ms Tara Flynn and Róisín Ingle, have placed themselves at the centre of a whirlwind of abuse because they are not going to take it anymore. Women contact politicians such as me in confidence about their stories.

I am an Irishman and I want a Constitution that liberates, not imprisons; a society that inspires compassion, not blame; and a State that lives up to the republican gospel of the Proclamation that speaks to Irish men and Irish women and puts to rest finally this dangerous and oppressive amendment.

Senator James Reilly: I commend the joint committee members on the great work they have done on a very difficult and divisive issue. I commend the chairperson, who is a Seanad colleague. I understand just how divisive is this issue. We had the Protection of Life During Pregnancy Bill in 2013 and I spoke to every single member of the Fine Gael Party who was in the Oireachtas at that time, and it was a very difficult time for people. This issue is very complex and evokes strong emotions.

I have always felt as a doctor that I had no right to impose my moral view on my patients.

I have always supported my patient in her decision. The reality of general practice is that one faces a whole range of issues. I remember one surgery, even though it was a long time ago, where on the same evening I met the mother of a 13 year old girl who was having abdominal pains. When I inquired as to whether her periods had started, I was scathingly rebuked by the mother for speaking like that in front of a child. The next patient to come in was a woman in her late 30s, the mother of nine children and pregnant again. She was in no way emotionally or physically able to go through with that pregnancy. That is the diversity and the reality that faces us.

During the time of the Protection of Life During Pregnancy Bill 2013, I also met women who had faced a diagnosis of fatal foetal abnormalities and had to travel to England to have terminations. Their stories of being forced back into this country like criminals with their child's remains in a shoe box were, to say the least, harrowing and made me, like others, ashamed to be Irish, let alone an Irishman.

There are many difficulties. Many people have been thinking about this and have in their minds been expecting that we would correct the issue around fatal foetal abnormalities, and deal with both rape and incest as well. It came as a bit of surprise to many when the committee recommended that one could have a termination without restriction up to 12 weeks gestation. If people read the report of the Joint Committee on the Eighth Amendment they will understand the rationale behind it. Certainly some of the statistics given might be slightly different but they are in the same range, where one source states that in one year some 1,800 women availed of an abortifacient pill across the Internet. I have been advising people forever not to buy anything on the Internet because one cannot be sure of what one is getting. These women put themselves at risk doubly because, first, they do not know what they are getting is the real thing, and, second, pills taken unsupervised may have complications and result in serious bleeding. We know from the experts that the chilling effect of the law, making this illegal, can prevent and delay women from seeking medical advice, because they are worried that somebody might report them. I do not know any general practitioner who would do so, but there may be some. Other people who work in general practice might have different views and I know for sure in the past we had issues such as that with some of the maternity hospitals.

When we look at the statistics we can see there are at least 1,800 women using this pill and more than 3,500 women going to England to terminate their pregnancies. We cannot keep ignoring its problem and pretending it does not exist. We cannot keep sweeping it under the carpet. I hope that everybody will read the report. I hope we can have a reasonable and reasoned debate, here in the Houses, on the airwaves and in our communities, which will, as other Senators have already said and with which I firmly agree, respect everybody's views. I know there are people who will read the report and it will not change their view one iota. I respect that, but one should at least read the report and draw one's own conclusions.

As a final point, I appeal to people to take off the theological, philosophical and ideological hat. I do not mean this in a pejorative sense. I appeal to them to leave that to one side and to make the scenario real, to bring it home to their own door; to their sister, daughter, partner, granddaughter, niece or very best friend. Does anyone want these women to have to leave this country at a time when they are most vulnerable and going through the greatest of emotional traumas, and to be without that circle of support from family and friends that is so important? I certainly do not. I hope we can have a reasoned debate and that we can remove this amendment from the Constitution. I am aware there may be other ramifications. I believe it is critical to have the legislation available to us before people make the decision. On this occasion so far,

the debate has been reasonable and if we can maintain a reasoned and respectful conversation then the country can only benefit from that, whatever the result of the referendum. I have made it very clear, however, that I support the repeal of the eighth amendment.

Senator Lorraine Clifford-Lee: As other Senators have done, I wish to pay tribute to the committee members, including the Members of this House, and especially Senator Noone who chaired the committee. I have great admiration and respect for Senator Noone and all the committee members for putting together the committee's report. It was an important task, following on from the report of the Citizens' Assembly. I commend the committee. It has done the State some service.

I support the recommendations of the committee. I look forward to a referendum date being set by the Taoiseach. It is clear that the eighth amendment is not working for women. Irish abortions happen every day. Some 4,000 women travel to the UK each year to acquire a termination. Many more women are buying dangerous abortion pills online and are taking them without medical supervision.

I have spoken with women who have travelled, in already traumatic circumstances, on flights full of stag parties and business people on their way to meetings. These women sat in blood soaked clothes on the flight home. Once they arrived back in Ireland they had to travel for hours on buses and trains to get to their homes in other parts of the country.

I have spoken with women who have purchased abortion pills on the Internet and were terrified that if something went wrong, they would have no one to turn to for help. This is not good enough. We do not need another woman to bleed to death in a grotto like Ann Lovett, or in a bedroom or bathroom because our society is not able to face up to the reality of crisis pregnancies.

Nobody wants to have a termination, but for some women it is necessary. We need to be compassionate and we need to trust women to know their own minds. We need to stop brushing things under the carpet. Ireland is an independent Republic and we need to stop relying on other countries to provide health care to women from Ireland. It is clear from the evidence from medical experts that the eighth amendment acts as a barrier to the best medical care and outcomes for women. We all know women who have had a termination. The eighth amendment does not deter women from seeking abortions; they will continue to travel and endure poor quality health care, financial strain, anxiety, stigma and separation from support at a time when they need it most. I appeal to colleagues in this House and in the Dáil to support the recommendations in the report and to allow the people to have their say.

Senator Catherine Ardagh: I congratulate all our colleagues who sat on the committee. I thank them for all their time and dedication to the committee by listening and contributing to the work of the committee. I particularly thank Senator Noone, who maintained her impartiality. She was fair to participants, she was dedicated and she was dignified at all times while chairing the committee.

All life is precious, including that of the unborn and that of the mother. The arrival of a child into every family is a blessing and something to be cherished. Irish mothers have a long track record of caring for their children, which is evident everywhere we look. The health and well-being of the mother and the health care they receive is of course of paramount concern to us all and to mothers who are contemplating future motherhood.

The issue, the subject matter of the committee, is highly emotive and complex. Within many families there is a divergence of opinion. Ultimately however, the issue of the eighth amendment has cast doubt over those people it affects, mainly the health of women and girls, and this needs to be resolved. According to the facts, we know that crisis pregnancy is not going away whether we change the law or not. We can reduce the incidence of crisis pregnancies by implementing some of the ancillary recommendations of the report including improving sexual health and relationship education, introducing free and accessible contraception, improving counselling and improving in general women's health care. This is something we have failed at in the past and continue to fail with. Without sounding glib, if men needed a particular reproductive care such as that needed by women, we would probably see a state-of-the-art hospital akin to the Aviva Stadium. We do not see anything of the sort for women. Even today, women are treated in run-down archaic hospitals in this city. Thankfully, however, we have the assistance of medical professionals who give a top-class service despite the inadequate conditions.

We know that in 2016, 3,265 women gave Irish addresses to hospitals in England and Wales when accessing abortions there. The numbers of women from Ireland obtaining abortions in those jurisdictions could be even higher if they have been giving UK addresses. Ultimately, and most harrowingly, those who receive abortions in the UK do not receive the best practice in relation to medical care, counselling and access to contraception that they deserve. We also know that more than 1,500 women in Ireland each year access the abortion pill online without any medical supervision. They have had harrowing experiences. Many woman who have obtained the abortion pill online are afraid to access medical care because of the criminal sanctions. The evidence given to the committee by two current and former masters of maternity hospitals was *ad idem* in respect of the eighth amendment. Those experts stated that the eighth amendment is the central barrier to the provision of best practice abortion and maternity care in Ireland and that it should be removed. The medical profession, including the Institute of Obstetricians and Gynaecologists, has also supported these recommendations.

The current law, which includes criminal provisions, prevents the doctors in Ireland from giving women the very best medical care that they deserve. Surely this is enough. During the debate on the Protection of Life During Pregnancy Bill, many people predicted the opening of a flood gate for abortions in Ireland. This was not the case. I understand that less than three dozen abortions were performed under the legislation.

Many Irish women want to become mothers and Irish mothers have a clear, fantastic track record of looking after their children very dearly. It is time for the State to allow Irish women themselves make decisions in respect of their bodies. I believe it is time to trust Irish women and give them an opportunity to vote on the eighth amendment. The evidence from the medics is crystal clear and I do not believe we can continue with this cruel treatment of Irish women.

Senator Colette Kelleher: I wish a happy new year to the Minister of State, Deputy Finian McGrath, and to all the Members of the House.

I warmly and wholeheartedly endorse the committee's report and all the recommendations it contains. Sadly, crisis pregnancies are an everyday reality for women in Ireland. It is something we have to face up to. So far the debate in the Houses has been characterised by kindness, care and compassion. I hope this continues in the weeks and months ahead. Speaking about the deep divide that has existed between the different positions people hold dearly and sincerely on this most sensitive of matters, the late Nuala O'Faolain once insightfully wrote that there would be no abortion in any of our utopias. With that unifying thought in mind, it is important to

remember that there are practical things we can, should and must do to prevent crisis pregnancies ever happening in the first place. I particularly welcome the committee report's ancillary recommendations, which call for a full and frank review of sex education, free contraception for all and improved counselling for pregnant women. It is not widely known, for example, that vasectomies cost €400, putting them beyond the reach of many families. These procedures, as well as contraception, must be free if we are to prevent crisis pregnancies. I am also glad to see that the committee has called for the decriminalisation of abortion. It is not okay that women in Ireland today who end a pregnancy that was a result of rape face a longer prison sentence than the men who rape them.

Implementing the ancillary recommendations in full will go some way to reducing the number of crisis pregnancies and the number of women seeking abortion in Ireland. However, there will always be women who require abortion services for one reason or another. I therefore welcome the recommendation by the committee that Article 40.3.3° be simply repealed in full. The Constitution was never the right place to regulate and control women's unique ability to reproduce. We should never have been pitted legally against our own bodies. Our beautiful fertility should be a cause for celebration, a blessing, not a source of fear, anxiety or even death, or a locus of intense State control, intrusion and stigma for women. We were powerfully and painfully reminded about that control, intrusion and stigma again yesterday by Joanne Hayes. I lived in Tralee during the tribunal of inquiry into the Garda's investigation of what became known as the Kerry babies case. The inquiry into the actions of the Garda became an inquiry into Joanne herself, the woman who had children outside wedlock. It was an early expression of an oppressive State in operation against women within the year the eighth amendment was made to the Constitution.

It is telling that no international human rights treaty recognises the rights of the unborn as equal to those of the mother. Furthermore, the eighth amendment does not stop Irish women having abortions. It stops Irish women having legal abortions in Ireland. This is backed up by evidence from the Guttmacher Institute, which set out that the rate of abortion in countries with highly restrictive abortion laws is roughly comparable with that in countries with more liberal frameworks; there is no evidence that laws influence the numbers of abortions or eliminate them. Between 1970 and 2016, at least 184,000 Irish women have travelled to England and Wales to access abortion in a clinic. These women are politicians, doctors, teachers, nurses, waitresses, factory workers and full-time carers. They are our mothers, sisters, daughters, friends and work colleagues. They are people we know, people we love and women we let down.

I am glad that the committee has recommended that the termination of pregnancy should be lawful where the life or health, mental or physical, of the mother is at risk and that gestational limits should be guided by the best available medical evidence. This call that no distinction should be drawn between the physical and mental health of women was echoed by 72% of the Citizens' Assembly. I am relieved to see that the committee's report is very clear on the issue of disability. As many Members will be aware, I worked for many years in the disability sector as chief executive of an organisation that provided supports to people with intellectual disabilities in Cork. Supporting people with disabilities to live life to the full is something that I care about deeply. It is a red herring and a distraction to say, as some might, that a repeal of the eighth amendment will allow abortion on the grounds of disability. The committee's report is crystal clear in this regard and states "The Committee recommends that the law should not provide for the termination of pregnancy on the ground that the unborn child has a significant foetal abnormality where such abnormality is not likely to result in death before or shortly after

birth”, while allowing for cases where the unborn will sadly not survive. I believe this is the right approach. We need to deal with what happens where there is foetal abnormality with the utmost care and compassion. These are tragic cases and the parents deserve our support.

I also welcome that the committee’s report recommends the law be amended to allow termination of pregnancy, with no restriction as to reason, in a GP-led service up to 12 weeks. Women have abortions for lots of reasons, sometimes for more than one. Members heard during the debates on the Domestic Violence Bill of the scale of domestic abuse in Ireland. We know that thousands of women live in consistent poverty. We know too that many women are raped or abused. We know that tragically many pregnancies do not develop as planned. We know too that many women throughout the country face difficult daily lives. All of these horrific hardships provide reasons why someone might want to end a pregnancy early on. Open access up to 12 weeks allows the 17 year-old rape survivor to end the pregnancy without having to recount the horror that she endured. Open access up to 12 weeks allows that the pregnancy conceived by incest can end with care and compassion. Open access up to 12 weeks allows the woman whose foetus has a fatal abnormality to access the services she needs close to home. Had there been open access to abortion, might Ann Lovett have died alone in that cold, dark, grotto in 1984? Would Savita Halappanavar still be alive? Would the beaten-down mother of seven have gone ahead with that eighth or ninth pregnancy? Our ban on abortion has a cruel legacy. It has left some women damaged. It has left those forced to travel feeling desperate and devastated. It has left other women dead.

I pay tribute to the members of the committee who worked incredibly hard on a sensitive and difficult matter over a long number of months. I followed the proceedings very closely and saw at first hand the effort and energy the members put in. In particular, I pay tribute to Senator Noone, who was a formidable and very fair Chair. I also pay tribute to Senator Ruane from my own group. She showed her knowledge, her passion and her grit on this issue and ensured that our group was kept informed and involved throughout. There were deeply held and divided opinions on the committee and I pay tribute to the members who went into the committee room with an open mind, who were willing to listen to the arguments being presented and who were willing to change what might have been long-held beliefs. These people thought long and hard and gave consideration to the difficult journeys endured by many women and decided that as a country, we cannot allow this for the next generation. From the bottom of my heart, and on behalf of women up and down the country, I thank them.

My engagement with this issue started in 1983, aged 21, when I voted against the eighth amendment to the Constitution. At the time, a crisis pregnancy was a real possibility for me. Access to contraception in Cork was a real challenge. Being spotted coming out of the clinic on Tuckey Street with pills or condoms, if one was lucky enough to get them, was not what one wanted one’s neighbours to see. I was fortunate my many scares did not result in a pregnancy. I still remember the relief when my late period arrived. With no job and few prospects, I was not economically - certainly not psychologically - ready for motherhood. Friends and acquaintances in the same situation were not so lucky. Some took a difficult decision and faced the lonely journey to London. Some went with their boyfriends. Others travelled alone, coming home to families that did not know or would not understand. They may still not know. When I emigrated to London, my friends and I joined the Irish Women’s Abortion Support Group of which my colleague, Senator Bacik, was also a member. It was a group set up to support Irish women who travelled to the UK for an abortion. We took reversed phone calls from women calling from pay phones in deepest rural Ireland. We met women at train stations. Sometimes it

was their first time out of the country. We were a friendly face and a familiar accent for women in a big and strange city, making a tough choice.

At the time most people in Ireland did not realise what a crisis pregnancy meant for women. Now 56, the fear of a crisis pregnancy no longer looms large in my life. In the 35 years that have passed since the eighth amendment was approved, the situation has not improved much. Women still are not getting the support they need for the choices they make. Contraception is still not freely available. Sex education in schools is being curtailed by religious ethos. We still turn a blind eye to the estimated 4,000 women who travel for an abortion each year. We make criminals of the women who buy abortion pills online. We put their health at risk by denying them access to the medical supervision they need. We threaten doctors and others with 14 years in prison if they dare to help. Ignoring or avoiding the issue does not make crisis pregnancies go away. I would be so proud to see us finally face up to the full realities of crisis pregnancies for all our daughters. Let us give them the power, privacy and proper health care they need. This includes good sex education, free contraception and access to safe, legal abortion in Ireland.

I am encouraged that the committee's report has echoed the calls of the Citizens' Assembly and the thousands of us who marched for repeal last September. Collectively, here in this House, in radio stations and at dinner tables up and down the country, we must now have the courage to have thoughtful reflections about this public issue that is ultimately a very private matter.

Acting Chairman (Senator Gerard P. Craughwell): I ask the Senator to finish now.

Senator Colette Kelleher: I have waited for 35 years and I am almost finished.

Acting Chairman (Senator Gerard P. Craughwell): I understand that but in fairness to everybody else-----

Senator Colette Kelleher: Motherhood, when it came, freely chosen by me, has been the very best role I have ever had, by far. My daughter is here tonight. It has been exhilarating, exhausting, exciting and joyous. My daughter and my son have given me so many challenges, as well as learning and love. When I think of my lovely daughter, now a young woman, I see in her the attributes of someone who would be a wonderful mother, if that is what she chooses when the time is right for her, as it was for me when I had her; a wanted child. I also think of my niece and all my daughter's friends and all the young women I worked beside in September. What I want for them - and I hope this can be supported - is an Ireland where women, including women of childbearing age, are treated with respect, their health, bodily autonomy and choices are respected and protected, including the gift of motherhood if that is right for them.

Acting Chairman (Senator Gerard P. Craughwell): I really have to ask the Senator to finish up now. I am sorry.

Senator Catherine Noone: Let the Senator continue.

Senator Gabrielle McFadden: I only used half my time.

Senator Lorraine Clifford-Lee: She can have my time.

Acting Chairman (Senator Gerard P. Craughwell): She can have the Senator's time. That is fair enough.

Senator Colette Kelleher: Repealing the eighth amendment to the Constitution is a start to making Ireland that kind of country for women a reality; a reality denied to so many of us for so long.

The question before us is not about whether we think abortion is right or wrong. The question is whether that decision should be left up to the woman with the advice and support of her doctor to hand. I truly believe it should. I hope that the majority in this House will join me to allow a referendum for the people to decide. The time has come.

Acting Chairman (Senator Gerard P. Craughwell): Order, please.

Senator Jerry Buttimer: I commend Senator Kelleher for a very personal speech and join with other speakers in commending and congratulating our colleague and friend, Senator Noone, on her very fine chairing of the committee.

I begin by wanting to end the narrative that the process adopted by the committee was wrong. The process was very fair, balanced and came up with a report that we can all be justifiably proud of. Those who served on the committee did so with extreme endeavour, professionalism and courtesy. I want to commend all members of the committee for their work.

This is an important debate. In the annals of the history of our country we have had momentous occasions and debates in this House, in the Dáil, and in Irish society. However, as Senator Kelleher said, 35 years on from the last referendum on the eighth amendment, we are now on the precipice of having another referendum. It is clichéd to say that this is a sensitive and complex matter, but it is. It divides households, communities, political parties and friendships. It should not do so. We need to have a debate that is respectful, tolerant and that understands the intricacies of this matter and of this debate. I hope that we can have that debate.

I speak as somebody whose life has changed in many directions and whose view on this matter has evolved. In 1984, I was a seminarian in Maynooth College with a very different world view than I have today. As a pro-life person, I believe that all life is precious. Like Senator McFadden, I want to see this Article repealed and changed. My views have evolved through listening, engagement, debate and understanding life and what life brings forward.

I had the privilege and the pleasure of being Chairman of an Oireachtas committee which sat in the Seanad Chamber for six days on the Protection of Life During Pregnancy Act 2013. I was also a member of the Joint Committee on the Eighth Amendment of the Constitution. It taught me many things. One of the things I really want to express in this House is that vitriol, name calling, protestation in person or online has no place in this debate. None of us should stand up for that. Constitutional change is required. I am happy to support repeal of the eighth amendment. I was 2 lbs when I was born prematurely in 1967. Life to me is precious. Equally, the life of my mother and of any mother is as precious. From debating, reading and listening, this is about the right of a mother, it is about the health of a woman and it is about reproductive health.

On hearing of the death of Peter Sutherland, I went back and read his opinion published, uniquely, by Government at the time. I read it and I would appeal to all people, all citizens of our Republic, to read with care what he said. He spoke about ambiguity and about an unsatisfactory outcome which would lead to confusion and uncertainty. How right he was. What we require now and what is needed in this debate and in the referendum to come is, to paraphrase the Minister, Deputy Harris, one where we have compassion, empathy, care and understanding and where we have certainty given. That is why the report is not just about a call for a refer-

endum, it is about the ancillary recommendations about maternal care and public health care for women and for children. That is equally as important as the referendum to come. I ask all Members to read the ancillary recommendations.

No longer is an Irish problem one that we can brush under the carpet. The solution that we had was to export, let the woman travel but say nothing and pretend it does not exist. In the modern world that we all live in, we have the abortion pill. The tenable situation and solution is no longer tenable. We cannot allow women to travel unsupported and without help. As Senator Reilly said, we cannot allow women to continue taking unregulated abortion pills illegally. To ignore the facts of life today will continue the mistreatment of women by us in Irish society. We can no longer allow that to happen. As we speak this evening, delivered by An Post or by a courier, there are women taking an abortion pill in the privacy of their own home, in a public restroom or wherever. We do not know the outcome. We do not know what is going to happen the following day. Are we seriously going to say that we are going to allow our sisters, our aunts, our work colleagues and our friends to travel anonymously and to go through an experience, as Members have said here, without support and without help? Is that the modern day Irish solution that we are going to stand up for and support? I really hope not.

That is why this debate is so important. Senator Ó Ríordáin, in his fine speech, spoke about being an Irish man. I speak of being an Irish man in an Irish society that stands for a proclamation of treating all of our people equally, and that includes mná na hÉireann, the women of our country. Irrespective of our viewpoint on the right to life or on abortion, this is not about a quip on a poster or about a debate. This is about the treatment of our citizens, of our women. It is time that we allowed our citizens to make their decision. They will vote. Irish people will make that decision in a referendum. That is why it is important that we have a debate based on facts and information. The debate should not be based on spin and a campaign driven by extremes on both side, but by the middle, where we can base it upon the evidence given. That is why the committee made decisions that perhaps did not go as far as some people would want. That is why the committee disagreed with the Citizens' Assembly on the socio-economic grounds and disability. That is the mark of a committee, of a parliament and of a democracy where we can disagree.

From having the privilege of chairing the joint committee dealing with the Protection of Life During Pregnancy Act, from speaking to medical professionals and from getting to know them, our doctors want certainty. Our women deserve certainty. Let us make it quite clear. As Senator Bacik said in her remarks referring to the figures following the passing of the Protection of Life During Pregnancy Act, the sky did not go berserk with women presenting and getting permission. It was the opposite in fact. I trust Irish women. That is even more the case since the Protection of Life During Pregnancy Act 2013.

Senator Noone as a parliamentarian deserves immense praise for the way she handled the committee. The committee sat from June to December. It held numerous meetings with countless witnesses, some of whom were, perhaps, liberal. I refer Senators to the testimonies in the report.

Senator Catherine Noone: Hear, hear.

Senator Jerry Buttimer: We heard powerful testimonies. We did not hear bias; we heard the truth. Expert witnesses from the legal and medical professions laid before us the realities of what is in the Constitution. As politicians and as people, we have buried our heads for far

too long. I do not agree with abortion but it is happening every day. Women are travelling. These are not women without names. Many of them come from our communities or the places in which we were born, they are members of our families and they are from all walks of life. I can no longer stand over a situation where women must travel to access abortion or are obliged to access abortion pills online.

I hope that we can have a mature, reasonable debate on this issue. We can agree to disagree. The people will decide.

Senator Catherine Noone: Hear, hear.

Senator Jerry Buttimer: As a new generation of politicians in this House, we have done the State some service up to now. Let us continue to do so, through the leadership of the Minister for Health, Deputy Harris, the Ministers of State, Deputies Jim Daly and Finian McGrath. Let us lead. Let us have a debate and allow our citizens to decide. Let us respect that process.

Senator Victor Boyhan: I was in the Dáil earlier for some of the debate on this issue, which was particularly interesting and respectful and which took into consideration other people's views. Likewise, the debate here has been very respectful.

The Joint Committee on the Eighth Amendment of the Constitution was established by the Oireachtas. It is important to make that point because we are Members of the Oireachtas, which is charged with responsibility in terms of government. All 22 members of the committee brought their different life experiences and traditions to the debate on the eighth amendment. That reflected the nature of people. There was a certain amount of friction and tension during the committee's meetings but that was good. It happens during every sitting of this House. It is important to acknowledge that the committee discussed the issues in good faith and produced a strong report and recommendations but that not everyone may agree with them.

I have received a substantial amount of correspondence on this issue, as I am sure everyone else has too, in the form of emails and handwritten letters. Some of them are pretty nasty but they reflect people's views. This is an emotive issue. People become frustrated and angry, and they sometimes think they are not being listened to. I have no difficulty with people of different traditions, cultures, backgrounds, churches, beliefs or non-beliefs expressing their views. We live in a republic. We value diversity and different opinions even if they are in some way in conflict with our own opinion. That is good. The people are sovereign. We have a Constitution. We can debate this issue for as long as we want. I support the holding of a referendum. I am unequivocal on that and I do not need to ring *The Irish Times* to inform it of my view because I am happy to stand in this Parliament and say what I believe. It is right and proper that people be afforded their rights. As a democracy, we have the secrecy of the ballot box whereby people go to polling stations to register their decisions. There are a number of elements and aspects to the referendum process. Once it has been agreed to hold a referendum we must move quickly to establish the Referendum Commission. Previous commissions have done really good work in setting out, in an impartial way, the facts and the details, which will be important in the context of the referendum on this issue. Politicians and other interested groups will state their views and seek to make their case, with which I also do not have any difficulty, but the people need to be assured that, as part of the process, there will be an independent commission which will ensure that impartial information is delivered to people's homes.

I acknowledge the very difficult task undertaken by the Chairman of the joint committee,

Senator Catherine Noone. Regardless of one's views on this issue, she chaired the committee well. I took the time to watch many of the debates. The Senator was calm, cool and independent and that was important. I also attended the British Irish Parliamentary Assembly, BIPA, hearings on this issue in the House Commons. We heard personal stories from those on all sides of the debate. That was an interesting process, which I know fed into the work of the committee here. Senator Noone took the time to listen to everybody. I was taken by that. Regardless of our views - we all have individual views - it is the people who will decide. It is important to make that point.

I have some questions for the Minister of State which I hope he will take note of so that he can reply to them. However, before doing so, I would like to make the point that we need leadership from Government. The Taoiseach, Deputy Varadkar, is entitled to change his mind. I accept that people often change their minds following extensive debate. However, the Government made a decision in principle to hold a referendum. We need clarity around whether the Government collectively is going to support the wording of the referendum. We are not privy to what the Attorney General has told Government. We need to know if it is proposed to repeal the eighth amendment or to repeal and substitute it with another set of words. The Cabinet has collective responsibility for decisions. We are hearing different views from Cabinet Ministers. I respect they are all entitled to have different views but at some point leadership from the Government will be required in the context of what it is proposed to do. That needs to be said.

I will now put my questions to the Minister of State. Is it the Government's intention to hold a referendum to repeal or replace the eighth amendment? We need an answer to that question, although I am not suggesting that it should come from the Minister of State, Deputy Jim Daly. When the Minister, Deputy Harris, comes to the House later, perhaps he will answer it. Has the Government received legal advice from the Attorney General on whether Article 40.3.3o of the Constitution, in which the eight amendment is incorporated, should be repealed or replaced with an article specifically empowering the Oireachtas to legislate on the matter? Has work commenced on the drafting of a referendum Bill? If so, where does it stand? Does it have the official authority of Cabinet, which is required? We need to know that. If a Bill is being drafted, when will the Government bring it before the Dáil and the Seanad? Has work commenced on the drafting of a specific referendum question that the Government might envisage putting to the people? These are important questions.

There comes a time when Government must lead. Regardless of what any of us think of the views of the Government, it is incumbent on the latter to set out its stall. I understand that will happen but I believe it needs to happen soon because people want direction and leadership. As I said previously, the people will have their say. It is important that we respect and give people on all sides of the debate the space to have their views heard. I reiterate that it is important that the Referendum Commission, which will be independent, be established. I accept that the latter will not happen soon but we should at least be talking about that at this point. Like me, the people want to know what Government proposes to do and not about 12 weeks being a problem for some but not for others. The Taoiseach stated that he did not believe that the proposal relating to 12 weeks was a runner but he has since changed his mind which he is entitled to do. I have read a number of commentaries on this issue in *The Irish Times*. Everyone is entitled to change and everyone is entitled to a view, but the Taoiseach is the Taoiseach and the Government is the Government. We need leadership from them.

Senator Máire Devine: I want to take us back to the Ireland of the 1980s. I was quite a young adult then and obviously a young female. It was a dismissive society with rules legis-

lating for the very patriarchal manner in which it was run. Women and girls were controlled by the State and the church. We were intimidated and bullied. The State reigned over half its population. On the surface, it was venerating us as mothers, madonnas or maidens dancing at the crossroads, but when we dared to differ in opinion or make demands, we became whores. Just ask Joanne Hayes. It was in this societal context - the context of the Magdalen laundries, the Tuam babies sites, the forced adoptions and the shame - that the eight amendment came into being, with 66% of the population voting in favour of it. I was not among that 66%.

As that young girl and as a young republican, I instinctively knew that my friends, my sisters and I had no voice. We were smothered by the raging and damaging conservatism of the State, which was then led by the church, that put my health, my sisters' health and my friends' health at risk. We grew up with a trauma and terror of pregnancy, without sex education and without access to independent GPs. GPs would ring one's mother if one went to talk to them. We had no access to contraception. It was the dark ages for women and girls, yet it was only just over three decades ago. Instead I went to the library. I was fed up looking at the horrific posters and quotes about what we were doing to babies that my colleague, Senator Paul Gavan, talked about earlier. I went to the library and I tried to get some more information. I went to bookshops. I went to inform myself and to get away from the rhetoric that was smothering me, my friends and my sisters. We are 50% of the population and we have come a long way. In the 1980s we were young and we were on the cusp of a new generation. It has taken another three decades or so for the young people of today to have their voice. They are heard and they will be heard in this repeal of the eighth amendment.

I thank the Citizens' Assembly and welcome its findings. I also welcome the report of the Joint Committee on the Eighth Amendment of the Constitution, and especially the contribution of Senator Catherine Noone, which recommends that Article 40.3.3° be repealed and replaced so that women can avail of terminations in certain circumstances, which would include when there is a risk to their health. The definition of health would not exclude mental health or make a distinction between it and physical health. This is essential. We have had the X case and the Y case. We have had women coming back with babies in boxes. We have had all those women admitted to psychiatric hospitals because of their distress and, because of the lack of legislation in this country, they have ended up being diagnosed as having psychiatric mental illness. That is not on. That is the fault of the State and we need to correct it.

Of all the lobbying, correspondence, emails and phone calls I have received, the message that moved me most was from a beautiful woman, Anita, who lives in Tipperary. She has allowed me to read this in the Chamber. She is 44.

I am lucky to have a beautiful boy who is now 5... I would love to have another child but sadly my age but also my mental health means that pregnancy and the years after birth would take a very big toll on me... I was aware that due to my previous mental health history there was a very strong chance that I may develop post natal depression.

She did indeed develop it.

I really can't express how difficult I found the first 6 months of motherhood. Society would have you believe that it's the most special time of a woman's life but I just found it hell. And I felt so guilty... Parenthood is tough but even tougher when you are dealing with demons in your head telling you every moment of every day that you are a terrible mother and your baby hates you... Over the years I gave abortion very little thought, until I be-

came pregnant at 38... I asked my GP, innocently, what would happen if there was a major problem with my baby and it was best to end the pregnancy. When he replied “well you’d have to go to England” suddenly the realisation of what the 8th amendment meant and how it affects every aspect of a woman’s pregnancy hit me... I would love more than anything to have another child and for my son to have a sibling but the stress that this would put on me is too much a risk to take... Can you honestly hand on heart say that you are OK with keeping me pregnant against my will, knowing how much trauma it will put me through?

I found that really thoughtful and provoking and I thank brave Anita. Whatever replaces the legislation, we need to provide a wide range of comprehensive health and reproductive services in which equality is realised and control is given to our women and girls to decide on their own health and well-being. Again, I thank the joint committee for its report, which reaches out not just to the women and girls, but to our men and our society and which provides for a kinder, compassionate, understanding and ultimately safer society which would repeal this draconian, smothering legislation. Support our women and girls in difficult circumstances. The *status quo* is untenable and unsupportable. We need to remove the dark shadow over the daily lives of half of the population of Ireland. I trust the medical experts, I trust myself and I trust women. We all need to trust.

Senator Neale Richmond: I am grateful for the opportunity to contribute to this vitally important debate on one of the key issues facing us in these, our times. I will not take the full ten minutes, so if the Acting Chairman would like to redistribute the remaining time to someone like Senator Máire Devine or Senator Colette Kelleher, they would have far more profound things to say than I would and I would be more than happy with that.

I commend the committee on its work on this issue over the past six months. I particularly commend the Chairman, my good friend, Senator Catherine Noone, on the role she played, often in trying circumstances. I fully appreciate the seriousness of this matter and I respect every single opinion that has and will be given on this matter by all contributors. I truly hope that the debates in the Dáil and Seanad today and tomorrow can be reasoned, that people can disagree without being disagreeable and that such debate will continue into a referendum campaign, if one should occur.

There are a few points I would like to raise with respect to the running of any referendum campaign, but I feel it is important that I outline my own personal opinions on this matter before I do so, in the interests of clarity. I fully accept and appreciate the recommendations of the committee and recognise that the conclusions were reached by consensus, which required compromise by many. However, although I agree with the recommendation to hold a referendum and appreciate the committee’s further recommendations, they are not necessarily ones that I wholly agree with personally.

To be clear, I absolutely agree with the removal of Article 40.3.3° from the Constitution. It was put in place in 1983, when I was approximately four months old. I look forward to having the opportunity to vote on it. Beyond this, within my own party and further afield, many have understandably voiced their concerns with regard to the 12-week limit. I too have concerns in that regard but I am concerned that 12 weeks is simply too restrictive from the point of view of best practice in maternal health as it provides too arbitrary and tight a timeline. If a referendum was passed and such legislation was to be put in place, a 12-week limit would still leave Ireland

with one of the most restrictive reproductive health systems in the European Union and a long way off the United Kingdom where a 24-week limit is in place. Therefore, I feel that we will still continue to export what should ultimately be the responsibility of our health system. As it stands, the Irish health system is only behind Malta, where abortion in any case is a criminal offence that can lead to jail sentences of 18 months.

That said, I feel it is important that any referendum is held on the basis of the committee's recommendations. Therefore I accept them, albeit reluctantly, and ultimately I hope it will be for the people of Ireland to decide on them. It should be for the people to decide. It is important that they can decide in the fairest and clearest of environments. That brings me to the vital role that the Referendum Commission will play in any such campaign and to a concern I have with regard to online campaigning. I have serious concerns over the appropriate use of paid advertisements online in any campaign. In the past week alone, I have had sponsored posts on my Facebook timeline from no less than ten different organisations seeking to retain the eighth amendment. At least, I think they are different organisations as their names, branding and messaging are almost identical, as is their use of stock photographs. It is not clear whether these pages represent different organisations or are simply fronts for one central organisation and ultimately one central funding source.

I have noted that a number of Members have stated elsewhere that while they accept the need to hold a referendum, they do not intend to personally campaign in any such referendum. I completely accept and appreciate their decision to do so. For myself, however, even though it might be ultimately politically damaging to my ambitions to go elsewhere, I fully intend to actively campaign for the repeal of the eighth amendment. I pledge that I will do so to the highest ethical standards in the interests of fair and decent debate but also in the interests of every single woman in this country.

Senator Frances Black: I thank the Minister of State for his time today. I would like to welcome the report of the Joint Committee on the Eighth Amendment of the Constitution and strongly support the call for the amendment to be repealed. I am deeply saddened by the harm it has done to women in this country since 1983. It is clear that we cannot move forward on this issue until the eighth amendment is removed from our constitution. The committee was careful, fair and considered in its work, and the focus on expert medical advice was very important. I join others in commending Senator Noone on her excellent work as Chair, a hugely difficult role which the Senator carried out fantastically. I hope the Senator and her family are very proud. I also thank my colleague in the Civil Engagement group, Senator Ruane, who represented our group on the committee and really did us proud with her hard work, attention to detail and commitment to justice. A huge amount of credit also must go to those campaigning on the ground for decades, those who organised marches, contacted Deputies and refused to let this issue go away when many were afraid to deal with it. Change starts from the bottom up and this has been no different. Overall, this is a big step forward for Ireland. Along with the Citizens' Assembly, it shows that when people hear the evidence, understand the reality of the situation and weigh it up in a calm and respectful environment, there is support for a woman's right to choose.

It was impressive to hear from Deputies and Senators who heard the submissions and discussions and changed their views over the process. The onus is now on those who were not part of the committee to do the same and to read those testimonies in detail. We need to make sure that the focus on evidence and calm reflection is carried on into the referendum debates in the coming months.

A few things from the committee's hearings and deliberations stood out to me in particular. The first of these is the insight that the eighth amendment simply does not stop abortion from happening. It just forces women to travel abroad for health care or to avail of it at home, illegally and in potentially unsafe conditions. Up to 12 women leave Ireland every day to access basic health care in the UK and over the past 30 years, approximately 180,000 women have been failed by the State. The simple reality is that Ireland already has abortion services; they are just located in the UK and across Europe.

We also cannot escape the socioeconomic aspect of this. In reality, many people have to delay travelling, as they need to save or borrow money to pay for flights, medical expenses, hotels and so on. For many, this is just too expensive. This means that for those who have the resources, abortion is a possibility but if one cannot afford to travel, one is immediately in more trouble. There is a class element here. Forcing women abroad for health care disproportionately affects those on lower incomes or from marginalised communities who cannot travel. Similarly, the widespread availability of abortion pills is incredibly important. Again, abortion is happening in Ireland and the question is not whether we personally agree with it but whether we want to ensure that Irish women's health care is safe, controlled, and up to the best medical standards.

When presented with the evidence, I heard many Deputies and Senators make the point that one may not be in favour of abortion but given the facts, one can understand that the decision is best made between a woman and her doctor. That is what it means to be pro-choice, namely, to face up to the daily reality and trust women. This is a highly sensitive and emotive issue and I know how passionate about it people are but if we can have the conversations and reflect on the evidence, we can support a woman's right to make her own choices.

I was also struck by the testimony of many of the country's most senior doctors and medical experts, as well as the legal advice that was heard. It was clear that given the complexity of the issue, the Constitution is not the place to deal with abortion. In the words of Dr. Peter Boylan, the eighth amendment has caused "significant difficulties for doctors", and "has caused grave harm to women, including death". When the referendum wording is decided, we must get this right. We need a straight repeal of the eighth amendment to be put to the people as soon as possible and I hope it is considered in May rather than June. I thank the Minister for Health, Deputy Harris, for working quickly on this.

Dr. Rhona Mahony, master of the National Maternity Hospital, also noted how unworkable our current system is, stating that it "assumes we can accurately predict the risk of dying", and that "waiting for a woman to be sufficiently ill in order that she is perceived to be at risk of dying is potentially dangerous". It is horrendous to think that women in need of an abortion for medical reasons are essentially forced to wait until their condition deteriorates almost to the point of death before they can access a termination. To wait for someone to be bad enough before allowing them medical treatment is deeply unfair and unjust.

I think of Michelle Harte, who became pregnant while receiving treatment for cancer. She was advised by her doctors of the risks to her health and sought a termination. This was refused in Cork University Hospital as a threat to her life was not immediate. She was forced to travel to the UK to access health care. She died in 2011. I also think of Savita Halappanavar, who was denied a medically induced abortion, despite the inevitability of a miscarriage, because a foetal heartbeat was detected. It was a tragic and shocking story and her death could have been prevented. She should be alive today and it breaks my heart to think of what happened to her.

Savita's case was another one of a long, dark line of tragedies that have shocked and saddened the country over recent decades.

Today, I think especially of the young migrant woman, Ms Y, who should have been welcomed to this country with the chance to start a new life. She became pregnant as a result of rape and sought an abortion under our current system on the grounds of the risk of suicide but was denied. She came to this country seeking help and we failed her. She was unable to travel to the UK because of her legal status and was essentially forced to carry an unwanted pregnancy until foetal viability. When she objected and went on hunger strike, the HSE sought a court order to sedate and drip-feed her before carrying out a Caesarean section at just 25 weeks. This took place a full 17 weeks after she had first sought help, expecting Irish hospitals to support her. It breaks my heart to think of what she went through. Her lawyers noted the huge emotional pressure inflicted upon this very young and vulnerable woman by the State. I think this is an understatement. I cannot bear to think of the impact this has had on her mental health. This is hugely important and we cannot in good conscience stand over a system that abuses and mistreats women like this. I would like to say this was a rare case but it is not. It is one of the many that led the United Nations Human Rights Committee to rule that the eighth amendment subjects women to cruel, inhuman and degrading treatment and violates their human rights.

This is a difficult and sensitive issue but if we look at the reality of what the eighth amendment has meant and the huge hurt and trauma it has caused for women in this country, we see that we must repeal it. This has been made clear by the Citizens' Assembly and now by the committee's report. I commend its members again on their hard work and dedication and I urge the Taoiseach to call a referendum quickly. I repeat, the Government must hurry up and get this done.

My voice will be among those calling for repeal when we go to the polls this year.

Senator Rónán Mullen: I have listened to this debate from my office. It is obviously one of the gravest issues that will ever be discussed in these Houses because unlike many other issues which we debate, this involves the lives and deaths of human beings. It is no secret that I was extremely disappointed with the approach taken by the committee, the way its work was managed, and the way the time allowed for questioning and thorough analysis of the issues was completely curtailed. I regret to say that there was on occasions an atmosphere that I felt was disrespectful of the minority. There were a lot of things to regret, but perhaps I should focus on the issues.

It is staggering to consider the things the committee never considered in detail or at all. I was among those asking to hear evidence about the human rights case for the eighth amendment. We heard from international experts from a supposed human rights culture that does not believe that the unborn has any rights before birth. That is the standard. That is the default position among the international human rights fraternity, the people who dominate the debate. They will never, ever criticise a law on abortion on the grounds that it is too liberal.

The fact that this was not engaged with or that a voice to explain the human rights thinking behind protecting both unborn babies and their mothers in the Irish Constitution was not heard was a remarkable omission.

Another great issue that we never got to grips with was the question of whether the eighth amendment has actually contributed to saving lives. This issue is often presented as though

the only issue is whether we put the inconvenience on women by forcing them to go to Great Britain for abortions or let those same abortions happen in Ireland. An NGO which supports abortion was brought before the committee even though advocacy groups were not supposed to be there and made the blithe and untested claim that it does not matter what the law says as the same number of abortions take place. I am roughly paraphrasing what it said. However, the obvious comparator is Great Britain with its figure of one in five pregnancies ending in abortion. According to the best figures we can muster and the best estimates, estimates that have been prepared by actuaries, if we take our abortion figures, tragic as they are at over 3,000 annually, if we allow even for 1,000 or so or more abortions taking place through the pill, it is a far lower abortion rate.

One in 19 Irish pregnancies ends in abortion. However, the committee never felt it was necessary to look at whether the law being the way it is in Ireland has caused people not to choose abortion with the result that there might be thousands of people walking around today living as I live and in perfect health. That is really what is at stake. It is whether we see one person to be protected or whether we see two. If the unborn baby was not a human being, it certainly would be heartless to deprive anybody of the right to abortion but what is at stake here is whether we see one person to be protected or two. What we have achieved in Ireland is a law that guarantees the right to life of the mother in all circumstances. Contrary to what has just been said, the threat to life does not have to be imminent. One senior obstetrician told me that they were comfortable that the law allows them to do whatever they need to do to protect a woman. That is why the unfortunate invocation of the Savita Halappanavar tragedy was so unfair because this did not have to do with doctors refusing life-saving treatment to a woman. This, according to the reports, the inquest and all of the documents, was about doctors failing to comprehend that a woman's life was in danger. We need to be honest and not use these tragic cases in a propagandistic way.

The experiences of families that believe the lives of some of their loved ones have been saved by the eighth amendment was not of interest to the committee. I know one family that made an abortion appointment twice but because the law is the way it is, there was that necessary process of thinking. I know one person who came back and said to me: "If only I'd known somebody to tell me I could cope." That is what is at stake. We pretend to be compassionate by saying we will let everybody make the decision and that it should be between themselves and their doctors but who is going to speak up for the baby? I have not heard any contribution here so far actually talk about the baby as though he or she has any rights. I do not know what that means. I do not know what politicians are really thinking. I do not know if they feel they have to obey a party line or if they really do not believe the a baby has any rights because what was proposed by the committee leaves the baby with very few rights. Let us remember because people wanted to talk about complex and tragic cases, like rape, that do conflict people. The morning-after pill is legal in Ireland. Protection for the unborn baby takes place from the moment of implantation and many people who experience that horrible crime go on to keep their babies, which was one very positive thing we heard at the committee. However, in order not to have to deal with the complexities of whether we would legalise abortion in this case or not, the committee proposed that it be okay to take any unborn child's life up to 12 weeks.

I received a letter recently from somebody who asked whether I would consider asking that my colleagues and I in the Oireachtas be given a short straightforward factual presentation on the stages of development that a foetus-unborn baby goes through during a pregnancy. My correspondent said that surprisingly, this information was never set before either the Citizens'

Assembly or the committee. I can certainly speak for the latter being true. If there are potential votes on ending an unborn baby's life at particular stages, it would be important in the interests of evidence-based decision making that each legislator would be in possession of this key information and so could be clear in his or her mind on what exactly is at stake at each stage.

I am not talking about gory pictures. I have never been in favour of them. I think they dehumanise the baby and show a lack of respect for the person who is unwittingly confronted with the deep injustice of late-term abortions, particularly in all their physical reality. However, I am talking about us being open to talking about the developmental stages of the human being because one thing is clear. Science is showing us just how wonderfully complex and sophisticated human life is from the earliest days in the womb. One does not need to go through pro-life literature to see it. The pregnancy websites for men and women expecting their babies will talk about your little baby and what is happening to him or her in the womb at three or four weeks and five or six weeks. What one will be stunned by is the early stage sophistication. When we pointed out at the committee that there is a heart beating at 21 days, we were met with the response that this is just a neural tube. This pulse is what turns out to be the heartbeat. Why would people want to deny the sophistication of the development of the unborn child? This is not a potential human being. This is a human being with potential at the exact physicality and the exact state of development that is proper for his or her state in life.

I heard passing references to respecting different views but I also heard references to zealots. How can we regard as a zealot somebody who believes passionately that there is a baby as well as a mother to be protected? How can one regard as a zealot somebody who is willing to pay more of their own taxpayer's money to ensure that no woman who finds herself in a crisis pregnancy situation feels alone and unsupported? How can one regard as a zealot somebody who believes that a mother must always be entitled to every necessary medical treatment, even if that results in the loss of her baby because that is what the Constitution guarantees?

Reference was made to Peter Sutherland. May he rest in peace, he was a great Irishman. However, I ask people to be careful about invoking particular names. I knew Peter Sutherland. I spent a very pleasant hour in his house not that long ago. He encouraged me very much in my politics and urged me to keep doing what I do. While he did give his advice, I do not believe he would have been comfortable with what we are proposing now. There are good people on both sides of this debate but we should remember that this is the first time it has ever been proposed that some human beings will have their right to exist taken away. It is not that anybody likes anybody to have to go through a crisis pregnancy. It is because the lesser of two evils always involves letting everybody live so that they can have everything or at least some of what each person in this room, including me, enjoys, which is the opportunity to have an imperfect life.

Senator Paul Coughlan: As has been said, this is a very difficult subject and there are many differing views. I think we are proceeding in a respectful manner and, as has been said by Senator Richmond, I intend to be able to disagree without being disagreeable. I always believed as, I am sure, do all Members, that the most basic and fundamental right is the right to life. Any deliberate, planned or wilful extinguishment of life is killing. Surely we do not want to go down the road of Great Britain where abortion has been legislated for and where, to date, approximately 9 million children in the womb have been aborted. I would be totally opposed to neutering or lessening the protection which exists in the Constitution for the equal right to life of the baby in the womb, unless it was to be adequately replaced in law.

The baby in the womb is the tiniest and weakest member of our society and should feel that

the womb is a safe place. They have nobody to defend them, apart from us as legislators, and I believe we should not fail them. We should not be seen to dance to the tune of the pill providers who have a vested interest in the abortion industry and want to spread their influence from Britain to this country so that abortion becomes available here, possibly even on demand.

The medical health of women is obviously vitally important. That is why we have the Protection of Life During Pregnancy Act as well as other things to which reference has been made. I listened to Senator Swanick with interest earlier. Doctors have the hippocratic oath, as he said, and their ethics. The medical profession and any maternity hospital will look after any girl or woman if she is in distress or having any trouble whatsoever with her pregnancy for whatever reason. Whether it is as the result of taking some pill that is probably not proper or is dangerous, it does not matter; it will be taken care of. We could be building a conflict into our law by proceeding to remove the current protection afforded. The equal right to life is important.

The tragedy of the Kerry babies over 30 years ago has dominated the news in recent days. Baby John was found on the White Strand in Cahirciveen, stabbed to death shortly after birth. This was regarded as murder. Inside the womb should be the safest place for the weakest and most defenceless. Are we losing all sense of proportion by now proposing to legalise the ending of a baby's life in the womb at any time up to 12 weeks? We should maintain the safety and sanctity of the womb for our unborn at all costs and adhere to a proper set of values. This process still has quite a way to go. We have the High Court decision of Mr. Justice Humphreys which will be revisited by the Supreme Court next month. We are aware that the Department of Health and the Office of the Attorney General are liaising actively and will have to agree on a proposed legislative framework. The Cabinet will then have to decide on the question that will be put to the people as well as the accompanying legislation. We will all have the opportunity to return to this subject again and we will learn more in the immediate future. With that, I am prepared to leave it for now.

Senator Gerard P. Craughwell: I thought long and hard before coming here to speak tonight. I speak as the brother of eight sisters, the son of a mother, the husband of a wife and the father of a daughter. I see it has gone viral already that while my colleague, Senator Kelleher, was speaking, I tried to shut her up.

I do not know anyone in the world who is not pro-life. Every single one of us cherishes life and cherishes the lives that come into this world. We had a debate here some time ago on an RTÉ documentary about mother and baby homes. The following morning, a woman - a girl I knew growing up - rang me. I had known that she had been pregnant as a teenager and that she had left Galway to have her child in peace and quiet. I thought she had gone to a family; that is what we were told at the time. This girl did not go to a family, however; she went to one of these homes. I have spoken to her many times since that documentary and the pain, hurt and sense of betrayal and injustice that comes from that woman is heartbreaking to listen to. Then this debate on the repeal of the eighth amendment started. As someone with a constitutionally established position in the Seanad, I support the right of the Constitution to determine where we go in this country. Therefore, I support the right of the people to have a vote on repealing the eighth amendment. The people will decide what way that goes.

Since it was announced, I have been inundated with messages, whether text messages, via Twitter and Facebook, and on postcards. One thing that shocks me is that the majority of them come from men, the same men who made these girls pregnant years ago and deserted them the moment they became pregnant. They left the unborn child to be carried to birth, such as that

poor girl who had to hand up their child and have it exported to the United States or handed over to someone else for adoption. They are the same men who live respectable lives today as professionals, farmers, teachers, doctors or whatever, who abandoned their own children and the girls they got pregnant, had them branded as some sort of harlot in the town, and walked away, still respectable.

Why do I stand here today? I support the referendum and the right of the people to make the decision they wish to make. I stand here because my colleague, Senator Catherine Noone, got an unmerciful time on social media over recent days. To these clowns who send me and others messages - they are on both sides - and to people who exploit photographs of foetuses in an effort to drive home a message, I say, "Do not send them to me". The woman who works in my office does make decisions and she does not deserve that.

Senator Jerry Buttimer: Hear, hear.

Senator Gerard P. Craughwell: The same applies to people on the pro-choice side. Do not send me messages. I am an old fella of 64 years, and I can make up my own mind. If I need advice, I will talk to the women I love and they will help me. It breaks my heart when I think of some of the girls I knew growing up who had children. Once they had a child, they were called a whore because they were not married. Let us get real here. As my colleague, Senator Buttimer, said, and I do not always agree with him, let us deal with this in a respectful way. Let us have a respectful, calm debate. I do not want people from the United States contacting me or trying to degrade or denigrate one of my colleagues here.

Senator Jerry Buttimer: Hear, hear.

Senator Gerard P. Craughwell: We will make our own choice in our own way. It is painful to make the choice. It is not easy on anybody on any side, but let us make it in our own way. Let us talk to the people we trust and love. To the men who support either side, I have great news - they will never be pregnant and they will never have to make the decision.

When I was growing up, I knew one man who, as far as I knew, was so conservative it was not funny. His daughter got pregnant and the big discussion at the time was how they would tell her father. She was living outside the country and had to come home. I spoke to some people afterwards. The father had copped on that there was something going on in the kitchen and walked in and asked what was happening. They told him they would tell him later, so he asked again what was going on and for them to tell him. Someone told him she was pregnant and he told them, "Bring her home". I knew that man and I know what he went through bringing her home because he was about as conservative as one could meet.

Let us stop the filth and be respectful of human beings on all sides. I plead with people to deal with this as my colleague, Senator Noone, dealt with it as Chairman of the committee and as Senator Rónán Mullen does in his way on his side of the argument. I may not agree with either of them but I respect the right of both of them to talk about how they feel and the rest of the country ought to do likewise. I was at a function at the weekend and a person at my table asked about the position on the eighth amendment. The answer was that that was not the appropriate place to discuss the matter.

I have no idea what is coming after the amendment or referendum, although I would like to know. As a man, I will never have to make that choice but my daughter and two granddaughters may, so, God damn it, I do not want to do the wrong thing. I want to let the referendum do its

thing and we can then discuss how we will deal with it. I deeply respect those who have put their opinions before the community.

Senator Fintan Warfield: I commend Senator Noone on the role she played as Chairman of the Joint Committee on the Eighth Amendment of the Constitution. She was calm, patient and fair and her conduct as Chairman was everything for which an institution such as this could hope. Those traits are all the more impressive when one considers the issue at hand and the behaviour of some people.

For quite some time, it has been apparent that we would discuss the report of the joint committee during our first sitting week after the recess. It is worthy of attention that, on our return to the Seanad and during the first statements of 2018, which marks the centenary of women's suffrage in Ireland, we are debating where Ireland stands regarding women's health care and rights. Over the course of this year, the Oireachtas will mark the work of the suffrage movement in Ireland dating back to the early 19th century. There will be cultural, historical and educational events involving a celebration of the lives of women involved in legislative reform and those elected to Parliament. In the words of Rita O'Hare, they were "brave, beautiful and extraordinary women who defied the social mores of that era, who came from every class and creed and background, from rural communities, from the slums of this city and those who rejected the confines of class and privilege to join that combination of the national movement, the women's movement and the labour movement in declaring that they stood for the republic." This centenary year is not just about marking an anniversary, it is about continuing a struggle. Those women struggled for agency, not only for themselves, their sisters or their comrades but also for the independence of a nation.

Having watched much of its proceedings and having already reflected on the work of its Chairman, I also commend members of the joint committee such as Deputy Louise O'Reilly and Senator Lynn Ruane. They and others on the committee have yet again proved that this institution and our society are best served by a diversity of imagination and representation. Only 35 of 158 Deputies in the Dáil, or 22%, and only 19 of 60 Senators, or 32%, are women. Something needs to give.

My sister and my female friends stood with me when I demanded equality. I now stand with them and with mná na hÉireann. We are on the other side of a Citizens' Assembly and an Oireachtas committee. It is time to repeal the eighth amendment, to begin as broad a conversation as possible and to bring as many people with us as we can. As has been said, this is not the 1980s. The information is accessible and the factual evidence is there.

During the committee's proceedings, it was stated that one in eight Irish women of child-bearing age have had abortions. This is a truly diverse and far-reaching issue. It has become obvious that we need the ability to legislate. To so do, we must remove women's reproductive health from Bunreacht na hÉireann in order to robustly respond to the unpredictable and exceptional aspects of many pregnancies. We also need to formulate legislative responses to technological and medical advances. Article 40.3.3° does not take account of the unpredictability of any given pregnancy and cannot respond to effectively safeguard a woman's health. Many witnesses to the joint committee confirmed that the eighth amendment restricts our doctors and medical staff in their response to guarding a woman's health. It is time to listen to our medical professionals. They will play a central role in this campaign. We need only reflect on the case of Savita Halappanavar to know that the ambiguity of our laws has led to uncertainty in medical responses. Savita was a victim of that ambiguity.

I say to those who support the eighth amendment that to reduce the need for such a service we must work together to give women a full range of accessible contraceptive options and a fully effective and inclusive sex education curriculum, including modules on consent. To reduce the number of delayed abortions overseas, we must make provision for this medical procedure in Ireland. The eighth amendment does not save lives but, rather, puts women's lives at risk and supports a regime of medically unsupervised abortions via pills ordered online.

I want to commend the brave women who have come forward to share their stories of difficult decisions made and of shame shipped overseas. Those stories have been told in a selfless manner that articulates difficult circumstances and they have been put into the public space so that we, as policymakers and citizens, can listen and reform a law in order that others will not have to confront the same situations. Previous Governments passed the buck because they did not favour the electoral turbulence of taking action on this challenging issue. We need to have the bravery, where previous administrations did not, to do what is right without taking account of re-election. We need to listen because the calls have never been louder to hold a referendum on repealing the eighth amendment and we need to confirm that as soon as possible.

I am of the view that the referendum will pass and that the core human decency of the Irish people will prevail. Every day, I see young people demanding agency and independence. We saw that during the referendum on civil marriage equality. Older generations with different experiences will expose the misogyny and ingrained sense of prejudice historically experienced by the women in this State. The eighth amendment is the biggest obstacle to women's health care in this State. It is a representation of a State and society that did all they could to control and police our bodies and sex lives. It condemned and continues to condemn women to be victims of a dodgy and obscured version of morality. We live in a State that has condemned independently minded women, whether through the denial of basic contraception, upholding a rape culture or incarcerating women in laundries, mother and baby homes or other mental institutions. We have stigmatised women for having sex, yet have been seemingly oblivious to the lack of any equal moral standard expected of heterosexual men. We stigmatised Ann Lovett, a 15-year-old girl from Granard, County Longford, who died beside a grotto in 1984 and who felt she had nowhere to turn. We owe it to her, to every woman who has travelled in fear of criminalisation, to our generations who deserve better and who deserve universal health care and, in this centenary year, to the women of an Chéad Dáil not to be so hypocritically reliant on British policy.

Senator Alice-Mary Higgins: I welcome the Minister. I welcome and support the report and commend the committee on its work. I particularly join in commending its Chairman, Senator Noone, on her calm, reasoned and fair approach throughout and I express the pride of the Civil Engagement group in our own representative, Senator Ruane, who made an always insightful and strong contribution to the work of the committee. The committee was respectful of the very important work of the Citizens' Assembly, which should also be acknowledged. However, as was appropriate, it subjected the assembly's recommendations to further scrutiny. Not all of those recommendations were carried forward but they were given very full and proper consideration. I commend the thoughtful and measured way in which the committee members approached their questioning of expert witnesses and encourage everybody to look at the transcripts of those sessions because they are very illuminating and, at times, inspiring.

The committee, having noted concerns around the question of constitutional wording, spoke to several legal experts and decided by a large majority to support a simple repeal. I also believe that was the right decision and I know the Minister will now go through his process of examin-

ing that issue. I hope he can do so in a timely manner to ensure that we move forward. I hope that the outcome of that is a simple repeal because it deals in the clearest way with the questions at issue. Ultimately, in the referendum people will be voting on the question of repeal and the removal of decisions around women's bodies from the Constitution. This is very appropriate. Regardless of one's views on the legislation, it is important to note that we as the legislators step up and take responsibility for producing legislation for our citizens and for women in Ireland.

I first marched for repeal in 1992 as a teenager. I was moved and shocked by the X case and what was happening to another teenager in Ireland. I was also moved by the Magdalen laundries stories. At the time, friends of mine in the Galway Youth Theatre were taking part in the first performances of Patricia Burke Brogan's *Eclipsed* where we learned about other ways that young, pregnant women in Ireland had been treated in the past. It makes me very sad that there are still teenagers who are travelling alone or who are taking medication in secret, and that there are still young women and men who are having to campaign out on the streets on this issue. I am glad that we may now be able to move forward on it.

It is clear, however, from the evidence that has been given to the committee that the 12 women a day who travel from Ireland are not just teenagers. Dr. Patricia Lohr told the committee that 70% of the Irish women who receive abortions in the UK are married or with a partner. Nearly half of the women had had at least one previous birth. Many of the women who seek a termination are already loving parents and they well understand what is involved in their decision to proceed or not with another pregnancy.

This is an issue that affects every woman and every kind of family. We are often told that abortion is a divisive issue but I do not know if that needs to be the case. I believe that we are learning how to talk to each other about this issue. We should all resist those who seek to make this an automatic point of simple division. I believe that it is actually a diverse issue. Each pregnancy experienced by each woman and each decision to terminate a pregnancy takes place in the context of that woman's own life and circumstances. Those circumstances may include rape, incest, mental or physical concerns or complex personal situations. That is why the 12 week provision is so important even though it is still very conservative by European standards, as has been pointed out.

People who make one choice during one pregnancy may find a different choice is right for them in another pregnancy. I was struck by Dr. Boylan's comments to the committee that some who choose to carry to full term despite a diagnosis of fatal foetal anomaly may, if they receive the same diagnosis on a subsequent pregnancy, not feel able to make the same decision again. I strongly welcome the recommendation in the report around fatal foetal anomaly and I commend the dignity and bravery of those who shared their difficult and personal stories - and indeed all those with different experiences who shared their stories over the years. They contributed to the breaking of a silence and to the movement of the issue from the symbolic or abstract realm into that which is experienced by real women in real time.

It was also clear from the evidence to the committee that the eighth amendment has had a very real constraining and sometimes dangerous impact on already difficult clinical decision making in our hospitals, particularly around the determination of risk to life or health. Reference was made to the Savita Halappanavar case and that it showed the failure to apprehend that a woman's life was in danger. How much more difficult and complex is it to apprehend that risk when one is doing it in a criminal context - as it was described to the committee? At the committee doctors spoke of the dynamic process where circumstances can change. Other

doctors asked how a risk of death is to be determined - is it 10% or is it 80% - and they noted that each woman would also have a view on what level of risk might be acceptable or not in her circumstances. The eighth amendment means, unfortunately, that women's views are currently given little consideration in these decisions. Women are even excluded from the legal rights afforded to other patients.

Dr. Garret FitzGerald, speaking against the eighth amendment in 1983, spoke of the possibility that the lives of mothers who were saved in the case of ectopic pregnancies or cancer of the womb would be endangered. We have since seen that sadly this is case and where the eighth amendment has indeed endangered or cost women's lives. It can also be very difficult in practice to truly draw lines between risk to life and risk to health. There has been very little scope to respond to risk to health of the woman in cases, for example, where a pregnancy may cause severe or long-term damage to a woman's body or well-being. We heard earlier about Anita's case. I heard from Anita about the very difficult choices and decisions she has to make about her mental health and pregnancy.

I strongly welcome the committee's recommendation that termination of pregnancy should be lawful where there is a risk to life or health of the woman as assessed properly by medical specialists. Hard decisions are already being made in hospitals every day. Repeal of the eighth amendment will give women and medical professionals the space in which to make those decisions properly. It is very significant that the Institute of Obstetricians and Gynaecologists supports the recommendations of the committee as do groups such as Midwives for Choice. In many cases the medical experts who testified are not campaigners. They are practitioners on the front line, right across the country, and they need to be listened to.

The eighth amendment affects all women but some are far more vulnerable to those impacts; those who are in poverty, those who are transgender, those who are young, perhaps those in rural areas, migrants and those who cannot travel. There is a concern that many of those women will still be vulnerable, even with the 12 week limit. This needs to be monitored. My time today is limited but I would like a discussion - at another time - on specific vulnerabilities. My colleague Senator Ruane spoke very passionately on this issue, especially around economic vulnerability.

One of the most crucial learnings from the committee is that criminalising abortion is not the way to prevent abortion. Evidence from around the world from countries that have roughly comparable levels of abortion availability, either those with liberal or restrictive regimes, shows that the safety of abortions is what is at stake. Reference was made earlier to the UK as the obvious comparator. I would question if the UK is the obvious comparator for Ireland in this regard. It is quite a different country with a different history. Perhaps the most useful comparators to look to are countries that had restrictive regimes and then had change. For example, in Italy and Turkey the legalisation of abortion led to a reduction in the levels of abortions. In countries where a move was made from a restrictive abortion regime to a more liberal regime we have not seen a massive spike in the numbers of women accessing abortion.

The threat and cruelty of the Magdalen laundries did not stop women getting pregnant. The shadow of the eighth amendment and 14 year prison sentence has not stopped women seeking abortions. Measures that actually reduce the rates of crisis pregnancy of abortion are the greater availability of contraception and the provision of supports for those parenting alone. Many of us who are here today supporting this report and calling for repeal have also done the work on these issues. I have been proud over the last year to speak on the need for serious improve-

ments in how we treat lone parents in Ireland. Being serious about choice is being serious about making sure that all choices are properly supported. That is why the ancillary recommendations in this report are so important. They call for better sex education outside of one specific ethos. They also call for access to free contraception and properly resourced reproductive care, including proper access to scans that would allow pregnant women to look at the development of their foetus.

An Leas-Chathaoirleach: The Senator is over her time.

Senator Alice-Mary Higgins: I am sorry, I thought that was the one minute notice.

An Leas-Chathaoirleach: No, it was not.

Senator Alice-Mary Higgins: I shall conclude. We must ensure all women have that care-

An Leas-Chathaoirleach: The Senator is one minute over time.

Senator Alice-Mary Higgins: -----including women who have a disability. The UN Convention on the Rights of Persons with Disabilities is clear that it is very important for all women, including those with a disability, to have the right to determine the number and spacing of their children.

I sincerely encourage colleagues who have expressed their personal desire to reduce the levels of abortion, and those who spoke of wanting to tell people about other options and choices, to consider that currently those conversations cannot happen. If we are serious about really ensuring that people look at all the options and choices then it has to happen in an open way and not under the threat of a criminal sanction. The removal of the eighth amendment will allow more honest and constructive conversations about prevention, choices and social supports.

An Leas-Chathaoirleach: The Senator is one and a half minutes over time now.

Senator Alice-Mary Higgins: Hard decisions are already being made every day in Ireland. I do not believe they need to be made in secrecy. I urge that we move forward in a positive way, having a more open public debate, while bringing back privacy with respect to personal decisions. Trust is the key word we have heard; we need to trust women and the State needs to earn the trust of women.

Senator Niall Ó Donnghaile: The Minister is very welcome to the House. I probably will not use my ten minutes and I was not planning to speak to this debate but it has been very respectful and tempered. This is reflective of what I have witnessed as an observer in the course of the vast majority of the work carried out by the committee examining the eighth amendment under the stewardship of Senator Noone as Chairman. Like others, I pay particular tribute to the Senator, who led the committee with a tremendous amount of tenacity, grace and, above all else, patience, it is fair to say. Members have already alluded to some of the vile nature of abuse taken by the Senator, as have many of us simply for being Members of this Oireachtas, via social media. Although she might not say it, it is important to point out that the Senator had to face it from Members of this Oireachtas, which is not good enough.

Senator Paul Gavan: Well said.

Senator Niall Ó Donnghaile: I support a repeal of the eighth amendment. Listening to to-

day's debate and the discussion in the wider society over the past number of months and years, I only wish I had a vote in that referendum. I assure colleagues and those observing from the outside that I will use the very limited amount of clout I have in this institution to ensure we have that referendum. It is past time that the women of Ireland had their say, along with the rest of us, on this matter. I do not want to be flippant and it is a central component of my role in this House to urge people in here and outside who may be following the debate that regardless of what happens with this referendum - I hope we win it and see a repeal of the eighth amendment - there are women in the North of our country who will continue to face the exact same dangers, risks, oppression and suppression of their medical and health needs. I sincerely hope that we get to a point where all across the country, women will not have to fear that kind of criminalisation and risk to their health and emotional, physical and psychological well-being.

Senator Craughwell made a couple of points during the course of his contribution and he is correct. It is something that has caused me conflict, as I am sure it has for all my male colleagues in the course of this debate. He is right in saying we will never be pregnant, which goes without saying. He stated we have women in our lives who we love, admire, respect and cherish and it is because of this we should be vocal and active about this as a matter of rights and health. It is why I have come to my current position. We should listen to the arguments both for and against repeal, as that is part of our role as legislators. Ultimately, we must make the decisions. Nobody has advocated it but I should point out that none of us should seek a cop-out or political cover with this matter. It is a matter that overwhelmingly has an impact on the lives of Irish women but it is relevant to all of us. We have heard about the subjugation of women during the course of the debate and if we believe it was wrong and should be ended, and if we believe in a society that treats people equally with dignity and respect, we all must be vocal about it. We must ensure an end to what is ultimately an injustice inflicted upon women.

Like many people, I do not even really know why I held my position on the issue over a number of years. I probably had it via osmosis from the society and media in which we grew up. That view has come to change. Similarly to Senator Buttimer's observations, it has changed because of lived experience. It came from meeting and hearing people, having an understanding and appreciation for the kind of negative impact this bad measure had on the lives of women. Senator Devine very eloquently outlined this during the course of her contribution. It is because I am a republican and I value *mná na hÉireann*, and it is because I have been given the honour to come here as a legislator that I believe the eighth amendment is a bad measure. It was bad when the referendum was held and it is bad now. We have the opportunity to end it and we have a responsibility not just to the women of Ireland but to people who are mobilised in calling for it to be repealed. We must give them the democratic franchise to bring that about. For what it is worth, *sin mo méid*.

Senator John Dolan: All my life I have attempted to support people with various challenges, many of whom had to make difficult decisions at times of crisis in their lives. For the most part, people, in my experience, make good and sound decisions that are not self-serving. Repeatedly, I have seen families pull together to give somebody who is disabled the best opportunity for a decent life. It is mainly the mother, the female partner or the daughter who is core to that ongoing effort. I ask myself how I can realistically not trust women on this matter. We have a duty as legislators - all 218 of us, the majority of whom are male - to support women as part of the electorate to be in the decision-making process. For example, we trust family carers, and two thirds of those are women, to make very challenging decisions 24/7.

A practical but essential point in this is to continue to improve our services. There should

be timely information and non-directive counselling, along with a range of readily available practical services. These are critical as people struggle with this most difficult decision. In Ireland, we do not have a class of people called “the disabled” any more. We have people who live with a disability. People with disabilities, their loved ones, families and friends are keenly interested and have a big stake in this debate. They are listening to it. They also need to be heard in it. How will they hear references to people with disabilities and have they heard references so far? I am not talking about what might be called political correctness. I am asking that references to disability from all quarters respect the sensitivities and full humanity of those who have a disability. The same should be true for women who have terminated a pregnancy and those close to them.

We should have a debate in the Seanad and beyond that respects the immense challenges that women have faced in the past, are facing today and will face in the future. How we speak and our demeanour must be sensitive, thoughtful and respectful. I am thankful there are decision-assisting processes, as I would call them, now available that we did not have in 1983. There will be a referendum commission and the work and report of the Citizens’ Assembly. We have the all-party Oireachtas committee report and the determinations of our courts. Generally speaking, we have greater access to information and availability of views and perspectives than we would have had in the past. We will have also learned as to how we conducted ourselves the last time. It remains to be seen but I am hopeful that we will all manage to behave in a respectful and dignified manner, regardless of our strongly-held views. The work of legislators is to make judgments in the public interest. On this occasion, we have the possibility of sharing some of that decision making with the public by Members coming to a decision to hold a referendum and to support that process.

We, as legislators, make many decisions to choose or not to choose a course of action which will have profound outcomes and consequences for people, for example, the making and enforcement of road traffic regulations and regulatory and other standards of health and safety. The regulation of the finance and banking sector has consequences for people. Who can state that what I will simply call shortfalls across those areas have not caused significant negative outcomes and shortened and even ended people’s life? Our responsibility for life and death issues is part and parcel of all our work in the Oireachtas. How we choose to deploy our health service budget is another example. Choices are made.

Today, we are dealing with an issue on which it is difficult to have a debate and consider in a dispassionate and open way, yet it is about each of us in a very personal way. We all have been close to the core issues or some have been at the centre of them, yet these insights are not readily available. It is interesting to hear Members speak in a way that I have not heard them before about their own experiences in and around this issue. That is really helpful and I appreciate it.

This issue requires that I strive to act and speak in a non-judgmental and trusting way. This requires that I attribute to others the best of motives regardless of the positions they adopt. There is no place for assertions that ascribe or suggest criminal or immoral conduct because others take a counter course. Getting the best decision, which may not be idyllic, requires more listening, more reflection and less pronouncements. Regardless of what decisions are made this year, this deeply human question remains and the trauma surrounding it will remain. The people of Ireland, the courts and the Oireachtas will be returning to deal with the matter in some way or other in a shorter timeframe than another 35 years. How we collectively and respectfully debate this matter will determine how well we progress from this point to make the best decision we can that is faithful to the common good and in time will help us to make further

decisions.

As has been said by many, we must consciously now as never before make decisions as a democracy. We must make decisions about issues that did not surface before for a whole range of reasons. We effectively left these decisions to religious leaders or other proxy decision makers. Now we must be counted. How we deal with the issue is an indication of our ability to develop as a democracy, a democracy in which we progressively give better expression to the fundamental rights that we gave to ourselves and expressed in the Constitution. It is important not to be consumed or overwhelmed by this issue, although it is extremely serious. I trust Irish women and families to consider the possibility of abortion very sensitively into the future, just as they do today. This has never been, is not and never will be an easy decision for women, irrespective of the circumstances or the improvements that we make.

We have built or sustained cultural, political and practical obstacles. These obstacles have made it so difficult for women to come to the decision of what is best for them in their particular circumstances. This is wrong. We can do better. We have the possibility of doing better.

An Leas-Chathaoirleach: The Senator has one minute.

Senator John Dolan: I am the man in the group, I will be all right.

I want Irish women to be able to make difficult decisions about matters which currently impact or will impact on their lives. It is my intention to vote “Yes” to the removal of the eighth amendment and therefore make way for the participation of the public in shaping our law and practice on this matter.

Senator Grace O’Sullivan: This topic is very difficult for many of us to discuss. In spite of how it is so often represented in public debate, it is not an issue of two sides, black or white, but rather a complicated and multifaceted one that involves both personal conviction and ethics as much as facts and details. This is unavoidable when it comes to something as significant and important as abortion.

It is now well beyond time for the people of Ireland to have this discussion again. As Senator Lynn Ruane said, we need to move on. As has been said so many times, nobody born after 1965 has had their say on the substantive issue of the legality of abortion and that probably includes the Minister for Health, Deputy Harris.

The tragic death of Ms Savita Halappanavar pushed the issue back into public consciousness and highlighted to the general public what activists and those working in the area have known for so long - that the current constitutional arrangements around abortion law in Ireland are dangerous to women, do not prevent abortions occurring and are by definition an Irish solution to an Irish problem. Ms Halappanavar’s death has meant that the long period of sweeping this issue under the carpet is over and a new generation of Irish citizens are swelling the chorus of voices for a better more humane and realistic regime.

The experience of the Citizens’ Assembly and the Joint Committee on the Eighth Amendment illustrate both the changing attitudes of the Irish people to these issues and the way in which minds can be changed. The Green Party was instrumental in having the issue placed on the agenda of the Citizens’ Assembly, offering the Government support in the Seanad and the Dáil. This was controversial at the time but the correctness of the approach has been proven. The outcomes of both committees has seen the power of facts, details and the health needs of

women brought to the fore and some members of both bodies changed their minds and their positions in the face of these facts. I pay tribute to the hard work of members of this committee, in particular to my colleague, Senator Lynn Ruane, whose experience, passion, dedication, clarity and effectiveness have been so impressive. Such a process can never be entirely amicable and without controversy, but the professionalism, fairness and decency shown by participants and in particular by the chairs of both processes, Senator Catherine Noone and Ms Justice Mary Laffoy, offers a model in constructive deliberative politics. Changing one's mind is not a crime, even in politics. The brave testimonies of those such as my colleague, Senator Ned O'Sullivan, are to be commended for their humanity and understanding.

As with some other [Members of the Oireachtas, I need to give more consideration to every single one of the conclusions of the committee, but I am heartened that the central recommendations are those that I believe are most needed. A straight repeal of the eighth amendment by referendum is the best outcome for the country, for the health of pregnant women in Ireland and for us a Republic. As Senator Swanick said, we need as a society to start trusting women and that involves tackling the hypocrisy at the heart of our current system, with thousands of women travelling to the United Kingdom or elsewhere to have abortions, and thousands more availing of abortion pills online. These women are putting themselves through significant emotional and financial distress and are risking breaking the law in order to seek medical care and a solution to their crisis pregnancy. This puts the lie to the idea that any person would engage lightly in such matter or use abortion as contraception. Let us put an end to that idea right here and right now.

8 o'clock

Senator Catherine Noone: Hear, hear.

Senator Jerry Buttimer: Hear, hear.

Senator Grace O'Sullivan: Instead of receiving the support and assistance of their State in their time of need, they have faced criminalisation, demonisation and isolation. At the same time we put the eighth amendment into the Constitution we severely controlled access to contraception in Ireland. We are rightly contemptuous of that regime now and one would be hard pressed to find anyone to defend it. Similar arguments to maintain the *status quo* had to be tackled, campaigned against and dismantled in order to give Irish people the right to decide their own destiny.

Observing the process in the Citizens' Assembly and the Oireachtas joint committee, it became clear that the overwhelming majority of medical opinion maintains that the eighth amendment does not work. It does not work for pregnant people in medical care as we saw with Savita Halappanavar, Ann Lovett and all of the individuals who were mentioned by Senator Ó Ríordáin who were dragged through the courts for trying to exercise control over their bodies. The provision does not work for medical professionals. It leaves them in a legal limbo and unfree to offer the assistance they consider necessary.

I have learned so much from observing these processes over the past month. I learned that the 12-week limit is one based on fact. I also learned that testing for conditions such as chromosomal abnormality is not possible before that time and is thus not relevant for this part of the debate. These relevant facts must form the basis of public debate in advance of the referendum.

This campaign will be difficult. I was not in Ireland in 1983. Instead, I was on Greenpeace vessels that sailed around the world to tackle nuclear waste. From what I heard about the 1983

campaign, I think what I did was a lot easier.

(Interruptions).

Senator John Dolan: No, it was not.

Senator Grace O’Sullivan: We must avoid the divisions and hostilities of that campaign. There is an obligation on all of us to keep the debate respectful, to understand the points of view of those who do not agree with us and to remember that the views of the people are neither set in stone nor as polarised between two mythical poles as might seem from the debate to date.

One of my favourite political quotes has been on my mind this week and it is as follows: “When the facts change, I change my mind. What do you do, sir?” It is normally attributed to John Maynard Keynes but whatever its source the feeling is apt for now. I hope that we can all consider our positions. I hope that we will consider the needs and rights of women in Irish society, and the urging of medical and legal experts, and reach the best solution for us, as a democracy, in the 21st century.

The Minister has the reports of both the Citizens’ Assembly and Oireachtas joint committee and statements in the Seanad and the Dáil this evening. I hope he has the courage to arrange a referendum on this issue as soon as possible because it needs to be sorted.

Senator Marie-Louise O’Donnell: I have written down what I want to say because it is very short.

I favour the repeal of the eighth amendment of the Constitution. However, this is a very profound, powerful and personal issue. It very much depends on the legislative and constitutional proposals that will arise from repealing and replacing the provision.

Repealing the eighth amendment puts more than one cart before the horse because, despite all of the conversations and committees, we have no knowledge of the regulation, legislation or, indeed, agreed boundaries around abortion that may follow. The Supreme Court’s deliberation and decision in February on the rights of the unborn child may create even more complications, unanswered questions and dilemmas.

I will now outline my opinion. I understand and have followed all that the Citizens’ Assembly has discussed and suggested. I understand and have followed all that the Oireachtas committee has discussed and suggested. I have also heard and read world, international, national, local and personal views. I have listened to doctors, legal experts, statisticians, philosophical and sociological thinkers, politicians and Senators. All of what they had to say was relevant and meaningful but none of them changed my mind. Like St. Thomas a Becket, I believe it is very difficult to do the right thing for the right reasons. Nowhere has this become more evident than around the issue of abortion.

The core of my opinion is as follows. I have complete and absolute trust in the judgment of women to make the right decision if and when they are faced with such a profound choice, and to live with that decision. They should be able to do so within the law and, therefore, I think abortion should be available without restriction up to 12 weeks. Whatever a woman’s decision, I believe that it will be made in good faith, for good reason and, most important, by a living adult human being.

17 January 2018

Senator Catherine Noone: I did not expect Senator Marie-Louise O'Donnell's speech to be so long.

I welcome the Minister to the House and wish him well with the work that is ahead in terms of the referendum that, hopefully, will be in May or June. I thank all of my colleagues here for their kind words. They mean a lot to me. I have had immense support from my own party and support from across the Houses, which is heartwarming and appreciated.

Being Chairman of the Oireachtas Joint Committee on the Eighth Amendment of the Constitution has been the biggest privilege of my political career. I am grateful to the Taoiseach for having the courage to appoint me because I was quite green when it came to such a post. He was very fair to appoint me as Chairman and I am grateful to him for doing so.

I want to acknowledge my senatorial colleagues as follows: Senator Mullen; Senator Ruane who was Vice Chairman and extremely supportive at all times; Senator Buttimer whose counsel I relied on and who was fantastic to me; Senator Gavan was equally supportive and a wonderful colleague on the committee; and Senator Ned O'Sullivan who is not here today was a very supportive and constructive member of the committee. The committee did a large volume of work in a relatively short period. Many people thought that we would not attain the result that we did. I am very proud of every member of the committee - every one of them - because we worked well together. We achieved our targets in terms of the timescale and getting the work done.

I want to pay tribute to the former Taoiseach, Deputy Enda Kenny, who proposed the process. Both he and the process were much maligned by extremes on both sides, particularly by the repeal side. It was an excellent choice of process-----

Senator Jerry Buttimer: Hear, hear.

Senator Catherine Noone: -----for such an emotive and politically challenging issue.

I commend the current Taoiseach, and I promise that I will not make political comments after this part. In a party like Fine Gael this issue is very difficult but he kept it front and centre. That fact must be acknowledged; I am sorry I am one doing it but it must be said.

The committee was made up of a representative group of politicians from these Houses. It was not biased-----

Senator Jerry Buttimer: Hear, hear.

Senator Paul Gavan: Well said. Absolutely.

Senator Catherine Noone: -----at any time and in any way that we conducted our business. It is easy to say that something was biased. It is quite a challenge to reject such an allegation on an ongoing basis because once one has to explain one has lost. The allegation resonated and became quite difficult to withstand at times. All of us decided what witnesses to call and I, as Chairman, did not decide to call any witness. It is very difficult to get a medical practitioner in this country to attend a committee of these Houses and tell us that the *status quo* should be maintained. That is the reality.

Everybody present is *au fait* with the contents of the report and I hope they will not mind my going over, from a factual point of view, how we arrived at our decision. I will give my opinion of how we arrived at our decision. We all held varying views on every side of the mat-

ter. There was a view out there that we were all of the one view going in and we all came out with the one view. That is absolutely not the case. Every party had different views within it and every individual on the committee had different views. The committee was a composite of a variety of views. It might be helpful to explain how we came to our decisions in four key areas. On the need to hold a referendum on Article 40.3.3°, we made this decision on the conclusion of module 1. This very fact was misrepresented, misunderstood and tactically used by certain members to show bias on behalf of the committee, which was inaccurate. The decision was made on the basis of the following: the evidence from the Citizens' Assembly, which was clear that the issue needed to be addressed by the people after many years of avoidance; the evidence of the constitutional experts, which showed that legislation that went beyond the Protection of Life During Pregnancy Act 2013 was not possible under Article 40.3.3°; the findings of the UN in the Mellet and Whelan cases; and the stated position of the Government that there would be a referendum, as articulated on numerous occasions by the Taoiseach. We took that decision on those grounds.

The second of the four points I would like to make is on the repeal *simpliciter* nature of the referendum. The committee made decisions on the type of referendum needed after hearing all of the evidence in modules 1, 2 and 3. We took account of a number of matters. We agreed with the recommendations of the Citizens' Assembly that the issue of the regulation of the termination of pregnancy needed to be taken out of the Constitution and be dealt with by way of legislation. Our legal adviser presented us with six options to change the Constitution, which gave varying degrees of legal certainty and of flexibility to change the law in the future. Repeal *simpliciter* gave the highest level of certainty and flexibility. We rejected the option favoured by the assembly, which was a replacement of Article 40.3.3° to give exclusive power to the Oireachtas, as it had the potential to remove the supervisory jurisdiction of the court and we felt that oversight by the courts is a crucial facet of our democracy. I would welcome clarity from the Minister because certain Members have brought up the issue of a potential replacement of the eighth amendment. If he could bring any clarity to bear on that question I would be grateful.

The third point is on the provisions that should be incorporated in new legislation on the termination of pregnancy. This was covered by the Citizens' Assembly under a variety of headings. The strong cross-political support on the risk to the health of women was based on the expert medical evidence which showed that, in many cases, it is not easy to draw a line between the risk to life and the risk to health. The evidence showed that our medical practitioners feel poorly served by the current laws in that they may delay acting until a woman becomes so sick that her life is at risk. That is not a good situation for doctors or, indeed, patients and their families. We were told that our restrictive laws make us an outlier in the developed world. The fact that women have to travel means that terminations are taking place later in the gestational cycle. At that stage they require surgical rather than medical terminations which are more invasive and have a greater potential for harm. I know that everyone present knows this, but I really want it on the record that this is how we came to our decision. The issue is a matter of clinical judgment for medical professionals in consultation with the pregnant woman and her partner or spouse, if appropriate.

The committee accepted that it should be lawful to terminate a pregnancy where a female becomes pregnant as a result of rape or incest. This is a standard provision in most developed countries. We did not agree with the assembly that a termination could take place up to 22 weeks. It can be difficult to prove that a rape occurred without going through a lengthy prosecution process and the committee agreed that we should avoid any form of verification as this

could result in further trauma for the victim. Many Members have already spoken about that today. We agreed to a general provision allowing termination up to 12 weeks in view of the complexities involved in legislating for rape and incest.

Many Senators have spoken about fatal foetal abnormalities. The evidence from parents who either travelled or were forced to carry their dead baby to term was difficult and shocking, and it elucidated a society that was cold to the suffering of those families. The vast majority of members wanted to see change in this area. The evidence showed that current laws lack compassion for families who receive dreadful news with regard to much-wanted pregnancies. The evidence also showed that those who wanted termination in such circumstances and who travelled endured split health care, which is blatantly discriminatory.

The joint committee rejected non-fatal foetal abnormality as a valid ground for termination. We recognise the burden that this places on families in such circumstances, however it was felt that these issues were best addressed by way of enhanced social services. Issues around stigmatisation of people with disabilities and misinformation about the policies of other states with regard to Down's syndrome in particular were to the fore in committee members' minds.

Senator Jerry Buttimer: Hear, hear.

Senator Catherine Noone: On socioeconomic issues and having no restriction as to reason, the committee rejected the idea that terminations under socioeconomic grounds should be lawful beyond 12 weeks. We had to take account of the need to provide reproductive health care for women in Ireland and, in particular, those who have a crisis pregnancy and who feel that a termination is the only solution. Just to let the Leas-Chathaoirleach know, I will be at least another two minutes.

An Leas-Chathaoirleach: Sorry, hold on.

Senator Marie-Louise O'Donnell: The Senator should be allowed to conclude.

An Leas-Chathaoirleach: It is the order of the day, but perhaps the Leader wants to propose an amendment.

Senator Jerry Buttimer: I do.

Senator Catherine Noone: I thank the Leader. In fairness, I will not be long.

An Leas-Chathaoirleach: Is that agreed, because there is another speaker?

Senator Catherine Noone: I am not trying to take advantage. I am conscious that the Minister needs to get out of here, so I am not going to go on. The Leas-Chathaoirleach need not worry.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Gerry Horkan: The Minister loves this House anyway.

Senator Catherine Noone: On socioeconomic issues and having no restriction as to reason, the committee rejected the idea that terminations under socioeconomic grounds should be lawful beyond 12 weeks. We had to take account of the need to provide reproductive health care for women in Ireland and, in particular, those who have a crisis pregnancy and where they feel that a termination is the only solution. In particular, we were mindful of the 3,500 women

who travel abroad annually to have a termination in a clinic or hospital, mainly in the UK; the increasing number of women who are procuring abortion pills via the Internet, about which many Members have already spoken; and the plight of women facing a crisis pregnancy who could not afford to travel or who could not travel because of their immigration status.

In 1983, when the eighth amendment was put in place, it was inconceivable to have a medical termination which could be carried out mainly through a GP-led service. The vast majority of terminations in developed societies take place in the first ten to 12 weeks of pregnancy. The fact that we do not have that service available here to Irish women means that they face either travelling abroad for late-term terminations or that they risk their health by taking abortion pills at home without supervision.

The fourth point is, in my view and as Senator Kelleher has said, the most important part of our report. It is on the ancillary services which arose from the recommendations. The main focus of our deliberations in this area were decriminalisation, better availability of contraception, an overhaul of sex education and better counselling and obstetric care. We recommended decriminalisation because of the chill factor which can inhibit clinical judgment when dealing with very sick pregnant women, the chill factor which could prevent a woman from seeking medical help after procuring an abortion pill illegally online, and the findings of the UN in the Mellet case which found that her suffering was aggravated by the shame and stigma associated with criminalisation.

We recommended that one way of reducing the incidence of crisis pregnancy was to ensure that we have comprehensive availability of contraception. This seems to be a complete no-brainer and I was extremely pleased that the Department of Health's response to this element of our report was so positive. This does not get the attention of the media because it is not about 12 weeks or anything but it is so important. It emerged in evidence that there was a cost-factor involved, especially for long-acting reversible contraceptive methods, which meant that some women were using less effective methods, especially those who are just over the income limits that would allow them to qualify for a medical card. We recommended that a range of contraception should be made available free of charge to people who need it. I am letting the Minister know that this is not going to go away.

Senator Máire Devine: Hear, hear.

Senator Catherine Noone: We found that the current system of sex education needs an overhaul. I have to say that is putting it mildly. It is still too linked to religious education-----

Senator Paul Gavan: Absolutely.

Senator Catherine Noone: -----and there is no consistency in terms of the delivery of sex education in schools across the country. We need a far more mature approach to this as a society and in schools. I will not be much longer. There is an urgent need to bring sex education into the 21st century.

I am not going to speak about counselling and obstetric care. It is obviously very important as well. I want to address just a few other small points before I conclude. Senator Swanick made a very good point with regard to GP practices. I urge the Minister to consult the medics when it comes to this because many GPs feel very overworked as it is with the free care of the under-sixes and so on. It is very important that there would be consultation on this with GPs in particular. The Senator also mentioned how people were being labelled in this debate. What

is the pro-life versus pro-choice thing about now? It does not make any sense when one sits in committee and hears the evidence. It is not about the polarised sides of the arguments.

Senator Ruane raised the issue of education, which is a crucial point. Those Oireachtas Members who were on the committee are now somewhat overeducated on this issue but other Members need to really engage with the evidence we heard because it is vital that people understand why we came to the decision we came to. Senator Bacik made a good point about the Attorney General and things that are being considered. She spoke of how dangerous replacing the eighth amendment would be in terms of the uncertainty that would arise.

Senator Kelleher's personal story was very touching. She allowed Senator Ruane to stay on the committee and that was generous of her. Indeed, all committee members took a very fair approach to that. Senator Mullen is not here because he takes an *à la carte* approach here like he did on the committee. He was allowed more time than anyone else in the committee but he still says not enough time was given. He had double, if not triple, the time anyone else had to speak. He spoke about the atmosphere being chilly towards certain minorities but I was a minority as Chairman. I got some chilly-----

An Leas-Chathaoirleach: The Senator should not talk about Senators in their absence.

Senator Catherine Noone: It is not my fault he is not here.

An Leas-Chathaoirleach: The Senator cannot comment on somebody who is not here.

Senator Paul Gavan: Go ahead.

An Leas-Chathaoirleach: Senator Noone has gone over time by six minutes.

Senator Catherine Noone: I am nearly finished. I thought Senator Craughwell's speech was excellent and I agree with his point about the US. The US needs to stay out of this. I think the term "pro-life" probably came from the US and we adopted it very readily but it has no place in the debate. We do no justice to the women of this country by continuing to allow this debate to be so polarised. The debate needs to be respectful and also needs to be considered and factual. We are leaders and we need to lead in our approach. We can make sure this debate is respectful. No politician will decide this issue. We will decide with everyone else but we will do our legislative duty by facilitating a vote of the Irish people after many years of waiting for it. I wish the Minister good luck with his work over the next few months.

An Leas-Chathaoirleach: That took 17 minutes and 20 seconds.

Senator Jennifer Murnane O'Connor: I will be a lot quicker. Hard decisions have to be made but this is a matter for individuals as everyone has their own story. I will give mine. I had my first child at 22 weeks. She weighed only 3 lb and then lost 8 oz to weigh just 2 lb 3 oz. She was quite strong and fought hard and today she is a nurse and a healthy person. This was a baby I gave birth to 30 years ago who, for unknown reasons, was premature and I carried three healthy full-time babies after that. I remember thinking how grateful I would be if she survived and I am grateful. That is my story and there are more cases like mine.

Down's syndrome has been addressed. I have a nephew, who is also my godson, with Down's syndrome. He has completed our family life and we do not have any event at which he is not present. My mother has been given a totally new lease of life since he was born because he is the centre of our world and we are lucky to have him. I can speak for premature children

and those who have Down's syndrome because they are in my family.

I believe this is a personal issue. Women have come into my clinics who have had abortions through no fault of their own and I have listened to their story. I am not judge and jury and will never be but I was very surprised with the 12-week recommendation. I will never judge anyone or tell them what they did was wrong but I have my own feelings on this. I believe there will be a referendum and that the women of Ireland want one. I will be respectful of their choices. As a democracy, we need to let the people of Ireland have their choice. Nevertheless, there are a lot of good stories out there, such as mine, of children who have Down's syndrome or other disabilities and we cannot forget them. There have been horrific stories of people who are in a place that, through no fault of their own, they do not mean to be in and they have to make a decision they do not want to make. We have to look at every decision and I am glad to give my story to the House. It is a true story and I am proud to say my daughter is healthy and well.

Minister for Health (Deputy Simon Harris): I apologise for not being here at the start of the debate but the two Houses are debating this important issue at the same time. I have been thinking about what I want to say for many weeks and I spoke in the Dáil on the subject but I now must see if I have a second contribution within me as it is an emotional issue. It is deeply sensitive and complex and an issue with which an awful lot of us have struggled and grappled. We have tried to make sense of it and to follow the evidence in order to come forward with what we believe is the way forward.

I agree with Senator Murnane O'Connor about being judge and jury on this as it is a deeply personal decision. I note the committee looked at the area of disability and specifically excluded it as grounds for a termination and while I appreciate the Senator's concern, our Oireachtas colleagues differentiated themselves from the work of the Citizens' Assembly in that regard.

It is important that this debate is respectful and, from what I have seen of the debates in both Houses this evening, I am genuinely encouraged on that score. Many people will have been watching and waiting to see who would use the first offensive term towards somebody else but they will not have seen anything of that nature today.

An Leas-Chathaoirleach: It did not happen here, anyway.

Senator Máire Devine: Not yet.

Deputy Simon Harris: To the best of my knowledge it did not happen in the Dáil either. That should encourage us because this was not the way it was when this issue was discussed in the past. I was not born in 1983 but I have been reading a lot about it lately. In the debate of that time the issue seems, bizarrely, to have been considered more of a justice than a health issue. In the transcript of the debates there is very little reference to the impact of the eighth amendment on the health care of women.

Senator Máire Devine: It was about punishing.

Deputy Simon Harris: It was. It was looked at from the point of view of criminal justice. We now find ourselves in a very different place. I genuinely love this country, as I think we all do, and we are all very proud of it but I am ashamed of how it has treated women, particularly pregnant women. Others have referenced the Magdalen laundries, mother and baby homes and the Kerry babies case, which are all different but all connected because they all relate to how we treated pregnant women. It is a terribly tragic and upsetting irony that, in 1984, 15 year old Ann

Lovett died beneath a statue of Our Lady at a religious grotto having given birth. Her body was found by her schoolmates. We have a problem here with how we have treated women and we must look at how we address it. We are all looking at it and trying to do our best. I appreciate very much that there will be different perspectives. We should not get into a space of name-calling or stereotyping each other because that has led to paralysis. It has led, quite frankly, to an inability on the part of the nation to think about this issue with clarity and to follow the evidence. We have never had that opportunity. Every time we try to discuss it, the debate is reduced to two people on radio, often men, shouting and roaring at each other and calling each other names. We have to try to do better.

Members of Seanad and Dáil Éireann who served on the Joint Committee on the Eighth Amendment of the Constitution have done a real service to all of us in the Oireachtas and to the Irish people. I join many others in commending Senator Noone on her leadership of the committee. It was a very complex task and there were many commentators and politicians who were not sure the committee would ever get to the final report it produced. However, it did get there. Senator Noone steered the committee in a dignified, balanced, fair and impartial way. I should not and do not intend to misrepresent in any way the findings of the committee, which were not unanimous. There were people on the committee who dissented as was their right. We should respect that right. However, there was a majority view and that is the basis on which we should, as an Oireachtas, proceed.

I heard Senator Ó Donnghaile make the point very honestly about people changing their views. I changed my view. To those on Twitter who are going to tweet about how I changed my view as though I should be somewhat embarrassed, I note that it will not work. I have spoken about this very openly. I changed my view, not on a whim, but by listening to women, doctors and the reality of abortion in this country. It is not just a reality in the way it used to be. It used to be the reality that we would export challenging situations. In 2016, 3,265 women left our shores and went to Britain for abortions. Many of them were married and had other children. There was a wide spectrum of ages, from teenagers to women in their 40s. I set out in the Dáil only a few hours ago that every single county in Ireland saw women leave to go to the UK for an abortion in 2016 and listed the statistics. This is not an urban-rural issue; it affects every part of the country. It is not only that. As well as what has been going on for decades and generations whereby up to 170,000 women and probably more travelled have abroad for abortions since 1980s, we now have the reality of the Protection of Life During Pregnancy Act. As such, abortion is legal in this country in limited circumstances.

People are entitled to their own opinions but they are not entitled to their own facts. I remember sitting in the Seanad during the committee hearings chaired very ably by Senator Buttimer and being told, in an awful phrase, that if we passed the Protection of Life During Pregnancy Bill, as it then was, the floodgates would open. Anyone who reads the transcripts will see that some Senators and Deputies asserted that if the legislation was passed, women would fake threats to their lives to access terminations. That was said or the inference was certainly made. We publish annual reports which show that simply has not happened. The numbers stayed static. Abortion is legal in those circumstances. As such, it is people going broad, people under the Protection of Life During Pregnancy Act and, in what is now a third reality, the abortion pill is available. This is something the committee considered in great detail and I have read the evidence and testimony given to it in that regard. Yet again, women are being left lonely and isolated but this time without having to leave the country. This time, it is where they log onto a computer, order a pill, wait for it to be delivered in the post and take it in the privacy of their

bedroom or wherever else. It is hard to put accurate figures on this because it is an illegal pill in this country, but the *British Journal of Obstetrics and Gynaecology* published research last October which showed a 62% increase in the number of Irish women inquiring about the pill from one online provider alone between 2010 and 2015. The research showed well over 1,000 women in Ireland accessing the pill in one year.

This debate cannot be reduced to one which is just about abortion and whether one views it as right or wrong, because that is a matter for people's consciences. This debate is about the reality of abortion for Irish women and how we ensure we support women who make that deeply difficult decision. I am really pleased to have heard so many people acknowledge tonight that it is a deeply difficult decision. When I hear terms like "abortion on demand", it makes me cringe. Women are not going around demanding abortions. They are agonising over deeply personal, private and difficult decisions. Pregnancy is a very happy occasion, thankfully, for many women and their partners in this country, but for some women it is a terrifying experience. For some women, it is a tragic experience. We have all heard from many of those women in recent years. There is a reality here which we will have to work together as an Oireachtas to address. My view is that we cannot address it as long as the eighth amendment remains in the Constitution. That is why we must allow the people of Ireland to have their say and recognise those, not just of my age but under the age of about 50, who have never had a say on the substantive issue of the eighth amendment.

Should the Government make a decision and should the Oireachtas facilitate the passage of the constitutional amendment legislation, we will be in a position this year to put a question to the people. It is my preference that we put that question in the month of May for a whole lot of practical reasons. Obviously, that is a matter for the Government to decide. I note that Senator Noone asked what form the question will take. I have been very clear so there should be no ambiguity; in my view the eighth amendment should go. That is a decision for the people and only they can make it. The question should facilitate the people to have the opportunity to remove the eighth amendment. As a Government, however, we must obtain legal advice from the Attorney General as to how best to make that a legal reality. The committee obtained its legal advice and had one view. The Citizens' Assembly obtained legal advice and had a different view. The Government will also obtain legal advice. As Minister for Health, my aim will be to bring a proposal to the Government, the Oireachtas and then the people which gives them an opportunity to remove the eighth amendment. How we do that legally is a matter for greater minds than mine and it is something the Government will be working through.

I turn to the ancillary recommendations. Everyone in the House, regardless of his or her view on the eighth amendment or abortion and terminations, wants to see us do better by women in crisis pregnancy situations. Everyone wants to see us do better by women in terms of our maternity services also. I was struck when I read the committee's report that it focused a great deal on that. I am glad the Chairman made the point. I did not hear Senator Kelleher's contribution, but I understand she referred to the importance of it as well, as did many others. This is not a report that says the only thing the State should do for women in crisis pregnancies is legalise terminations; far from it. Of course, that is what is going to get the media and political attention because, let us be honest, it is an important issue and a significant policy proposal. However, the report also talks about the need to reduce the incidence of crisis pregnancy and support every woman from every part of the country to have access to the best possible maternity services.

I want the House and the people to know that my Department is working actively on how

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to deliver on those ancillary recommendations. I contend that we are already delivering on some. We have the first ever - it is incredible that this is the case - national maternity strategy which will bring us to a much better place. We have established the women-and-infants health programme in the HSE and a dedicated programme office to drive the delivery of maternity services. We have put in place the first ever HIQA standards on maternity care and we have new HSE bereavement standards for anyone who has had pregnancy loss, regardless of how that loss has come about. I take very seriously the report's other recommendations on contraception, sex education and access to anomaly scans. We have significant plans to enhance access to anomaly scans in the HSE service plan this year. We have set up a working group in the Department, which is chaired by the Chief Medical Officer, and we are working our way through the recommendations. That must be part of the Government's comprehensive response to the report. After multiple referendums, multiple court cases, multiple Private Members' Bills in this House and the other House, multiple debates, column inches, committee hearings and Citizens' Assembly hearings, we will be in a position finally to give the Irish people their chance to have a say on the issue. As others have said, regardless of their views, as democrats it is very important that we let the people of Ireland have their say on the issue and that we respect their decision. We must lead on facilitating a respectful, informed debate and I think tonight is a good start.

An Leas-Chathaoirleach: When is it proposed to sit again?

Senator Jerry Buttimer: Dé Máirt seo chugainn ar leath uair tar éis a dó.

The Seanad adjourned at 8.40 p.m. until 2.30 p.m. on Tuesday, 23 January 2018.