

Eighth Amendment Referendum Briefing

16. Due to pregnancies arising from rape, the government proposes abortion up to 12 weeks without specific indication, so as to facilitate victims of rape. In 2015, 46 attended Rape Crisis Centres pregnant from rape. 11 had their pregnancies terminated. In 2016, there were 63,897 births registered in Ireland. All of these would be left without constitutional protection. Abortion re-victimises the rape victim.
17. *The Lancet* medical journal (July 2016) tells that each year 2011-2014, 56.3 million procured abortions took place in the world. A US Department of State report on China in 2015 says that there are another 10 million chemically induced abortions in China each year. This is 66.3 million each year. Two procured abortions every second. Surely cause for concern. Do we want to join that club? We must provide better ways to support those in crisis pregnancy. We can show the world that better way.
18. The 1989 UN Convention on the Rights of the Child, in the Preamble, says: *"Bearing in mind that ... the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."* Ireland ratified that Convention 25 years ago, in 1993. In 2009, on the 20th anniversary of the Convention on the Rights of the Child, UNICEF stated (*emphasis added*): *"The Convention on the Rights of the Child (CRC) is the first legally binding international instrument to incorporate the full range of human rights—including civil, cultural, economic, political and social rights."* Although many States around the world disregard this, we must not do so.
19. The Universal Declaration of Human Rights and the Convention on the Rights of the Child, wholeheartedly undertaken, indicate a better way. The Eighth Amendment reflects these. To choose this way is costly. Not to do so has a far greater human cost.
20. It seems strange that we even need a debate on intentionally acting to bring about the death of an unborn child. But since we have the Referendum, it is an opportunity for the people of Ireland to say clearly that we treasure all human life without exception, and to show a better way to the rest of the world.

*Pádraig McCarthy, March 2018.
Please copy freely.*

"In pregnancy we deal with two lives inextricably linked by a complex physiology." (Rhona Mahony, Master of the National Maternity Hospital, on 11 October 2017, to the Joint Oireachtas Committee.)

1. *"Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."* (Universal Declaration of Human Rights, 1948, preamble.)
2. We must not treat any member of the human family as a second-class human being. History shows many instances. If we say that abortion is necessary for women in order to have equality in society, we say that, by their very physiology, women are naturally unequal, and can only attain equality by denial of their natural physiology. This is an injustice to women. Women already have full equality by right, as women.
3. Legally and socially, women have experience of inequality. If we insist that legal access to abortion is necessary to put this right, this would establish a legal category of other human beings, those not yet born, who are not accorded full human rights, including the right to life. This contradicts what we want to achieve. It compounds the injustice.
4. If the Eighth Amendment confers an equal right to life on the unborn and on the mother, then that right can be taken away. But the Amendment *acknowledges* that right; it does not confer it. If the Eighth Amendment is repealed, the right remains.
5. In 2001 the people of Ireland voted in the Twenty-first Amendment to the Constitution: *"The Oireachtas shall not enact any law providing for the imposition of the death penalty."* We put it in the Constitution to limit the powers of the Oireachtas. No exceptions, even for the most horrific of crimes.
6. If abortion is legalised, we deny that the right to life is an equal and inalienable right of all members of the human family. The Oireachtas will decide at what stage and in what circumstances a human being has a right to life. We become legally full human beings with full rights only with the permission of the State. Will you give the State that authority over your children and grandchildren?
7. An equal right to life for mother and child does not mean that we must balance one against the other. Rather, we want to do our utmost to safeguard

both lives, while recognising that it will not always be possible. Abortion aims to bring about the death of the unborn child. If medical intervention is necessary, and it is not possible despite best efforts to safeguard the life of the child, this is not abortion.

8. If legalised abortion is deemed necessary for women to be equal in our society, then we must radically question what conditions in society impose this. The faults are in society, not in the women whom society fails in that position. We must change society so that women are fully respected as they are, as women, and not forced to resort to medical intervention, whether chemical or surgical, in order to have a full and equal place in society.
9. In the **first part of the Eighth Amendment**, “the State acknowledges the right to life of the unborn (and) with due regard to the equal right to life of the mother.” This is true equality. In the **second part** of the Amendment, the State “guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.” The failure to honour this guarantee to enact appropriate legislation is the source of many difficulties with the Amendment. If clear legislation had been enacted, it would clarify the position for medical professionals. It would have made provision for necessary statutory supports for those in crisis, who otherwise would conclude that their only possible choice was abortion (therefore not a free choice). The government published 21 policies to be implemented in the event of the referendum being passed. They have published no policies for implementation in the event of the referendum being rejected. It has been stated several times that nothing can change unless the Amendment is repealed. There is an implicit assumption that without abortion we cannot be caring and compassionate.
10. Few people would contemplate harming a baby. What then is wrong in our society, such that a person may see no other remedy than to terminate the life of a child? What sort of desperation is that? We face seemingly impossible situations and crises in life; with the right support of friends and society we can come through. Can we not supply that support? Frederica Mathewes-Green wrote (23 July 1991): “*Do women want abortion? Not like she wants a Porsche or an ice cream cone. Like an animal caught in a trap, trying to gnaw off its own leg, a woman who seeks an abortion is trying to escape a desperate situation by an act of violence and self-loss. Abortion is not a sign that women are free, but a sign that they are desperate.*”
11. There are two distinct situations. When the origin of a difficulty in pregnancy is a medical condition of the mother or of the child, a medical remedy is appropriate. However in the majority of case, when the difficulty arises from socio-economic factors, a medical remedy is not the appropriate solution. The Report of the Joint Oireachtas Committee states (2:38): “*What became clear during evidence is that the majority of terminations are for socio-economic reasons that are unrelated to foetal abnormality or to rape.*” We can therefore address the majority of cases, those involving social and economic factors, without recourse to abortion. We must do this. Abortion cures neither poverty nor social problems.
12. In reply to a query at the Citizens’ Assembly, the following definition was supplied to the Assembly:
Termination of pregnancy means “*the intentional procurement of miscarriage of a woman who was pregnant that results in foetal death*”. (Final Report, paragraph 77 on page 29.)
“*Foetus is a medical word. It’s like talking of your glossus instead of your tongue ... I often wonder why people use that word.*” (Leo Varadkar, Nov. 2016, UCD). The foetus is the unborn child.
This is the harsh reality: intentional action to bring about the death of the unborn child.
13. Of all the people in the world, the mother is the one person with the closest connection to her unborn child. This is not just a physical relationship; there is a deep emotional connection.
In abortion, the child, without a choice, lays down her or his life for the sake of the mother. Sadly, a mother (and father) who very much want and love their unborn child may decide that they must terminate the life of that child. If they have appropriate support, would they choose to continue and to treasure their child, however short or long the child may live, rather than taking steps to terminate that life?
There is great joy in being able to know and love another person.
With abortion, the child will never get the opportunity to know and love the mother and father. There is no birth or death certificate.
14. Death is the end of a life, but not the end of the relationship. Although my parents died about 40 years ago, they are still my parents; I am still their son. Abortion too ends a life, but not the relationship between child and parents.