



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Máirt, 27 Márta 2018*

*Tuesday, 27 March 2018*

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Lynn Ruane that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Health to provide a response to analysis by the Irish Human Rights and Equality Commission and the European Consortium for Sociological Research of the adequacy of health care for transgender persons in Ireland.

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for Health to outline if cost analysis comparisons have been made by the HSE between the cost of home care services provided by the HSE and the cost of comparable services provided by the private sector.

I have also received notice from Senator Ivana Bacik of the following matter:

The need for the Minister for Justice and Equality to outline the mechanism for gathering data regarding the operation of the new prostitution-related offences of purchase of sexual services under the Criminal Law (Sexual Offences) Act 2017.

I have also received notice from Senator Máire Devine of the following matter:

The need for the Minister for Justice and Equality to address concerns of stakeholders regarding the new tendering process for the Garda youth diversion project.

I have also received notice from Senator Ged Nash of the following matter:

The need for the Minister for Transport, Tourism and Sport to consider a mechanism where taxi licences can be transferred to family members in the event of the death of the licence holder.

I have also received notice from Senator Fintan Warfield of the following matter:

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The need for the Minister for Education and Skills to outline the policy regarding the teaching of LGBT+ aspects of the social personal and health education, SPHE, and relationship and sex education, RSE, curriculums in schools.

I have also received notice from Senator Lorraine Clifford-Lee of the following matter:

The need for the Minister for Justice and Equality to provide an update on the reopening of Rush Garda station, County Dublin.

I have also received notice from Senator Frank Feighan of the following matter:

The need for the Minister for Housing, Planning and Local Government to outline the short-term and long-term plans of Irish Water to address the cryptosporidium risk on the Lough Talt public water supply in Sligo.

Of the matters raised by the Senators suitable for discussion, I have selected those of Senators Ruane, Colm Burke and Bacik and they will be taken now. The matter raised by Senator Devine had been selected but she subsequently withdrew it. I regret I had to rule out of order the matter submitted by Senator Clifford-Lee on the ground that it is a repeat of a Commencement matter taken on 28 November 2017. I regret I had to rule out of order the matter submitted by Senator Feighan on the ground that the Minister has no official responsibility in the matter. The other Senators may give notice on another day of the matters that they wish to raise.

## Commencement Matters

### Health Services Provision

**Senator Lynn Ruane:** I thank the Minister of State for his time today. I am raising the issue of health care for transgender people in Ireland and the widespread deficiencies that exist in terms of standards, access and trans-specific knowledge in the Irish health service. As the Minister of State will be aware, Ireland ratified the current version of the European Social Charter 18 years ago, and submits regular reports to the Council of Europe's European Committee of Social Rights, which determines compliance with the charter. In Ireland's 14th national report on the implementation of the European Social Charter, submitted for 2017, transgender issues are not mentioned even once. When the Irish Human Rights and Equality Commission commented on the report, it said that health care for transgender persons in Ireland is inadequate, in terms of meeting their needs, reflecting complex processes, inadequate provision of services and inadequate levels of knowledge and awareness among health professionals.

This analysis was agreed with by the European Committee of Social Rights, which reiterated these concerns in its 2017 annual conclusion. That two respected human rights bodies have come to the same conclusion regarding transgender health care in Ireland today is why I have tabled this Commencement matter. The bottom line is that we are failing transgender people in Ireland under article 11.1 of the European Social Charter by not providing guaranteed access to health care in practice. This needs to change, and I would appreciate it if the Minister of State would outline in detail the steps being taken by the Government and the Department of Health to rectify this.

Transgender people have a very specific range of health care needs. It is critically important that relevant and appropriate services are available in order to facilitate and meet those needs. These include: gynaecological and urological care, reproductive options, voice and communication therapy, mental health services, and hormone and surgical treatment. The World Professional Association for Transgender Health lists these as essential services to assist transsexual, transgender and gender non-conforming, with safe pathways to achieving lasting, personal comfort with their gendered selves. It also lists the importance of social and political climates that provide and ensure social tolerance, equality and the full rights of citizenship, and in this respect at least, there have been great improvements in Ireland recently.

It is four years since the enactment of the Gender Recognition Act 2015, and we can all feel collectively proud of that ground-breaking legislation, as Ireland became one of the first countries in the world to enshrine self-declaration of gender into its law. That law told transgender people in Ireland that we respected their identities, their autonomy and valued and included them as equal citizens in this State. However, legal recognition is only the beginning of the realisation of true equality for transgender people in Ireland. We need appropriate and accessible health care at a minimum to allow for greater realisation of trans identities.

With the Gender Recognition Act, we rejected stigmatising and unnecessary medical diagnostic models for the legal recognition of gender. Yet such models are still in place in determining access to trans-specific health care, and this must end.

In terms of hormone replacement therapy, the unacceptable waiting lists were highlighted in this House by Senator Warfield a number of weeks ago. However, delays are not the only concerning part of such provision in the Irish context. There is a clear reliance on a psychiatric diagnosis which falls outside the World Professional Association for Transgender Health, WPATH, guidelines, which instead advocates for best practice in line with an informed consent model. This over-reliance on psychiatric diagnosis, as distinct from a psycho-social analysis, of how the State treats trans-people for hormone replacement therapy is problematic and needs to be changed.

I understand there is currently only one diagnosing psychiatrist and prescribing endocrinologist operating in Ireland. While I understand a recruitment process is under way, the concern is that simply hiring more psychiatrists for this area will reinforce the medical diagnostic model which I have outlined, and this is not international best practice. This service should be opened up and decentralised. The World Professional Association for Transgender Health recommended that general practitioners be empowered to dispense the therapy as they are all trained to do so. General practitioners administering hormone replacement therapy to assist gender people is a common occurrence. Will the Minister of State give a commitment today to investigate the feasibility of this even on a pilot basis?

I also understand that despite the HSE claiming that no separate list exists for transgender individuals seeking hormone replacement therapy that, in practice, such a separation does exist, and this is one of the root causes of the huge delays. Will the Minister commit today to investigating this claim and ending that practice?

I met representatives of the This Is Me transgender health care campaign last week who outlined these concerns to me in detail. Will the Minister of State or the Minister for Health, Deputy Harris, meet representatives of the campaign, hear their concerns and consider their constructive proposals on how this could be resolved.

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**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank the Senator for raising this important issue for transgender persons in Ireland. I recognise the deficits in the service provision to the transgender community and the unprecedented increase in the demand for services, particularly among children and adolescents. To address this, the HSE has developed a model of care for transgender children, adolescents and adults. The model was developed in consultation with the key treating clinicians, planners, policy-makers, advocates and service users. The model outlines the key services required to address the needs of the transgender population, including children and adolescents. It builds on the current service provision and identifies emerging service demand. It also draws on evidence-based international best practice.

I understand actions are under way to resource and support health care services at hospital, community and primary care levels in order to develop a national service for adults, adolescents and children in the transgender community. Eight key posts will be recruited in 2018 for adult services, including a consultant endocrinologist, a consultant psychiatrist, two senior psychologists, a clinical nurse specialist, a social worker and a speech and language therapist. A further three key posts in child and adolescent service will be filled, including a consultant endocrinologist, a senior psychologist and a clinical nurse specialist. These actions will address the waiting times and immediate service needs of children, adolescents and adults in transition.

The HSE, across mental health, acute hospitals, primary care and social inclusion programmes, is committed to building services for the transgender community in accordance with international best practice. The issues raised by the Senator are very important if she thinks the model being used is not the accurate or correct one. We have had that debate in the disability sector for many years. People were trying to use the medical model instead of a social care model to deal with people with disabilities. I would be interested to hear the Senator develop that point.

An undertaking has been given to building services for the transgender community in accordance with best international practice. Further work will be undertaken to identify additional priorities to be developed and resourced in 2018. In addition, the Health Service Executive has supported Transgender Equality Network Ireland, the national advocacy service for the transgender community. It provides funding for the posts of training and education manager and family support worker. These posts have provided education and training for staff across the HSE. Furthermore, the HSE has supported a training programme for speech and language therapists to develop the skills to support transgender people.

Transgender-specific guidelines have been developed by the World Professional Association for Transgender Health and the Endocrine Society. The guidelines recommend a comprehensive multi-disciplinary psycho-social assessment prior to commencement of hormone therapy by endocrinology services. They highlight several criteria which must be met prior to referral for hormonal intervention. It is important that co-occurring conditions be identified and addressed, including mental health difficulties, self-harming behaviour, suicidality and autistic spectrum disorders. Accessing supports to manage co-occurring difficulties can impact on the response to medical transition. I believe informed consent is essential whereby the benefits and risks of hormone treatment and surgery are discussed with individuals seeking these interventions. The emerging evidence on good outcomes following medical and/or surgical transitioning is based on the use of a multi-disciplinary psycho-social assessment, the fulfilment of criteria for hormones and ongoing psychological support throughout the process.

The Department of Health and the HSE are committed to providing health care services to meet the complex needs of transgender people and ensuring adequate levels of knowledge and awareness among health professionals to meet these needs.

**An Cathaoirleach:** We are running out of time, but I will allow Senator Lynn Ruane ask a brief supplementary question.

**Senator Lynn Ruane:** I thank the Cathaoirleach. I will make a number of quick points. Will the Minister of State agree to look at the fact that there are separate lists for hormone replacement therapy, HRT, with cisgender people being placed on one list and transgender people being placed on another, instead of everyone being on the one list? This is causing delays. The HSE is trying to state it does not happen, but members of the transgender community are the ones who are trying to access the service and, therefore, best equipped to know if it is their experience.

There is an ongoing recruitment process, but it is still very much led by psychiatry. Will the Minister of State examine the possibility of Department of Health officials meeting members of the This is Me campaign because they have solid proposals to make, an understanding and insight into the reason this is a problem, rather than having a much more holistic approach focused on the issue as if it was a mental health disorder. They are constantly sent through psychiatry services before they can access HRT. Will the Minister of State consider the possibility of departmental officials meeting members of the This is Me campaign and investigate the separation of lists for HRT.

**Deputy Finian McGrath:** I will raise the issue of separate lists for the transgender community with the Minister, Deputy Simon Harris. I agree strongly with the Senator that the current system is psychiatry-led, but the only way to resolve these issues and change the entire model of care is for the Minister, representatives of the HSE and departmental officials to meet members of the This is Me campaign. I will put these proposals to the Minister. I am also available to meet members of the group.

### **Home Help Service Expenditure**

**Senator Colm Burke:** I welcome the Minister and very much appreciate him taking the time to deal with this matter which concerns a cost analysis undertaken in the HSE of the provision of home care services. I raise the issue because, on the one hand, the private sector is being criticised severely for the charges it requires people who need home help to pay and, on the other, is being compared with the HSE in that regard. However, what is not being taken into account are the costs incurred by the private sector which includes insurance costs, organisational costs and the cost of renting premises. These are part of the costs the private sector incurs in providing home care to people around the country. A private provider may charge a contract of €22 or €24 an hour for the service. From that, the provider may pay €12.50 or €13 an hour to a carer. However, there are many other costs which they incur which must come from that overall figure. On the other hand, when the HSE provides a service, the cost of administration is not taken into account. The HSE does not have to pay rates, and insurance is covered by an overall insurance policy for the country. We have never seen a breakdown of the cost analysis of home care provided by the HSE.

While the private sector gives advice to the HSE as to how services should be run, the HSE

refuses to take on board these recommendations. However, one now finds those in the private sector are recruited by the HSE to provide exactly the same services the private sector told the HSE it should not deliver to those who require home care. Has a cost analysis been done on how much it costs to provide an hour of home care if the person is employed through the HSE? If not, are there plans for such a cost analysis to be carried out? We need to do it now because we have a growing number of people living longer who will require additional home supports. Over 637,000 people are over 65. In 12 to 15 years, that figure will be over 1 million people. We must develop the home care package and ensure we are getting it in a cost-effective manner. I am not convinced that is happening.

**Deputy Finian McGrath:** I thank Senator Colm Burke for raising this matter. He has been pushing for reform of the health services and has been supportive of my portfolio.

The HSE has sought to maintain, and where possible to expand, the range and volume of services available to support people to remain in their own homes, to prevent early admission to long-term residential care and to support people to return home following an acute hospital admission.

Home support services were a particular area of focus in budget 2018, with an additional €18.25 million allocated to them. The resources available in 2018 bring the total budget for the direct provision of services to €408 million. The HSE's national service plan provides for a target of some 17.094 million home support hours to 50,500 people. Home support services are provided either directly by the HSE or through voluntary and private providers. Service provision is identified through a needs assessment undertaken by a HSE professional for the purposes of identifying the person's needs and suitable service which will support the person to continue to live in his or her own home as independently as possible. The average cost per hour paid by the HSE to service providers encompasses all costs relating to service delivery, including the employee's salary, paid leave, employer's PRSI, travel, administration, training, etc. All providers who meet the HSE standards incur costs in addition to the direct cost of the salary of the worker. Such costs are essential to the operation of the service to the required standards.

In the absence of regulation of the sector, the HSE has put in place formal arrangements with external providers to deliver publicly funded home supports to the standards and requirements of the HSE. The HSE has, therefore, tendered on a number of occasions for providers of home support services so as to create an "approved provider" list in each of its geographic areas. The criteria to be successful at tender includes adherence to a level of standard of service provision as well as cost of provision of the service. In general, costs to the HSE per hour will range between €20 and €25, inclusive of pay and overheads, and will also depend on when the individual service is being provided. The utilisation of external providers delivers essential additional service capacity across the system without which many older people would not be able to remain at home.

The costs of delivery of service has increased due to general cost increases and to increased delivery of non-core hours of service at weekends, bank holidays and late evenings together with the costs of delivering an increasingly skilled workforce caring for older people with higher levels of dependency who would otherwise require long-stay residential care. The HSE has implemented increased contract hours for its directly employed staff in 2014 and is now in the process of offering improved contract hours in 2018.

In conclusion, it should be noted that the Department is developing a new statutory scheme

for the financing and regulation of home support care services. This will be an important step in ensuring that the system operates in a consistent and fair manner for all those who need home care services.

**Senator Colm Burke:** I accept fully what the Minister of State is telling me but has the HSE or the Department ever sat down and done a detailed cost analysis within the HSE because we should not be comparing like with like in respect of the private sector and the HSE? I believe that the cost of the HSE delivering the same service as that delivered by the private sector could be up to between €30 to €35 per hour. Those are the figures I am getting. Nobody has actually sat down and done a decent cost analysis. Could the Department give consideration to a pilot cost analysis to see exactly what it is costing and how we can deliver more hours for people who require home care in a cost-effective manner right across the country?

**Deputy Finian McGrath:** I will bring the Senator's concerns to the Minister because we are talking about public money and I accept the Senator's valid argument. As I said previously, the total budget in 2018 for the direct provision of services is €408 million. Regarding the point about hours, at the moment, the HSE hourly rate will range between €20 and €25, inclusive of pay and overheads. I accept the Senator's point regarding the other figures he mentioned. There should be some sort of independent assessment to find out the facts of the case. I will put those points to the Minister and come back to the Senator.

### **Criminal Prosecutions Data**

**Senator Ivana Bacik:** I welcome the Minister for Justice and Equality to the House. I am very grateful to him for coming in to respond to the matter I have put down, namely, what mechanisms for gathering data exist regarding the operation of the new prostitution-related offences of purchase of sexual services under the Criminal Law (Sexual Offences) Act 2017 and how it is proposed to record instances of the new offences and to measure the impact of the new law overall. In the week after the Facebook revelations have emerged, I am conscious that any question about gathering data sounds somewhat suspect but, clearly, this is a very important question relating to how we can measure the impact of the new offences introduced in the Criminal Law (Sexual Offences) Act. Today marks the first anniversary of the enactment of the 2017 Act.

The anniversary was marked earlier outside the gates of Leinster House by a group of organisations. I pay tribute to the great work they did over a number of years to bring about the change in the law. I pay particular tribute to the Turn Off the Red Light campaign, *3 o'clock* Ruhama and the Immigrant Council of Ireland among others. I worked with all of them on the justice committee, as did many colleagues. A committee recommendation ultimately led to the enactment of the new offence of purchase of sexual services.

However, I am conscious that a three-year review period is built into the Act and one year has passed. The organisations are seeking to ensure adequate resourcing and training of gardaí to operate the new offence successfully, and my party colleague, Deputy Sherlock, will ask questions in the Dáil about that. My question relates to the measurement of the impact of the new offence. Denise Charlton of the UCD sexual exploitation research project, who was very involved in the campaign to change the law to criminalise purchase of sex, has pointed out that solid data are needed to ensure the law is working. I note concern on the part of the Immigrant Council of Ireland and others that the progress in implementing the law and making it part of



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policing practice has been slow to date. There is concern about issues such as accommodation for victims of trafficking who often end up living in direct provision centres. While anecdotally we hear from Ruhama and others that women feel safer because they are not being criminalised, given another effect of the legislation was to decriminalise the selling of sexual services, we do not have access to relevant data to ascertain how the Garda is enforcing the offence of purchase of sexual services. For example, have arrests been made under the new legislation? Have there been any recorded instances of the offence? Have there been prosecutions, although I do not believe there has been? Such basic policing data would be helpful. That is the reason for tabling the matter and I have done so on a particular date, which is the first anniversary of the enactment of this important legislation.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I thank the Senator for raising this important matter and I acknowledge her strong record in this policy area over many years and her contribution in ensuring this legislation was placed on the Statute Book.

I would like to remind the House of the provisions of the Act, as they refer to prostitution-related offences. Part 4 provides for two new offences of purchasing sexual services in the context of prostitution. The purpose of these offences is to target the demand for prostitution. This Part also removes those who provide sexual services through prostitution from the existing offences of soliciting and loitering for the purpose of prostitution. The new offences under the Act are, first, a general offence of paying to engage in sexual activity with a prostitute, which carries a penalty of a fine of up to €500 for a first offence and fines of up to €1,000 for a second or subsequent offence, and, second, the more serious offence of paying for sexual activity with a trafficked person, in the context of prostitution, an offence which carries a potential penalty of up to five years imprisonment and-or a fine. In both cases, the person selling or, in the case of a trafficked or exploited person being forced to sell, the sexual service will not commit an offence.

The Criminal Law (Sexual Offences) Act was enacted on 22 February 2017, and much of the Act, including the provisions I have just described, was commenced on 27 March 2017 - one year ago today, as the Senator said. Since then, the offences have been available for investigation and prosecution by An Garda Síochána and the Office of the Director of Public Prosecutions. The operation of the offences, and data gathering mechanisms in respect of same, are operational matters for those organisations. I acknowledge the work of many support organisations in this area, in particular, the Turn Off the Red Light campaign, Ruhama, Ms Denise Charlton and others.

A new incident category on PULSE, titled “Purchase of Sex” will capture the offence of the purchase of sexual services. This is part of PULSE Release R7.3 and is scheduled to be live on PULSE by 30 March 2018. It will provide a facility to capture all incidents relating to the purchase of sexual services. The Garda national protective services bureau is monitoring the impact of the offences and is developing initiatives to ensure adequate and proper enforcement. Senator Bacik will be aware that arrangements for the measurement of the impact of the law are set out in section 27 thereof. The section specifies that a report will be prepared after three years on the number of arrests during the initial three-year period in respect of the new offences, as well as an assessment of the impact of the offences on those who provide sexual services for payment.

Senator Bacik is right to speak about resources. Last night, I attended the annual conference of the Association of Garda Sergeants and Inspectors where the issue of resources for train-

ing on new legislation such as this was discussed. As Minister, I am very keen to ensure the resources the Government provides to An Garda Síochána are focused on these new areas of activity and investigation, all of which are extremely important in the context of this reforming legislation.

**Senator Ivana Bacik:** I thank the Minister for his kind words. I should have paid tribute to the Minister's predecessor, Deputy Frances Fitzgerald, who played a key role in driving through the legislation. I accept that data gathering mechanisms are operational matters for An Garda Síochána and the office of the DPP but there has been a good deal of concern about how data are gathered by the Garda in recent weeks, particularly homicide data and data on domestic violence. It is important to ask these questions. I hope to do this in a constructive manner to assist in ensuring the legislation is implemented effectively. I am glad to hear the new PULSE category will be made live by the end of this week on 30 March. It is good to hear. I am glad initiatives to ensure enforcement are being developed. I will keep the matter on a priority list by raising Commencement matters as much as I can.

I think I am right in saying the report on the number of arrests made must be prepared within the three-year period. I hope we will have data in advance of that, perhaps in a few months' time, on the number of arrests and incidents recorded. Will the Minister indicate if that will be possible? I intend to raise the issue again to assist the Minister and his officials in ensuring the new law is effective.

**Deputy Charles Flanagan:** I would be very happy to explore the issues raised by Senator Bacik in the context of ensuring the House is fully informed of developments and can continue to offer help, assistance, support and influence over the process. The exact nature of the report mandated under the new Act has not yet been decided. Information provided by the women's health service of the HSE and by organisations such as Ruhama and An Garda Síochána will form part of the report. These organisations work together towards the protection and welfare of those engaged in prostitution and the investigation of criminality where it arises. Officials from my Department have been engaged in discussions with these and other organisations as part of a civil society-led working group to support the implementation of the Act. In this regard, I acknowledge the support and active engagement of Senator Bacik and others, which I very much welcome.

I would be happy to subject myself to questioning and regular reviewing of how matters are progressing. Within An Garda Síochána, the Garda national protective services bureau plays a very important and lead role in the provision of operational guidelines on the policing of prostitution and brothels. Within the bureau, Operation Quest is a national unit primarily involved in investigations targeting organised prostitution and habitual brothel-keeping right across the country. A major part of the work undertaken as part of Operation Quest is the raising of awareness among those engaged in sex work of the services available to them in terms of their welfare, support and health, including support to exit prostitution.

I thank Senator Bacik for raising the issue. If there are any specific aspects of the matter she would like me to pursue, I would be happy to do so.

*Sitting suspended at 3.05 p.m. and resumed at 3.30 p.m.*

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## Order of Business

**Senator Jerry Buttimer:** The Order of Business is No. 1, Thirty-sixth Amendment of the Constitution Bill 2018 - Second Stage, to be taken at 6.30 p.m., with the contributions of group spokespersons not to exceed ten minutes and those of all other Senators not to exceed eight minutes; and No. 2, motion regarding Thirty-sixth Amendment of the Constitution Bill 2018, to be discussed in conjunction with the Second Stage debate but not to be taken until Report and Final Stages of the Bill have concluded. With your indulgence, a Chathaoirleach, a word of qualification, the reason it is at 6.30 p.m. is that the Minister has to go back to Cabinet at 4.45 p.m. I took a decision that it would be better to have the Minister here at 6.30 p.m. That is by way of courtesy to the House.

**Senator Catherine Ardagh:** I would like to raise two issues, both of which relate to education. The first relates to DEIS status allocation and the second relates to home school liaison teachers. We learned from the Department of Education and Skills that the process for DEIS identification uses data from the DEIS primary online database, the post-primary online databases and the CSO data, when measuring disadvantage and affluence in a particular area. Much of the online databases rely on postcodes and other information. This data is then used as a yardstick when allocating DEIS status. The unfairness of allocation of DEIS status is something I have raised in this House on previous occasions. The Minister, in his correspondence to me, has highlighted that just because a school is in a disadvantaged area, does not automatically mean that it gets DEIS status allocation. I would like to point out a very serious anomaly in this regard. This anomaly relates to the housing crisis and the reports from a survey that I completed with principals in Dublin 8 and Dublin 12, who indicated that they have a large proportion of students, which fluctuates between 10% and 20%, in situations where their students are characterised as the hidden homeless. This is where families are separated and where pupils are sleeping on couches of grandparents, aunts, uncles or friends for the purpose of attending schools. The figure of 20% in some locations is very high. For the purpose of not embarrassing the child, the parents in general put down the address for the grandparent or aunt. This information is then fed into the primary online database, POD, system that gives a distorted picture of the disadvantage or affluence in a particular area.

I know of three schools in Dublin 12 and Dublin 8 which fall into this category, and have not been allocated DEIS status. One is Our Lady of Good Counsel girls' national school, the Assumption girls' national school in Walkinstown, and the Drimnagh Castle boys' national school. These schools are an island among other DEIS schools and educate children from the most disadvantaged parts of the city. The review of DEIS status is coming up, and I implore the Minister to re-examine these schools for the purpose of DEIS status.

The second issue I would like to raise relates to home school liaison teachers and the need to increase the resources allocated to schools to provide for and support them. Their need and importance cannot be understated, with their vital role in supporting schools, families and pupils. One school in particular, Synge Street primary and Synge Street secondary school, share a home school liaison teacher. This is concerning when the primary school is categorised as an Irish medium stream school, with Gaeilge, and there will be a requirement for a home school liaison teacher in the future to have fluent Irish. This, of course, must be supported if we are to support the Straitéis 20 Bliain don Ghaeilge. Without these vital teachers buttressing the education system in disadvantaged areas, the cycle of disadvantage will not be broken. There is absolutely no excuse for every child in this country not to get the best national and secondary

school education that most of us have gotten. We are known for our world class education system and we cannot leave any children out.

**Senator Gerard P. Craughwell:** Shortly before I came in here today, I watched Leader's Questions in the Dáil. In particular I watched the debate on the proposed expulsion of a member of the Russian diplomatic community. I am shocked, to say the least, that we have decided to expel a diplomat from the Russian Embassy. To my memory, we have never engaged in anything to do with incidents that have happened in other countries. There seems to be an anti-Russian fest running through the western world at the moment. The Taoiseach said he would make available a briefing to party leaders, but we have to realise there are people in the Seanad and in the Dáil who are not in parties and who would be equally entitled to a briefing as to why we found it necessary to seek the expulsion of a Russian diplomat from this country. This country is a small, open economy. Trading with Russia is part and parcel of the trading in which this country engages. We should be very careful about anything we do to snub a country, particularly a country with the purchasing power of Russia. I would like to see what evidence there is to support the fact that Russians are engaged in espionage here. I would also like to see what evidence there is with respect to other embassies in this country and whether they are involved in any espionage.

**Senator David Norris:** They are all at it.

**Senator Gerard P. Craughwell:** Indeed, I would like to see whether there is anything worth being involved in from an espionage point of view in this country.

**Senator David Norris:** For shame, how could Senator Craughwell imagine there is not anything worth spying on?

**An Cathaoirleach:** Please, Senator Norris.

**Senator David Norris:** He should withdraw that remark.

**An Cathaoirleach:** Senator Norris, please.

**Senator Gerard P. Craughwell:** I was given a briefing on this matter similar to that given to party leaders. The other issue that I wish to talk about briefly is adult education and guidance services and the tremendous job those involved have done throughout the worst years of the recession. They have dealt with 52,000 people each year. I do not know whether we fully respect the work that is being done in adult guidance. There is a paltry budget of €6.55 million. They are pushing these sorts of numbers through adult education and guidance while the two new companies, Turas Nua and Seetec, have a budget of €54 million between them. From what I can gather, they have only managed to get 18% of those going through their system into full-time employment. We need to look at the way money is spent on further education and training. I know the Leader has an interest in this area. Perhaps, he might organise at his leisure a debate in the House on further education and training in particular. I attended a conference with a group called NETINVET in Europe. It was staggering to see the work being done in further education and training throughout Europe. Maybe we might get the Minister before the House and get an opportunity to review where we are going with further education and training in Ireland.

**Senator Rose Conway-Walsh:** I commend all the parents and families of children and adults with autism, this being autism awareness week. They do Trojan work. There are huge

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gaps in the services and supports and these need to be addressed for families trying to support loved ones with autism. That is something we will continue to work on.

In that context I commend my colleague, Deputy Ó Caoláin, on tabling the Private Members' motion and holding the Government to account on living up to its obligations on disability rights. I hope all parties will support that in the Dáil.

The other thing I want to raise today is the situation we are still in with regard to access to Translarna. You will know, a Chathaoirligh, that Translarna is the medication that is necessary for children suffering from Duchenne muscular dystrophy. It is now months since we raised the matter with the Minister. I appeal to the Leader to go back to the Minister and say that we are extremely concerned that it is taking so long to access this medication and to have this medication, Translarna, approved for children living in this State. We know that it has been approved in 22 other countries. We know that people living only a few miles up the road in the North have access to it. It is intolerable that children living in this State continue to be denied something so vital to their health and well-being and so vital to keep their mobility. I call on the Leader to go back to the Minister to ask him to ask the HSE to engage fully with the supplier of Translarna. It is not good enough to say those responsible should submit another application. The last application submitted took three years. Only a small number of children need Translarna medication but they do not have three years to wait. I urge the Leader to impress upon the Minister the urgency of instructing the HSE to sort this out as quickly as possible in order that these children can have the medication they truly deserve in the same way as children in the North and in 22 other countries.

**Senator David Norris:** I would like to refer to the refurbishment of historic Leinster House. I was out having a coffee at the end of last week, and it seemed to me that the builders were sandblasting the building. This is a big mistake, as far as I am concerned, because sandblasting this kind of stone leads to a spoiling of the surface and damp penetration. I spoke to a member of Sinn Féin about my concerns - a stonemason by profession - who said that I was completely right. I just want to raise the issue as to whether this is the appropriate treatment for Leinster House.

**An Cathaoirleach:** I believe that is a matter for the Houses of the Oireachtas Commission. Perhaps the Leader could refer the matter to the commission. It meets once a month, and the Seanad usually has a particular interest in that.

**Senator Maria Byrne:** I wish both Munster and Leinster the very best of luck in their two quarter finals this weekend. The matches are taking place on Saturday and Sunday. They will certainly put Ireland on the map, and hopefully both teams will win.

It was Daffodil Day last Friday. We often speak about parking charges for cancer patients at hospitals, but University Hospital Limerick, along with the hospitals in Ennis and Nenagh, have been to the fore on this issue. They announced recently that people who are in receipt of dialysis and cancer patients receiving treatment would not have to pay hospital car parking charges. This is most welcome. I call on all other hospitals to follow suit, because when people are in hospital for treatment they are at a very vulnerable time in their lives and not feeling well. Sometimes they come out of the hospital and have no change, and it is terrible that they are asked to pay for their car parking.

**Senator Jennifer Murnane O'Connor:** This is World Autism Awareness Week. Life can

be challenging for both the parents of children with autism and the children themselves, and we need to provide them with support and funding. That is crucial going forward.

Sugar is our new enemy. The dusty white stuff is the cause of huge problems in our society, and I am glad we are about to start to tax high sugar items. We all need some sugar, certainly, and there are jobs in the industry, but we need to curb the increase of high sugar products in our children's diets. While I welcome the sugar tax, which is coming in on 6 April, just taxing the high sugar products is not enough. It will make them more expensive, but it will not tackle their allure. Young children want this product every day. I have a sweet tooth myself. Sugar can be addictive. Recently a parliamentary reply outlined that there is an anticipated revenue from this tax of around €30 million in 2018 and €40 million annually from 2019. The tax will add approximately ten cents to the price of standard cans of fizzy drinks and we need to worked harder on it. It is not enough to simply increase the prices of these cans. Manufacturers will find other ways around it.

We have to control how this product is treated by the consumer. According to a study published by *The Lancet*, Ireland is set to become the most obese country in Europe, alongside the UK, within a decade and that Irish men already have the highest body mass index in Europe, with Irish women in third place. Almost a third of Irish children are overweight, which is a ten-fold increase in the rate of obesity for Irish boys between 1975 and 2016, and a nine-fold increase among Irish girls, according to this study. These figures do not leave a sweet taste in the mouth. In fact, they are nasty. It is time for smart food training. We need to use the boost in revenue from this new sugar tax in education. We need to inform and arm the modern consumer with knowledge about what we are eating and drinking.

In our Fianna Fáil manifesto we sought to invest in sports infrastructure as well as promoting physical activity. I request that the Minister comes into this House to discuss the issue. The Government will receive this massive amount of money annually. It is vital that our young people receive the benefits, and I believe that education and physical training is the way forward.

**Senator James Reilly:** Like others, I wish to raise the fact that this is World Autism Awareness Week. There are approximately 65,000 people in this country who suffer with this condition to varying degrees. Including their families, up to 250,000 people are affected by it in a very real way. In my surgery this morning, I met a 14 year old boy who was expelled from his school a year ago because they could not cope with his challenging behaviour and he has had no school for a year. I was in the Seanad many years ago when the then Minister, Dick Roche, brought forward a Bill, at my request and that of the Irish Autistic Society, to close a loophole the Department of Education had been using to excuse itself and to renege on its obligation to provide an education for children with autism. The 1945 Act allowed a derogation for parents who could not have their children educated because of intellectual disability. In those days there were no facilities for educating such children and this was used rather cynically by the Department. I am happy to say that an awful lot has happened since then and the Department has moved on hugely, providing special classes and SNAs, which are very welcome. What happens, however, when one has a child who has nowhere to go? This child has been at home for a year. He has intelligence and ability and can make a contribution to our society but he is left locked up in his own world with his parents. They have been offered a home tuition package but there is no one to deliver it so it is of no use to them. Meanwhile, time passes and the opportunity for this young man continues to fade away. I hope the Minister for Education and Skills and the Department will look into this and address it. I will certainly be approaching them about it.

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Last year this House passed the Autism Spectrum Disorder Bill unanimously on 12 July, a date well known to us for other reasons. That is nearly nine months ago and this young man is one of 65,000 reasons we need a national strategy for autism and autism spectrum disorder. As I have said before, I will raise this issue every single week until I see that Bill in Dáil Éireann. It is not something that can wait and people are desperate. They have children with serious needs which they need addressed. The autism Bill will not address that immediately but if we do not put a strategy in place and do not have a co-ordinated approach, we are not doing our children and young adults with autism the service we should be doing them.

There is now a need for a strategy to address older people with autism, with longevity having increased hugely. I ask the Leader to bring the Minister to the House to explain why this Bill has still not reached Dáil Éireann. It will reflect badly on this Government and on us if this Bill is not passed into law a year after it was unanimously approved by the Upper House. The Lower House has not yet been given the opportunity to offer its support but I have no doubt it will be forthcoming.

**Senator Niall Ó Donnghaile:** I reiterate my call for updated statements from the Minister for Foreign Affairs and Trade on the current state of play in the Brexit negotiations. This is in no way to disrespect the nature of the critical juncture we are at but it has been some time since we heard a statement from the Minister on the matter. It is timely, warranted and necessary given the significance of the issue, on which we all agree. It is important that Seanadóirí have the opportunity to engage with and hear from the Minister on this and to offer our views as the Government moves forward.

There is an ongoing absence of an Executive in the North as a result of the failure of the DUP to sign up to the draft agreement. I do not wish to provoke recrimination but we need to move now to the logical space laid out for us in, and created by, the Good Friday Agreement, that is, the convening of the intergovernmental conference. It can allow for the ability to legislate on some of the contentious issues, which I do not believe are contentious - they are solvable - such as language rights, marriage equality and, this week, the findings from the High Court in Belfast on legacy inquests.

I reiterate the call made by my party president in Queen's University in a keynote lecture delivered last night. It is necessary to convene the conference at this time, although all of us would rather see an Executive that functions on the basis of equality, respect and integrity for every citizen. In the absence of that, however, the Good Friday Agreement shines a light on a path forward. We should follow the Good Friday Agreement at all times, as we have done, and convene that sitting of the intergovernmental conference to ensure the delivery of rights for the people who should not have to wait any longer.

**Senator Terry Leyden:** I would like to extend our deepest sympathy-----

**Senator Jerry Buttimer:** I cannot hear the Senator.

**Senator Terry Leyden:** There are two mics on.

**Senator Jerry Buttimer:** The Senator must be hoarse.

**Senator Terry Leyden:** No, I am not. I would like to extend our deepest sympathy to the Russian ambassador, Yury Filatov, and the President and people of Russia on the tragic fire that killed 64 people, including possibly 41 children, at the Winter Cherry shopping centre in

Kemerovo in Siberia. It is a terrible tragedy. We had the experience of the Stardust tragedy, and the fire that happened in that shopping centre was similar in the way the doors were locked and bolted. It was an horrendous situation for the children and the adults involved. It would be good if we, through the Leader, extended our deepest sympathy to the Russian ambassador. I am sure everyone in this House would like to extend their sympathy to the people of Russia.

Regarding the expulsion of a diplomat from the Russian delegation here, all I can say is that I hope the Government has very sound grounds that the government there was involved in this Salisbury attack. We have not been briefed in this House on the reasons for the expulsion of a diplomat from Dublin. We have a very good relationship with the Russian Federation. As a former Minister with responsibility for trade, I led the first delegation from Europe to then new Russian Federation in the 1990s. We built up an enormous trade with the Russian Federation. All I hope is that we will not be victims of the decision of the Government and that jobs will not be lost in our agriculture and industrial sectors. We have to maintain our trade links, particularly post Brexit, with all our trading partners. We have a great relationship with the Russian Federation and the ambassador in Dublin and I hope those relations can be restored as quickly as possible.

**Senator Michelle Mulherin:** I welcome the Pope's visit to Ireland this coming August. He is a very popular Pope and world leader. We only have to look to the other countries he has visited to see the excitement that has generated and what can be in store for us. The possibility of his visit was first proposed by Senator Norris in this House, and I also proposed it when I was in the Dáil. I am glad that it will come to fruition. However, I would like his visit extended beyond the capital, beyond Dublin, and that he would visit the Knock shrine-----

**Senator Niall Ó Donnghaile:** And Armagh.

**Senator Michelle Mulherin:** -----especially in light of the fact that it is nearly 40 years since the shrine saw the historic visit of Pope John Paul II. In recent times the Pope has venerated Fr. Patrick Peyton, who was from Mayo, from near the town of Attymass from where I come. It would be opportune for the Pope to visit there and that would be a very popular move not only with the people of Mayo but with his many followers throughout the country.

With that in mind, I am sure that Members on all sides of the House will join me in asking that the authorities and influencers, and the Minister for Foreign Affairs and Trade in particular, would make every effort to facilitate a visit to Knock. A good deal of work is going on behind the scenes. I am aware there are serious protocols in place and that it is not an official State visit. The Pope is a Head of State and a world leader, and I would like to see the visit happen. It would mean a great deal to many people and it would round off what will be a very welcome visit.

**Senator Rónán Mullen:** I wish Senator Mulherin well in her quest to bring Pope Francis west of the Shannon. No doubt there would be people of all ages gathered around the gable wall, if that comes to pass.

Last week, we had a debate about reducing the voting age to 16, and whatever one thinks of that proposal, there is no doubt that we need to engage the trust of young people in the political system, but for that happen and for them to believe in politics, they need to see that politics actually works. One area, tragically, we would all agree politics seems not to work is in the area of the necessary reforms and improvements to our health service to a considerable degree.



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Too often, debates on the health service break down on tribal lines, and part of that is because politicians often have a sense of impotence about whether any change is possible. I am talking in particular about the ever-recurring problem of waiting lists in accident and emergency departments, for hospital beds and for scans and procedures. As we all know, that problem can get worse when the weather worsens, but it is a recurring problem. One has only to read the Order of Business and the Official Report of these Houses to see the concern of individual Members of the Oireachtas. The Minister told us on 31 January that it was time to break the vicious cycle that leaves patients waiting in unacceptable circumstances.

I bring all this up because I believe it is my duty to draw the House's attention to one particular story. A courageous and articulate young woman called Helen Murray has been in the media recently, and in touch with me, to describe her very negative experience of waiting six days to get an MRI scan. She was told there was a possibility she could have multiple sclerosis, MS, and that only the MRI scan can rule that out. As somebody who had never had any health issues prior to that, one can imagine her terror and how that was exacerbated by having to spend 22 hours in a waiting room of the accident and emergency department in the Mater Hospital to be seen by a doctor. She makes the valid point that it is not just about people lying on trolleys. She spoke about how she spent the night on plastic chairs with elderly people, people in pain, people who were vulnerable and people who simply cannot afford private health care where waiting lists can be a problem too. She said that many did not have access to food because they were too petrified to move from their seat to go to a café in case their name would be called and they would lose their spot. That did happen when somebody went home to get some rest. Somebody came around ticking boxes, discovered they were gone and that person lost their place in an interminable queue. She spoke about the problem of food machines only taking coins, in a world where people use a card or even their telephones to pay for items. She said many were frozen with the cold as the sliding doors were constantly opening and closing, and pillows or blankets were not given to those waiting.

In a service oriented society, how is it possible that even basic things, like treating well people waiting to be triaged or those waiting for further news, do not seem to be possible? In her particular case, the problem was that the MRI scan could not be done over the weekend. To make matters worse, when she got a CT scan and an X-ray after a long wait, she was sent home to come back on a Monday only to have another long wait. That involved giving her a bed in the hospital which she did not need because she did not need to be hospitalised but she was hospitalised because the scan could not be organised.

I am not telling the Leader anything he does not know but I believe he would agree that it is my duty to do so when people feel this inordinate frustration. This is a 23 year old person with an interest in politics who cannot understand how this is going on in a First World country. The solutions are difficult, but we have to keep focusing on them. We also have to keep raising the plight of these people. I am not interested in having a debate which will break down on tribal lines. However, we have to do our duty for these citizens by keeping these issues to the forefront in politics.

**An Cathaoirleach:** I call the Leader.

**Senator Michael McDowell:** I wish to raise a matter. I apologise, a but I was at a committee meeting.

**Senator Jerry Buttimer:** The Senator should have been here. Perhaps he should not have

come back.

**Senator Michael McDowell:** I cannot perform bilocation, as the Leader understands.

**An Cathaoirleach:** We always try to accommodate senior Senators.

**Senator Jerry Buttimer:** He is not a senior Senator but a new one.

**Senator Michael McDowell:** I refer to the proposed MetroLink in the national transport infrastructure plan. I live close to the Luas green line and have strongly supported such public transport initiatives. I am not a NIMBY person in any shape or form. However, the House may or may not be aware that it is proposed to incorporate the Luas green line with a metrorail system. While that may seem innocuous and fine, we have just spent €368 million in extending the Luas green line to Cabra. We are now being told that a metro system will be built at a cost of between €3 billion and €4 billion, replicating, in large measure, in the city centre access to places such as St. Stephen's Green and O'Connell Street with new underground stations. Will the Leader ask the Minister for Transport, Tourism and Sport, Deputy Shane Ross, to explain to the House how this proposal is being described to all and sundry as a public consultation process, when, from an email I received yesterday, an €18 million tender for architecture and engineering has already been awarded for the project? If it is a genuine consultation process, I would like to have some clear views on where Dublin's transport infrastructure could be alternatively served in areas such as Rathfarnham, south-west Dublin and different areas of north Dublin, as well as keeping the Luas green line. I would like to have some indication as to who made the decision to do this, why and what the alternatives are. To describe it as a public consultation process and for Transport Infrastructure Ireland executives to say they are open to discussion about the alternatives rings very hollow when one sees the detailed planning and realises an €18 million tender has already been awarded for the particular module.

**Senator Rónán Mullen:** Is it Ceausescu era consultation?

**Senator Michael McDowell:** It reminds me of a certain bowl in north-west Dublin several years ago. It raises the question of whether we should be considering alternatives before we commit to this €3 billion to €4 billion project. If we have up to €4 billion to invest in public transport in the Dublin region, I do not believe the Houses of the Oireachtas have been given a fair opportunity to consider if this is the best idea. Even in the worst case scenario, if the project were to go ahead, as I very much doubt that it will in the end, the existing Luas green line would be closed for between one and two years. People should be told the consequences of the decisions being made in their names.

**Senator Gabrielle McFadden:** I have just come back from Baldonnel Aerodrome and want to refer to the Air Corps. Everybody knows that its primary focus is on looking after the security of the State. However, many do not realise it has other secondary jobs such as providing the air ambulance service which is based in my home town of Athlone, supporting the Garda and dealing with hazardous chemicals. There are 870 members of the Air Corps based in Baldonnel Aerodrome working in defence of the State. They have a serious problem, one that is more serious than in any other area, which is retention. When the Minister comes to the House, I ask that the debate include the Air Corps as well as the Army. Could the Leader tell me when that debate with the Minister will take place?

**Senator Gerry Horkan:** It was reported recently that up to one third of motor vehicle thefts involve unlocked cars. I am Vice Chairman of the Joint Committee on Finance, Public

Expenditure and Reform, and Taoiseach, which spent a long time discussing motor insurance and the cost of motor insurance. It surprises me hugely that one third of the car thefts that are even reported involve unlocked cars. Presumably some people in this situation do not report it because of their stupidity in leaving their cars unlocked with cash, valuables, laptops and other equipment in them. People are going around at night and are checking people's cars and are discovering that they are unlocked. There is CCTV footage of people checking cars. The Minister for Transport, Tourism and Sport or, if she has responsibility for insurance, the Minister for Business, Enterprise and Innovation should produce a campaign to ensure that we alert people. It is a very simple thing to lock one's car. It is probably a very simple thing to leave it open but the consequences are quite significant. People are out there preying on it. As a national Chamber, we should be trying to remind people to do the simplest thing of all, namely, lock their cars, reduce motor insurance premiums in the process and save themselves an awful lot of time and grief.

**Senator Tim Lombard:** I wish to raise an issue that has emerged over the past few days. It concerns fodder on Irish farms. In particular, it has been raised over the past few months with regard to the north and west. With the long winter and exceptionally wet and turbulent weather conditions, there has been very poor grass growth and stocks of fodder have decreased dramatically over the past few weeks. Since 2013, which was the last time there was a fodder crisis, there are roughly 300,000 extra cows in Ireland. We have depleting stocks of fodder and large numbers of animals to feed. As this week has proved, the weather has been exceptionally unkind to us. The growth levels are not there at the moment. Teagasc is saying that we are at 25% of where we should be regarding grass growth so there is a genuine concern in the industry about the next few weeks. In 2013, we put a fodder crisis fund in place to bring fodder in from abroad. It was the first time it ever happened in this State. We need to look at that option again. We need to look at the possibility of bringing in fodder, although perhaps not from the UK, which has limited fodder levels as it is facing the same weather conditions. However, we could bring it in from France from where we imported 300,000 tonnes of haylage in 2013. It is a really stressful issue for farmers, who do not know where to go.

There is a huge issue with the weather. The climate has turned against us and the depletion of these vast amounts of silage bales in the past few weeks has put farmers under exceptional stress. Perhaps we need to start planning for the unfortunate event that took place in 2013. We need to put in place, or talk about putting in place, a scheme. I have been hearing from hauliers and have been talking to farming organisations. The cost of bringing in one load of stuff from the UK is between €1,200 and €1,300. If that is the cost, it is unsustainable. It just cannot work. The only way it can work is if the Department of Agriculture, Food and the Marine helps supplement the cost, as it did in 2013. It is a big issue out there and I hope the Leader of the House might in his wisdom raise the issue with the Minister for Agriculture, Food and the Marine because we need to start planning. If we fail to plan, we could be stuck in the situation we had in 2013 when we brought in the feed in May, which was a bit too late.

**Senator Jerry Buttimer:** I thank the 15 Members who contributed to the Order of Business. I begin by paying tribute to the former Ceann Comhairle, Seán Treacy, and I offer the sympathies of the House to his family on his very sad passing. On my own behalf and that of Fine Gael and the House, I join Senator Terry Leyden in extending sympathy to the families affected and the Russian Federation on the tragic loss of life in the horrific fire in a shopping centre at the weekend. We are all united in our expressions of sympathy on the loss of the 64 victims who included, as the Senator said, 41 young children. I offer our sympathy to the Rus-

sian people on these tragic deaths.

I wholeheartedly agree with Senator Catherine Ardagh on the issue of DEIS status. It is an important issue, on which many of us on this side of the House have been interacting with the Minister for Education and Skills-----

**Senator Catherine Ardagh:** The hidden homeless, in particular.

**Senator Jerry Buttimer:** I am only beginning my reply to the Senator whom I am happy to support. It is an issue that requires further analysis by the Department. We are all united in wanting to ensure every child has the opportunity to realise his or her potential, including through changes to DEIS status. Many of us have raised the issues outlined with the Minister. I cannot understand, for example, why some schools in Cork city have not been given DEIS funding. However, a total of 79 schools were added to the scheme last year. The objective of the scheme is to improve literacy and numeracy levels and ensure an increase in school completion numbers and access to education for those who most need it. Last year new methodology was put in place by the Department which incorporated CSO figures. It is important that the development of a new monitoring unit is worked on. I agree with the Senator that issues need to be ironed out. I am happy to work with her to increase the number of schools participating in the scheme and the budget for it. The home-school liaison service has an important role to play, particularly in schools with a high absenteeism rate and a low participation rate. I have taught in a school and been director of adult education. It is important to support this service and work with schools in disadvantaged communities. It is also important to encourage all students to use these schemes and services. Home-school liaison teachers play a vital and pivotal role in many schools. They do specialised work and have a vocation, although I might get in trouble for saying that. Their role goes beyond the normal interaction in the classroom and I commend the work being done. I call on all Ministers, irrespective of their ideology, to increase the number of home-school liaison teachers in schools.

Senators Gerard P. Craughwell and Terry Leyden referred to the expulsion of a Russian diplomat. The Tánaiste brought a position paper to the Cabinet this morning and the Government decided to expel one Russian diplomat as part of a European-wide solidarity stance with the United Kingdom. I do not believe for one second that it is anti-Russian. This is about ensuring we will all stand in solidarity as Europeans; it is not about east versus west. The use of chemical weaponry in Salisbury-----

**Senator Gerard P. Craughwell:** We do not know who produced it. Solidarity extends to Brexit-----

**An Cathaoirleach:** That is a correction to which the Leader might not respond.

**Senator Jerry Buttimer:** I do not have all of the facts, as I am not a member of the Cabinet, but I will request the Tánaiste to come to the House, if that is the request being made, for a debate on the issue, or if the Senator would prefer a briefing, it can be given to him. Either way, I am amenable to both. However, it is important that we stand against the use of chemical weapons.

Senator Craughwell also raised the important issue of adult education. I will be happy to schedule a debate on it. The school completion rate and the level of access to third level and further education have improved. The Senator's former role was in the education system and I agree with him. As a former director of adult education, I fully subscribe to and believe in the

importance of returning to education of whatever hue. People of all ages returning to education, at FETAC level or not, is to be commended and encouraged.

Senator Conway-Walsh raised the issue of Translarna which she has raised before in the House. There is a High Court case pending as the Senator knows quite well. The HSE has made it clear it is willing to look at any resubmission of an application by the company in question. There was a limited introduction across Europe and a number of trials are being carried out. It is important, given the small number of people affected, that every effort is made to expedite its sanctioning and use. I would be happy to take up the matter with the Minister. To be fair, there is a court case pending and I do not want to get into it right now.

Senator Norris raised the issue of the works on Leinster House. The Cathaoirleach quite rightly said it is a matter for the commission. We will be happy to discuss it as part of the debate. Members of the House are on the commission.

Senator Byrne raised a number of issues. She wished Leinster and Munster well at the weekend. Sport unites us. Perhaps it also divides us but it unites us more than it divides us. We wish all our Irish teams well. I commend all the volunteers on Daffodil Day who were out in their droves across the country. I thank the volunteers and pay tribute to all involved in Daffodil Day. It is a huge day of awareness of cancer. I commend the Irish Cancer Society and its chief executive, former Senator, Averil Power, for the work it is doing. We need to see that issue continue to be at the forefront of what we do.

Senators Murnane O'Connor, Reilly and Conway-Walsh also raised the issue of World Autism Awareness Week. It is important to stand in solidarity with all families and organisations that have worked this week to light our country blue. The Cork Association for Autism is doing huge work. This week Cork Airport announced a new programme introducing a series of books to help children with autism to travel and to make it easier. It is to be commended. Senator Reilly also raised the issue of his Autism Spectrum Disorder Bill and the need to have a Government strategy. I assure the House it is not this House that is delaying that Bill. It is the other House. We need to put pressure on it. It is also important to continue investment in autism services and ensure we allow families to have access to treatment and diagnosis in a more timely way.

Senator Ó Donnghaile raised the issue of the North and the British-Irish Intergovernmental Conference. I saw the remarks his leader made in the hallowed halls of Queens University last night. The Government has always been very clear about our commitment to the Good Friday Agreement and our determination, as I have said here before, as a co-guarantor of that Agreement, to ensure the effective operation of all institutions.

Notwithstanding the remarks the Senator has made, it is important to get all parties back into talks so we can have a resumption of government from Stormont. The Government has indicated that to the Secretary of State, Karen Bradley, and the UK Government. That is the preferred route for all of us. It is the best route for the people in the North. It is also very much about the importance of having Government making decisions for the people in the North of our country. I would be happy to have the Tánaiste, Deputy Coveney, come back to the House to have discussions on the Brexit issue, which continues and is evolving as we go along. It is our intent to have that discussion after Easter. We had hoped to have it before the Easter recess.

I have addressed Senator Leyden's comments on the tragic deaths. I join with Senator Mul-

herin, as I did last week, in welcoming the visit of Pope Francis to our country. He is a most welcome visitor. It will not be a visit by a Head of State; he is attending a specific event. His itinerary might be limited but I hope he travels beyond Dublin. It would be a wonderful act by the leader of the Catholic Church to travel to the Archdiocese of Armagh, which is where the future cardinal is. Senators Mulherin and Mullen also referred to Knock shrine, which would be a wonderful place for him to visit. I would like to see the Pope come to Cork but I will not get into that because-----

**Senator Niall Ó Donnghaile:** The Leader could buy him a pint of Murphy's.

**Senator Jerry Buttimer:** It is important to welcome Pope Francis and that he is given a céad míle fáilte to our country.

Senator Mullen raised a specific issue about a lady and our health service. I will not get into a tribal response, but the Government is making changes. Rather than focusing on the political end, we should look at the management end. The Senator spoke about a triage nurse. I had the recent experience of having a family member in an emergency department. They had to wait for a triage nurse and had to wait for a doctor to discharge them. Having worked in the health system, as Senator Gavan did, I do not know why the nurse cannot discharge the patient. A nurse may have more competency than the junior doctor who has to do it. There is a management structure and a process that needs to be changed in our health system. We focus on the health system. We are spending over €12 billion on health. There is something radically wrong when the case the Senator outlined has taken place in our health system. I would love to hear solutions to that. We are spending more than €12 billion on our health system and yet doctors, nurses, catering assistants, porters, radiographers and others complain. What is wrong? The system is broken. That is why a cross-party committee produced the Sláintecare report. I agree it is time for solutions rather than coming in and blaming politicians. I do not think we should always just blame politicians. There is a management that is not working. Let us have an honest debate about our health system.

Senator McDowell spoke about the MetroLink proposal. The public consultation process will continue until 11 May. I read the remarks of Mr. Aidan Foley of Transport Infrastructure Ireland, who is open to hearing from anybody on the process. We are spending €3 billion, planning for the future.

**Senator Michael McDowell:** We have already spent €18 million on this model.

**Senator Jerry Buttimer:** If we did not spend it, the Senator would be complaining that he would be stuck in his car and could not go anywhere or there were not enough buses. There is a public consultation over a €3 billion expenditure on metro. I accept the Senator's point. If residents or business owners-----

**Senator Michael McDowell:** I am not speaking about the residents.

**Senator Jerry Buttimer:** ----- in that affected stretch have issues, let us hear from them. Let us overcome the challenges. Let us work to ensure there is a process that is open and transparent, which takes on board the views of people.

**Senator Gerard P. Craughwell:** Are architects already working on it?

**Senator Jerry Buttimer:** I have no idea. I am not the Minister for Transport, Tourism and

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Sport, but I would be happy to have him come to the House. Let us not always look for the Minister, Deputy Ross, to come in and be complaining about the poor Minister, Deputy Ross.

**Senator Michael McDowell:** We cannot do without him.

**Senator Paul Gavan:** Life is too short.

**Senator Gerry Horkan:** He has been here long enough.

**Senator Jerry Buttimer:** He has become the guy the Senator wants to beat up in this House again.

**Senator Michael McDowell:** No.

**Senator Jerry Buttimer:** I take his serious point that if there are issues, they need to be ironed out and there needs to be consultation. However, there is public consultation. It is advertised and documented. Senators should view the *metrolink.ie* website.

**Senator Gerard P. Craughwell:** Nobody hires an architect to design a house and then has a chat about it.

**An Cathaoirleach:** I think the Leader is minded to have-----

**Senator Jerry Buttimer:** I hope Senator Craughwell does not watch “Room to Improve” about architects-----

**An Cathaoirleach:** The Leader is minded to have a debate, so maybe we would-----

**Senator Jerry Buttimer:** I also say to Senator McDowell that there are legitimate concerns which should be raised in the consultation.

Senator McFadden raised the wonderful service the Air Corps provides to the State. I would be happy to have that debate with the Minister of State, Deputy Kehoe, after Easter.

Senator Horkan raised the important issue of break-ins into cars. Those who watched RTÉ’s “Crimecall” programme last night will have seen some of the issues he articulated today covered on that programme. I agree with him that people need to be more vigilant, take care and take time. I would happy to have the Minister for Justice and Equality to come to the House to discuss the matter.

Senator Lombard raised the issue of fodder and the stress some farmers are facing. I would be happy to have the Minister, Deputy Creed, come to the House.

**An Cathaoirleach:** Before we agree the Order of Business, I am sure the Leader will join me in welcoming some neighbours of his from Ballincollig who are in the Gallery.

**Senator Jerry Buttimer:** They are always welcome.

**An Cathaoirleach:** I will not call them senior citizens; some of them are not all that senior. I mention Larry Collins, Con Sexton, Charlie O’Toole, Dominic Twomey and Eugene O’Callaghan.

**Senator Jerry Buttimer:** I know the people in the Gallery. Some have been involved in the Cork county board and some of them in other organisations. They are most welcome. I am

not sure whose guests they are but it will be a very entertaining night ahead, I would suggest. They are very welcome.

Order of Business agreed to.

### **Personal Explanation by Member**

**An Cathaoirleach:** I understand that Senator Máire Devine wishes to make a personal explanation. Before I call the Senator, I want to make it clear I will not allow any debate on this matter. Once the personal explanation is made, the matter is closed. I ask Senator Devine to make her contribution.

**Senator Máire Devine:** I wish to put on the record of the House my apology to the family of the late Brian Stack. On Sunday, 18 March I retweeted what I thought to be a genuine tweet without having read the full content of that tweet. A number of follow-up tweets from me were wholly inappropriate and I deeply regret that. I want again to apologise for any and all offence and hurt that was caused by my Twitter activity. It was never my intention to cause any more hurt to those already in deep distress. I want to put on the record my most sincere apologies to the family of the late Brian Stack.

A Chathaoirligh and the House, I appreciate the time afforded to me for this apology. Go raibh maith agat.

**An Cathaoirleach:** Go raibh maith agat féin.

### **Business of Seanad**

**Senator Jerry Buttimer:** I thank the House for its co-operation in moving the next business to 6.30 p.m. This was done to facilitate the Minister for Health who has gone to Cabinet, and given he wants to be present to make his own statement and to listen to the debate, I took the decision that, rather than having a different Minister, it was appropriate to have the Minister for Health present. I thank the House.

*Sitting suspended at 4.30 p.m. and resumed at 6.30 p.m.*

### **Business of Seanad**

**An Cathaoirleach:** I wish to note that No. 2, motion pursuant to section 23 of the Referendum Act 1994 (No. 12 of 1994), in regard to the proposal to amend the Constitution which is contained in the Thirty-sixth Amendment of the Constitution Bill 2018, will be debated in conjunction with Second Stage of the Bill but will not be moved until Fifth Stage is concluded.

Before we begin Second Stage of the Bill, I point out that the group spokespersons of each group have ten minutes and all others have eight minutes. Because I understand many Members want to speak, I will be strict on the time limits so it does not drag on.

**Senator Terry Leyden:** On a point of information, will there be a vote at the end of Second



Stage?

**An Cathaoirleach:** I cannot comment as that is a matter for the House.

**Senator Terry Leyden:** The Cathaoirleach put several things together when he read out that list.

**An Cathaoirleach:** If the House wants to divide on Second Stage, obviously, it can do so.

**Senator Terry Leyden:** I can assure you it will divide.

*(Interruptions).*

**An Cathaoirleach:** I cannot comment. I am only the referee. I ask the House to return to decorum as this is a very important issue. I call the Minister for Health, Deputy Simon Harris.

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

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

Tairgeadh an cheist: “Go léifear an Bille an Dara hUair anois.”

Question proposed: “That the Bill be now read a Second Time.”

**Minister for Health (Deputy Simon Harris):** I thank the Seanad for facilitating the change of time. I wanted to be here with Members to take this Bill and to do so in the knowledge of Government decisions in regard to this matter today, which I thought would be useful in terms of informing the debate. I am very pleased to be here to introduce the Thirty-sixth Amendment of the Constitution Bill to the Seanad. I have asked for copies of my speech to be circulated.

Today we start the debate in this House on a Bill which, if passed, will give the people of Ireland the chance to vote on one of the most debated sections in our Constitution, Article 40.3.3°. From the outset, I want to make it very clear that the Thirty-sixth Amendment of the Constitutional Bill is about giving the people of Ireland a say on how they believe we should proceed. As I have said before, a great proportion of the people who would vote on this proposal have lived with Article 40.3.3° for their entire reproductive lives. Many medical practitioners have had to practice under the shadow of Article 40.3.3° for their whole careers. It is time - in fact, I think it is well past time - that we give all of those people the opportunity to make their wishes on the subject known. This Bill, if passed, would allow the people to vote on the substantive issue for the first time in 35 years.

For me, it is about giving the people a say on how we treat women at one of the most difficult times in their lives. It is about our sisters, daughters, wives, mothers, friends and colleagues. I recognise the deeply held views on all sides of this debate and I respect them. I dislike the labels that are used to characterise this debate because I believe that those of us who believe in providing care and support for women who make the very difficult decision to terminate a pregnancy are not doing so out of disrespect for unborn life. All of us love life. All of us wish to protect life. However, I trust that no woman arrives at this decision lightly, and I

trust doctors to make the clinical decisions and provide the care to support them. If the eighth amendment is repealed, I believe we can replace it with a balanced legal framework that sets out the circumstances in which terminations are lawful, and they will remain unlawful in all others.

Article 40.3.3° of the Constitution was inserted by the eighth amendment in 1983, with the thirteenth and fourteenth amendments inserted in 1992, expanding the text. It has meant there were no circumstances in which Irish women could be cared for in their own country. It does not matter if we are talking about a woman or girl who is pregnant as a result of rape and cannot continue with the pregnancy. It does not matter if we are talking about a woman who is carrying a much wanted baby that she has desperately yearned for but who knows that baby will not survive due to a fatal foetal abnormality. In 1992 the Supreme Court decided in *Attorney General v. X* that the Constitution permitted a termination of a pregnancy where there was a real and substantial risk to the life of a woman which could only be removed by terminating the pregnancy. Lawful termination of pregnancy was placed on the Statute Book, albeit in a very limited form, by the Protection of Life During Pregnancy Act 2013.

The Protection of Life During Pregnancy Act permits termination only in situations where a woman will otherwise die. It does not permit termination, for example, in the heartbreaking cases where there is a diagnosis of a foetal condition likely lead to death before or shortly after birth, where a woman has been raped or where a woman's health may be permanently damaged by the pregnancy. I think we have to be able to do better than a law where the only right a pregnant woman in this country has is not to die. It has become clear that the Oireachtas can do nothing to help these women without constitutional change. This is why holding a referendum on this subject is a democratic imperative, in my view.

Last year the Government put in place a process to examine Article 40.3.3°. A Citizens' Assembly was established with its first order of business being to consider the eighth amendment of the Constitution, which is contained in Article 40.3.3°. In June 2017 the assembly recommended that the eighth amendment should 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 termination of pregnancy should be lawful in Ireland and 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 report and recommendations. I should note that the recommendations contained in the committee's report represent the views of the majority of members but there was not unanimous agreement on them, which I recognise. I thank the members of the committee, many of who are Members of this House, and its Chair, my colleague, Senator Noone, for her excellent stewardship and leadership in that regard.

**Senator Gerald Nash:** Hear, hear.

**Deputy Simon Harris:** The main conclusion of the committee's work was that change is needed to extend the grounds for lawful termination of pregnancy in the State. To effect that change, the committee recommended that Article 40.3.3° should be removed from our Constitution. 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.

The Thirty-sixth Amendment of the Constitution Bill proposes to delete Article 40.3.3° in its entirety. It proposes to substitute an article in the Constitution, the object and effect of

which would be to articulate clearly the principle that laws may be enacted by the Oireachtas to provide for the regulation of termination of pregnancy. This clause would not oust the jurisdiction of the courts or restrict rights of access to the courts. Any legislation that may be enacted post-amendment would remain subject to review by the courts just like any other legislation. Such legislation would also be subject to the normal legislative process in the Houses of the Oireachtas, again just like any other legislation.

If the amendment is approved at the referendum of the people, it would have the effect of deleting the eighth, thirteenth and fourteenth amendments to our Constitution. This would mean that the substantive law on the termination of pregnancy, currently provided for in both the Constitution and in statute law, would henceforth be provided by way of statute law.

The Bill consists of two sections and a Schedule. Section 1 provides that Article 40 of the Constitution will be amended by the substitution for subsection 3 of section 3, the text of which is set out in Parts 1 and 2 of the Schedule in Irish and English, respectively.

Section 2 is the citation provisions and states the constitutional amendment will be called the thirty-sixth amendment of the Constitution. This section also provides for the Act to be cited as the Thirty-sixth Amendment of the Constitution Act 2018.

The Schedule consists of two parts. Part 1 sets out the wording of the proposed constitutional amendment in Irish. Part 2 sets out the wording of the proposed constitutional amendment in English. The English text is, "Provision may be made by law for the regulation of termination of pregnancy."

I am aware many people are waiting to see the legislative intentions of the Government should a referendum be held on Article 40.3.3<sup>o</sup> and should it be passed by the people. The matter was discussed earlier today and Cabinet has approved the general scheme of a Bill to regulate termination of pregnancy which I proposed. The general scheme will be published on the Department of Health's website. I do not intend to get into a debate on the detail of such provisions, as they are not the subject of the Thirty-sixth Amendment of the Constitution Bill. Should the Bill we are currently considering be passed by the Houses of the Oireachtas, allowing a referendum to be held, and should that referendum be passed, we will have ample time to debate any legislative proposals at a later date.

However, I wish to reference some of the main provisions of the general scheme for the information of the House. Should the proposed referendum be passed, it would be the Government's intention to permit termination of pregnancy in cases where there is a risk to the life or of serious harm to the health of the pregnant woman without a distinction between risk from physical or mental health. The term "serious harm" has been used to indicate the magnitude of the risk which would warrant a termination of pregnancy. Such "serious harm" would go well beyond the expected and common complications of pregnancy, as well as other common chronic conditions that may be exacerbated by pregnancy. Two medical practitioners would have to certify that, in their reasonable opinion, there is a risk to the life or of serious harm to the health of the pregnant woman, that the foetus has not reached viability and that the termination of pregnancy is appropriate to avert the risk. One of medical practitioners would have to be an obstetrician and the other a medical practitioner appropriate to the clinical circumstances of the case. The procedure would have to be carried out by an obstetrician.

The definition of viability proposed in the scheme is the point in a pregnancy at which, in

the reasonable opinion of a medical practitioner, the foetus is capable of sustained survival outside the uterus. Doctors would assess the growth and development of the foetus, as well as any other factors likely to influence viability at that point in time. It is important that doctors with expertise in foetal medicine and neonatology would be free to make their assessments on a case-by-case basis in consultation with the woman. Developments in foetal medicine and neonatology allow very premature and often very unwell babies to survive and to experience very positive outcomes. This requirement to certify that the foetus has not reached viability is an effective ban on late-term abortions. Such a ban, contrary to what I hear, does not exist in other countries like the UK.

**Senator Jerry Buttimer:** Hear, hear.

**Deputy Simon Harris:** We also propose to make provision for access to termination of pregnancy on an emergency basis in line with the process in the 2013 Act. That would cover situations in which the risk to the life or of serious harm to the health of the pregnant woman is immediate. We cannot tie the hands of our clinicians in responding immediately to threats to the life or health of a woman.

Should a referendum on Article 40.3.3° be passed, the Government would propose to permit termination of pregnancy on the grounds of a condition which is likely to lead to death before or shortly after birth. In these cases, two appropriate medical practitioners, as opposed to just one as was proposed in the joint Oireachtas committee report, would be involved in the assessment, recognising that these complex medical cases are currently managed by multidisciplinary teams. As for the risk to life or health ground, one of the medical practitioners would have to be an obstetrician and the procedure would have to be carried out by an obstetrician.

In these terrible and tragic cases, the reality is that women may choose different options. Many will choose to continue with the pregnancy. They must and should be supported. Others, however, may not. They need to be supported too.

**Senator David Norris:** Hear, hear.

**Deputy Simon Harris:** In these cases, the people best placed to make such a decision are the woman and her medical team. We all have heard some heartbreaking stories of women in these situations who have chosen differently. Unlike the crude and ignorant commentary I heard in the other House, in both circumstances, regardless of the choice the woman makes, those are babies who were loved and wanted. We have to respect the different choices. To deal with rape and incest, the joint committee recommended termination of pregnancy be permitted up to 12 weeks without specific indication. The majority of members of the joint committee saw legal and medical difficulties if there was to be a requirement that a rape be verified and that a pregnancy was as a result of that rape. This would have run the risk of retraumatising women in such cases and could not be stood over.

**Senator David Norris:** Absolutely.

**Deputy Simon Harris:** This recommendation was also based on important evidence the committee heard of the increasing use of abortion pills purchased illegally over the Internet and taken by pregnant women without medical supervision. We have heard the harrowing stories from doctors who have seen women in emergency departments who have taken these pills without medical supervision. While these pills can be extraordinarily safe where regulated and medically supervised, people cannot be sure of the quality of those they are buying on the

Internet. I have heard stories from obstetricians about seeing women with ruptured uteruses as a result of taking these pills unsupervised. This is an extraordinary risk for girls and women. Mothers and fathers must ask themselves if that was their daughter, would they want her to be supported by a doctor and to know the medications she is accessing is safe. The Institute of Obstetricians and Gynaecologists, the people who run our maternity services, deliver our babies and mind our mothers and wives when they give birth, have clear views on the danger and risk to women as a result of abortion pills.

Should the proposed referendum be passed by the people, it would be the Government's intention to permit termination up to 12 weeks of pregnancy. In such cases, a medical practitioner would have to certify that he or she is of the reasonable opinion, formed in good faith, that the pregnancy concerned has not exceeded 12 weeks. A period of 72 hours would have to elapse between certification and the termination being carried out. It is appropriate a brief period of time is allowed for a woman to make a considered decision after discussing all the options with her doctor. Irish women are currently denied the opportunity to discuss all of their options with their doctor. If we believe there is value in that conversation between a woman and her doctor, it is appropriate there is the time to allow all of those issues to be considered.

**Senator Catherine Noone:** Hear, hear.

**Deputy Simon Harris:** This opportunity, however, is denied to Irish women who make lonely journeys to other countries or who are accessing abortion pills online and taking them alone and unsafely.

In the general scheme approved by the Government, it is proposed that it will be an offence to terminate a pregnancy otherwise than in accordance with the provisions set out in the general scheme. However, a woman who procures or seeks to procure a termination of pregnancy for herself in such circumstances would not be guilty of an offence. It is not about criminalising pregnant women. It is about making it clear that it is an offence to take the life of the unborn outside of the specific criteria set down in legislation.

Should a referendum on Article 40.3.3° be passed by the people, the Government would also propose to provide in legislation for several other issues not covered by the joint committee in its recommendations. These would include, for example, setting out provisions similar to those in the 2013 Act on consent and on permitting conscientious objection. Conscientious objection will be permitted. In line with the 2013 Act, it would be proposed to require notification of each procedure by the medical practitioner to the Minister for Health. Similarly, it would be proposed that provision would be made for a formal review process for a woman in certain defined circumstances. Reports on notifications and reviews would be published annually by the Minister and the HSE, respectively, as is currently the case.

It must annoy members of the committee that all of the attention is often on the termination aspect of the report. The committee did extraordinarily good work on how we reduce the number of crisis pregnancies, how we support women in crisis pregnancies, how we support women through bereavement, through perinatal loss and how we also protect our young people and reduce the number of crisis pregnancies through broader access to contraception.

Earlier this year, as many Senators know, I established a group under the chairmanship of the Chief Medical Officer to address and formulate an effective and comprehensive response to the issues raised by the joint committee in the ancillary recommendations of the report. I am

pleased to inform the Seanad that today Government approved a proposal to progress the ancillary recommendations which include: sexual health and relationship education; sexual health and enhanced crisis pregnancy prevention; and obstetric care and counselling.

I will now outline the details of this proposal. On sexual health and relationship education, a comprehensive sexual health education, information and promotion programme will be developed and delivered in line with our national sexual health strategy, which aims to encourage the development of healthy sexuality throughout life and reduce negative sexual health outcomes. The programme will support work in the education and youth sectors, in particular, and any changes to school-based education provision arising from consideration of this by my colleague, the Minister for Education and Skills. This three-year programme will include: revised and enhanced resources and other supports for teachers in both post-primary and primary schools; implementation of sexual health promotion training for professionals in the youth sector, those working with at-risk groups, and parents; a new sexual health and safer sex public advertising campaign; a sexual health initiative within higher and further education sectors; and a repeat of the general population survey on sexual health and crisis pregnancy to provide up-to-date data on crisis pregnancy and sexual health, which can help inform and implement our policies.

The sexual health and relationship education programme will be complemented by a women's health scheme that will focus on pre-conception health, family planning, contraception, counselling, sexual health promotion and prevention of sexually transmitted infections. I intend to appoint a working group to prepare proposals for the development of a scheme that would include the aforementioned initiatives. I want to look at how best we make contraception more freely available to more Irish women. This would require legislative change. It is appropriate that I ask the expert group on women's health to look at how best to implement such a scheme. I will be very happy to work with colleagues on a cross-party basis in that regard. In addition, the working group will be asked to consider an extension to the provision of emergency hormonal contraception. In the meantime, I will move to enhance the provision of services aimed at reducing negative sexual health outcomes, including crisis pregnancies and sexually transmitted infections in line with the aims of the national sexual health strategy 2015-2020. This will include a comprehensive education, information and promotion programme as well as an extension to the availability and distribution of free barrier contraception supported by a co-ordinated and integrated approach to sexual health promotion, to support safer sex behaviours, increased awareness of risks and promotion of testing, counselling and other services.

The Government has also agreed that I can progress the following measures to improve maternity and support services in line with our national maternity strategy: additional consultants in obstetrics and gynaecology, neonatology and anaesthesia, as well as midwives and allied health professionals to standardise care in terms of quality and safety, geographic location and socio-economic status. We cannot have a postcode lottery when it comes to accessing safe and comprehensive maternity services. The approval of Government today that we can progress the additional consultants in these areas will make a real difference to women right across our country.

**Senator Catherine Noone:** Hear, hear.

**Senator Jerry Buttimer:** Hear, hear.

**Deputy Simon Harris:** Other measures include enhanced dating and anomaly scanning

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services in addition to that provided through the 2018 HSE service plan; additional endocrinologists, specialist nurses and midwives in diabetes and dieticians to help prevent obesity, which is a preventable cause of maternal illness in pregnancy; the roll-out of the electronic health record for mothers and babies to all maternity hospitals and units as a priority; and the extension to the community as early as possible; extra support for the implementation of the national standards for bereavement care following pregnancy loss and perinatal death to complete the bereavement teams right across our maternity services and to provide further social workers and psychologists to help bereaved families. The measures also include extra capacity in the perinatal hospice care service to provide in-reach services and to ensure that palliative care services are available in line with the joint committee's recommendation. The Government has agreed that all the initiatives I have outlined with regard to ancillary recommendations to enhance services for pregnant women and reduce the number of crisis pregnancies will be funded from 2019 and this provides me with the time to prepare the ground for their implementation right across our health service.

I want to be very clear that these initiatives can and will be implemented regardless of the outcome of the referendum. They are the right things to do and it shows a holistic and comprehensive response by Government and the Oireachtas to the well-being, health and safety of women and their babies. When people say our attention should be on reducing crisis pregnancies, that is what we are doing. When they say our attention should be on providing better support and counselling services to women who go full term and then lose their baby shortly after birth, that is what we are doing here. We are providing perinatal hospice care, more counselling, more medical experts to work with our women, more contraception and safer sex campaigns. This will help reduce the number of crisis pregnancies and I hope will have a very positive impact on our maternity services.

As a country, we have travelled a long way on the issue. As a State, it is high time for us to take action to protect women and to look after their needs with care, consideration and compassion and to recognise the realities. Whether the eighth amendment stays or goes, termination is a reality for Irish women.

**Senator David Norris:** Exactly.

**Deputy Simon Harris:** I outlined in this House that women from every county in the country are travelling abroad to access terminations. They are not nameless, faceless women although it might suit some people to pretend they are. They are real women-----

**Senator Alice-Mary Higgins:** Hear, hear.

**Senator Lynn Ruane:** Hear, hear.

**Deputy Simon Harris:** -----they are related to us, they work with us and they are our neighbours. We know them and we are letting them down. We are letting the women who travel down - the women who turn up at the airport as we sit here today in Seanad Éireann. They might be sitting on the seat of a plane beside someone going on a business trip or honeymooners going away and they will make the lonely journey on their own. Not only are we letting them down, we are also letting down the women who tonight, in the privacy of their bedrooms, as we sit here discussing their health care needs in an abstract fashion, will take that pill without any medical supervision or conversation with a doctor and without knowing the quality of the pill they are about to digest. They are the real risks and realities for Irish women in this country.

I am fed up of being an ostrich and fed up of us burying our heads in the sand, ignoring the problem and hoping it goes away. It did not work. The aim of the eighth amendment was to prevent abortion being a reality. It failed miserably and hurt women. It is hurting them today and it needs to go.

I have just outlined the Government's position on the issue. I want to be clear again that the Thirty-sixth Amendment of the Constitutional Bill is not about what provisions we think legislation on termination of pregnancy should contain because all of that is hypothetical. If the people decide, as is their sovereign right, to retain the eighth amendment we cannot have a discussion in the House about fatal foetal abnormalities and how we help those women. We cannot have a discussion about how we help the 16 year-old girl who has been raped and has to carry her pregnancy to full term. We cannot have a discussion about how we regulate abortion pills if the eighth amendment remains in our Constitution. We have done an awful lot of work but it is all terribly hypothetical. The people will have their say. I hope they will and I need the Seanad's help to make it a reality. If the Seanad passes the Bill this week, which I hope it will, we will set the date for polling this week so the people will know the specific date in May when they will have their say. I hope in doing so they will keep foremost in their minds that it is an opportunity to place women's health care in their own hands and those of the doctors who care for them, a place where it has always belonged. It is a chance to become a country that cares for our women and supports them in times of crisis, not one that exports and ignores them.

I commend the Thirty-sixth Amendment of the Constitution Bill to the House.

**Senator David Norris:** Well spoken.

**Senator Paul Gavan:** Well said.

**Senator Ned O'Sullivan:** I welcome the Minister to the House and I welcome the Bill, which I will support. I will be voting "Yes", if and when the referendum takes place. I am happy the debate and discussion on the substantive issue has been in the main reasoned and moderate. We have had enough of the antagonism and vitriol that informed these debates in the past. The people appreciate the respectful tone that obtains on this occasion. I hope it continues.

The question of the repeal of the eighth amendment has been thoroughly investigated by the Citizens' Assembly and subsequently by the joint Oireachtas committee, of which I was a member. The results of its deliberations and the advice it received from a large number of medical, legal and other witnesses is available for all to examine. I commend the assembly and the committee for their very important and difficult service. They carried out their remit most professionally and without fear or favour. Allegations to the contrary do not hold water. I will single out Ms Justice Mary Laffoy and our Seanad colleague, Senator Noone, for their excellent work at the head of their respective committees.

**Senator David Norris:** Hear, hear.

**Senator Jerry Buttimer:** Hear, hear.

**Senator Ned O'Sullivan:** The Oireachtas committee met over several months. Members were obliged to study lengthy presentations along with trying to digest the assembly report which was quite hefty. All members of the committee deserve our thanks and appreciation.

The decisions and recommendations of both the assembly and the Oireachtas committee are



crystal clear. There has been no obfuscation or confusion and the people know this full well.

Now it is our turn to decide. The issue is whether the repeal of the eighth amendment should be put to the people. I see no valid reason for us to decide otherwise. We will not be thanked by the people if we deprive them of a say on an issue of such importance, that has been  
7 o'clock debated in every forum, on every radio and television show and in every household over and over again since the amendment was first inserted into the Constitution in 1983. A high percentage of the populace who voted then have gone to their eternal reward and nobody under the age of 53 years has ever been given an opportunity to record an opinion on this, the defining health and social issue of our time. Should we decide today to deny them their say, there would be uproar, regardless of what opinion people might have on the subject. Let us not bring this august House into disrepute by silencing the voice of the people.

The 1937 Constitution which was put forward by the founder of my party, Éamon de Valera, has, undoubtedly, stood the test of time, but it is a living document and each succeeding generation will seek to effect its own changes, additions and deletions. I hope and trust that this House which has always welcomed and celebrated diversity and engagement will clear the way for the *vox populi* to be heard at last on repeal and for the substantive issue to be settled decisively for our time, one way or another.

The Government has published a broad schedule of the legislation it proposes to introduce should the referendum succeed. In the main, I welcome what is being suggested, even though I am underwhelmed by some of the posturing and confusion that have attended the Government's deliberations, especially in the past 24 hours. The Tánaiste has posited the notion that a two thirds majority in the Dáil and, I presume, the Seanad should be required to effect any future legislative change to the schedule outlined. It is quite shocking that a senior member of the Government fails to understand this cannot happen. Apart from impeachment of Uachtarán na hÉireann - perish the thought - all votes in the Oireachtas are decided by simple majority, as even the most recent newcomer knows.

**Senator David Norris:** Send him a copy of Bunreacht na hÉireann.

**Senator Ned O'Sullivan:** I ask the Minister to ensure there will be no further gaffes of this nature between now and referendum day should we agree to the motion. This is an important issue, on which the onus will be on the Government. Opponents of repeal will not be slow to seize on any unnecessary *faux pas* by the Minister or his Cabinet colleagues in the coming weeks. It seems that the people in question have access to some very useful electioneering expertise, however dubious, and it behoves everyone on the repeal side to be aware of this.

I have never doubted the sincerity and tenacity of those on the anti-choice side. Many colleagues in my party have serious reservations, despite the courage and leadership of Deputy Micheál Martin who did what leaders are meant to do but very often do not, that is, showed courage, took the initiative and came clean with the people.

Some Members of the Lower House have questioned the proposal to allow abortion without indication in the first trimester. Many of those Members were satisfied that abortion services should be countenanced and facilitated in cases of rape and incest or where a fatal foetal abnormality was confirmed. The reality is that legislating for such outcomes is virtually impossible, as my colleague, Deputy Billy Kelleher, outlined in an excellent article last week in *The Irish Times* in which he pointed out that persons accused of rape had the right to defend themselves.

A woman would be required to give evidence in court, with all of the further trauma that would entail and the length of such proceedings would make the outcome entirely meaningless. As it stands, the eighth amendment condemns a woman to a maximum sentence of 14 years' imprisonment if she self-administers an abortion pill, while the rapist, if convicted, might serve less than half of that sentence.

Families who receive the sad news of a fatal foetal abnormality in a wanted and welcomed pregnancy are prevented by the eighth amendment from terminating it in this hopeless situation. It is fine if they travel to the United Kingdom, but their own medical consultant will not be able to travel with them or even make a referral. Allowing abortion in the first trimester would provide for the majority of such cases. It is a restricted proposition, with many in-built safeguards. It would be a GP-led service, with the attendant safety and security this implied. The published legislative framework would provide the necessary protection against the opening of the so-called flood gates that anti-choice activists continue to predict. The legislation will make it quite clear to the public for what they would be voting. There is no concealment or doubt, which is as it should be. I expect the Referendum Commission to ensure all and any information will be provided in a fair and even-handed fashion. The flood gates did not open when we passed the Protection of Life During Pregnancy Act 2013, for which I am glad to say I voted, despite the forebodings and warnings of the Jeremiahs. What continue to remain open are the boarding gates to England, where often distraught women have to travel for treatment and procedures that are denied them here.

Abortion is not a happy or comfortable subject and everyone wants to be on the side of the angels. I do not have daughters, but if I did and one of them told me that she was contemplating abortion, I would instinctively do everything in my power to direct her otherwise. However, should she decide to proceed, I would support her decision totally. Women are not likely to take the decision to have an abortion lightly. For all women, it is a significant and often life-changing decision. Only the woman knows what is right for her ultimately and I believe the truly compassionate way is to assist and facilitate a safe outcome and reduce the trauma involved as much as humanly possible. To do otherwise is to criminalise and judge. I have been a public representative since 1985 and in that time I have learned never to judge. Every person's sorrow, affliction or difficulty is different. Who are we to impose a moral code that may work for us on an individual who has to make decisions of an enormity we may never have to contemplate because of our privileged upbringing, education, opportunities or social status?

Mar fhocal scoir, I make an appeal to Irish men - fir na hÉireann. For a long time I was slow to become immersed in this debate. Like I suspect many men, I felt it was primarily a matter for women and that men had no right to offer advice or even an opinion on the subject. I now know that it is my clear duty and that of all men to become involved and engage on this vital subject in support of the women we love, respect and trust. It is this question of trust in women that informs my thinking on abortion. I am afraid that not everyone shares my trust in women and it baffles me why. They are our mothers, wives, girlfriends, sisters and colleagues. Do we believe we need so coercive a measure as the eighth amendment to keep women on the straight and narrow, moral and responsible, or is it that there is still ingrained in us a controlling instinct-----

**Senator Catherine Noone:** Now the Senator has it.

**Senator Ned O'Sullivan:** -----that they are not sound and need to be continuously monitored and subjugated? Perhaps I exaggerate somewhat.

**Senator David Norris:** No.

**Senator Ned O'Sullivan:** Regardless of whether I do, I renew my call to the men of Ireland to stand up for women. They should speak out on the subject which they should discuss with colleagues in work and sport. They should discuss it with their partners and families and having discussed it and informed themselves, they should come out and vote for women in the referendum that I hope Seanad Éireann will allow to proceed.

**Senator David Norris:** *Bravo.*

**Senator Rónán Mullen:** I regard this as a sad day. It is sad that the referendum Bill is being presented to the House. It proposes the holding of a referendum to deny the most basic human right of all, the right to life, to unborn boys and girls. It is sad to hear it being communicated in such a matter of fact way, as though we were just regulating health care to make matters somewhat better in normal administration. It is sad to see the thin veil of contempt for those who believe in all sincerity that there are two human beings involved to be loved and cherished.

**Senator David Norris:** I heard no contempt.

**Senator Rónán Mullen:** Why do I say that? I heard the Minister say he recognises the deeply held views on all sides of this debate and respects them, but he told us, with passion, later that he was tired of being an ostrich. I do not believe it is being an ostrich to look out from Ireland and take account of our situation, imperfect as it is. Ireland is, nonetheless, a country where many women, who in abortion jurisdictions would have chosen abortion, go on to give life, and a bad situation, in many cases, becomes better because there is care for both the unborn baby and his or her mother.

We have been presented with rhetoric here this evening that suggests that all aspects of this issue have been considered but, in reality, there has been much wilful blindness and deafness to many basic realities, the first and obvious reality being the humanity of the unborn child. It is remarkable how science has never been better in terms of helping us to understand the wonder and complexity of a developing child in a womb, not a potential human being but a human being with potential, with a heart that is beating at 22 days and all sorts of other developmental stages which people simply did not know about once upon a time. However, with the assistance of the 4D ultrasound we have doctors in abortion jurisdictions, such as Britain, asking themselves how can it be right that we are trying to save life in one part of a hospital and destroy it at an almost similar term of pregnancy in another part of it? Science makes all that knowledge possible but, sadly, it has also made possible new ways of destroying life. There is wilful blindness to that.

There is also a refusal to consider whether the eighth amendment has in fact saved countless lives. That idea ran through the Citizens' Assembly, the committee and now the political establishment. We only have to look at our near neighbour, Britain, where one in five pregnancies ends in abortion. If we consider the Irish statistics, to the best we can understand the position, there are approximately 3,500 tragic cases of abortion where women travel to Britain or the Netherlands each year and I would also allow for 1,000 or so pills being imported. That also happens in an unregulated way in countries where abortion is allowed, therefore, that is really a red herring in this debate. Our figures can be estimated as somewhere between one in 15 and one in 19 pregnancies. How is it that nobody at the committee had hardly the slightest interest in exploring the question: does the law actually save lives? Somebody said to me recently there

is many a pregnancy that is unwelcome in the first trimester but which is very welcome in the third. Sadly, in abortion jurisdictions that third trimester never comes. That is the reality. The pity is that people were not interested in finding out whether lives had been saved even though it was strongly suggested to the committee, the Government and the establishment that this question should be explored.

A woman called Mary Kenny, a young single parent, along with her child, Holly, made the point very eloquently when she said that the time it took for her to arrange an abortion in England was the time she needed to change her mind. These are the human realities that are not to be found in the Minister's speech. I hear talk of compassion and I am sure he means it but it is a very selective kind of compassion if it does not try to understand that there are two human beings to be loved and cared for here.

On the eighth amendment, the Minister said it is time the Irish people had their say. However, what he is offering the Irish people is to have a say for the last time because what the Government is proposing to do is to give itself complete power to decide how much and when abortion will be allowed in the future.

Senator Ned O'Sullivan referred to the disparity between the term of prison that might apply to a rapist and to a woman who procures an abortion using a pill. Let me put on the record that I have never supported the criminalisation of women in this case and I have made it very clear that the criminal law exists to deter, not always to punish, and as with infanticide, the law may say it is a crime but people are treated with mercy and compassion. Let us also reflect on the disparity between the rights of the rapist and the rights of the unborn child. That rapist has a constitutional right not to be killed. If we were to legislate for capital punishment in such a case, we would run foul of the Constitution's provisions, but the Minister and the Government are proposing not that the unborn baby would have fewer rights in the Constitution but zero rights. How can that be right if the unborn baby is anything more than a clump of cells? There is a real failure to engage with the humanity of that unborn boy or girl. That is the key to the matter-of-fact tone with which abortion, and widespread abortion, is being proposed as though it is somehow a step-up for health care in Ireland. The eighth amendment was designed to take this issue away from judges, which it almost completely did except for the X case, and, by the way, there have been some unjust deaths as a result of the 2013 legislation under a suicide ground that was never medically justifiable and even suicide prevention experts warned against it, and about seven babies lost their lives in that context since then. However, the eighth amendment was also designed to take the issue away from politicians because they simply cannot be trusted on this issue. We have seen that in the twisting and turning of Government figures where they say, "I am in favour of repeal but I am a bit worried about the 12 weeks aspect". That is like saying, "I will leave the front door open but I really hope the burglars do not come in beyond the hallway". Repeal takes away everything from the unborn child and gives the politicians complete power to legislate for his or her destruction. Let us take the hard case issues that we must all grapple with sincerely *seriatim*. If we take the issue of rape, the reality is that the eighth amendment operates from implantation in this country. The morning after pill, long before the Roche decision was prescribed - the Roche decision established very clearly that there is no issue about the legality of the morning after pill - surely must deal with many of the cases. We heard very interesting testimony at the committee on the subject of rape and that in many situations women go on to bring their pregnancies to term. I do not deny for a minute that is a hard case, but people are not being asked to legalise abortion on a rape ground, they are being asked to open the door completely. I do not see how it makes sense for the Minister to say that,

of course, abortion will remain a criminal offence in certain cases. How is that anything but political words when we have legalised widespread abortion? Why would we have a problem with abortion being an offence in certain cases when we are willing to allow it so broadly?

If we think about the Orwellian approach, namely, that because we would like to deal with the hard cases of rape, but without talking about the morning after pill or other possibilities, we will now make it possible to abort any child up to 12 weeks in the womb despite what we know.

As to the foetal abnormalities cases, these are hard cases too. It is a case where good people will differ about what the rights of the baby ought to be, but again we are no longer talking about just legalising abortion on hard cases.

The most reckless arguments have been made where it has been attempted to impose a climate of fear around women's health care. The eighth amendment has guaranteed top quality health care to women and that has been reflected in our very low maternal mortality rates. It is frankly insulting not only to the medical profession but to the women of Ireland to say we have to be able to do better than a law where the only right a pregnant woman in this country has is not to die. That is a really stark and, I would submit, a mean way to describe the excellence of our health care. The reality is that before the committee we did not hear of one case where doctors were unable to give the woman the health care she needed because of the eighth amendment because the threat to life does not have to be imminent.

**Senator David Norris:** What about Savita Halappanavar?

**Senator Rónán Mullen:** Doctors have been able to do what they do. That is why it has been so wrong to reach for the Savita Halappanavar case when that tragedy showed in the various reports that there was a failure to manage sepsis properly just as can and does happen on occasion in abortion jurisdictions. There has been a real lack of respect shown to the truths of our history around how the eighth amendment has actually operated to respect two patients. I hope the Irish people will have more sense than their political masters and that they will vote to protect that law that cherishes both lives while always doing more to support women in crisis pregnancies and to find ways that help but without harming.

**An Cathaoirleach:** I call Senator Noone and she has ten minutes.

**Senator Catherine Noone:** Senator Reilly will speak before me.

**An Cathaoirleach:** I call Senator Reilly.

**Senator James Reilly:** I welcome the opportunity to speak to this very important Bill. It is, as the Minister has pointed out, an opportunity to be provided to the people of Ireland to have their say on Article 40.3.3° of our Constitution. I fail to see how any democrat would wish to deprive our people of that right, whatever our view is on the issue itself. There is no question or doubt that the current situation has a chilling effect on doctors. Prior to the Protection of Life During Pregnancy Act, it was clear that there was a chilling effect on doctors who were not clear what their obligations were and, indeed, a great disservice to women who were not clear on what their rights were. I shepherded that legislation through the Houses myself, through my party, which caused a huge amount of division. It was one of the few times in my time in the Oireachtas in which there was a debate in the Seanad which I found distasteful. Suffice to say that that legislation did not and could not go far enough because to do so required a change in the Constitution, yet we lost several members from our party over it. We had long discussions

and many people had real difficulty coming to terms with that. I think many of us have gone on a journey since that time and I would like to take the opportunity to say, as the Minister said, that notwithstanding the passage of that legislation, it could not give women a say on how they managed their health or deal with the issues of incest, rape or fatal foetal anomalies. As somebody who met a group of women who went through the experience of having a termination in the UK, of coming back feeling like criminals, of sneaking their loved babies' remains into this country in a shoebox, I could hardly feel proud as an Irishman, let alone an Irish person. These issues have to be addressed and we cannot keep running away from them.

Senator Mullen talked about a number of issues which I feel I need to speak to. He talked about the lady who changed her mind between the time that she made a decision to have a termination and the time it could be organised. This specifically allows for that. There is a cooling off period. He talked of seven babies who lost their lives as a result of that legislation. I put the question to him about the seven women who perhaps saved their lives as a consequence of that legislation. There is no doubt that there is still a chilling effect on doctors. There is no doubt, with regard to the late Savita Halappanavar, that it was a hugely important factor, though not the only factor, in delaying the treatment. We have to deal with reality, and I will come back to that. The fact of the matter is that during the course of the committee's work, it became apparent that something in the region of 1,800 women availed of abortifacient pills over the Internet from one company alone. We have no idea of accurate figures but we know it is prevalent. We know that they used these tablets without any medical supervision or support and that when they develop complications, they feel concerned about approaching their doctors lest they be accused of breaking the law and bringing more trouble upon themselves. An issue that pertains to buying anything over the Internet is how one knows what one is getting. Is it a poison or a tablet? Will it do what it is supposed to do? In those moments of distress, there is the risk of overdose or taking the wrong dosage. All these matters are not situations that we can allow to continue.

As a doctor, I have always supported my patients in their decisions. I have never felt that I have a right to impose my moral values on my patient. I support her in the decision she makes. We cannot keep exporting our problems. We cannot continue to make women feel like criminals if they have a termination. We must not continue to leave women at risk by not allowing them access to proper medical support and care, especially when they need it so much. I could speak at length about this issue because it is one that comes to my door as a doctor frequently, but I have no doubt that it would be much more frequent if people were not afraid of the consequences of falling foul of the existing law. I commend the committee on the work it has done and I commend my colleague, Senator Catherine Noone, on what has been a very difficult, emotive and divisive issue. I commend the Minister and the Government for carrying through on the promise to allow the people to have their say. With regard to this whole issue, if we can keep the tone of this conversation reasonable and respectful and allow people time to consider the situation, the facts, and, most importantly, the committee's report, and I appeal to everyone to read that report, then I think people will come to their decision in a better way than if it is a lot of loud noise and, as we have had in the past, some very disturbing recriminations. I will make an appeal that I made here before. I ask people to leave ideology, theology and theory at the door and I would like them to think of this not in the abstract but as a reality, for themselves, their sister, their daughter or their partner. It is real and it is happening every day. While it is all very well to have a discussion and debate based on the abstract, as the Minister has said, it is when we bring it home to our own door that we realise that we cannot ignore this. We cannot obstruct the people in having their say on this.

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**Senator Catherine Noone:** Hear, hear.

**Senator James Reilly:** I want to see this issue rest where it belongs, out of the Constitution and with women and their medical carers. I hope that the Bill will pass and I expect that it will. I commend the Bill to the House.

**Senator Lynn Ruane:** I thank the Minister, Deputy Harris, for being in the Seanad today and all of the ongoing work he is involved in, firstly as an advocate for change and also in the Department of Health in preparing for a post-eighth amendment health care service if the referendum is successful. He is very welcome, as are all his efforts in this area. I welcome the Bill and that Ireland will soon have a chance to vote on this important issue. We are here today to right the wrong that was done to Irish women when the eighth amendment was inserted into the Constitution in 1983. Article 40.3.3° in our Constitution was a gross interference by the State in the private lives and decisions of every woman in Ireland. It said to women that their bodies are not their own, that they are not the ones in control of their own lives, that they cannot be trusted with decisions around their own health and autonomy, and instead, a blunt constitutional instrument of less than 50 words shall be what dictates the lives of every pregnant woman in Ireland.

It is the crowning achievement of a State and a church that colluded in every single way possible to subjugate women, limit their autonomy and, when they stepped out of line, to shame them and hide them away. The eighth amendment is not an outlier. It is the apex of the archaic, misogynistic movement within this country that shamed women for sex, that forbade them access to abortion and contraception, that forbade them recourse in unhappy marriages and that hid them in mother and baby homes and forced them to atone for their sins in the laundries.

Now, thankfully, many of the hallmarks of an Ireland that was openly hostile to women are gone, and the power of the people and the institutions that oppressed them has abated. The Ireland of 2018 is unrecognisably different from the Ireland of 1983. However, the crowning achievement of the conservative forces within this country still remains with those few sentences in the Constitution that tell women their bodies are not their own and that the State cares not for their individual circumstances.

It is in the full knowledge of how we got to this point that I am so proud to be here as Ireland exorcises its demons from mistreating women since the foundation of the State. The slow dismantling of a shameful culture that shamed women for their own bodies has led us here. That is why I am so certain that a “Yes” vote in the upcoming referendum is the right thing to do - pure and simple. I was incredibly proud to be a member of the Joint Committee on the Eighth Amendment of the Constitution and contribute to the recommendations that have led us here today. The eighth amendment is a barrier to the true equality of women in this State and I will welcome its repeal.

I will also welcome the repeal of the rest of Article 40.3.3° and the end of the thirteenth and fourteenth amendments which allowed for the extraordinarily hypocritical and deeply unjust situation where an Irish woman has a constitutional right, guaranteed by her own State, to travel abroad and receive information about a service that her own country did not deem her worthy enough to provide for her in an Irish hospital. We left Liverpool and London to care for the women who should have been in Limerick and Galway, and it was abjectly wrong.

I look forward to the campaign; I will be doing all I can to achieve a “Yes” vote, to explain to people why they are being asked this question and why it matters. I hope that all politicians

who support repeal will be going forward from today to campaign in support of their position. We need to become ambassadors for what we know to be true about abortion access in Ireland. We need to go out into our communities, have conversations with neighbours, family and peers and make the case for repeal. I encourage people to get out and canvass in their local areas. They should not worry if they do not convince someone on the spot. All we need to do is give them a seed of something to think about before referendum day.

We have to be compassionate and accepting. We need to understand that for many people this will be the first time they have had to seriously think about this issue. We need to listen and we need not to shout people down for having valid concerns. There will be much commentary over the coming weeks about the language we should and should not use, about what language will convince the undecided and what language will not. Some will make the debate about politics by stating that we have allowed the State, men or the establishment control our bodies for far too long. Some will say that the church's influence over our lives and our decisions needs to end. Some will focus their energies on pointing out why the eighth amendment is medically dangerous or legally unworkable.

We will hear that a beating heart is life. It is indeed potential life, but not a human existing in this world. Developing life is not a human with human experience. I value life and I value its development, but I value myself more. I value my daughters more, I value my friends more and I value women more. Everyone will feel a different argument works for them. Everyone will feel that different language is appropriate. They will talk about power, control and choice. Everyone's approach to this is, of course, legitimate.

However, for me, I am a woman, I have two daughters, I have a job that I care about, I have an amazing mother and I have a boyfriend, a brother and relationships with friends. I have human rights and constitutional rights. I experience emotion. I have a sense of myself and the world. I depend on only myself to exist in the world. I breathe, I live, I sleep, I cry and I love. My daughters do also. For me, I come first, you come first, and my girls come first. I would choose me. I would choose Jordanne and Jaelynn. If that decision had to be made to terminate a pregnancy - a potential life - I would choose us. A woman's lived experience, existence and rights must come before the rights of a potential experience, existence and life.

It is time for Ireland to accept the realities and experiences of its citizens. It is time for our country to right the wrongs of our history and become the modern, progressive nation that we aspire to, and where women are equal, their decisions are respected and their autonomy is protected. That is the Ireland I want to live in, that is the Ireland I want my daughters to live in and it is the Ireland we can live in, if we vote to repeal the eighth amendment.

**Senator Paul Gavan:** I welcome the Minister. I again commend colleagues from across the Chamber who took part in the Oireachtas committee, so ably chaired by Senator Noone.

At this stage it is important that those of us who believe in repeal take off our party hats, put them to one side and work together because this issue is too important to score cheap political points. It is too important because it is about the people we care about. It is a wrong that this has been in place for far too long.

The Bill is very simple. It is about giving people a right to have a say. As other speakers have pointed out, one would have to be at least 53 years of age - unfortunately I just about am - to have taken any part in the last campaign. I was a bit taken aback that 32 Deputies voted to



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deny people a right to vote. We have to respect each other's positions. I have good friends who take an opposite view on the issue and I respect their views entirely. However, I cannot accept people voting to deny our people the right to a vote on this issue.

We can all agree that 1983 was a very different time. I certainly know it was. Let us just take a couple of examples. It was not possible to get a condom without being married and only then with a prescription. It was such a dark and backward time for women. As the previous speaker said, the apex of that was this awful referendum. I remember how bitter and divisive the campaign at the time was. It was absolutely horrific. We had moving statues in the 1980s. Let us move to 2018 and let us finally update our Constitution by getting rid of something absolutely appalling. Hundreds of thousands of women have suffered as a result of that referendum.

In the past few weeks the newspapers reported that a 12-year old child had to go to Britain for an abortion. I would be astounded, but unfortunately I have to recognise that there would be a minority of people in this Chamber who think that is okay. It is shocking that in 2018 a child who has been sexually assaulted and finds herself pregnant at the age of 12 has to leave our State in order to get a termination. How absolutely shameful that is. However, it is there because of the eighth amendment.

There were warnings at the time but they were disregarded because unfortunately we were completely enthralled to a quite evil Catholic Church at that time. We know that now because of the historical information that has come out since. We know that tens of thousands of women suffered in mother and baby homes, and had their babies wrenched from them and sold for profit. That is the country we are coming out of.

If we do not win this referendum, we will condemn another generation of women to have to wait and take the planes or boats, or order abortion pills not really knowing what they will be getting in the post. They do not even know if they will get them in the post because 800 of them were confiscated last year. What do people who are opposed to repeal want to do about that? Do they want to employ more customs officials so that we can stop more abortion pills coming into the country? Is that the solution here? Surely to God, we can do better than that.

We have heard about the science of this. I am loath to talk about a personal experience, but I will share this with the House. Before we had our three children, my wife suffered a miscarriage which was extremely upsetting, particularly for her. Even though this was not that long ago, the services were absolutely appalling. I acknowledge that the Minister has made some really good recommendations and we will hold him to account over those. We were handed the 12-week embryo and it was in a matchbox, which indicates its size. One would not think so from the posters of the well-funded campaigns, but that is the reality.

The Sinn Féin position is clear. We believe that where a woman's life or health is in danger, she must have access to a termination if she wants one. Access to termination must also be available in cases of rape, incest and fatal foetal abnormality. I make no apologies for referring to the chilling testimony given to the Joint Committee on the Eighth Amendment of the Constitution by representatives of Terminations For Medical Reasons Ireland. I also remind the House that the people who run our maternity hospitals, whom we respect, were absolutely clear on this matter. They begged us to change the current position under which a woman must wait until she is dying before she can receive the medical intervention she needs. That is not good enough. I cannot believe anyone would disagree with their view. If we think of someone we care about and love being told she must wait until she is dying, surely we are better than that.

If we are to win this referendum, we must have conversations because this is the one element that is lacking. While many of the people on the other side of this argument are genuine, perhaps they do not understand the detail of the issue and how serious it is for women. The conversations we have with our friends and neighbours will be key to winning this debate and we must have them in a non-party political manner. My colleagues on the other side of the Chamber know I disagree with them almost every day. However, I will not disagree with them or the Minister on this matter because it is too important. I acknowledge the colleagues in the Fianna Fáil Party, including Senator Ned O'Sullivan, who had the courage to stand up and tell the truth of their experience.

I want to address the issue of the 12-week gestation limit. Sinn Féin, because it is thoroughly democratic, does not have a specific policy on this issue but we will have one in June. If one believes legislation is required for cases of rape or incest, there is no way to implement it other than by introducing a 12-week gestation limit. Is anyone seriously suggesting we ask a woman to certify she has been raped? Considering such an approach would be an appalling vista. A 12-week limit is required and while Sinn Féin has not made a definitive decision on the matter, I am delighted the ard-comhairle has drawn up a motion setting out a policy and that the leader of Sinn Féin has taken such a clear position on it. I fully support a 12-week gestation limit, not only on the rape and incest grounds but also because of the issue of abortion pills. We cannot stop women taking abortion pills, because they are doing so regardless of whether we like it. I do not believe the State has a right to tell a woman who finds herself a few weeks pregnant that she must continue the pregnancy, regardless of what she wants. The State currently has the right to tell her to continue with her pregnancy for the best part of ten months. I do not believe we can continue to do so or relegate women to second-class citizenship for even one more day.

We need respectful debate on all sides. If we are to win this referendum, we also need leadership on all sides. I appeal to those Senators who have not yet declared their position to tell us where they stand. People in Limerick are anxious to find out where all their public representatives stand on this issue. I will work with anyone to win this referendum. I have agreed to work with Deputy Jan O'Sullivan and we will share a platform in a couple of weeks. I will also work with any representative of any party of good will because if we do not win this battle, we will condemn another generation of women to hardship and potentially disastrous health effects. As a House, we must do better. We must start tonight by ensuring we do not deny the people of Ireland the right to vote on this issue. It has been 35 years too long. Let us continue the debate and be respectful to all sides.

**Senator Colm Burke:** I welcome the Minister and thank him for steering this Bill through Dáil Éireann before introducing it in the Seanad tonight. The legislation proposes to afford the electorate an opportunity to give their decision on whether the eighth amendment to the Constitution should be left in place or removed. The purpose of the debate is to allow Senators to discuss the Bill to facilitate the holding of a referendum. Some people have already made up their minds on what they intend doing, while others want to listen to the arguments on both sides. It is important, therefore, that we listen to both sides and have a measured and reasonable debate. The Thirty-sixth Amendment of the Constitution Bill gives the people of Ireland a say on how they believe we should proceed.

The eighth amendment in 1983 inserted Article 40.3.3° in the Constitution. The Attorney General at the time, the late Peter Sutherland, expressed his concerns about the amendment to the Constitution when he stated:

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Further, having regard to the equal rights of the unborn and the mother, a doctor faced with the dilemma of saving the life of the mother, knowing that to do so will terminate the life of 'the unborn' will be compelled by the wording to conclude that he can do nothing. Whatever his intention he will have to show equal regard for both lives, and his predominant intent will not be a factor.

Mr. Sutherland was correct in his view that the amendment was not workable. In 1992, the Supreme Court decision in the case of the Attorney General v. X gave a clear ruling that the termination of a pregnancy could proceed where there was a real and substantial risk to the life of the mother. Two decades passed before the Protection of Life During Pregnancy Act 2013 was passed. At the time, I and the Leader, Senator Jerry Buttimer, were members of the Joint Committee on Health and Children which debated this issue for a significant time. The 2013 Act did not provide for the changes proposed in the Bill before the House, which provides for a referendum and the introduction thereafter of legislation.

We have a report from the Citizens' Assembly and a second report from the Joint Committee on the Eighth Amendment of the Constitution. I pay tribute to all Members of the Oireachtas on both sides of the argument who engaged with the joint committee. It is important that all sides were able to make strong arguments for and against change. We now have two reports which clearly recommend change and a Supreme Court decision that sets out the current legal position. It is important the Supreme Court made its decision before this legislation was introduced.

We have a number of major problems. In addition to women travelling abroad for abortions, we have the growth in the online purchasing of medication and the use of such medication without proper medical supervision. We cannot allow this to continue. Women who want to terminate a pregnancy must be given proper advice and have access to proper medical supervision.

While people have concerns about the proposed changes and it is important that the views of all sides are listened to in the referendum campaign, the final decision must be taken in the best interests of the people directly affected. They can make up their minds on this issue and are already doing so by travelling abroad and purchasing medication online. The current law denies women in such circumstances access to medical services. For that reason, this referendum should be held and we must bring about the requisite change. What is proposed is a measured change. This country has relied on the political system since 1922 and that system has managed the affairs of the State well. By bringing about this change in the Constitution, trust will be vested in the Houses of the Oireachtas, which will act in a proper manner now and in the future. Therefore, I will support the Bill as well as the referendum when it is held on what I understand will be 25 May.

**Senator Ivana Bacik:** I welcome the Minister to the House. I also welcome this historic debate on a Bill that, after 35 years, will finally give the people the right to vote on whether to retain the eighth amendment, which has had such a chilling effect on so many since it was inserted all those years ago. I commend the Minister on his powerful speech-----

**Senator David Norris:** Hear, hear.

**Senator Ivana Bacik:** -----and the great work he has done. It was moving to watch him, the Minister for Children and Youth Affairs, Deputy Zappone, and the Taoiseach standing together on an evening in January and announcing that a referendum would be held this year. I commend him on that and for at last facing what is the stark reality of so many women's lives

in Ireland.

I am proud to stand here as a Labour Party representative. The Labour Party will of course support the Bill. We are a party that is united behind the recommendations of the Joint Committee on the Eighth Amendment of the Constitution. I commend Senator Noone on her considerable work in chairing that committee. I commend all members of that committee, in particular our representative, Deputy Jan O'Sullivan. We are united in our support for the proposals on legislation and repeal of the eighth amendment.

I am just about under 50 years of age. I was too young to have voted in 1983, but I have lived all of my adult life under the chill of the eighth amendment. I cannot believe that I now have two young daughters growing up under the same chill. I do not want them to reach adulthood with the same constraints and facing the same sort of restrictions on their reproductive health care that so many have faced for so long. I felt that chill personally as a students' union officer when we were taken to court by the Society for the Protection of the Unborn Child, SPUC, in 1989 and threatened with prison for giving the phone numbers of clinics in Britain to women with crisis pregnancies. I will never forget the desperation in the voices of the women who phoned us, and in the faces of the women who called into our students' union office in Trinity, seeking that information, which was not then accessible to them anywhere else. SPUC had closed down women's counselling centres under the eighth amendment in a series of often forgotten cases on information rights. We were subjected as students to vitriol, hate mail and horrible abuse at a time when the debate was extremely polarised and unpleasant. I hope that, this time around, we will see a difference in debate. Senator Reilly referred rightly to nasty language used in the Seanad Chamber during the debate on the 2013 Bill, but I hope that it will be different this time, as I believe it has been so far.

I never regretted the stance that we took as students, even though it was difficult as a 21 year old. Subsequently, I worked in London with the Irish Women's Abortion Support Group as a volunteer. We provided accommodation to Irish women coming to London for terminations of pregnancy. I met many women in difficult personal circumstances for whom pregnancy was a crisis, one compounded by having to travel, stay with strangers and raise money for their terminations in a foreign clinic. I think of women like that all the time. As the Minister stated, ten women are still travelling every day. I cannot believe that we are decades on and still in that position. From last year's figures from the British Department of Health and Social Care, we know about the cases of 3,265 women. We know that 1,700 or 1,800 women per year are importing pills to Ireland. As such, approximately 5,000 women from Ireland are having terminations of pregnancy every year. We know that more than 160,000 women have done so since 1983.

These are not just figures. These are women in each of whose cases there was a terrible crisis in her pregnancy, one that was compounded by having to travel. The eighth amendment has not prevented abortion. It has simply compounded the crisis. It has created a series of tragic cases, which some Senators have outlined. Others have spoken of the death of Savita Halappanavar in October 2012, which changed people's opinions. For example, many medical people realised the true extent of the chilling effect that the eighth amendment was having on medical practice. As Senator Ned O'Sullivan pointed out, the Act that we subsequently passed to provide for the circumstances of life-saving terminations of pregnancy did not open the floodgates. There have been only 25 or 26 terminations per year since then, with 77 in total, to save women's lives.

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Since the Act's passing, we have seen further tragic cases. In particular, the PP case in 2014 was horrific. A young woman with two small children was artificially kept alive-----

**Senator David Norris:** Awful.

**Senator Ivana Bacik:** -----while her body decayed. Dr. Peter Boylan spoke movingly at the launch of the Together for Yes campaign, which the Minister attended, about the horrific nature of that case, which was caused by the eighth amendment.

The process that has led us to the introduction of this Bill through the Citizens' Assembly, which I commend, and the Oireachtas joint committee has been robust. It reflects a change in public opinion over the decades since the eighth amendment was passed as well as a recognition of the harm that the amendment has caused to women, doctors and medical practice.

I will discuss the committee's recommendations briefly. I urge others to read its excellent report. The committee's reason for recommending that abortion be made available without specific indicators up to 12 weeks is clear. It did so on the basis of the reality that it had heard about of women already accessing the pill online without medical supervision and with all of the dangers that entailed up to 12 weeks. It also heard about the impossibility of providing in legislation for terminations in cases of rape. Speaking as a member of the Labour Party's commission some years ago, we struggled with how to legislate for abortion in cases of rape. It is impossible. There is no diagnostic test for rape. Short of asking a woman to go through an interrogation or second ordeal after being raped, it is not possible. The committee heard expert evidence to that effect. It was a valid and robust reason to recommend the 12 week period.

What was also clear was how strongly the medical evidence was in support of repeal, to the point that, as Senator Noone mentioned, it was impossible to find a medical expert who would testify for retention of the eighth amendment, so severe has been the amendment's impact upon medical practice. It is worth referring to the evidence.

Beyond the medical evidence and practical realities of women's lives, I wish to speak briefly about another reason for the committee's recommendation, that being the international human rights obligations of which Ireland has been found to be in breach in numerous cases, for example, the 2010 A, B and C case and, more recently, the Amanda Mellet and Siobhán Whelan cases, in which the UN Human Rights Committee and Office of the High Commissioner for Human Rights, OHCHR, made the extremely serious finding that Ireland had breached those women's rights in cases of fatal foetal abnormality. They were described as having been subjected by the State to intense physical and mental suffering because they had to travel to another country while carrying a dying foetus. We must also remember that the shame and stigma associated with the criminalisation of abortion are major factors. Any woman who orders the pill online faces the shame, stigma and fear of criminalisation. The OHCHR also pointed to having to leave the babies' remains behind to be delivered later by courier and the State's refusal to provide necessary and appropriate care. Ireland was found to have been in breach for a range of reasons in those two recent decisions. Those two brave women illustrated the need to change our law on abortion.

There are many imperatives for holding this referendum, which the Oireachtas committee has made clear. I echo other Senators' calls to all colleagues to take a stand on this matter on a cross-party and cross-political basis. We are asking anyone who is in favour of repeal and the committee's recommendations to stand with us tomorrow morning at an event at 11 a.m. An

email has been sent out about that.

Just as we should trust women by changing our law on abortion, so too should we not be afraid to ask the people to trust us as legislators to pass legislation that establishes the legal framework necessary to provide women in a caring and compassionate manner with the reproductive health care that we all need. We must be able to say that legislators are the appropriate lawmakers. Indeed, we are constitutionally the lawmakers in the State. For too long, we have neglected and abdicated our responsibility and handed it over to unelected judges.

It has not been appropriate that women's health care has been regulated in that way, through the courts, through the vagaries of particular court cases or through tragic circumstances that have arisen in so many cases. I hope that in 2018, as we celebrate the centenary of women's suffrage and mark 100 years since women got the right to vote, it will finally be the year where women will win the referendum, with a "Yes" vote, to ensure that we can legislate for women's reproductive health care, that we can legislate to ensure that women have the compassion and care they need, that we reflect a changing society and that we end the chill, for the sake of our daughters and for their generation. Mr. Gerry Edwards spoke movingly at the Together for Yes launch that we have stopped dropping pregnant women and girls at the doors of Magdalen laundries. We now need also to stop dropping our pregnant women and girls at the departure gates of our airports and ports. Those are really prescient and moving words. We should all bear them in mind as we stand together for repeal and to pass this Bill.

**Senator Catherine Ardagh:** Ar dtús báire gabhaim buíochas le gach ball den chomhchoiste um an ochtú leasú ar an mBunreacht, go háirithe, an Seanadóir Ned O'Sullivan, an Seanadóir Noone mar Chathaoirleach, an Seanadóir Ruane, an Seanadóir Buttimer, agus an Seanadóir Mullen, agus mo chomhghleacaithe sa Dáil, go háirithe na Teachtaí Lisa Chambers, Rabbitte, Kelleher, Browne agus Butler i mo pháirtí féin a bhí mar bhaill ar an gcoiste, agus leis an Aire, an Teachta Harris. Chaith mo chomhghleacaithe na céadta uair an chloig isteach ag éisteacht agus ag staidéar fianaise shaineolach. Tar éis próiseas fada, foilsíodh tuarascáil ar an ochtú leasú den mBunreacht. Bhí sé soiléir gur aontaigh an tromlach de na baill leis an dtuarascáil. Ceann de na polasaí conspóideacha a tháinig ón dtuarascáil, ná ginmhilleadh suas go 12 seachtain, ábhar a chuir eagla ar dhaoine áirithe, ach nuair a dhéanann duine staidéar ar conas a tháinig an chomhchoiste go dtí an bpolasaí seo, is féidir tuiscint a fháil ar na réasúin go léir.

Ó na 1970í, tá 180,000 mná tar éis dul go Sasana le haghaidh ginmhilleadh a fháil. Is iad seo an méid a thug seoladh Éireannach in aon chaoi. I mo thuairimse tá an fíor uimhir níos airde ná seo. Léiríonn sé seo dom nach bhfuair na mná seo an cead leigheas ceart a fháil ón Stát, toisc gur onnmhairíodh, export muid, an fhadhb seo go dtí stát eile. Léiríonn na huimhreacha sin dúinn go bhfuil ginmhilleadh cuid agus dáileach de shaol mná na h-Éireann, ach b'fhearr linn neamhaird a dhéanamh air, mar a dhéarna muid le ceisteanna mná ón am a bunaíodh an Stát.

I have said in this Chamber before that if men had reproductive health issues, they would be treated in high-tech hospitals akin to the Aviva. We do not have that luxury. We receive our gynaecological medical treatment in old Victorian hospitals and prefabricated buildings like those in the Coombe hospital. The staff work tirelessly and extraordinarily long hours with passion and dedication, delivering Irish children, and caring compassionately for Irish mothers. When we have talked to our top doctors and masters of maternity hospitals, and more particularly to the members of the Institute of Obstetricians and Gynaecologists, they have indicated to us that the eighth amendment is an impediment to them doing their job. Their professional

opinion on it is that the eighth amendment, quite simply, does not in this day and age protect the best interest and health of mothers or babies in this country.

We know that each day three women in Ireland take the illegal abortion pill at home and without the comfort and support of medical advice. We know that doctors are very concerned about the growing use of unregulated and unlicensed medication, particularly where women may feel afraid to seek medical help, if necessary, because of fears of prosecution and criminal sanctions. We also know that this issue does not affect women equally in Ireland. Women with means in Ireland and financial stability are already in a position to travel to the UK and have an abortion freely. This issue affects, in the main, women without financial means, and women on the margins, including asylum seekers, who are not allowed to leave the jurisdiction, and also do not have the means to travel. These vulnerable women are looking to the Internet and unregulated medications to address their medical needs in crisis pregnancy.

The eighth amendment is currently not fit for purpose, in my humble opinion. Bunreacht na hÉireann, as we know, is a living and breathing document, that can be a source of pride and which has served us well. It allows specifically for amendments, by way of a referendum, when provisions within it are no longer fit for purpose. The eighth amendment, in my opinion, has run out of road and is now causing more bad than good. We have to face the facts that Irish women have abortions on a daily basis, both in this country, by way of illegal abortion pills, or by way of travelling to the United Kingdom. We need to recognise that women in this country are, from time to time, faced with crisis pregnancies, whether due to rape, incest, discovery of a fatal foetal abnormality, medical, financial or other social reasons. The idea of a crisis pregnancy is a subjective matter that pertains directly to each individual. We all know women who have been affected by abortions and have been unable to obtain compassionate abortions in this State. We need compassion in this country. We only have to look at the case of Ann Lovett, who would have turned 50 this week. Reading how she was treated and shunned by her community still leaves me frightened and scared. From the actions of many, this attitude still prevails, in particular the “let us ignore it” attitude in that if we ignore it, it is not happening. Our treatment of women in Ireland has been appalling. This is an opportunity that can be taken to trust women.

On the democratic process of allowing a referendum, as citizens we need to be allowed to decide on whether or not we believe Article 40.3.3<sup>o</sup> is fit, or unfit for purpose. Whether one is for or against it within this House, I would ask Members to allow the women and the men of Ireland to decide, by way of a referendum, to make any decisions on the removal of the eighth amendment. I am proud of our democracy and the idea of giving people a choice in how their country works and in Ireland, in particular, the composition of Bunreacht na hÉireann, our Constitution. The Bunreacht is an evolving document, and the people of Ireland deserve to have the question on the removal of the eighth amendment put to them. Let us be clear, Irish women have a track record of valuing life, including the precious life of the unborn. Irish mothers are known for their strength, compassion, determination and resilience. No woman has an abortion for the sake of it. Any decision on having an abortion is made with the utmost caution and thought and with medical care. It is not a decision any woman in a crisis pregnancy takes lightly. It is time to trust women. To trust your wives, sisters, friends, nieces, cousins and your colleagues to make decisions on their own bodies safely. I will be supporting the Thirty-sixth Amendment of the Constitution Bill.

**Senator Jerry Buttimer:** I welcome the opportunity to speak on this very important debate and I commend the Minister, Deputy Harris, on his speech, on steering this Bill through the

Lower House and on the impending publication of the heads of a Bill. I welcome the Minister, Deputy Zappone, to the House.

This is important legislation. Like Senator Gavan, it is important that we park our political ideology and that we put on the jersey that says “Yes” to repeal. We are asking our fellow citizens in our Republic to have a say, to make their decision and to have their voices heard. Irrespective of whether they vote “Tá” or “Níl”, this debate should be a respectful one. We recognise that in this Chamber, in every home and in every community, there are divergent, different viewpoints. That does not make us good or bad people but it makes us democrats who will accept the outcome tonight or tomorrow and of the referendum. I will campaign to repeal the eighth amendment and I will do so for a number of reasons, not least because I trust our women and our politicians and their political instinct and the institution that is the Houses of the Oireachtas. To say we do not trust each other is doing a gross disservice to each other.

We did not arrive at this Bill because we stuck our finger in the air and took a political decision. We did so because of a process, beginning with the Supreme Court decision in the X case. If I may, like Senator Colm Burke, I will return to what the late Mr. Peter Sutherland said in his advice in 1983:

In summary: the wording is ambiguous and unsatisfactory. It will lead inevitably to confusion and uncertainty, not merely amongst the medical profession, to whom it has of course particular relevance, but also amongst lawyers and more specifically the judges who will have to interpret it.

The eighth amendment did not give certainty and did not give women security - it did quite the opposite - but that is what we must try to do. I had the pleasure of chairing the Protection of Life During Pregnancy Act 2013 hearing. I was probably the only Member of the Oireachtas who sat through the whole six days and all Stages of the Bill, never missing one. What I discovered was that life is not black and white. We live in the grey. Our medical professionals are forced every day to make a decision, with a chilling effect over them, called Article 40.3.3°.

Let there be no obfuscation or confusion. We should put this proposition to the people. We are democrats who go before the people in a vote every five years or so, and ask them to cast their ballot. Let the people decide. Let them have their choice. The floodgates did not open following the passing of the Protection of Life During Pregnancy Act. The world did not end when we passed marriage equality. The world did not change when we introduced the protection of life during pregnancy legislation. The world did not change when we passed the children’s rights referendum. Life continued when we recognised that marriages break up and divorce is part of our lives.

There are many who have sincerely held views which are different from mine. I respect them and cherish their opinions all the more. Let us have a debate on the facts in this referendum. Let us not go down the road of the old referendum debates where red herrings were introduced. Like Senator O’Sullivan, I want to call on all men to participate, be engaged and read the report of the health committee, which was ably chaired by my colleague and friend, Senator Catherine Noone. They should read the ancillary recommendations and what doctors and medical professionals said to us. There was no groupthink or contrived evidence. Eminent and qualified people gave professional views.

We should look to the ancillary recommendations the Minister, Deputy Harris, mentioned at



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the end of his speech, not because there is a referendum coming forward but because the women and children of our country deserve and require that. That is why we have a national maternity strategy and we should put those recommendation at the forefront of everything we do.

In 1967 a young boy was born in the Erinville Hospital in Cork to parents who were the nurses of their first child. He weighed 2 lb when he was born prematurely and spent many months in hospital. That child is me, who cherishes life and understands the importance of life, who clung to life and recommends to all of us to live life to the full. My mother was a nurse and midwife. I am her son and today I live having survived that pregnancy and having been born weighing 2 lb.

The chilling effects we have created for the women of our lives have been well documented. They include the laundries to which women were sent and hidden. Like Senator Wilson, I spent time as a seminarian and met many people. I was struck by the women who worked in many laundries. They were sent from their homes and shamed in the eyes of society because they were pregnant and had children. God forbid they would do so out of marriage. That was the norm at the time. How wrong we were. How correct Senator Ruane is about the way we treated women.

Senator Ardagh is correct when she speaks about Ann Lovett, who died in Granard. She was treated shamefully. Look at the way we treated single women or women whose marriages broke up. Of course, we did not just treat women in society badly. We are learning from the bravery of so many women that we can do things better and treat people with compassion.

This referendum is about women. We have abortion in our country. Women are travelling because they can afford to do so. Women are taking the abortion pill. Are we going to continue to have an Irish solution to an Irish problem? For once, are we going to have the political maturity as a republic to say we can change and can cherish both lives equally?

I am for the life of the unborn and I am also for the life of the mother. I am pro life; all of us in the Chamber are. I hate those labels. I do not know of any person who wants to end a life. I want a debate on the facts with compassion. To the people who leave messages on my phone threatening me with all kinds of calumny and evil, I say I am a democrat and will abide by the decision of the people. I respect life. I hope the Irish people will make a decision to repeal the eighth amendment and give the women of country the certainty and respect they deserve.

**Senator Michael McDowell:** I want to welcome my good friend, the Minister for Children and Youth Affairs, Deputy Katherine Zappone, to the House and indicate at the outset that, having listened to the speech given by the Minister, Deputy Harris, every word of it is something with which I agree and every line of it is something of which the public should be aware. I will come back to that.

I want to make a second point. This referendum is by no means a foregone conclusion as to its passage. It is to the middle ground of Ireland who, like myself, favour repeal that we should address ourselves in the coming weeks. Therefore, I echo what other speakers have said about the need to have a reasoned, calm and persuasive debate and to roll up our sleeves to achieve that. This is not like the situation which arose in the marriage equality referendum. This is quite different. The extent and depth of opposition and the issues involved are radically different. There are some similarities, but there are significant differences. It will not go through on the nod and it requires to be delivered politically in a rational, calm and decent way which

brings middle Ireland with the proposal.

In that context, I want to say one thing. Words were spoken here about the Catholic Church in the 1960s, the abuses of children and the like. We cannot make the Catholic Church the enemy in this process. Many good people have devoted their lives to the Catholic Church and should not be forgotten.

**Senator David Norris:** Hear, hear.

**Senator Michael McDowell:** Those Members of the House who are opposed to the referendum are not antidemocratic if they vote against having a referendum. I ask the House to remember in particular those who I believe wrongly said they would allow the Bill to abolish the House to go through but only so that the people could have their say on the matter. That is not the process. The Constitution remains the same until the Oireachtas proposes a change to the people. If one is opposed to a change, one is entitled to vote against a change.

Others have spoken extremely eloquently about dilemma of girls and women who find themselves having to make a decision about whether to procure a termination of their pregnancies. I want to emphasise one thing. As we heard today, sometimes people do not look at the Constitution. If one looks at the Constitution carefully, one will find Article 40 concerns personal rights. The issue is not whether a fertilised ovum in a petri dish in an *in vitro* fertilisation clinic is human life. In one sense it is, in the same sense that an acorn is tree life in one sense. An acorn is not a tree.

Likewise, a fertilised ovum is not a human person from most people's point of view. It is the means whereby a person could, after a pregnancy, come into existence. The reason I mention that is because we are dealing with personal rights. I believe the mistake which was made and the error against which Peter Sutherland counselled in 1983 was to create an absolute black and white description of the distinction between potential life and a human person in circumstances where, as the Leader has said, there is a grey area.

I believe very strongly that once the possibility of pharmaceutical termination of pregnancy came about, a totally different situation was created. The State cannot, in fact, prevent it and cannot realistically put people on trial for getting such a tablet online or administering it to themselves. We have to face the truth of what Article 40.3.3o has done to us. In the X case a victim of a rape was told by the Supreme Court that, according to the article, as it stood originally, she could be restrained by an injunction from travelling out of the State to have an abortion in Britain and that only the fact that she was suicidal overrode it. That was what the X case was about. My good friend, the late Adrian Hardiman, who was a barrister at the time said on television that travel injunctions would follow from the eighth amendment if it became law. He was told by a leading academic whom I will not mention now but Members can all guess who it was-----

**Senator David Norris:** W. B.

**Senator Michael McDowell:** He was told that this was fanciful and effectively a scare story, but it came into existence in the decision in the X case when the Supreme Court stated there could be travel injunctions and that the only thing that could override them was the threat of suicide or another threat to the life of a mother. That point is important because we put in place in the Constitution what, in retrospect, I consider to be a fundamental untruth, that the fertilised ovum or, after a period of four weeks, a group of cells the size of a fingernail or, after

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eight weeks, perhaps the size of a finger, is a person with exactly the same rights as a mother and the only circumstance in which one can prevail over the other is where there is a threat to the mother's life. It was creating a constitutional untruth. To go one step further, the excuse offered by that prominent academic and all those who supported the 1983 referendum was that we could not trust judges not to impose in Ireland a *Roe v. Wade* outcome. Now they are saying people cannot trust politicians either. Whom can they trust if not the organs of a democracy to deal with a complex issue such as this?

The outcome of the referendum is not a foregone conclusion. It cannot be left to the extremists or the most ardent people to make the arguments. They must be addressed for the middle ground by people who sound reasonable, supportive and build confidence. The arguments for repeal are very strong and go all the way back to those of Adrian Hardiman and Peter Sutherland as to why the eighth amendment was a mistake and are very valid, but they have to be articulated in a way that will bring people with them. If, as a democracy, we cannot trust the Judiciary, politicians and the women of Ireland in the choices they must make, whom are we to trust? We should have the courage to ask the people to trust themselves to give to the politicians they elect and the Judiciary whom they have indirectly appointed the control and right to legislate in an area which is grey and which, if dealt with as black and white, produces falsehoods, injustice and cruelty on occasion. In response to Senator Rónán Mullen and those who say Savita Halappanavar's position simply had to do with sepsis, it was not because if it was simply that, what were they doing monitoring a foetal heartbeat? Why was that relevant in dealing with the sepsis issue? It was more than that.

**Senator Colette Kelleher:** I support the passing of the Thirty-sixth Amendment of the Constitution Bill 2018 and hope my colleagues will too. I support the Bill because 35 years after the eighth amendment was inserted into the Constitution it is time to reflect on its impact, consequences and morality. It has not stopped an Irish woman from having an abortion. It has just stopped a woman we know and a woman we do not know from having a legal abortion in Ireland. There is a saying where I come from, urging caution in casual conversation, "you wouldn't know where you are talking." It usually involves being careful and discreet in case we unwittingly speak ill of someone's cousin or friend, Ireland being such a small, connected place. With abortion in Ireland, we definitely do not know where we are talking. With all of the secrecy and shame, we will never know that we are talking about the very private, tough decision of a woman we might meet every day, who is listening to us all again tonight, on the radio or television. She has to listen to us again because access to abortion care in Ireland remains a lonely, unsettled matter that needs public support to be settled once and for all.

For a few years in the late 80s my friends, Senator Ivana Bacik and I were part of the Irish Women's Abortion Support Group. It was a group of very ordinary, middle of the road, mainstream women who were offering the hand of friendship to other very ordinary, middle of the road, mainstream Irish women who had decided that they needed to have an abortion. The first woman to stay with me and my husband was in her forties and expecting her seventh child. She had travelled from Finglas in Dublin. She was a massgoer and, as it happens, a parishioner of Fr. Michael Cleary. It was in 1989 when unemployment was rampant in Ireland and her husband had just been laid off. She decided that she just could not have another child and had come to England by boat for an abortion. I met her at Euston train station. Our group helped her out with a bit of money. She had never been out of Ireland, let alone to London. She came back to my flat where she had a bit of food with us and slept on a rigged up camper bed. The next day I went with her to the British Pregnancy Advisory Service, BPAS, on Charlotte Street and the

following day to the clinic in Richmond. The day after that I met her again and put her on the boat train back to her six children and husband in Dublin.

I also remember a young couple who stayed with us. They had arrived off the Slattery's bus in Victoria. They were scared. They were both still in college and not ready to start a family. Apart from one other, no one knew that the young woman was pregnant. My husband and I were the first people to whom they felt free to talk. A burst condom had been the cause of the very unplanned pregnancy, which was not uncommon. It does happen. The young woman's uncle was a bishop. She and her boyfriend were petrified that it would be found out. It was not good enough that the struggling mother of six had to travel to England in 1989 or that the young woman who was so terrified of a crisis pregnancy or, worse, discovery and judgment by her uncle, the Bishop had to do the same. It was not good enough 30 years ago and it is not good enough that this very day ten women are travelling for an abortion or that women we may or may not know are taking strong medication without medical care. We need the Bill to pass and ask people who are not extreme, hardline, harsh or unkind to repeal the eighth amendment to the Constitution. It is past time to question the morality and the sway of those who oppose abortion for any woman, in any circumstance, in any country, anytime.

People of undoubted conviction, good, upstanding people, would nonetheless because of their strongly held, unswerving beliefs force a girl, a victim of incest, a woman who has been raped and a woman who is expecting a child with a fatal foetal anomaly to take the pregnancy to full term. There are people of conviction who, up to the early 1990s, tried to stop a woman from travelling or even receiving information on abortion. The right to travel and the right to access information were only rectified in another referendum on abortion held in 1992. They opposed tooth and nail the modest changes made in the Protection of Life During Pregnancy Act 2013. They picket clinics. When I was in London recently, I heard that this had been going on in Brentford in west London until kind people in the community took out an injunction against the protesters. It is tough for a woman to travel from Ireland to face a mob outside a clinic shouting at, hassling and judging her. There are people of conviction who kill doctors involved in the provision of abortion care in the United States. There are people of conviction who would keep the eighth amendment, in spite of the fact that doctors - obstetricians such as Peter Boylan and his colleagues - tell us that it compromises them and creates a chill factor which prevents them from providing the full range of health care services that they, as doctors, recommend. There are people of conviction who are content that doctors face 14 years in jail for doing so. There are people of conviction who claim to love women, but they do not. Their conviction leads them to being very hardline, harsh and unkind. They ignore the messiness of real lives and do not listen. It is extreme, hardline, harsh and unkind to deny a woman who has been raped abortion care services close to home. It is extreme to deny a girl who has been the victim of incest abortion care services close to home. It is extreme to deny a woman who is carrying a child with a fatal foetal anomaly abortion care services close to home. It is extreme to deny medical supervision to a woman who is taking strong medication and make her a criminal. Keeping the eighth amendment is extreme, hardline and harsh. It is very controlling, judgmental and dangerous for women's health. We can occupy a kinder middle ground than occupying such an extreme, hardline, harsh, cold and unkind place. We can start by voting for the Thirty-sixth Amendment to the Constitution Bill and then in May joining together as kind, decent, realistic Irish people to vote "Yes" to repeal the eighth amendment. We can publicly support a woman in the decisions she makes with her doctor, safely, privately and decently.

Repealing the eighth amendment would give us a chance to change Ireland for the better.

The roadmap for that change is the report the Joint Committee on the Eighth Amendment of the Constitution gave us and what the Minister outlined to us earlier this evening. I infamously said when I last spoke on this matter that I had waited 35 years to speak. In 35 years' time, if I am still alive, I will be 91 years old when I hope things will be better on a lot of fronts. I wish the Minister of Health was present. At that time I hope I will be living at home with a decent home care service and decent safeguarding legislation in place. I hope a woman in Cork or anywhere else in the country will not have to wait for access to gynaecological services. I hope a child born with a disability will have all of the supports he or she will need and that we will have good early years child care and education services in every community. I hope every child will have a home in which to grow up, not a hub or a hostel. I hope any child or young person with mental health issues will have all of the love and support they need. I hope every child and young person will be thoroughly educated about their bodies, relationships and having safe and healthy sex. I hope every woman and girl will have access to the very best health care, maternity care and breast care services and vaccinations to prevent cancer, with the best menopausal care services, in which I have a vested interest. I hope there will be free contraception and abortion care services as a normal and standard part of that process.

Let us hold the referendum, vote "Yes" and put the matter to rest. Let us spare women the trauma of having to travel and the threats to their health as a result of taking medication unsupervised. Let us avoid the retraumatisation of women as a result of our decisions and turning a blind eye. We should not allow ourselves to be browbeaten by extreme views that make a woman relive tough decisions she made a long time ago over and over again. Let us move on.

**Senator Catherine Noone:** I welcome the Minister for Children and Youth Affairs, Deputy Katherine Zappone, who has been a long-time campaigner on this issue and done amazing work. I also welcome the Minister for Health, Deputy Simon Harris, who I believe will be back in the House presently.

I welcome this historic legislation and thank the Minister and his officials for the huge amount of work they have done in a relatively short period since the joint committee reported to the Oireachtas at the very end of December. Its recommendations have been well documented and discussed both here and elsewhere. I think I speak for the majority of the committee when I say we were very influenced by the fact that every year almost 3,500 Irish women travelled to clinics and hospitals outside the country to access abortion care and that abortion pills were freely available to women. Many have spoken about the use of abortion pills. The consideration of their use was instrumental in the committee's recommendations. The fact that it was impossible to legislate for cases of rape and incest was an influence. There was huge deliberation, but in a nutshell they were the main points that informed our recommendations. We recommended something that simply could not have been envisaged in 1983 when the eighth amendment was inserted into the Constitution - a scheme led by GPs, which would mean women having medical rather than surgical procedures. In many cases, under the current regime, Irish women access surgical abortions abroad in circumstances where they could easily have a medical abortion which would be much less harmful to them. They tend to have late term abortions simply because of the necessity to travel.

There will be a lot of misinformation in the campaign. It is important to say we categorically did not recommend abortion in the cases of disability. Earlier today somebody told me that they could not vote in favour because they had a sister with Down's syndrome. What we recommended was quite the opposite. That is just one of the many factually incorrect pieces of information that will be put out there in the coming weeks and months.

The eighth amendment has not saved lives, rather it has caused unspeakable suffering to women and loss of life. It should never have been inserted into the Constitution, as the majority of us here acknowledge. It has rightly been condemned in the European Court of Human Rights and by two United Nations' committees on human rights, in addition to the courts here, dating back to Mr. Justice Niall McCarthy in the Supreme Court in 1992. The theory that the death of Savita Halappanavar had nothing to do with the eighth amendment and was solely due to a lack of basic care is totally misleading and incorrect. The report on her death states its agreement that concerns about the law, regardless of whether they were clear, had impacted on the exercise of clinical professional judgment. Other Senators have spoken about this issue.

The concept that Ireland will have the most liberal abortion laws if the eighth amendment is repealed is also completely erroneous and typical of the type of misinformation that will have to be disputed during the campaign by those of us who will have the opportunity to try to inform the voting public on the issue. The Protection of Life During Pregnancy Act 2013 did not, as other have said, by any means open the floodgates. In 2015 the number of abortions carried out under the provisions of the Act was 26. The number carried out because of a risk to life as a result of suicidal intent was three. In 2016 the total number was 25.

Others have mentioned Peter Sutherland's points which are completely valid. He knew what was being debated 35 years ago, what we all know now and what many knew and attested to at the time. In addition to the case of Savita Halappanavar and the X case, there was the 2014 case of the 26-year-old mother of two who became gravely ill while pregnant with her third child. Tragically she was diagnosed as being brain stem dead, but because she was pregnant, she was kept artificially alive. The father of the woman, in agreement with her partner, was forced to take a High Court action which finally led to a judgment on 26 December, St Stephen's Day, 2014. The court agreed that the woman should be allowed to die with a measure of dignity. The evidence in the case before the High Court was that the eighth amendment had led to the doctor not doing anything and the woman was kept alive. The limbs of the eighth amendment have extended into areas in ways which were never anticipated or which perhaps were anticipated by many such as keeping a dead woman alive in such circumstances.

I have heard about a number of distressing cases involving a fatal foetal abnormality. In one a woman was pregnant with twins, one of whom was dead, while the other had a fatal foetal abnormality and was going to die, yet she was forced to go the whole way to the European courts in a bid to be granted a termination. The case was followed by the Mellet and Whelan cases in 2016 and 2017, both of which involved a fatal foetal abnormality. How many more cases do we need to experience?

The Bill is long overdue - we will vote on it tonight, I hope in the affirmative - to allow the people to finally have their say on the issue. I am not somebody who has long campaigned on it, far from it. I could never have imagined that my life would be practically completely taken over by it for one year. Do not get me wrong - it has been an absolute privilege, but I come from a traditionally conservative viewpoint which many have shared, perhaps by osmosis, during the years. It felt like the right thing to do. Surely we are all pro-life. We are all pro-life but the polarisation of the debate and the use of the term "pro-life" causes a great deal of discomfort, especially for those of us who are pro-women and in favour of doing the right thing. The polarisation in the debate serves no one, least of all the women of Ireland. As Senator McDowell said, we need this to be a factual, considerate and respectful debate. We need to have the opportunity to explain the reality and the facts. The misinformation needs to be stamped out because it simply has no place in the debate.

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I am proud of the work every committee member did in producing a thoroughly thought through, evidence-based report. I sincerely hope that the rationale and our recommendations will be sufficiently explained to the people. The hypocrisy at the heart of the country needs to be faced up to once and for all. Irish people are fundamentally compassionate and informed and I truly believe that Irish women and young people, and the men who understand and love Irish women, will vote “Yes” to remove the shackles of the eighth amendment. There is a huge duty on those of us who have an understanding of this issue to explain it and to do with away with the misinformation. By all means, concerns need to be heard and addressed, which is to be anticipated and expected. I look forward to casting my vote in favour of repeal of the eighth amendment and I commend the Bill to the House to finally give the people their say on this issue.

**Senator David Norris:** I welcome the Minister back to the House. As he said, it has been a long journey. I recall the Nurse Cadden case when a woman was left to bleed to death on a back lane off Hume Street followed a botched abortion. I was one of the first, if not the first, to put abortion on an election manifesto in 1977. It certainly was not popular then. I agree with Senator Noone about language. It was appalling the way we allowed people to take over the language system and describe themselves as “pro-life” as if nobody else was pro-life. I also object to that utterly idiotic phrase, “the unborn”. Does the mean that we are undead, that Dublin is un-Berlin? It is a complete nonsense and I am glad that the Minister mostly referred to the foetus in his contribution.

I agree with Senator McDowell, and I said this many weeks ago, that the outcome of this referendum is not certain by any means at all. There are a number of reasons for this. The Supreme Court clarified some of them recently but it may appear to the public to have made the foetus more vulnerable. The 12 week limit can also be used a scare tactic. People have to be brought up to speed and made aware of the existence of the abortion pill and the attendant dangers and that the Government is merely facing reality in introducing the limit.

It has been a good debate so far and there has not been any intemperate language, at least not until me. Senator Mullen representing the “No” group said they do not trust the judges, which is something I have heard previously, they do not trust the politicians and they do not trust the people. Who, in God’s name, do they trust apart from themselves, of course, whom they have appointed as moral dictators in this country? In 1983, my church, led by the great Dean Victor Griffin of St. Patrick’s Cathedral, said the Constitution was the wrong place for this, the Constitution was for the articulation of general principles, and the law is for the lawmakers in the properly elected Houses of the Oireachtas. That is the stance I take.

Right-wing conservatives have had a bloody nose. They lost on divorce, they lost on contraception, and they lost on gay rights. This is the last-ditch effort, the last sting of the dying wasp and, believe me, a dying wasp can have a very nasty sting indeed. The Minister should be careful. His contribution was terrific and he needs to get out there. People will not listen to the House - let us not fool ourselves - but they will listen when the Minister goes on the airwaves and on television to tell the truth to them. I think it an obscenity that the closeness to death of a woman has to be measured before she can be given an abortion. How close to death does one have to be to be granted an abortion? We know how close to death Savita Halappanavar had to be.

I have no reproductive life; I am not a reproducer. I do not have a mother anymore, nor do I have a sister, nor an aunt nor a daughter. I have damn all in the way of female relatives but I

have a voice and I will use it in defence of democracy in this country. The idea that a fertilised egg is a fully human being is a total and complete nonsense.

**Senator Paul Gavan:** Hear, hear.

**Senator David Norris:** I said to Senator Mullen the last time this came up ten or 15 year ago, “When was the last time you took one of these to a cinema?” That is the kind of question that has to be asked if they are fully human. One would not be taking them to the theatre or taking them to the zoo. One cannot do that. I also said during a previous debate that I was damn glad that I was not heterosexual or married to any of the old hypocrites who spoke against these rights and said that their wives were equal to a fertilised egg the size of a pinhead. I would divorce that person immediately. I would have nothing whatever to do with him. How outrageous that they would say somebody they loved, who was living with them, sharing jokes and going on the bus with them was equal to something the size of a pinhead. Come on; let us live in the real world.

The referendum needs to be won and it needs to be articulated. It is important for us in this democracy but there is a substantial obligation on the Government to explain it to the people because they will not understand that a 12 week abortion system is necessary. This will be presented as free range abortion or abortion on demand by the other side. It is no such thing. It is about looking after the health and well-being of Irish citizens and that is what we, as an Oireachtas, ought to support. I am firmly and fully in favour of a referendum for the people. They should have a voice on this matter. It is a contentious matter but I believe that in all humanity they can be persuaded and they will vote to address this sad situation. Nobody feels that they are not fully human unless they have an abortion. Nobody regards it as a positive thing, but it is something which in particular circumstances is by far the best outcome for the citizen. I congratulate the Government and Senators Buttimer and Noone on their chairing of various committees that have dealt with this issue in one way or another. I am sure the House will vote to allow a referendum. I believe the people will show their decency, their humanity and their courage by voting to allow women to address this sad situation with reality.

**Senator Fintan Warfield:** I am incredibly proud to play a part in a debate that will ensure the people will have a say on the eight amendment. As the youngest Member of Seanad Éireann and the only Member of this House in his 20s, I think of what the eighth amendment has meant to my generation - a boat, a plane or a pill. The pills are as safe as any drug available in a club or pub or at a festival on a night out. These pills are the equivalent of rubbish recreational drugs and we are currently content with that form of health care for women. For a large cohort of women the eighth amendment has meant that their bodily autonomy has not been a reality. The State and its Constitution have subjugated their bodies yet, for the most part, shirked any responsibility to provide meaningful or accessible contraception, family planning or robust sexual education, all measures which would reduce the instances in which abortion is required.

One element of this conversation which continuously puzzles me, as a young person, is how we are so unique in a European context because every other European country has dealt with this matter with the exception of Poland and Malta. The historic parallels between Malta and Ireland are very clear. While I respect very deeply the sentiment expressed by Senator McDowell about religion and Senator Reilly’s request that ideology, theory and theology be left at the door when discussing this matter, what Senator Ruane said spoke to me. A different argument works for everyone. While the church and State remain intrinsically linked, we will have similar conversations time and again into the future. These conversations mirror those on



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the referendum for civil marriage equality. We did not dare to ask to walk up the aisle of any church but asked for civil marriage equality.

This is a legacy issue, one that was born from a church mantra that women had to be subservient keepers of a home, comely maidens and loyal wives. The ethos incarcerated women in mother and baby homes, Magdalen laundries and mental institutions. It simply dictated that women were nothing but vessels and passive participants in their own sex lives. The eighth amendment solidifies that discrimination.

We should be under no illusion that this State cannot proclaim itself to be either safe for women or one that trusts women while the eighth amendment remains. I consider my generation to be one of the most engaged age groups campaigning for the repeal and removal of the eighth amendment and I believe it does so because it fears the circumstances where Article 40.3.3° restricts access to adequate reproductive health care. Also, it possesses an innate solidarity with every woman who has found herself in such a difficult situation.

Senator Bacik spoke about access to information during the last debate. When I think about young people's access to information, I think about the debate we had during our Private Members' time recently and the ability of young people to be informed and active participants in our democracy.

The Oireachtas plays an important role in this debate. As State legislators, the work we do has a substantial effect on people's lives and their role in shaping society. In this instance, our role will have an effect on women's bodily autonomy for the present and for future generations. We cannot fail them. We have a role that can scrutinise our constitutional provisions and propose changes. Bunreacht na hÉireann declares that the State's sovereignty is derived from the people of Ireland. We are fully accountable to them and I respect that. That is why I find it disappointing that 32 Members of Dáil Éireann, one of which is a member of the Sinn Féin party, sought to deny the people a referendum on a question that has not been asked since 1983. I am somewhat heartened by the fact that all Members of this House who were born since the 1983 referendum will vote in favour of a referendum being held. Our generation deserves to have its voices heard.

Our generation should receive accessible reproductive health care and contraception. I welcome the comments made by the Minister, Deputy Harris, tonight about the provision of contraception. All sides of this debate wish to see the circumstances in which abortions are availed of reduced but this can only be done by access to contraception and inclusive and robust sexual education.

Sinn Féin is proud to support this Bill today. We will not impede the clear and democratic avenue that is a referendum long sought and long overdue. I will again quote Mr. Gerry Edwards who spoke at the campaign launch of Together for Yes and whose words were reiterated by Senator Bacik during the course of this debate. He said:

We've moved on from dropping our pregnant women at the gates of a laundry. I think we've moved on from dropping them at departures gates too."

**Senator Niall Ó Donnghaile:** Hear, hear.

**Senator Fintan Warfield:** Mr. Edwards continued: "On referendum day, on behalf of all we love, vote yes."

I remember about two years after the thirty-fourth amendment of the Constitution, the referendum for civil marriage equality, was passed I was in my boyfriend's house and I read the Article, which he had never read, and Senator Ruane spoke about the number of words that make up the proposed change, which states: "provision may be made by law for the regulation of termination of pregnancy." We were almost brought to tears reading such a small Article which had made such a change to our lives. I dearly hope that young women in this country will soon have that experience.

**Senator Paul Gavan:** Well done.

**Senator Gerry Horkan:** The next speaker is Senator Leyden who has eight minutes.

**Senator Terry Leyden:** I welcome the Minister of State at the Department of Health, Deputy Jim Daly, to the House.

On Thursday, 24 March 1983, the Second Stage debate of the Eighth Amendment of the Constitution Bill 1982 took place in Dáil Éireann. I was privileged to be a Member of Dáil Éireann at the time and voted with 139 Members in favour of the Bill. Eleven Members of Dáil Éireann voted against the legislation and they were mainly members of the Labour Party. Six current Members of Dáil Éireann were Members of Dáil Éireann in 1983. I am the sole Member of Seanad Éireann who was a Member of Dáil Éireann and voted for the eighth amendment on 24 March 1983. Thirty five years later I feel very privileged to be a Member of Seanad Éireann. I take this opportunity to reconfirm my support for the eighth amendment and stress that I will vote against the Thirty-sixth Amendment of the Constitution Bill 2018. Senator McDowell outlined exactly the rights and privileges of the Members of this House to take whatever action they feel appropriate.

**Senator Jennifer Murnane O'Connor:** Hear, hear.

**Senator Terry Leyden:** To thine own self be true in this regard. I am consistent in not changing my pro-life stance in favour of Bill which, if passed and then voted on in a referendum, will allow unlimited abortion up to 12 weeks of a viable child who could be born into this world. This can, and possibly will be defeated, by the electorate if it gets the opportunity to do so. Having listened to the debate so far tonight, it is obvious that we will have a referendum, possibly in May.

I have met many people during my lifetime but I have never met anyone yet who has said he or she was sorry to have been born. There are very few Members in this House who would say they wished never to have been born, including the Leader of the House who experienced a difficult time at birth. His mother and father fought for his life and ensured that he lived to enjoy the wonders of life, including the trials and tribulations. The fact is he could experience those opportunities. The child who is aborted will never see the light of day and will never experience the beauty of the countryside or the world. That is the reality. Whether people like it or not, that is the situation.

I believe the fundamental human right is the right to life. During the debate in 1983 the then leader of the Opposition, the late Charles J. Haughey, restated the wording that was agreed by both the Fianna Fáil and Fine Gael. Let there be no doubt that there was an agreed position prior to the 1982 general election. The wording was as follows: "The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right."

An effort was made by the then Taoiseach, who was advised by the late Mr. Peter Sutherland, to bring forward an alternative wording, which as follows: “Nothing in this Constitution shall be invoked to invalidate ... any provision of a law on the ground that it prohibits abortion.” The wording was rejected by Dáil Éireann and Fianna Fáil. That was the decision at the time.

All of us owe a great debt of gratitude to our mothers for bringing us into this world and allowing us to experience this world.

I attended a meeting of the Council of Europe in Strasbourg where I met a Senator from Canada who was an observer. She told me about her wonderful father who was a councillor in Toronto. She said a woman who was expecting her eighth child had gone to him and said her father had been kind and considerate. He had arranged for her to travel to the Netherlands for an abortion. I told the Senator that I was the youngest of eight children and that circumstances were tough at the time. I am very grateful that my mother, Mrs. Jean Leyden, made many sacrifices for her eight children, with my father, Michael. I know that she would be proud of my unflinching stand today, irrespective of opposition in the House or any other view which has been expressed. We are all entitled to our expressions and I respect people’s right to have them.

Arguments were put forward and considered. At the end of the day, I want any child to have the right to be born and live, not to be terminated. To me, that is fundamental. The greatest human right is the right to life. How many children are alive today because of the eighth amendment? How many of them are now parents who have brought children into the world? Those children have great potential and, possibly, created the economy we have. That is why I stand by the decision taken by me when the matter was voted on in Dáil Éireann in 1983. I will call a vote to oppose the Second Reading of the Bill in order to be consistent. In agreeing that an abortion referendum should be held – it is an abortion referendum – I would be complicit and collaborating with those who want to bring in abortion. I am not going down that road and will be voting “No”. I will also vote “No” when the issue goes before the people in a referendum.

**Senator Brian Ó Domhnaill:** This debate on abortion is unlike any other on any issue being debated today. Abortion is an emotive and complex issue, stacked with distressing circumstances that elicit our sympathy and compassion. I acknowledge the deep pain and human tragedies with which we are concerned in addressing the issue. Many women and their families will find the ongoing discussion very difficult owing to the loss of a child or for other reasons. It is important that all of us in public leadership positions, while seeking to have a robust and informed debate, be mindful of these realities.

For the first time, I wish to add my views on the Bill which proposes to amend the Constitution by repealing and replacing Article 40.3.3°. The most obvious interpretation of any decision to delete Article 40.3.3° is that the people will have decided to completely withdraw constitutional protection from the unborn. In this situation the only factor at play will be the constitutional rights of the mother which clearly will support a much more liberal abortion regime. Professor Gerard Whyte of Trinity College, Dublin’s law school has stated this will have the effect of arriving at a situation where we will have abortion on demand. He has asserted that no presentation made to the Citizens’ Assembly and the Joint Committee on the Eighth Amendment of the Constitution adequately addressed the argument that a popular decision to withdraw constitutional recognition from the right to life of the unborn would tie the hands of the Oireachtas and, by extension, the Judiciary when it came to the question of protecting foetal life.

My own interpretation of any such repeal is that the two rights will no longer be equal. What precisely that means is, of course, impossible to tell. It will most likely be decided by the Supreme Court in due course. That is the difficulty with repeal. On the question being asked in the referendum, nobody knows precisely for what he or she will be voting. A vote for repeal alone is effectively a vote for uncertainty. I suggest that on the issue of life or death absolute clarity is demanded.

The implications are very stark, particularly in the light of the recent Supreme Court declaration, for if the protection offered by the eighth amendment is removed, it will no longer be possible to argue, post-deletion, that the right to life of the unborn still enjoys residual constitutional protection by virtue of other provisions in the Constitution. Therefore, Ireland has reached a defining moment. We are being asked to relinquish the human rights of a human being, the unborn child. This step is far removed from Ireland's obligations under the United Nations Convention on the Rights of the Child which was ratified by Ireland in 1992, which recognises a continuity of rights before and after birth and which declares in its preamble that "[T]he child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth".

The scientific evidence and logical conclusion that new life exists from the point of conception clearly implies that every society genuinely committed to protecting fundamental human rights, especially the right to life, should take the moral and physical status of the unborn very seriously. If the pre-born are human beings, we have a social duty to find compassionate ways to support women that do not require the death of one in order to solve the problems of the other. For me, this is certainly the most important matter to come before the Seanad in my time in the House. We should not underestimate the significance of what we are about to say and do. There are many reasons taking the right to life of a group of human persons out of the Constitution is wrong, but in itself abortion is fundamentally wrong as a human being is killed. The Bill and the proposed referendum are laden with uncertainty. As such, I feel a great obligation to articulate some of my concerns.

I wish to touch on a matter which has garnered attention in some quarters since the vote in the Dáil on the Bill last week, as articulated by Senator Terry Leyden. The suggestion has been made, incorrectly, that the Deputies who voted against the holding of the referendum to repeal the eighth amendment acted undemocratically. In fact, nothing could be further from the truth. They exercised their democratic mandate within Ireland's representative parliamentary democracy framework as provided for in the Constitution. It forms a key facet of the parliamentary filter in safeguarding against the potential for innumerable issues to put to the people in referendums. Suggesting otherwise on this issue is akin to saying there is overt manipulation by lobby groups, some of which are heavily funded by external sources.

It is well worth noting that, as articulated by Senator Terry Leyden, there was a similar outcome in the Dáil vote on the original 1983 eighth amendment referendum Bill. On that occasion, 11 Deputies voted against the holding of the referendum. They included some prominent Members on the Fine Gael, Labour Party and Independent benches.

The joint committee has recommended permitting abortion for any reason up to 12 weeks and potentially right up to birth for reasons of health, including mental health. These proposals are a source of grave concern. Even if the recommendation that there be abortion on request is excluded, permitting abortion for health reasons will create similar provisions here to those in Britain which, in practice, have brought about abortion on request. In Britain one in five preg-

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nancies ends in abortion. In 2016 alone, 190,406 abortions took place in England and Wales, 97% of which took place on health grounds. Is this really the kind of Ireland we want to create? Do we want to follow that path? I for one do not agree that we should take that route.

The recommendations also effectively undermine any assurance that Ireland will not introduce abortion in cases of disability, as is the experience in other countries where it has been demonstrated that children with Down's syndrome have been aborted on health grounds. That is not the sort of Ireland I want to see created.

Lord Steele, the architect of the 1967 Act, outlined very clearly four or five years ago that Ireland was entering and going down a very dangerous path in taking the route the committee and the Citizens' Assembly have chosen. At some point in our existence everyone present was an unborn child at ten or 12 weeks. The only difference between an unborn child at ten weeks in the womb and any of us is the factor of time. This is a natural reflection of the various stages of human development. It is medically accepted that human beings develop at an astonishingly rapid pace. Furthermore, medical science has proved that the cardiovascular system is the first major system to function. At 22 days after conception the child's heart begins to circulate his or her own blood, distinct from that of his or her mother, and that heartbeat can be detected by ultrasound.

This issue comes down to the type of society we want to create. Society can continue to pit women against their pre-born offspring or it can begin to talk about real choices, solutions and compassion as suggested by the group known as Feminists for Life. As a species, we have evolved into a complex and interdependent community that is gradually doing away with prejudices such as racism, sexism and ableism. In affirming life, well-being and human dignity it is important that we work together to ensure the best possible care will be provided for women, their children and families in times of crisis, including practical, emotional and spiritual help. We can do better than abortion. I will be voting against the Bill at every opportunity as is my democratic right. I will also vote to uphold the protection of the unborn, the most vulnerable members of our society, when the referendum occurs.

**Senator Martin Conway:** This is a great House for expressing a wide church of opinions and has been for many decades. The debate has continued since the eighth amendment was made to the Constitution in the 1980s. It should never have been inserted into the Constitution, but the people felt that was the right course of action. Over 30 years later the question of whether the amendment should be in the Constitution will be put to the people again. It is appropriate that they should decide, irrespective of the views of Members of this House. Ultimately, the referendum will be the great democratic leveller when the people, in their wisdom, will decide whether it is appropriate that abortion or the protection of life should be a factor in the Constitution.

This is the only country in the world that has enshrined the issue in its constitution. It is my absolute belief it should not be included in it and I have consistently made that position clear since I entered politics in 2004. At times it has not been popular to take that position, particularly given that I come from a rural area, but the people should know exactly where we stand on whether it should be included. I salute all politicians in both Houses who state their position and have not fudged but who have said exactly whether they want it in or out and whether they believe there should be a referendum. I respect those who believe there should not be one as much as I respect those who believe there should be. The people I do not respect are the ones who sit on the fence, do not state their position and do not tell the people who are paying their

salaries and elect them to both Houses. The vote is coming up which, in many ways, will wash them out. For those who have gone missing, it is a matter for their own conscience because I do not believe anyone can hide from this issue.

I also do not believe politicians can hide from stating what their position will be when legislation is brought before the Houses of the Oireachtas. The people have an expectation and a right to know where we all stand on the legislation that the Government is in the process of publishing, if it has not done so already. I will support the recommendations of the joint committee which was ably chaired by my colleague, Senator Catherine Noone, and on which the legislation will be based. Much work was done and many voices were heard, while opinions were sought and heard. A fair and reasonable report was issued based on medical and ethical evidence, life experience and so on. Now we have the Internet which did not exist 30 years ago. Kids and young people can go online and purchase abortion pills, unregulated and unethically, which they can use without medical supervision. That is wrong. Our society cannot continue to export the problem or import a solution.

While the 12-week limit is in many ways unpalatable, it is the only option. It should be properly regulated; there should be proper interventions ahead of it, based on the combined wisdom of the practitioners, legislators and the debate that will ensue in this and the other House on safeguards, the provision of counselling, supports and so forth. When a woman is coming to a decision on what to do within the first 12 weeks of a pregnancy, there should be every possible intervention to give her the proper suite of options in making her choice and so forth. Whatever counselling and support structures are needed, their provision should as a matter of absolute priority be a requirement.

In this House we have to make hard decisions. Politics involves making hard decisions, showing leadership and stating our position. From whatever side they come, the true leaders in society are the ones who state their position and do not follow. We do not want followers in this or the other House, rather we want leaders. We are elected to be leaders. As difficult and challenging as the issue is and as sensitive as it is for many, I admire those who show leadership on the other side, as much as I do those on this side. In 2018 there is a need for respect. The debate needs to respect everybody's dignity. I heard stories in County Clare in the 1980s during the abortion and divorce referendums about a female Deputy being chased through the Burren by people on the pro-life side because she was campaigning not to have the eighth amendment inserted into the Constitution. That type of skulduggery cannot happen on any side. The debate so far has been respectful, unlike what happened during the debate on the Protection of Life During Pregnancy Act three or four years ago. I worry that might not continue. Leadership is about doing the right thing for all parties. The extremes on the pro-life and pro-choice sides need to have manners during the debate and treat the Irish people with respect.

**Senator Alice-Mary Higgins:** As I have told the House before, I first marched for repeal in 1992 as a teenager who was shocked to hear what was happening to another teenager in the X case, someone who was the same age as me. Knowing what she was encountering at that time at the hands of the State was a shock to my system. I never would have believed at the time that some years later we would still be hearing such stories. Last week we heard about the 12-year old who had to travel, and other children have had to face these cases. Nonetheless, I am very grateful to have the opportunity to be here for what is a very important, solemn and historic opportunity to address the eighth amendment and its consequences for our society.

I commend the Minister, the chair of the committee, Ms Justice Laffoy, the Citizens' Assem-

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bly and all those, including my colleague, Senator Ruane, who contributed to bringing us to this place in what has been a thoughtful and reflective manner. I want to address a couple of points.

We need to be clear that the eighth amendment has not stopped abortion in Ireland. In 1982, the year before the eighth amendment to the Constitution was inserted, 3,650 Irish women had abortions in the UK. In 2002, 6,522 women had abortions in England. We know now that women are not just being exported in terms of accessing reproductive health care but that abortion pills are being imported into the country.

It is also important to note that repealing the eighth amendment will not necessarily lead to a large increase in the number of women making the very difficult decision to have a termination. We were told during the divorce referendum that if we voted for divorce Ireland would have the same rate of divorce as the UK. Decades later, divorce in Ireland is about a quarter of the rate in the UK. The fact is that we are different countries with different cultures and histories. We also have the capacity to put in place different supports around reproductive health care in all its forms.

Rather than looking to the UK, we should look to the example of Switzerland. In 2002, abortion up to 12 weeks was allowed for those who needed it without restriction as to reason. Since the introduction of early access to abortion during the first trimester of pregnancy the number of terminations have decreased. Studies examined the reason for that. The rates are low even on an international level. They are lower than, for example, the UK - less than half of the rate.

The factors that Switzerland has recognised as genuinely reducing the number of crisis pregnancies and people feeling they have to a termination involve sex education, contraception and the thoughtful ancillary measures and real supports the Minister, Deputy Harris, set out today and which were discussed at length by the committee. They are the things which prevent crisis pregnancy and allow people to make different choices.

It is also important to be clear that the eighth amendment is not a neutral safeguard. It is doing real harm. This involves not just the litany of cases which others in the House have described, be they names or letters of the alphabet, all of whom are all real women who have endured great harm. There are real cases in terms of our medical practice.

Somebody said earlier today that the eighth amendment has somehow made Ireland safer in terms of maternal care. I do not know what that is meant to mean because I would assume that our maternal care is in place regardless of the eighth amendment. Is it the case that maternal care is only there because of the restriction of the eighth amendment? Maternal care, obstetrics and gynaecology should be the best we can provide regardless of the position of the eighth amendment. I welcome the fact that the Minister, Deputy Harris, was very clear that he intends to improve the supports which are offered in that area.

Let us be clear. When there is honesty and we no longer have the chilling effect of the eighth amendment we will have better health outcomes. Dr. Peter Boylan, the chair of the Institute of Obstetricians and Gynaecologists, was very clear that the eighth amendment has impeded medical decision-making.

The Minister spoke about the fact that women's main right now is only the right not to die. Determining the risk of death, as the committee heard from many doctors, is a difficult decision. When should action be taken? When there is a 20%, 40% or 60% risk of death to a woman?

These are the kinds of questions which are being asked in a legal rather than medical context.

I welcome that serious harm is properly recognised in the proposals which will be put forward at a later stage. We heard about the many cases where a much wanted pregnancy is accompanied by a separate diagnosis of cancer, a risk of blindness or severe and dangerous conditions. We heard about the internationally recognised physical and mental suffering of those who experience the tragic situation of having a child with a fatal foetal abnormality.

We also know that children are forced to travel, such as the 12-year old I mentioned whose case was highlighted last week. Let us be clear. That is not just unfortunate; it is deeply dangerous. Last week a 14-year old girl died in Paraguay while giving birth because of the restrictive rules in that country. Her body was not able to be pregnant and deliver a baby.

I want to genuinely appeal to all those who are strongly and passionately anti-abortion. Those who are anti-abortion can and should vote for repeal. The debate is not about their personal choices or preferences and what decisions they would make in particular circumstances. Rather, it is a vote on how we treat or engage with pregnant women as people with the capacity and compassion to make complex decisions in often difficult circumstances.

I have heard people talk about wanting to support women to make different choices. The reality is that there are women in all of our lives who are in their teens, 20s, 30s and 40s who are the victims of rape or incest, are facing health situations alone or are married with children already and are making hard decisions. Right now, in many cases they cannot speak to anyone and will not be able to talk about what the alternatives might be. They will not be able to discuss the supports which may be there.

We need to say that we can talk to women rather than threaten them. Even if one is passionately anti-abortion, one should want to talk to them, engage with them and have discussions about compassionate supports rather than engage in coercion. Let us be clear. The eighth amendment is an instrument of coercion.

I know there are other supports which I will not discuss, but I will be very clear. I proposed measures in the House and have debated them, such as supports for lone parents. Many of those who speak passionately now about how they want women to make different choices were not there for those debates. If people are serious about supporting women and making alternative options available, and genuinely want to reduce the rate of crisis pregnancy and give people real options, let it happen in the light. Let it happen openly. Trust and engage with women. Trust and engage with the electorate by giving them the chance to vote. Let us not have a silencing any more.

**Senator Niall Ó Donnghaile:** Go raibh maith agat a Aire, an Teachta Harris, as ucht a bheith linn. Tá fearadh na fáilte roimh an Aire chun an cheist, suntasach, tábhachtach, stairiúil seo a phlé anocht. I welcome the Minister to the House and thank him for being here. In doing that, I want to acknowledge the role undertaken in regard to the eighth amendment committee by Senator Noone and by colleagues who were members of that committee.

I am very conscious of the historical and political significance of this Bill. I am conscious of the privilege it affords me to be part of the democratic process. What this Bill seeks to do, regardless of much of the noise around it - which, I have to say, is mostly outside these Houses - is to extend to the citizens of this State that same privilege, that is, to be part of the democratic process and to be able to have their say. In keeping with the spirit of this debate so far, I respect



that there will be a divergence of views, some of them deeply held, in regard to the broader theme surrounding this issue. However, it would be remiss not to say I am amazed by people who come in and laud the democratic process but then vote against the Bill which would seek to give citizens a say. The Constitution should not be written in stone. As other speakers have said, much more articulately and better than I could, it has been well over 30 years since people have had their say in regard to what I believe, and we will argue, is a bad law. It is a bad law that has failed women; it is a bad law that has seen women lose their lives as a result of its insertion into the Constitution. I believe that, because of all that has been said, and because of not just the legacy of the eighth amendment but its live impact on the lives of women in this State, we have an obligation to repeal it. However, in the first instance, at the very least, we should extend the most basic commodity of any democracy to its citizens, and that is to give them a democratic vote and a democratic say in regard to this institution.

I have touched on the history of the eighth amendment and its live impact. I would not even begin to try to relay some of the historical stories and experiences that relate to it such as have been articulated by Senators Kelleher, Bacik and others so ably and so sincerely. I believe my trying to do that would only do it an injustice and a disservice. It has been said in this House why the eighth amendment should go.

This year we marked the centenary of some women getting the vote 100 years ago and we will also mark the historic 1918 election and the creation of the first Dáil. Again, I would contest to Seanadóirí, regardless of their view on the broader issue, that we should give people their say and give them the opportunity to take part in this democratic expression, which I believe is fundamentally required to help save the lives of women who have been forced into dangerous and precarious situations they should never have had to face. I do not believe our anatomies should feature in any constitution. I do not believe a man's ever would and I do not believe there is a place for a woman's in any constitution moving forward.

I will be campaigning for a repeal of the eighth amendment. I only wish I had a vote in that referendum and, if I had, I would vote for a repeal of the eighth amendment. While I do not say this to be politically contentious, it would be remiss of me not to acknowledge women in the Six Counties, who will not even have the opportunity afforded to them that, hopefully, the women of this State will have in the next number of months. I hope we can ultimately get to the situation where not only do women not have to travel from Dublin, Galway or Cork to Liverpool or London, but women from Ballycastle, Belfast and Newry do not have to travel to Dublin, or women from Derry or Omagh to Donegal. That is my hope moving forward.

It is my hope because, as many other colleagues have said, in this instance I trust women but I also trust our doctors, clinicians and health care professionals, as well as the experts on law and science who presented to the eighth amendment committee. There will be lots of statements during this campaign, if this Bill passes, and they will be made both outside and inside these Houses. We have set a good example tonight in terms of the tone and I hope that example and tone prevails inside the Oireachtas as we move ahead. However, I believe the most profound statement that has to be made has to come from the people of this State themselves. They have to have the ultimate say, both men and women, which I believe is an important point. I would aspire to a situation where they make the right decision and where we see a repeal of the eighth amendment.

**Senator Gerald Nash:** I welcome the Minister back to the House. I thank him for his remarkable contribution at the start of this debate. It really was a powerful statement from him

and I know that, personally and politically, he has travelled his own journey in recent years to come to the conclusion he has arrived at in recent times. I want to thank him for that.

Of course, we all have a job over the next weeks to persuade people of the merits of the positions we taken personally and politically in this House. I formed the view a long time ago that the eighth amendment must be repealed. I took the view that it must be replaced with a regulated system underpinned by robust laws, framed in our national Parliament, in order to allow women to access the abortion health care interventions and continuum of care they require in their own country, close to their family and with the support and care of their family and friends, as well as their doctors. This is, in essence, the thrust of the report Senator Noone delivered in the context of her expert chairing of the committee.

I was seven years of age when the eighth amendment was made and Ireland and the world has changed considerably since then. Since 1983 this country has become much more equal and much more tolerant, yet our peculiar and very perverse constitutional position in regard to abortion calls such a claim into question. The Minister, or perhaps it was another colleague, referenced the contribution made by the then Attorney General, Peter Sutherland, in the context of the process back in 1982 and 1983. Speaking in opposition to the Bill 35 years ago, the then Labour Party leader, Dick Spring, said: “If this clause [the eighth amendment] is inserted in our Constitution, then that document will enshrine an attitude to women which verges on contempt.” The experience of Irish women since 1983, when that amendment was made, has, unfortunately, proven that he was right.

The presence of the eighth amendment in Bunreacht na hÉireann is, frankly, cruel to women. If it is to remain, it will prove, as the Minister indicated earlier, absolutely impossible to provide the full range of humane health interventions that are required to protect the health and well-being of every pregnant woman in Ireland. In terms of our national constitutional position on access to abortion, this country has elevated hypocrisy, doublespeak and double standards to an art form, quite frankly. As Senator Alice-Mary Higgins said, the eighth amendment did not stop abortions for Irish women; it merely perpetuated and entrenched the practice where the care of Irish women who needed to access terminations was, in effect, subcontracted indefinitely to the UK and other jurisdictions. As a citizen of this Republic, a husband, a brother and an uncle, this does not sit well with me and this does not sit well with a majority of Members. In 1983, the people somehow convinced themselves that we could hermetically seal the country off against the everyday reality of abortion. We could not and we did not. Ask the almost 160,000 women who have had to access terminations since the 1980s. A compassionate society would agree that a woman who becomes pregnant as a result of rape should not be obligated, or forced, to give birth to the child of her rapist. A just country would understand why a teenage girl who is the victim of incest should have access to a termination in Ireland. Should the parents of a baby who will not survive outside of the womb be entitled to a level of compassion, support and care that is currently denied to them in this country? That should be the mark of a humane people and a humane society. Thousands of women order abortion pills online, and take them in an uncontrolled setting and in the absence of any medical support whatsoever. They should have access to safe abortion treatment under the care of their doctor within the 12 week limit, as provided for in the heads of the Bill that have been published by the Minister if the eighth amendment is repealed.

There is a responsibility on all of us to deal with the world as it is and not the world as it ought to be. Unless we remove the eighth amendment from our Constitution, the care and compassion that I would like to be given to my wife, sister, friends and all the women of Ireland if

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they become ill during a pregnancy will not be available to them in this State. This is a horrible vista that should fill all of us with fear and dread. This is a once in a generation opportunity, which needs to be grasped.

I support the Bill and look forward to campaigning actively for the change to be made. I was struck by Senator McDowell's comment earlier. By no means is repealing the eighth amendment a foregone conclusion. There is an obligation on all of us who believe that Article 40.3.3° is wrong and that it should never have been inserted in the Constitution in the first place to get out from behind our desks. If we truly believe that is the case, we should knock on every door in our constituencies and support those who are like minded to make sure justice is finally done and to make sure this dreadful provision inserted in the Constitution in 1983 is removed in the interests of women and their health. The referendum will not be secured on Facebook, Twitter and Instagram. I am struck by people who at all times draw analogies between the playbook that was introduced for the successful marriage equality referendum campaign and this campaign. There are no analogies. This is entirely different. We need to take that message seriously. I appeal to all those who say they support the repeal of the eighth amendment, including all public representatives who share my view, to get out from behind their desks and actively campaign because this is a once in a generation opportunity to right a dreadful wrong.

**Senator Robbie Gallagher:** Ba mhaith liom fáilte mór a chur roimh an Aire. I welcome the Minister and I thank him for his presence for this important debate. I acknowledge the work of the Oireachtas joint committee under Senator Noone and the hours, days and weeks members put in to educating and informing themselves about all the issues, regardless of which side of the debate they stood on. This is a private, personal, sensitive and complex matter. Many people to whom I have spoken about it are confused and unsure about how they will vote. It is important that people on all sides are respectful and tolerant of all views and that they are not judgmental about the other side. The tone of contributions is important in order that they are tolerant or respectful of views that they might not necessarily agree with.

I was advised by a man a long time ago always to be conscious that when one meets someone along the road, one does not know what burden he or she is carrying. In many ways, the debate on this issue is similar because when we discuss it with people, we do not know what journey they have been on and how that journey they have undertaken has shaped their views. The issue is filling much media space, both in newspapers and elsewhere, but the majority of people have yet to engage fully with the debate. It is important that they be given time and space to make their minds up without any of us, regardless of how we feel, banging on their door to tell them what we are doing. Reasonable and respectful arguments are being made on both sides and everyone wants to do what they feel is right for women, children and families. There is no right or wrong in this case. It is entirely up to the individual to do what they see fit and I fully respect that.

Regrettably, the issue of young women with crisis pregnancies has not received much attention during the debate. They feel alone, vulnerable and unsure of which road to take. We should hang our heads in shame, as a society, that we have allowed such a situation to develop and all of us should reflect on the fact that more time and space was not given to implement supports for those who find themselves in that position.

I have found this a difficult and challenging issue and I have thought long and hard about how I will vote. I have spoken to many people on both sides with a view to educating and informing my opinion. Though different from the people I alluded to earlier, my decision is

based on my life experience up to this point. I will vote against the Bill. I refer to our nearest neighbours in England and Wales where abortion was introduced in 1967. A total of 22,000 abortions took place in the first year but that figure had increased to 110,000 four years later. In 2016, the figure had increased to more than 200,000. That equates to an abortion every three minutes. In England, a reason has to be

given and 98% of abortions were given for social reasons. Of those, 37% were repeat abortions. I spoke to a married couple recently who have three children and they explained that during one of those pregnancies, the consultant advised them that the child would be dead whenever it was born and seriously suggested that they consider an abortion. They thought long and hard about that and decided to go ahead with the birth. That child is three years of age today, and when I listened attentively to what both parents said about the joy the child has brought to their lives and the lives of their other two children, I was touched by it. One woman told me that in her opinion, if a womb had a window, there would be fewer abortions.

I fully respect the fact that people in this Chamber and elsewhere throughout the length and breadth of this country will not agree with my opinion. I am perfectly comfortable with that. In my opinion, far from being negative, the eighth amendment is the only protection the unborn has and I would be very reluctant to remove that fundamental right to life from our Constitution.

**Senator Gerard P. Craughwell:** In all honesty, I would rather be standing anywhere else than in this Chamber. I have thought long and hard about whether I would make a contribution at all. Unlike most of my colleagues here, I lived through the 1983 referendum and saw what it did to Ireland and Irish society. As the Minister spoke about where this legislation would go and the plans regarding things like sex education, for a moment, I chuckled to myself for I remember my sex education. It happened on 21 January 1976 between 10.45 p.m and 11.15 p.m. It was the night before I got married and I was driving my mother home. When we stopped at a set of traffic lights, she said to me, “Son, there’s something we never spoke about.” I said to her, “Mother, we never did and we never will.” That was sex education when I grew up. Girls did not get pregnant when I grew up. They went on holidays to Cork or Dublin. We did not have unexpected or crisis pregnancies. We had fallen women who had to be sent away and shunned by our society. When they came back, it was the great unspoken. I know many of those girls today who weep in the evenings over the child they gave away. In some cases, they did not give that child away willingly.

Unlike most of my colleagues, I worked in a Magdalen laundry. I serviced the gas boilers in one. I saw them. I did not see brutality. I just saw Magdalen laundries with dozens of young girls working. It never crossed my mind why they were there. I did not engage too much in it. I was there with my father helping him out. I did not think too much about it. Years later, when I saw some of the stories that broke, it broke my heart. Then we heard about the young girl, Ann Lovett, along with the Kerry babies case and all of the dirty little secrets of Ireland. I think back to those girls who left Galway to go to Cork or Dublin. I think back to the girls who shared my sister’s house because they were pregnant. My sister would take in a girl who was pregnant up to the time she delivered the child. I think of the reputation we gave those girls. Did we once point a finger at any of the fathers? Did we once question any of the fathers who walked away having landed a girl in trouble? What did that girl do that was so wrong? She did nothing more than what the guy who impregnated her had done. She did what was perfectly bloody well natural. That is all she did.

In 1983, we had the referendum. I remember the bitterness and neighbours and friends on

both sides. One thing I see here this evening is the great degree of respect for people's views. I have thought about this for several weeks. Would I shun my responsibility to come into this House because, God damn it, when someone comes in here, they are faced with decisions they never wanted to make? It has happened more often than not. In the previous Seanad, the issues included marriage equality and gender recognition. I never thought I would ever have to face these things but I did and I am glad I did. Now we must face this one. We made a grave error in 1983. We shirked our responsibilities legally. We kicked out a decision to the people and then we spread nothing but bitterness, hatred and arguments. When people came to the door canvassing for one side or the other, if the person showed he or she was not willing, they came back the following night with two or three people. It was intimidation. I am the son of a woman, a woman I loved dearly, and the brother of eight sisters, all of whom I loved dearly. Some of them are still alive, thank God. I am the husband of a wife, the father of a daughter and the grandfather of two beautiful granddaughters. I want the women in my life to be equal to me. That is all I want. I just want them to be equal to me. If there is something that is preventing that, we must move it out of the way and bring forward legislation because there are serious issues. The Minister is going to do that, on which I commend him. It is rather ironic that what one might regard as the weakest Government or a minority Government has brought this forward. Maybe that is the time to do it - to bring forward legislation and a referendum at a time when there is no great dominating power in the State. Maybe now is the time to do it.

I ask for only one thing as we go into this and that is the level of respect I have seen in this room today and indeed the level of respect I have seen in the Oireachtas generally. I have argued with myself and people have spoken to me. We talk about respect for the right to life and respect for human beings. I have to say that it baffles me that some people would desecrate an aborted foetus to make a point and drive home their message. We have had people outside Leinster House with giant-sized photographs. I cannot see what purpose that serves. We must be respectful to one another and listen to each other. I could say, "Dear God, let this be a women's vote and let me walk away hands free, hands in the air and say hey, it's nothing to do with me", but I cannot do that. All I want is for us to go forward. The men of Ireland, the men who are emailing me daily asking me to take a particular side, should ask themselves which side they would be on if they were women and what they would want for their sisters, mothers, daughters, granddaughters and granddaughters' granddaughters, because the decision we make over the coming months in this country will have ramifications for generations to come. All I want is that when we are finished, we can all still talk to one another, look one another in the eye and say we did what was right in our own minds. That is why I respect my colleague, Senator Gallagher, who just said that he will vote against this. It took bravery and guts to stand up here knowing what he will get outside of here. Other people have stood up and said they will vote on the other side. That takes guts. Let us respect everybody. I commend the Minister on bringing the referendum forward. I look forward to what I hope is a respectful debate in our society.

**Senator Grace O'Sullivan:** I also commend the Minister on the work he is doing on this issue and for his very comprehensive statement. A vote to repeal the eighth amendment to remove Article 40.3.3° from our Constitution is a vote for compassion and common sense. Let me make something clear. Voting for repeal is not about voting for abortion. Voting for repeal is about voting for choice. Choice means that someone is perfectly entitled to their opinion and position on abortion, and if their position is that abortion is not something they would consider for themselves, then so be it. Choice means someone follows their own conscience.

*10 o'clock*

Anti-choice means that one must take responsibility for the next maternity tragedy, for the next Savita Halappanavar or for the next Ann Lovett.

We hear more and more stories from women in recent days and weeks. My heart broke when I heard the story on radio the other day about a woman who discovered that her very wanted baby had a life-limiting foetal abnormality and could not survive outside the womb. I encourage anyone to listen to her story on RTÉ online. I honestly think it would be a cold-hearted soul who could listen to her story and still feel that voting “No” is anything other than utterly inhumane to the women and girls who find themselves in situations where they have to make the difficult decisions to terminate pregnancies. I am sorry but I want to be respectful. However, if anyone is seriously daft enough to suggest that a vote to retain Article 40.3.3° will save lives, there comes a point where I have to ask people to please open their minds.

Today, women and girls are making decisions about their bodies. Today, women and girls are leaving this country to avail of the services being offered across the channel. Today, women and girls are going online to order abortion medication. Some might say women have choice already and are making decisions. As the Minister said, however, women are making decisions without proper medical support. Women are making decisions which are often influenced by their financial circumstances. Accordingly, women and girls in more challenged socio-economic situations are forced to take the less safe decision to self-medicate without full medical supervision because they are not able to afford to travel. This is happening today.

Rosita Boland wrote a gut-wrenching feature about Ann Lovett in *The Irish Times* a few days ago. Reading again of the death of Ann, reminding myself of the circumstances in which she and her baby died, was like hearing the story for the first time. Let us dwell on that scene in the field beside the grotto. Let us together imagine her pain, her agony. Let us consider the pitiful loneliness of a young girl, alone, beside a grotto, in the pouring rain, giving birth in her school uniform. Ann Lovett was found drenched and in a state of deep shock, close to death, with cut hands and knees at a blood-drenched scene under the gaze of a statue of the Virgin Mary.

Let us call a spade a spade. By opposing repeal, one gives tacit approval to scenarios of human tragedy like this. As writer Sinéad Gleeson commented in response to the piece, “there are plenty of people in Ireland who would still prefer children to give birth than access safe and legal abortion.” It is a chilling statement that angers me. She says it like it is. Shame on us as a nation. As we approach 6 April, the date which would have been Ann Lovett’s 50th birthday, I would love to be able to say, “Thank God it is not like that anymore in this State.” However, I am just not sure that a God so lacking in compassion deserves allegiance on this issue. To those who claim to be opposed to repeal on religious grounds because of the teachings of the church, I have to ask is this the same church, the same one with its all-male hierarchy, that, in recent weeks failed to come out and publicly renounce a senior international member of its clergy who said he would go to jail rather than give information about the confessions of paedophile abusers. Is this okay because it is in His name, as the Christian mantra goes? To that, I say in her name.

I appeal, in her name, to people to have compassion and common sense, to acknowledge the reality of the Ireland we live in today, where women will make their own decisions with or without support, but without support will continue to take risks in those decisions. I say it in her name, in Ann Lovett’s name, in Savita Halappanavar’s name. I say it in the names of the countless unnamed women and girls who leave our shores every day. I say it in the names of the

women whose pregnancies are tainted by trauma and heartache, the women and girls who have been raped, the women and girls whose foetuses are deemed to be incompatible with life. I say it in the names of the women who are pressing the “Pay Now” buttons on their laptops, ordering abortion pills. I say it in the names of the medical staff whose hands are tied, who cannot make sensible and life-saving interventions because of the ridiculous and inhumane restrictions the current eighth amendment puts on them and their patients, the women they cannot fully treat, the women whose decisions are made more traumatic, more heart-breaking, more dangerous, more life-threatening by the current situation.

In her name, in their names, I ask Senators to respect women and their bodies. I ask them to vote to repeal Article 40.3.3°, to repeal the eighth amendment. I ask them to vote, whatever their personal opinion, in her name, in their names, in the names of women and girls in the past, in the names of women and girls in the present, in the names of the women and girls who will continue to access abortion services into the future. I ask them to vote for compassion, for common sense, for the reality of what is already happening. I ask them to vote for repeal, for choice and for women.

**Senator Kevin Humphreys:** I welcome the Minister for Health, Deputy Harris, to the House. I thank him for his leadership and hard work on this issue. It has been difficult and time-consuming. He has certainly travelled a journey because we had earlier discussions on this in the previous Government. I thank Senator Noone and her committee for the excellent work they have done.

We had a conversation in the House earlier about trusting politicians and leadership. I thank Senator Ned O’Sullivan, as well as Deputies Billy Kelleher and Lisa Chambers, for their leadership on the committee when proposing the 12-week clause. It was not easy to show that type of leadership. We owe them a great debt. I also thank Senator Ned O’Sullivan for his contribution that this is not just women’s battle but men’s because it is ultimately about justice, equality and fairness. That is the battle we have to face.

I was old enough, unfortunately, to vote in 1983, something to which I do not own up to often. It was the time when I got involved in politics because I was not a member of a political party then. I can still recall the wet and miserable evening the vote on the eighth amendment was held. I had a union poster on my front window in Clondalkin asking people to vote against the eighth amendment. It was the only notice in the estate. My wife and I voted quite early and went back home to watch television. Late in the evening, near to the end of voting time, there was a gentle tap on the hall door. When my wife and I went to the door, there were two women from the estate. They asked me if there was a chance for a lift to the polling station, which was further away in Neilstown. I said, “No problem, although the car is not the best but it should get us there”. The reason they asked for a lift was because their husbands would not drive them to the polling station as they knew they were voting “No”. As the evening went on, I drove quite a few women whose husbands had the same attitude. There was no respect shown by men for women then. Despite what people have said, tens of thousands of women have been damaged by the eighth amendment. They were forced to travel in secrecy and often had to hide their predicament from their families, and at a time when they most wanted to be comforted by their families. The eighth amendment affected many working class people because they often had to travel alone because it was the only way they could afford a procedure. I listened to Senators Kelleher and Bacik and heard how they supported women who travelled by boat and I give the Senators great credit for doing so. The women who chose to travel had to make their journeys in secret and encountered great difficulties. They had to keep their secret close to their hearts

and often they could not share it with friends or families, which is a shame on us all.

Senator McDowell said this debate is not going to be easy and I totally agree. We all talk about respect but I know that the many campaigns since 1983 have been difficult. The first campaign for the legalisation of contraception was difficult. People claimed Irish society would be undermined and those of us who supported such legalisation were pilloried in our communities.

We are fortunate to have Senator Norris in this Chamber. The next campaign was the decriminalisation of homosexuality. All of these steps were small but important. Unfortunately, we always had to fight to improve things with one hand tied behind our backs because the other side was not frightened to give misinformation. In fact, on many occasions the other side claimed that this society would suffer hell and damnation.

I was involved in both of the referendums on divorce. I will always remember the misinformation, in particular the posters emblazoned with the slogan “Hello Divorce ... Bye Bye Daddy”. I urge Senators to be under no illusion that the same misinformation will not happen this time because it has every single time there has been a referendum. It happened with the X case legislation and I remember the pressure that was put on Senators and Deputies. I compliment the Leader of the House on how he chaired the Oireachtas Joint Committee on Health and Children. I thank him for doing so and his efforts are a credit to politicians in general. That legislation on the X case was 20 years in the making. People fought hard for 20 years to get the legislation on the Statute Book.

When the issue of marriage equality was first raised it was laughed at, deemed to be unimportant and, again, a dearth of misinformation was circulated. A battle royal took place and we witnessed great joy when this country voted to introduce marriage equality. Unfortunately, repealing the eighth amendment will be a much more difficult campaign because we will get misinformation like the posters and billboards that displayed the slogan “Hello Divorce ... Bye Bye Daddy”. Again, comparisons will be made with what happens in the UK. We have already heard comparisons, in terms of abortion, made about what happens here and what happens in the UK. It is not right to compare the two countries. The facts do not stand up. There has been misinformation and false facts. Irish society is not similar to that of the UK. The figures for abortion rates in the UK do not apply to Ireland. We already have abortion here but it is exported. A woman is often forced to travel alone in order to receive urgent medical treatment. The arguments have not changed. This is an argument about equality, justice, fairness and health care for women and we must keep this debate within those parameters.

When this legislation was referred to this House I found it quite difficult to remain quiet about the inaccurate claims made about Down’s syndrome children being aborted. That claim is totally wrong. Nobody has spoken about that.

**Deputy Simon Harris:** Hear, hear.

**Senator Kevin Humphreys:** Down Syndrome Ireland has stated that this debate is not about such a thing yet that false claim was made in this House this evening. I fear that there will be more misinformation and unequal comparisons made with the worst cases.

Senator Higgins made a very good point about the comparisons made with Switzerland. This conversation will be tough. Let us join in the battle to convince the middle 30% of the electorate to repeal because 16% of people have made up their minds with an equal split, prob-



ably. This campaign is not going to be easy. I have met the general public and had the conversation. It is not a religious argument. I know some very good practising Catholics who have weighed up the arguments and will vote to repeal. In fact, they feel they are obliged to vote in favour of repeal.

I commend the Minister, Senators Catherine Noone and Grace O'Sullivan, Deputy Billy Kelleher and Senator Catherine Ardagh, who is here in the Chamber, and so many people who have worked hard in recent months to deliver a respectful debate. I urge all politicians to work together to ensure we get proper health care for women, which they deserve.

**Senator Lorraine Clifford-Lee:** I thank the Minister for bringing this Bill to the House.

I very much welcome the opportunity to speak on this referendum Bill. The people of Ireland own Bunreacht na hÉireann and the voice of several generations now need to be heard on the issue of the eighth amendment and its suitability, or not, for our Constitution.

Article 40.3.3° has terrorised women since its insertion into the Constitution. It has led to the death and serious injury of women. It has caused untold suffering and pain for women and their families. The black and white eighth amendment has led to the Government of Ireland being supremely criticised by the Supreme Court in the X case in 1992, by the European Court of Human Rights and by two UN committees on human rights. There is no room for compassion or support of women within the eighth amendment.

In 1992, the X case involved a 14 year old child who had been repeatedly sexually abused and raped, which led to a pregnancy. Twenty-six years later we are tentatively stepping closer to a referendum on this issue. There has been 26 years of hardship and suffering and death for Irish women, which is poignant because it was made abundantly clear during the X case that the amendment had no place in the Constitution and would lead to further harm.

We have had the cases of the brave Amanda Mellett and Siobhán Whelan, the case of Ms A, Ms B and Ms C, and the death of Savita Halappanavar. Before someone here repeats the myth that her death had nothing to do with the eighth amendment, it is clear from the report into her death the failure to offer all management options to a patient experiencing an inevitable miscarriage and concerns about the law impacting on clinical management led to her death.

We have also had the deeply upsetting case of a 26 year old mother of two children who suffered brain stem death in December 2016 during her pregnancy. She was kept alive against her family's wishes as her doctors' hands were tied due to the eighth amendment. The doctors were simply afraid to act. The High Court eventually ruled that she could die with her remaining dignity intact and thereby not compound the grief felt by her family who were, inevitably, grief-stricken by the turn of events. It was a horrific and grotesque reminder of the disastrous impact of the eighth amendment.

We have been told that the proposed legislative scheme is liberal. In fact, it is one of the most conservative legislative schemes in Europe. We have also been told that the floodgates will open, and that Irish women will lose the run of themselves and start using abortion as a method of contraception. Again, this is not true and the evidence does not stack up. However, evidence shows that the rate of termination drops when safe and legal termination is introduced in tandem with health education and contraception, which is what the Minister has proposed to introduce. It is also one of the main recommendations made by the committee.

We heard that floodgates would open during the Oireachtas debates on the Protection of Life During Pregnancy Act. No such floodgates have opened. I wish to put on record the number of pregnancies that were terminated following the enactment of the legislation in 2013. The facts are: 26 in 2014; 26 in 2015; and 25 in 2016. Such numbers do not represent the opening of floodgates by any manner of means. During all of that time there has been a consistent flow of women from Ireland going abroad to obtain a termination and thousands more women have ordered abortion pills online and taken them without medical supervision which, potentially, has fatal consequences.

Travelling after medical procedures and unsupervised terminations mean that Irish women are put at risk on a daily basis. I cannot stand by and let thousands more lives and health be put at risk like this. These are the women of my generation. They are valued, loved and cherished by their families, friends and communities. The law needs to protect them from harm, not criminalise them. We cannot brush unpalatable truths under the carpet any longer. We cannot turn our backs on our friends, neighbours, sisters, daughters and cousins. We need to support women when making decisions during pregnancy. We need to have a referendum and let the people of Ireland have their say.

I will support the referendum Bill and vote to repeal the eighth amendment. I take this opportunity to appeal to colleagues in this House and beyond who talk about the importance of the unborn child to campaign with the same vigour for additional public health nurses to support women and their babies post birth, additional lactation consultants, additional perinatal psychologists and additional funding for child care.

**An Cathaoirleach:** I thank the Senator for her brevity.

**Senator John Dolan:** I welcome the Minister and the work he has been doing on this issue. A question that constantly comes to me is on how the narrative of this referendum respects a core tenet of Irish society, namely, that we have chosen to give to ourselves rules, regulations, values and principles. These flow from Bunreacht na hÉireann through the Oireachtas and into the decision-making power that is given to each of us as adults, not as parliamentarians, to make choices in referenda and elections and to influence public discourse.

We live by democratic decisions, which are based upon the majority of those who vote. Also built into the Constitution are opportunities to review and change decisions, such as deciding who will be the Members of the Oireachtas from time to time. When it comes to the Constitution, there is a procedure for changing elements of it via referenda.

One argument for inserting the eighth amendment into the Constitution was the need to copper-fasten the rights of the unborn child so that future politicians, the Judiciary and others could not interfere with them. To put it mildly, that is an interesting argument in a democracy when we have built into our Constitution mechanisms to make changes. For instance, might one support a dictator because he or she holds one's views on this issue and would one then trust that dictator not to change his or her mind if it suited?

We have the rule of law as well as the rules that we gave to ourselves in our Constitution about how we make changes. Democracy is undoubtedly about compromising, but that has the benefit of avoiding the terrors and denial of rights that flow endlessly from dictatorships. Democracy is a safer compromise when the people bring evidence, honesty and debate to matters in a way that is set around its values and the rights of all people. Through democracy, we have

chosen to take on difficult decisions, ones in which it is not easy to divine the absolutely correct or best course all of the time. Therefore, the safety stemming from the value of review is inherent in the Constitution. That is how we do it. For democracy to work as well and effectively as possible, we must all step back and honestly review our own preset ideas and allow them to be examined and tested openly.

Unlike in 1983, Ireland now has a number of assets to assist us, including medical and judicial input on the consequences of operating the eighth amendment, the deliberations of the Citizens' Assembly, the report of the Joint Committee on the Eighth Amendment of the Constitution and the support of the soon-to-be-established Referendum Commission, which did not exist at the time. We have more access to information as well as better educated and informed people of all ages. In 1983, none of these aspects was available. Year in and year out since, we have watched the public unveiling of the personal, medical and judicial playing out of deeply personal life in Ireland for some people as a result of the eighth amendment.

Another issue is always with me when I consider this matter. I cannot see how it is correct to focus on only one beating heart. There are two, those being the baby's heart and the heart of the mother. She is the one who provides the possibility of growth, birth and life. It is not even two. There are partners, other children and the possibility of future children to consider. It is not simple, clean or black and white. Respect for human life has to pass the test of respect for all humans who are involved. This is the nub of the issue. There is more than one life involved.

We know that the operation of the eighth amendment has had dire and fatal consequences for some women and decimated families and loved ones. Politicians, who are elected and can be changed by the electorate, make a range of decisions every week and every year or fail to make them, for example, providing funds and supports to one area rather than another and hesitating to deal with an issue. I will name three examples that come easily to mind. In the early 1960s, we were not first out of the blocks to remove the thalidomide drug from the shelves for pregnant women. Consider our response to AIDS in the early 1980s. In the late 1980s, a State agency under the aegis of the Department of Health provided blood products that killed people. Decision making is never simple, easy or black and white. The decisions that we make and fail to make have serious consequences for people.

People who elect and change politicians must also take responsibility. If we want more money in our pockets while a range of social services are outstanding, there will be consequences. It is not only a matter of trusting or not trusting politicians. It is also a matter of trusting oneself, as someone over 18 years of age, to understand that there are consequences and that evidence-based and value-based decision making in parallel with services that support people is vital.

This Republic was passed to our generation. We must pass it on. We do not own it. Rather, we are custodians of it for a time. It is wrong for us as the Oireachtas to act like many young lads do and take the ball home because we do not like a decision that has been made. It is not finally up to us. It is the decision of the public that is important. For the many of us who are parents of adult children, we must relinquish. Their formation was in our hands. They have supports and assets to assist their decision making, and we need to trust them. Then let us honour the decisions they make and be a compassionate community for women and the family. I commend the motion.

**Senator Paul Daly:** I welcome the Minister. The Bill before us and that we will vote on

concerns removing Article 40.3.3° and replacing it with the following: “Provision may be made by law for the regulation of termination of pregnancy.” I would like to inform the House that I will vote no to this Bill for the following reasons. I entered politics, as I would say everybody here did if asked to write their biographies, to represent the voiceless and vulnerable, to improve and enhance their communities and help those who needed help the most. There is no sector of our society that is more vulnerable and voiceless than the unborn baby. I respect everybody else’s position and view but I intend to provide a voice for the unborn, like I guaranteed when I entered politics that I would provide a voice for those most vulnerable and in need of a voice which they did not have themselves. That is one reason.

The main reason I oppose the holding of this referendum is as follows. I stress that it is this referendum, since I am a democrat and am not opposed to referendums and am not opposed to a referendum on the eighth amendment or Article 40.3.3°. I am opposed to the putting of a referendum to the people which, if carried, will result in them voting away their own rights to have a say in what replaces Article 40.3.3°. I am voting no to a referendum which will end up in total uncertainty. I think many people have not yet decided what way they will vote and are totally confused as to how they will vote. It is for that reason only. I worked in the private sector and the public sector. I worked for a self-employed father. I learned through life, through contracts, arrangements, purchases and so on that one does not buy a pig in a bag. The people think that is what they are being sold. The vast majority, the middle ground, the undecided people who have been mentioned here on numerous occasions, are afraid, irrespective of how they feel about whether the eighth amendment has or has not been working, to remove it and to vote in a referendum when they do not know what is coming down the line afterwards. Neither the Minister, with the greatest of respect, nor I, nor anyone else here, nor the most educated and interested of commentators can tell us what will replace Article 40.3.3°.

We have recommendations from a committee. I salute the committee and congratulate the chairperson, Senator Noone, my colleague, Senator Ned O’Sullivan, and anyone else who sat on that committee. They gave us recommendations. They are just recommendations. The Minister has produced a policy document. It is just that - a policy document. He is working, and struggling if we believe all reports, to get agreement in Cabinet to bring out draft legislation. When he does come with draft legislation and puts it on the floors of these Houses, there will be a plethora of amendments. There will be amendments to dilute the draft legislation and to strengthen it. We are in a minority Government situation where the two major parties have afforded a vote of conscience to their members. There is absolutely nobody who can tell me here tonight what the eventual legislation will be. If that is the situation and that uncertainty prevails, I cannot vote to put that question to the people in the fear that, if the eighth amendment is removed, God only knows what will replace it. It is an impossible situation. I am not opposed to referendums. I am not opposed to a referendum on this particular issue. I need to know what the eventual outcome will be when that referendum is held and if it is carried to repeal the eighth amendment. I am not the only one who has that problem. There are many people with that issue. I feel that if the draft legislation could be brought forward and through the Houses of the Oireachtas, amendments taken and examined, the legislative process followed through and the people informed of what will replace the eighth amendment, then I would have no problem putting that question to the people. There is too much uncertainty and that is why I will be voting no.

I do not like making analogies in any way for this issue because it is such a contentious, serious and important issue for so many people who are affected by it. However, I have to make

the analogy that it is as if the problem that is to be put before us is the exorbitant number of defaulters on paying the television licence, and where the best solution we can come up with is decriminalising non-payment and not worrying about collecting television licence fees until we can come up with another solution down the line. It might be a bad analogy but that is basically what we are doing. We are not giving answers to the people who so desperately need them. I am a democrat. I will support having a referendum but the people have to know what will come down the line. It has been commented since the vote in the Dáil last week that if one takes my position and votes no, one is denying people their democratic right to have a say and one is not a democrat. I would argue, for the reasons that I have given, that if the people vote yes to the referendum, they are voting away their own democratic right to have a say in what is going to follow. It is not, as has been said, that I do not trust my colleagues here. I trust each and every one of them as I trust myself but, as I have said, to get whatever proposal is put before us through the legislative process, we do not know ourselves what we will end up with, but the people will have deprived themselves of having an input.

Whatever we come up with, whatever is put through the Houses and whatever is agreed to, they will have to live with it forever more and beyond. Our Constitution and the laws of our land, as is the same anywhere, develop the psyche of the population and youth of the country. If this amendment is passed and legislation is introduced which reflects what is in the draft legislation or the recommendations from the committee, there will be a generation of people in 20 years who will have been born and gone through their youth and their teens in a society where abortion is commonplace and acceptable. That generation will then have a different psyche and attitude and abortion will become cosmetic because in that same 20 years, medical science will develop, as it is at the moment, at an enormous rate and in 20 years, one will be able to tell a hell of a lot more about a 12 week old foetus. We are legislating for the future and have to look into the future and at what consequences our legislation will have for the future. I guarantee that under those circumstances, we will have cosmetic abortion in 20 years. We need to look very seriously at this and to consult the people as to what will replace Article 40.3.3°.

**Senator Jennifer Murnane O'Connor:** I thank the Minister for coming in. It is great to see such respect among all of us. We are all entitled to our view and everybody has a view. There is a sense during this debate that we must all align on a side of the fence but that is not how it should work. I do not subscribe to that way of thinking. I believe in the right to life for the unborn and I believe in democracy. I believe that we must protect the life of the child but that is my own opinion. I cannot silence another voice in the same way that I cannot silence a child. I cannot expect to have my own opinion and not allow others to have theirs. The people of the country deserve a referendum and I have said from the beginning that I believe in the referendum. I have my story and I have said it before. I had my first child at 20 weeks. I was a young woman. I never drank or smoked and still do not. She was 3 lb when she was born. She lost a pound and went down to 2 lb. She fought for her life. That is an experience that I will always live with. The question is why, as a young woman in my prime, perfectly healthy, very fit and having never drank and smoked, and who did everything right, did I carry a child to 20 weeks. I was told that there was no answer. I had a child who fought for her life. I was at the far side of it where I was a mother crying and devastated, and I thank God to this day that she is alive and healthy. As I said to the Minister, she herself is a nurse today. I have gone through that side of my story. My story will live with me and I will never be judge and jury to anyone. I will never ever judge. Whatever way people go through life, we can never judge another person and I cannot do that.

I have to say on behalf of Fianna Fáil that it has given members a free vote and, for me, it is a vote of conscience. That is what I believe in. I know that there will be a referendum and I know the Minister probably has his date nearly set. I will be very respectful of that but I have an issue and major concern. I have no issue with a referendum being held. The Irish people will always do the right thing and I would like to see them do that. However, I have a major concern with the wording of the legislation. It states to delete the following subsection from Article 40.3.3° of the Constitution and to substitute that subsection with the following, “Provision may be made by law for the regulation of termination of pregnancy”, which means up to 12 weeks. As a mother of four children and as someone who will never be judge and jury over anybody, I cannot in my heart agree to access to abortion up to 12 weeks. It is a personal choice. It is my opinion. I believe that everybody here is entitled to their own opinion. I will be very respectful of everyone here. I will respect what they say and their views. I am here tonight to give my view. That is my view as a mother of four. My daughter was born at 20 weeks. She was born eight weeks on from 12 weeks and weighed 3 lbs. Therefore, I have concerns.

I believe the Minister will have a referendum. I will be respectful of everybody but my concerns are different. We are here tonight to make sure that we represent everybody. I have my opinion but I will be respectful of other people’s views. However, I still have concerns. I thank the Minister for coming into the House. I know he and his officials have all worked hard. We have heard horrific stories. I can understand people’s choices but I have my opinion.

**Senator Maura Hopkins:** I have read the report of the Oireachtas Joint Committee on the Eight Amendment of the Constitution and spoken to many people in recent months. Following much consideration, my personal view is that I will not be supporting the proposal to allow for unrestricted abortions up to 12 weeks. I support access to options in certain circumstances but I cannot support abortion without any restriction up to three months. I believe it is important that women receive the necessary care and support in very difficult circumstances. However, I also believe that we have a responsibility to protect the rights of the unborn child.

As a public representative, I believe it is important that people would know my view. This is my personal view and I do not wish in any way to influence the views of others. It is important that everybody should have their voice heard on this issue. As a young representative, I am aware that many people have not had the opportunity to express their view on the eight amendment. This is why I will be supporting the Government’s decision to hold a referendum later this year on the matter in order to allow the Irish people to have their say.

**Senator Diarmuid Wilson:** I welcome the Minister, Deputy Harris, back to the House. I regret the fact that this legislation is before us this evening. It is something to which I am totally opposed. I want to put that clearly on the record of the House. I pay tribute to the Oireachtas joint committee, which published its report before Christmas, and especially to its chairperson, our colleague, Senator Catherine Noone, and the Fianna Fáil representative from this House on that committee, Senator Ned O’Sullivan. While I totally disagree with almost everything in that report, I commend the members and Chairperson of that committee on the hard work they put into it. The one element of it that I would like to discuss with the Minister is the education programme he proposes to put in place for three years and I will return to that.

The recent Supreme Court ruling that the only right an unborn child has in the Constitution is the right to be born will be seriously damaged and affected if this referendum is successful. The eighth amendment guarantees the right to life of the unborn child. It was inserted into the Irish Constitution in 1983. The amendment is found in Article 40.3.3° of the Constitution and

reads: “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.” What is so wrong with that wording? We are asking the Irish people to remove that wording from the Constitution and replace it with one line which reads: “Provision may be made by law for the regulation of termination of pregnancy”. As alluded to by my colleague, Senator Paul Daly, we are taking out a constitutional guarantee to protect the unborn child and replacing it with that one line. I am absolutely sure that this is not good enough.

While I have huge respect for the Members of this House and of the Lower House and respect their right to legislate, I do not have a belief that a future Government that might find itself with a minority could be beholden to a handful of Deputies who would want to move from the 12-week limit to 6 months or 7 months or have no limit. That is what potentially could happen if we remove that guarantee from the Constitution.

The eighth amendment protects mothers and babies in pregnancy. It has protected more than 100,000 lives since it was voted into our Constitution by the Irish people. It has had a hugely positive humane and life-saving impact on society. Our abortion rates are a fraction of those in Britain, taking account of the different sizes of the two populations.

This referendum is about one thing only, removing the protection for unborn babies in the womb and making it possible for laws to be passed to deliberately end their lives. I will be voting against this legislation this evening and voting “No”, and campaigning for a “No” vote, in the referendum.

On the Minister’s three-year education programme, if this referendum is put to the people and rejected, will he continue with it?

**Deputy Simon Harris:** Yes.

**Senator Diarmuid Wilson:** What is limited to three years? It is a very good idea. It is the only positive recommendation in the report of the Oireachtas joint committee. I pay tribute to Senator Noone and her colleagues for their hard work they did even though I totally disagree with the vast majority of it.

Senator McDowell and other colleagues have alluded to our right, if we believe it is not right to put this piece of legislation to the people, to vote against it. It is quite understandable that some people may have forgotten what happened in 1983. I remind people that 85 Deputies voted for the Eighth Amendment of the Constitution Bill 1982, with 70 abstaining and 11 voting against. There were eight Deputies from the Labour Party, two from the Workers’ Party and one Independent. When the legislation came before the Seanad in May 1983, 13 Senators voted against putting the question to the people. Those 13 included former President Mary Robinson, former Ms Justice Catherine McGuinness and Deputy Shane Ross.

**Senator David Norris:** Who?

**Senator Diarmuid Wilson:** He is now a Member of the Lower House and a Minister, and he voted against that legislation. With a casual examination of his term in this House, he opposed almost all legislation being put forward for referenda. Another member of that club of 13 is current President Michael D. Higgins. I did not hear anybody throwing comments about them being undemocratic at the time. More recently, by 33 votes to 25, this House passed the

Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013, which put the question of abolishing this House to the people.

**Senator David Norris:** Shame.

**Senator Diarmuid Wilson:** There were 33 Senators who voted for it and 25 voted against it. Among those who voted against it were me and Senator Norris, the great democrat himself, as well as a current Minister, Deputy Zappone. There were numbers from a particular party called Sinn Féin, which has mentioned democracy in this debate. We have a constitutional right to vote against legislation if we do not feel it is appropriate. I do not feel this legislation is appropriate and I will vote against it and against a change to the Constitution in the referendum if the Bill is successful.

**An Cathaoirleach:** There are two Senators left to speak, Senators Coffey and Horkan. I intend to close the debate rather than having people coming through the door saying this will go on all night.

**Senator David Norris:** Hear, hear.

**An Cathaoirleach:** There are two speakers in the House who have given their names.

**Senator Paudie Coffey:** I will be as brief as possible. This has been a very respectful debate in this House on all sides, as people have voiced their very strong views on what is a very sensitive, emotive and human matter. I acknowledge all colleagues who have given their views, whatever side of the argument on which they lie. I will give a very personal view and I speak as a father, a husband and a brother. I put on the record that I certainly love all the women in my life. I have loved as the son of a mother, as a father, as a brother and as a husband. We should not try to denigrate any person who might hold a view that he or she loves the women in his or her life any less because of a particular view.

I acknowledge the strong arguments that have been made on the need to address crisis pregnancies in this society, and we all agree on that. I am very concerned about crisis pregnancies arising from rape, incest, fatal foetal abnormality and other such conditions. I respect the voice of women who have suffered enormously in this country from many perspectives, and certainly with respect to this matter. I have been conflicted over a period since the protection of life during pregnancy legislation was passed in 2013. I felt at the time that supporting the Bill was right, but since then I have been conflicted on how far, as a society and country, we are prepared to go, taking into consideration the very genuinely held views that people hold with regard to this matter. Having carefully considered this, I still have fundamental concerns about the right to life of the unborn child.

There are very cogent arguments being made by very good speakers on all sides tonight. I still believe the unborn - I consider the unborn to be a baby - has no voice in this debate. I feel I should speak on behalf of the unborn child in that respect. There are crisis pregnancies and I welcome the genuine effort made by the Minister in committing additional supports and resources to women in crisis pregnancies. We cannot just pay lip service to that. I commend the Minister on genuinely putting in place those resources, strategies and initiatives to address these matters. We can all agree this will help to avoid any abortion or unwanted pregnancies in this country, although there will always be some. The question is how best to deal with them.

I am concerned about the debate that will go from the Oireachtas to the public domain, as



the extremes in that debate may make it very emotive, with many mistruths and misinformation coming into play. As a person with concerns, I will not be a party to any side in the debate that tries to misinform, agitate, upset or confuse the public in any way. We need a respectful and honest debate and all sides should engage in the referendum in that respect. When the referendum comes about, I will vote against the repeal of the eighth amendment because of my fundamental views. Unrestricted abortion of a viable life up to 12 weeks is not what we should have in this society. Colleagues should believe me when I say I have tried to really understand the other sides of the argument. People deserve to know the position of public representatives. On tonight's vote as to whether to give the people a say in this, I will support the holding of a referendum. I respect the rights of women and men throughout this society to have their say on an issue I know is sensitive. It is about having a say on a matter on which they have not had the opportunity to decide for over three decades. For that reason I support the holding of a referendum.

I remain steadfast in my position to protect fundamentally the life of the unborn with my vote, although it is only one vote. I am sure there will be much debate between now and the referendum. I hope there will be respect on all sides to allow the Irish people to come to a conclusion we can all live with so we can accept that decision as democrats.

**Senator Gerry Horkan:** If I am correct, I am the 30th speaker tonight and I give credit to all speakers.

**An Cathaoirleach:** The Senator is the 32nd speaker.

**Senator Gerry Horkan:** Okay. I thought the Cathaoirleach said "30 seconds" for a moment. I am sure some people would prefer that.

**Senator Gerald Nash:** It is 20 seconds now.

**Senator Gerry Horkan:** I was fairly tolerant of everybody when I was in the Chair, including many who went over their time. This is a difficult proposition to support. In December 2014, when I was a councillor in Dún Laoghaire-Rathdown, there was a motion from a particular political party to repeal the eighth amendment. At that point I voted against it. On the very same night we had a debate on the culling of urban foxes. It was quite unusual to see so many people who were not willing to repeal the eighth amendment were relatively okay with the culling of urban foxes. So many people willing to repeal the eighth amendment would not approve the culling of foxes. There was almost a direct inverse correlation and it was a particularly unusual dynamic that we had that night.

We all respect life and we must respect human life in all its guises. Whether we like it or not, each of us started life and went through a pregnancy. We were lucky enough to be born and alive today.

I find the proposition of unrestricted access to abortion up to 12 weeks too difficult to support on this occasion. One of the difficulties for me is that at the moment there is constitutional protection for the unborn and if the referendum is passed that constitutional protection is removed. What will happen then is that we will end up with a situation where, as Senator Wilson and others have outlined, legal provision may be inserted. It does not say it will be provided. I accept that the Government may insert something but the constitutional protection is gone and we then have to rely on all Governments in the future to do it.

*11 o'clock*

We have seen some politicians who have spent their entire political career saying that politicians should not be trusted on anything now coming out and saying people should trust politicians. Some of them were in the council with me before they came into these Houses and they spent their entire political career outside these Houses and other buildings of public representatives shouting into a megaphone, despite the fact that they were elected, saying that people should not trust those inside, but they are now saying people should trust those inside.

If the proposition is one that I am not happy with I will vote against it. I do not doubt that it will probably pass through this House but I do not have to vote for it. I am lucky enough to be here, for as long as I am here, and it is important that if I have the authority and the right to vote against the referendum - Senator McDowell and others have referred to it - that I can say "No". There are probably many in Britain who regret allowing a Brexit referendum and wonder why they did, and regret the decision that was made. If I am not happy with a referendum being put forward I do not believe it is anti-democratic to say that I am not happy. I am only one vote out of 60. I am only one vote out of 218 in the Houses of the Oireachtas generally. I am sure the Bill will pass, but if it does not, it will not only be me that stops it. If the Bill passes, I will not be in a position to support it at the moment but I am pleased we had a respectful debate, one where everybody listened to everybody else and where everybody was willing to hear what everybody else said.

It has been a very measured debate. It is now just over four and a half hours since the debate started. That is probably a record in this sitting of the Seanad for any single debate to have gone on for so long, in particular on Second Stage. It is important that it did. More than half the Members have spoken. I find that I am not in a position to support the Bill on this occasion. The proposition that is outlined to replace the eighth amendment is not something that I feel is sufficient to protect the life of the unborn, which many others have mentioned.

At the same time, I do understand that there are difficulties with the eighth amendment. Perhaps it would be otherwise if a different proposition was put in front of me. I read the report of the committee and I congratulate Senator Noone for all the work she did and the work put in by the 21 members of the committee but, personally, I must stand true to my own values and I am not in a position to support the Bill on this occasion. I regret to say that. I respect the Minister personally. I always have, in all his different guises, including in his current position as Minister for Health. This is not a personal attack on anybody or anyone in this Chamber or in the other House but I am just not comfortable with what is proposed and I will be voting against this referendum Bill and I will be voting "No" in the referendum itself when it is held. I am glad that we have had a measured, sensible debate as far as I can see, and from what I have heard. I am glad that we have had the debate but, unfortunately from the Minister's perspective, I am not in a position to support the Bill on this occasion.

**Minister for Health (Deputy Simon Harris):** I do not wish to start on a note of disagreement but the last time I was in the House it was for the Public Health (Alcohol) Bill and I was here for an awful long time as well. The Senator seems to enjoy having me here.

**Senator David Norris:** Yes, the Minister was.

**Senator Gerry Horkan:** It was not Second Stage.

**Deputy Simon Harris:** I do not know whether it is me or the Senators but we often seem to have very long and considered debates, but they are always terribly fruitful and respectful

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and I do not think tonight was any different. I thank Senators on all sides of the House for their considered contributions. I join with all of them in noting, with all sincerity, that it has been a very respectful debate

**Senator Jerry Buttimer:** Hear, hear.

**Deputy Simon Harris:** I am nearly getting worried now that respectful is becoming clichéd and it should not, because it is so important and we have managed so far to have this Bill move through the Dáil and now move through the Seanad. We have had debates on Oireachtas committees and generally the tone of the debate has been encouraging. We can passionately disagree on this without calling one another names or putting on labels or having a go at one another in a very personal fashion. I was not around in 1983 but I do remain somewhat hopeful that the people I meet, the people outside of this Leinster House bubble, certainly do not want people going at each other and shouting at each other and calling each other names. This is a deeply personal and private matter for citizens to decide on and I think there is a duty on all of us to advocate in accordance with our own conscience as public representatives and let the people of Ireland decide.

People have expressed views in this debate tonight with which I fundamentally disagree but I fundamentally respect them. I consider many of them friends and I thank them for doing that as well. We do not need herd mentalities in these debates. It is important that people have their views because there are different views in Irish society on this issue and I acknowledge that. I do not think anyone who votes against the Bill is anti-democratic but I do think it is somewhat peculiar. I have described it like that before but that is just my perspective. That is why I voted for it in my role as a Member of the Dáil. People in this House have a right to cast their vote as well, but I am cautiously optimistic that the people of Ireland will have their say on this issue, and there is a general acceptance around this House, regardless of one's perspective, that that is highly likely to be the outcome.

This is a tough issue. Who likes talking about it? It is a very personal, sensitive issue to do with a very personal, sensitive topic but we have to discuss it because we have a role as legislators and because it is in our Constitution. The only way we can address the issue is by way of the people of Ireland having their say. I have heard colleagues agonise over this, but as much as we are agonising over it, it is nothing like the agony that the women in this country who experience crisis pregnancies have faced since the introduction of the eighth amendment and that is why I believe passionately-----

**Senator David Norris:** Hear, hear.

**Senator Ivana Bacik:** Hear, hear.

**Senator Jerry Buttimer:** Hear, hear.

**Deputy Simon Harris:** -----that it must be repealed. That is my very strong view.

I join with others in acknowledging the leadership that is being provided by many colleagues through a very long process. When people talk about this being rushed I think that is kind of bizarre-----

**Senator David Norris:** Rubbish.

**Senator Jerry Buttimer:** Hear, hear.

**Deputy Simon Harris:** -----because this has been a very lengthy, thorough process with the Citizens' Assembly and the Oireachtas committee. I commend my colleague, Senator Noone, for her chairmanship, all Members of this House who were on it, and all Members of the other House who were on it, the leadership I have seen in individual political parties, and the leadership I have seen from individual leaders of different political parties. On a cross-party basis people have stepped up and they have shown leadership. We have had people who have had very sincere views on this all their lives who remain steadfast to that. We have people whose views on this have changed, and we should respect that as well. It should not be viewed as a U-turn or any sort of flip-flop when people follow the evidence, talk to clinicians and change their mind. That is also an important part of the democratic process.

However, as much as I am proud of all of my colleagues for the leadership that people have shown in arriving at this point, let us not fool ourselves - the reason we are here is not because of political leadership, it is because of people like Amanda Mellet, Siobhán Whelan, Savita, Miss A, Miss B, Miss C, Miss D, Miss P, Miss X. It is because of the families involved in Terminations for Medical Reasons. It is because of all of the people who have bravely come forward and told their stories, who felt they had to tell their private stories so we could greater understand their agony and the unfairness of the current system.

However, it is not just those who told their stories, it is the many thousands of people who have never told their stories. When Members go out to canvass, whether it is for a "Tá" or a "Níl", they should be conscious as they ring doorbells that they do not know the people who they are talking to and what they have been through because it is not possible to have that many Irish people travel abroad since 1983 and not to meet someone affected. We know the figures. It is at least 160,000 and we know that is likely to be a significant underestimation. It is not possible to have thousands of women a year in Ireland taking the abortion pill without meeting someone affected, every time one knocks on a door or goes into a housing estate or goes up a boreen or laneway in a village. This is not something that affects urban areas or mainly Dublin people, as I sometimes hear; this is a nationwide issue and Members will come across people who have a story that may not have been told. Let us be very respectful and conscious of that. It is for all those people that I have mentioned: the names we know, the names that, sadly, have become household names in many ways in regard to this, and the names we do not know. It is for them that we do this because in my view they deserve better. I am very conscious that people have legitimate concerns, as alluded to by many Senators. It is appropriate for such people to put those concerns to us and for those of us proposing a change to endeavour to answer them. To those people, I say that we are bringing forward comprehensive draft legislation to provide them with an indication of what the law in this area would be. I ask that everyone remember that this legislation did not drop from the sky and was not quickly magicked up by a Government, Minister, party or politician but, rather, is the product of the best thinking of a cross-party grouping of public representatives who, unlike many present, spent months sitting in a basement in Leinster House listening to the best clinical, medical, academic and legal evidence. That was further stress-tested and finessed by means of Oireachtas debates, the Government process, a policy paper and now the legislation. It is easy for one to say that one would vote for a different proposition if it were available and that is a perfectly valid position to hold. However, I challenge those who hold such a view to tell me what different proposition he or she would suggest. The formulation of a different proposition is not straightforward and we saw how difficult it is to do so when people tried to come up with alternative propositions in recent weeks.

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To those who say that there is a lack of certainty because although I am bringing forward legislation, there is no guarantee that it will pass, I point out that one could say that about any referendum. There was scaremongering in regard to the marriage equality legislation. We had to pass legislation relating to the children's referendum. Governments change and elections happen. Legislation follows every referendum that is passed and such legislation goes through the Houses of the Oireachtas. One could make the argument about the passing of legislation in regard to any referendum.

I hope as people get the opportunity to look through the detail of the legislation they will appreciate that I do not support abortion on demand and do not believe that what we have proposed provides for abortion on demand. Even saying that phrase makes me shudder. We have put in place a proposal for a very considered, regulated, supervised and safe medical environment for a woman to access health care which many are already accessing. What we have today in Ireland is unregulated and unrestricted abortion. People order abortion pills on the Internet. Would one want one's daughter, wife, sister or mother to access such medicines through a doctor and go through a very deliberative process involving a 72-hour waiting period, all options being outlined in a proper consultation and knowing the quality of the medication or to order them on the Internet? That is the choice. It is not about whether one is for or against the abortion pill because it is already being used in Ireland. Rather, it is about whether one is in favour of women accessing the abortion pill through a smartphone and An Post or in a doctor's surgery.

**Senator Jerry Buttimer:** Hear, hear.

**Deputy Simon Harris:** This is not a debate about whether one is for or against abortion. Rather, it is about whether one wants to put in place a safe and legal system or leave in place an unsafe and illegal one.

**Senator David Norris:** Hear, hear.

**Deputy Simon Harris:** However, this debate is not about introducing or stopping the introduction of abortion in Ireland. If only it were that simple. Women in Ireland are having abortions. Let none of us make them faceless and nameless. They live in Senators' counties and towns and are possibly members of their families. Abortion is here, so how will we make it safe?

People talk about certainty. There is much certainty in voting "No" because nothing will change. If the electorate votes "No", we will not be able to do anything for a rape victim, nor a parent carrying a much loved and wanted child - despite what some ignorantly say - who has a fatal foetal abnormality. We will not be able to do anything about abortion pills. We will not be able to address the concerns of the masters of our maternity hospitals or the Institute of Obstetricians and Gynaecologists, the people one would trust to deliver one's baby or that of one's wife. There is certainty in a "No" vote. It is for the people of Ireland to decide if that is the certainty they want and I will respect whatever decision they make in that regard. Even though his colleagues have a different view from mine on the eighth amendment, I welcome the view of a Senator that we are announcing the most holistic and comprehensive package of supports for our maternity services and women in crisis pregnancy in recent times, if not ever.

**Senator Jerry Buttimer:** Hear, hear.

**Deputy Simon Harris:** We are ensuring the woman who makes the choice, as many will, to go to full term with her pregnancy in the knowledge that her baby will die within hours or

days will be supported. That is a valid choice that many women will make and we are not supporting such women well enough. That is why we are putting in proposals in respect of perinatal hospice care and ensuring that women have better access to scanning. That is why we are ensuring we can take action on contraception in order to reduce the number of crisis pregnancies in Ireland. I very much hope that those campaigning to retain the eighth amendment will at least welcome that broader access to contraception is a good thing if one wishes to reduce the number of crisis pregnancies. Their silence on the issue has been deafening. I hope that is not the stance of any Member of the House. Regardless of whether one is for or against the eighth amendment, surely, the idea of trying to reduce crisis pregnancies and provide better sex education for children and better access to contraception is a good thing. I have yet to hear that being welcomed by those outside this House who wish to retain the eighth amendment and I hope we at least can unify in that regard.

**Senator Catherine Noone:** Hear, hear.

**Deputy Simon Harris:** Much has been said about protection for the unborn. I hope for more discussion in that regard because we all want to protect life. I do not believe we are divided in that respect although, at times, it may suit us to pretend that we are. No one in the House is more pro-life than I. It is ridiculous to say that a person is anti-life. We are all pro-life. The issue is what sort of protections there are for life. Some of the detail I published today requiring that a doctor considering providing an abortion on health grounds must assess viability and deliver if the pregnancy is viable effectively puts a ban on late-term abortions that is not in place in the United Kingdom. Perhaps those who pretend that we are introducing the world's most liberal abortion regime and such nonsense will acknowledge that there will be an effective ban on late-term abortions which does not exist on our neighbouring island of the United Kingdom. People will see that when they read the legislation and they will recognise that when they talk to the Institute of Obstetricians and Gynaecologists instead of pretending to be obstetricians and gynaecologists. There is protection in terms not only of a woman having to consent and say that there is a serious risk to her health but also that two doctors, at least one of whom must be an obstetrician with the other being a clinical expert in the area, must agree with that view. Clinical guidelines to address what doctors should do in different situations will be drawn up by the Irish College of General Practitioners, ICGP, and the Institute of Obstetricians and Gynaecologists. The Supreme Court stated that its adjudication in the recent case on the right to life did not mean that the unborn is constitutionally or legally invisible. That section of the judgment is rarely quoted. It references the common good and how all laws passed by these Houses must address that, but that point has not been dealt with by opponents of the Bill.

However, the greatest protection for the unborn comes from women and mothers.

**Senator Catherine Noone:** Hear, hear.

**Deputy Simon Harris:** Mothers and women protect their babies. They do not need people to protect the unborn from its mother. I trust mothers, I trust women and I trust Irish women.

**Senator Jerry Buttimer:** Hear, hear.

**Deputy Simon Harris:** I believe that the Irish people trust Irish women and doctors.

**Senator Jerry Buttimer:** Hear, hear.

**Deputy Simon Harris:** We must stop talking to each other in this House of the Oireachtas

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and, rather, let the Irish people talk to each other.

**Senator Niall Ó Donnghaile:** Hear, hear.

**Deputy Simon Harris:** Let us have a respectful debate, tease out the issues and be vigorous in our arguments but respectful in how we put them. Let us provide the people of Ireland with their chance to have their say by the end of May. I thank the Members of the Seanad for their time and consideration on the issue.

Cuireadh an cheist.

Question put:

The Seanad divided: Tá, 35; Níl, 10.	
Tá	Níl
Ardagh, Catherine.	Daly, Paul.
Bacik, Ivana.	Davitt, Aidan.
Burke, Colm.	Gallagher, Robbie.
Burke, Paddy.	Horkan, Gerry.
Butler, Ray.	Leyden, Terry.
Buttimer, Jerry.	Mullen, Rónán.
Byrne, Maria.	Murnane O'Connor, Jennifer.
Clifford-Lee, Lorraine.	O'Mahony, John.
Coffey, Paudie.	Ó Domhnaill, Brian.
Conway-Walsh, Rose.	Wilson, Diarmuid.
Conway, Martin.	
Craughwell, Gerard P.	
Dolan, John.	
Feighan, Frank.	
Gavan, Paul.	
Higgins, Alice-Mary.	
Hopkins, Maura.	
Humphreys, Kevin.	
Kelleher, Colette.	
Lombard, Tim.	
Mac Lochlainn, Pádraig.	
McDowell, Michael.	
McFadden, Gabrielle.	
Mulherin, Michelle.	
Nash, Gerald.	
Noone, Catherine.	
Norris, David.	
O'Donnell, Kieran.	
O'Donnell, Marie-Louise.	
O'Sullivan, Grace.	

*Seanad Éireann*

O'Sullivan, Ned.	
Ó Donnghaile, Niall.	
Reilly, James.	
Ruane, Lynn.	
Warfield, Fintan.	

Tellers: Tá, Senators Gabrielle McFadden and Catherine Noone; Níl, Senators Gerry Hor-  
kan and Diarmuid Wilson..

Question declared carried.

Faisnéiseadh go rabhthas tar éis glacadh leis an gceist.

**An Cathaoirleach:** When is it proposed to take Committee Stage?

**Senator Jerry Buttimer:** Tomorrow.

Committee Stage ordered for Wednesday, 28 March 2018.

**An Cathaoirleach:** When is it proposed to sit again?

**Senator Jerry Buttimer:** Ar leathuair tar éis a deich, maidin amárach.

The Seanad adjourned at 11.35 p.m. until 10.30 a.m. on Wednesday, 28 March 2018.