



**Summary of material presented to  
the Citizens' Assembly  
on the  
Eighth Amendment of the Constitution**

Provided below is a short summary of each of the four weekends where the Assembly considered the first item in its terms of reference: the Eighth Amendment of the Constitution.

- **Weekend One: 26-27 November 2016**
- **Weekend Two: 7-8 January 2017**
- **Weekend Three: 4-5 February 2017**
- **Weekend Four: 4-5 March 2017**

This summary is provided as an aide memoire to the members of the Assembly in advance of their final weekend on the topic.

All of the papers and presentations, together with the video footage from each session are available on the Assembly website and members are encouraged to revisit this material in advance of the meeting on 22<sup>nd</sup>/ 23<sup>rd</sup> April.

## Weekend One: 26-27 November 2016

The purpose of the first weekend was to provide the members with an overview of the current state of the law on the Eighth Amendment and the factual situation which exists on the ground in Ireland today concerning termination of pregnancy. Citizens were provided with a factual and neutral grounding in the legal, medical and ethical aspects of the Eighth Amendment. A brief overview of each of the sessions is provided below.

### Saturday Morning

- **Dr Eoin Carolan**, Associate Professor in law and director of the Constitutional Studies Group at University College Dublin, presented a paper titled "Art 40.3.3 and the law on abortion: a history".

### Saturday Afternoon- Current Practice in Ireland- Session 1

The members heard about the day-to-day operation of the Protection of Life During Pregnancy Act 2013 (PLDPA 2013) in the medical sphere.

- **Professor John Higgins**, Professor of Obstetrics & Gynaecology at University College Cork and a practicing Obstetrician & Gynaecologist at Cork University Maternity Hospital, spoke about the operation of the PLDPA 2013 using fictional case studies which were representative of real-life patients.
- **Professor Anthony McCarthy**, a Consultant Psychiatrist at the National Maternity Hospital Holles Street and Clinical Director, Department of Psychiatry, St Vincent's University Hospital, elaborated on the system in place under the Act where an expectant mother expresses suicidal ideation.

### Saturday Afternoon- Current Practice in Ireland- Session 2

- **Janice Donlon**, Funding Officer with the HSE Sexual Health Crisis Pregnancy Programme, provided the Assembly members with an overview of the level of instances of crisis pregnancies in Ireland and state funded services supporting women experiencing a crisis pregnancy.
- **Dr Brendan O'Shea MD**, currently Director (Postgraduate Resource Centre) with the Irish College of General Practitioners, supplemented the information provided on crisis pregnancy with the experience of GPs helping their patients who present with a crisis pregnancy.

### Sunday Morning- Ethics- An Overview

The purpose of the first weekend's ethics session was to introduce the members to ethical reasoning. The session focused on basic principles of ethics and did not consider the issue of abortion.

- **Dr Mark Sheehan** was invited to present at this session. He is the Oxford Biomedical Research Centre (BRC) Ethics Fellow and Director of the Oxford BRC Ethics group within the Ethox Centre in the Nuffield Department of Population Health, University of Oxford. He is also a Research Fellow at the Uehiro Centre for Practical Ethics in the Faculty of Philosophy, University of Oxford. Dr Sheehan's presentation focused on decision-making and reason giving both from an individual perspective and in the context of passing judgment on the decisions of others.

### **Weekend Two: 7-8 January 2017**

The work programme for the second, and subsequent, meetings on the Eighth Amendment of the Constitution was influenced by feedback from the members received at the end of weekend one. Following roundtable discussions, feedback was received from the floor about what issues the members wanted to learn more about.

With this feedback in mind, proceedings on the Saturday morning focused on foetal abnormalities, both in terms of medical diagnosis and the legal position.

It was originally intended to have two ethics sessions on the Saturday afternoon but due to personal circumstances of one of the speakers, the session on reproductive autonomy was postponed until the third weekend.

### Saturday Morning- Session 1 – Foetal Abnormalities – Medical Issues

- **Dr Peter McParland**, Director of Fetal Maternal Medicine at the National Maternity Hospital, Dublin and Associate Clinical Professor at UCD, provided details of the instances of foetal abnormalities and how they are diagnosed.
- **Dr Adrienne Foran**, neonatal consultant at the Rotunda and Children's University Hospitals, explained the care paths for expectant women who receive a diagnosis of a foetal abnormality and decide to continue with the pregnancy.

### Saturday Morning- Session 2 – Foetal Abnormalities – Legal Issues

- **Eileen Barrington**, Senior Counsel, presented a paper on "Article 40.3.3 of the Constitution and Fatal Foetal Abnormalities".
- **Dr Noelle Higgins**, Senior Lecturer and the Director of Postgraduate Studies at Maynooth University Department of Law, looked at international sources of law and their applicability in an Irish context. In particular, she focused on the Charter of Fundamental Rights, the European Convention on Human Rights and the UN Covenant on Civil and Political Rights.

### Saturday Afternoon- Ethical Perspectives – the Moral Status of the Unborn/Foetus

- **Dr Helen Watt**, Senior Research Fellow and former Director of the Anscombe Bioethics Centre Oxford, presented pro-life arguments.
- **Bobbie Farsides**, Professor of Clinical and Biomedical Ethics at Brighton and Sussex Medical School, presented pro-choice arguments.

### Sunday Morning- How Laws are Made and Changed

- **Dr David Kenny**, Assistant Professor of Law at Trinity College Dublin, presented a paper on "The Constitution and Legislation: the making and changing of laws". The purpose of this paper was to provide the citizens with a clear understanding of the law-making process and the extent to which it is constrained by the Constitution, as well as the separation of powers between the Executive, the Legislature and the Courts and how this is guaranteed in the Constitution.

## **Weekend Three: 4-5 February 2017**

The material presented to the members at weekend three was again based on feedback received at the November meeting. The members requested to hear about abortion regimes around the world and particularly the experience in the UK. The members also requested to hear how rape features in this debate.

This weekend also included the re-scheduled ethics session from weekend two, on reproductive autonomy.

### Saturday Morning- Session 1: Member Discussion on Submissions

The members received a random sample of 300 submissions from the just over 13,000 submissions the Assembly received on the topic.

This random sample formed the bases of roundtable discussions and member feedback was given in a public session.

#### Saturday Morning- Session 2: Availability of legal terminations in other jurisdictions: Overview

- **Gilda Sedgh**, a Principal Research Scientist at the Guttmacher Institute in New York, provided a high level overview of abortion trends worldwide.

#### Saturday Morning- Session 3: Case Study: The UK

- **Dr Patricia Lohr**, Obstetrician, Gynaecologist and the Medical Director of British Pregnancy Advisory Service (BPAS); discussed abortion methods and care pathways in the UK for women who choose to terminate a pregnancy.
- **Dr. Peter Thompson**, consultant in Maternal and Fetal medicine at Birmingham Women's and Children's NHS Foundation Trust, discussed abortions for foetal abnormalities.

#### Saturday Afternoon- Session 1: Rape – Medical and Care Path Issues

- **Dr Maeve Eogan**, Consultant Obstetrician and Gynaecologist at the Rotunda Hospital Dublin, and Medical Director of the Sexual Assault Treatment Unit (SATU), Rotunda Hospital and National SATU Services, provided details about pregnancy in the context of sexual violence in Ireland.
- **Noeline Blackwell**, Chief Executive of the Dublin Rape Crisis Centre (DRCC) and human rights solicitor, provided an overview of the Centre's services and the experiences of those women who attend.

#### Saturday Afternoon- Session 2: Rape – Legal Issues

- **Tom O'Malley**, Senior Lecturer in Law at NUI Galway, practising barrister and member of the Law Reform Commission, presented a paper on "Rape and Related Offences – A Legal Perspective", which discussed the current law on sexual offences, as well as the question of making rape a ground for lawful termination in Ireland.

#### Sunday Morning- Session 1: Ethical Perspectives – Reproductive Autonomy

- **Dr. Joan McCarthy** MA PhD, Lecturer in Healthcare Ethics in the School of Nursing and Midwifery University College Cork, presented pro-choice arguments.
- **Dr Dónal O'Mathúna**, PhD. is a Senior Lecturer in Ethics, Decision-Making and Evidence in the School of Nursing and Human Sciences at Dublin City University, presented pro-life arguments.

## Sunday Morning- Session 2: Regulation of the medical profession and issues arising including conscientious objection

- **Professor Gerard Bury**, GP and Professor of General Practice in the School of Medicine University College Dublin, spoke about the role of the Medical Council and the guidance they provide to doctors in carrying out their duties, including in the context of abortion.

## **Weekend Four: 4-5 March 2017**

This was the last weekend the Assembly considered substantive material in relation to the Eighth Amendment. Saturday morning focused on outstanding legal issues which had been raised by members during feedback sessions.

The remainder of the weekend was based around the submissions process.

During feedback sessions at previous meetings the members requested to hear from women who were directly affected by the Eighth Amendment. Pre-recorded testimony from six women was played to the members. In an extended Sunday session, 17 advocacy groups and representative organisations presented. Again, each of these groups/organisations had made a submission to the Assembly.

### Saturday Morning

The Assembly received three legal presentations at the Saturday morning session.

- **Emily Egan SC**, practicing barrister, presented a paper on "The Role of Article 40.3.3 in Medical and Parental Decision-Making".
- **John O'Dowd**, lecturer in the Faculty (now the School) of Law at UCD since 1991, presented a paper on "The Constitutional Rights of the Unborn Within and Beyond the Eighth Amendment".
- **Brian Murray SC** presented a paper on "Legal Consequences of Retention, Repeal, or Amendment of Article 40.3.3 of the Constitution".

### Saturday Afternoon - First Hand Experiences

During feedback sessions at previous meetings the members requested to hear from women who were directly affected by the Eighth Amendment.

Pre-recorded testimony from six women was played to the members.

## Sunday - Advocacy Groups and Representative Organisations

At the February meeting of the Assembly, members were asked to indicate which groups they would like to present to the Assembly. To ensure balance, both on the day and in the overall programme, a final decision on which groups to invite was made by Chair of the Assembly, Ms. Justice Mary Laffoy.

The decision took into account the perspectives of the members at the February meeting of the Assembly and was informed by the following:

- The extent to which the submissions provided addressed the Eighth Amendment of the Constitution
- The extent to which the submissions covered new material not previously considered by the Assembly;
- The need to ensure balance on either side of the debate, on the day, over the course of the weekend and across the work programme of the Assembly in its entirety.

Each organisation was given 10 minutes to address the Assembly and each session was followed by a questions and answers session. Details of the organisations and each speaker selected are provided below.

### ***Session One***

- **Doctors for Life Ireland:** represented by Dr Orla Halpenny.
- **Doctors for Choice:** represented by Veronica O'Keane.

### ***Session Two***

- **Union of Students in Ireland:** represented by Annie Hoey.
- **Youth Defence:** represented by Rebecca Kiessling.
- **National Women's Council of Ireland:** represented by their Director, Orla O'Connor.
- **Women Hurt:** represented by Dr Anthony Levatino.

### ***Session Three***

- **Parents for Choice:** represented by Sinead Redmond.
- **Every Life Counts:** represented by Tracy Harkin.
- **Irish Family Planning Association:** represented by Dr Catriona Henchion, MB BCh BAO, Dip Child Health, Dip Obstetrics; Family Planning Certificate, Contraceptive Tutor.
- **Family & Life:** represented by Patrick Carr.

#### ***Session Four***

- **Pro Life Campaign:** represented by Cora Sherlock.
- **Amnesty International:** represented by the Executive Director of Amnesty International Ireland, Colm O’Gorman.
- **The Iona Institute:** represented by Maria Steen.
- **Coalition to Repeal the Eighth Amendment:** represented by Ailbhe Smyth.

#### ***Session Five***

- **Irish Catholic Bishops Conference:** represented by Kate Liffey.
- **Atheist Ireland:** represented by Ashling O’Brien.
- **The General Synod of the Church of Ireland:** represented by Rt Rev Michael Burrows, Bishop of Cashel, Ferns and Ossory.