



**Opening Speech by Chairperson, Ms. Justice Mary Laffoy,  
at the Fifth Meeting of the Citizens' Assembly  
on the Eighth Amendment of the Constitution  
The Grand Hotel, Malahide, 22<sup>nd</sup> April 2017**

Good morning and welcome to the Citizens' Assembly. Welcome to all our members and to those joining us online and on RTE News Now on this the fifth and final meeting of the Assembly on the topic of the Eighth Amendment.

Our work programme this weekend will take on a very different structure to our previous meetings as we gather to make our recommendations, as we see fit, on the topic of the Eighth Amendment.

Before the Secretariat and I take you through today's work programme I believe it is appropriate that we take a moment to pause and reflect on our work to date and the task ahead of us this weekend.

**Earlier Meetings**

When we all came together for the first meeting in November, it was clear to me that within the room there was a wide range of experiences, opinions and ideas on the Eighth Amendment, a topic that has at times convulsed the nation.

And I doubt there were many among us who were not in some way daunted by the task ahead of us. This is one of the most complex and contentious subjects in Irish society and we could not but feel that weight on our shoulders.

And yet, by participating in the Assembly we have also been afforded a unique opportunity, as this exercise in deliberative democracy allowed us to withdraw from the polarising perspectives and begin first and foremost with the facts.

The process we followed saw us begin with facts and divest ourselves of opinion. Consequently, we did not follow the more familiar path on this topic where equal time is provided to each side of the argument.

I believe this has contributed greatly to the standard of information that we have received on this topic. We also listened carefully to your feedback and our work programme evolved with your valuable inputs.

Indeed, since that first weekend I have observed you listen, engage and challenge some of the most senior medical, legal, ethical experts and advocates on this subject. I have watched as you have engaged with some of the most complex pieces of legislation, immersed yourself in medical and ethical discourse and listened with respect to the voices and opinions of others.

Your overall commitment to this process has continually provided the Secretariat and I with much encouragement.

Given the level of commitment you have shown to date I have no doubt that you will show equal commitment to the task ahead of us this weekend.

## **Making Recommendations**

And our task now? In absolute terms, it is to make recommendations, as we see fit, to the Houses of the Oireachtas on the topic of the Eighth Amendment. There are very few people who will have the breadth of knowledge you have on this topic and you have an opportunity to bring this knowledge and, your understanding of it, to our elected representatives.

These recommendations will be made primarily through a balloted vote. It is important that when you vote you do so with your own conscience and with confidence and conviction.

We must all be satisfied that the recommendations once made are a fair representation of the work of the Assembly.

## **Weekend Work Programme**

I will now describe in very broad terms how we will approach this weekend.

At the end of the March meeting of the Assembly, you were invited to make comments and preliminary suggestions on the types of issues you thought should be voted upon or included on a ballot paper at the final weekend. Comments and suggestions could refer to legal avenues and/or aspects of the substantive issue.

The Secretariat collated these suggestions and this informed the preparation of a draft ballot paper which we circulated to you before Easter. This work was led by me, with the assistance of the Secretariat,

the Member Steering Committee with whom we met with twice for input, and the Expert Advisory Group.

As Assembly members, you know well the complexities of the Eighth Amendment as a piece of law and this is reflected in the draft ballot you received before Easter. Significant time and effort was given to preparing and structuring a ballot that is legally robust, affords you all agency and importantly provides us with enough information to make real and substantial recommendations to the Houses of Oireachtas.

The ballot paper has, by necessity, more than one question and it is sequential in nature, meaning that ballots are dependent on the outcome of earlier ballots. Likewise depending on the votes on earlier questions, not all later questions in the ballot paper may be reached.

### **Draft Ballot**

And although there is a draft ballot before you it remains just that, a draft ballot. As our agenda for the weekend reflects we have allocated plenty of time for your questions, for discussion and for agreeing on the wording of each individual ballot before we vote. To assist in this regard and indeed to provide you with legal or medical or legal clarification we will benefit from the expertise from the Expert Advisory Group, who you all know well. Their role will be to answer questions on specific issues related to the ballot paper, rather than on wider questions about the content the citizens have heard over the previous 4 weekends.

Further to this if you the members wish to raise issues or suggest changes it may be necessary for me to adjourn briefly to reflect on suggested amendments. Any suggested amendments may be incorporated by agreement following this consideration, though we must

remain mindful of the inconsistencies which a change may have in other parts of the ballot paper.

Before your discussions on each Ballot paper I will provide you with a detailed explanation of the wording of each. This explanation will also provide detail on how the results of each draft ballot will be presented and what constitutes a majority vote in each case.

### **Voting**

As you can see we have voting booths in the room this weekend. The voting booth and the secret ballot are fundamental symbols and tenets of democracy and about this I have enlisted the expertise of retired returning officer for County Dublin John Fitzpatrick and his team who will provide independent oversight of this process. I must at this point take the opportunity to thank John and his team for all their assistance to date, which has been invaluable.

Voting will be done in secret, members will register for and collect the final agreed ballot and will move to cast their vote in the booth. Completed ballot papers will then be placed in the ballot boxes. Mr Fitzpatrick and his team will also be responsible for the counting of the ballot papers and the accurate presentation of the results.

### **Announcement of Results**

It is intended that the results of each ballot will be announced as soon as the votes have been counted and verified. I will announce the result in public session and depending on the outcome there may be multiple votes over the weekend. I will, in the interests of absolute openness and

transparency, be providing the votes in absolute terms as well as percentage terms.

### **Miscellaneous Recommendations**

These votes will form the recommendations that go to the Houses of the Oireachtas. However, in your feedback at our last meeting many of you indicated that you would like to see wider policy issues, as distinct from just legal changes, reflected in the recommendations of the Assembly.

I am strongly of the view that you have an almost uniquely comprehensive understanding of this topic and it is important that we capture these ancillary recommendations. Therefore, we will circulate a response form for you to fill in and any emerging consensus themes or issues will be included as recommendations in the final report.

### **Viewers**

For those watching the Assembly online on Rte Now, thank you for your continued engagement with the Assembly. To note that a full agenda for the weekend is available to view online though it is subject to the changing ballot and how the members vote. All the background papers, presentations and draft ballots prepared for the Assembly, will become available on our website throughout the course of the weekend. Likewise, all material that is given to the members, including a synopsis of each of the meetings to date, is also available to the public on our website, [www.citizensassembly.ie](http://www.citizensassembly.ie).

In the interests of openness and transparency we are conducting as much of this weekend's proceedings, including the voting, in public. Each member will of course vote in secret and anonymously.

## **Conclusion**

Finally, and in conclusion, though I do wish to advise you now you will be hearing a lot from me this weekend, let me thank you for your work to date. Know that you have contributed to raising the level of discourse on this subject and you have shown the inherent value in respect for differing views or opinions. Let us continue in this spirit of collegiality for the remainder of this weekend.

I would now like to call on the Secretary of the Assembly, Sharon Finegan to present the proposed structure of Ballot paper.