

CHECK AGAINST DELIVERY

**Opening Speech by Chairperson, Ms. Justice Mary Laffoy,
at the second meeting of the Citizens' Assembly
on the Eighth Amendment of the Constitution
The Grand Hotel, Malahide, Saturday 7 January, 2017**

Introduction

Fáilte romhaibh go léir chuig an dara cruinniú den Tionól Saoránach maidir leis an Ochtú Leasú ar an mBunreacht.

Tá súil agam go raibh Nollaig faoi shuaimhneas agaibh go léir, gur lig sibh bhur a scíth agus guím Athbhliain faoi mhaise oraibh.

Welcome everyone to our second meeting of the Citizens' Assembly on the Eighth Amendment of the Constitution.

I hope everybody had a peaceful and restful Christmas and a Happy New Year.

I'm delighted to see so many familiar faces this morning. Welcome to those joining us today online also. All of the weekend's presentations by the expert speakers, and the question and answer sessions, will be streamed live online. They will also be available to view after the event.

We will today re-commence our consideration of the Eighth Amendment, following our first meeting last November.

The Houses of the Oireachtas has asked us to consider this topic first.

At the previous meeting we considered the existing legal situation regarding the Eighth Amendment and discovered how uncertain the area is.

We heard from medical professionals about how the Protection of Life During Pregnancy Act operates in practice, and the necessary conditions which must be met in order for women to receive a termination in Ireland. The Crisis Pregnancy Programme provided some valuable statistics around the choices being made by women in this country in crisis pregnancy; including details about numbers of women continuing with their pregnancies; either by parenting or adoption, and the numbers who go on to seek terminations in the UK and elsewhere.

Finally, we were given an introduction to ethics. This was intended to provide us with a backdrop to our learning, to understand how in certain situations, reasonable people can reach different conclusions when presented with a difficult moral issue.

Today we will build on what we have already learned.

This Weekend

At our November meeting we concluded proceedings with a brainstorming session by the members on the topics/ issues they wanted to hear more about over the remaining weekends of the Assembly.

Perhaps the most prominent suggestion from the feedback session was a desire to learn about foetal abnormalities and life limiting conditions.

This is where we resume our considerations this morning. In selecting the speakers for the medical session this morning, we wanted to give you a comprehensive picture of the care paths taken by women who receive a diagnosis of a foetal abnormality.

We will first hear from Dr Peter McParland, a Specialist in Foetal Medicine from the National Maternity Hospital Holles Street. He will begin proceedings with a presentation on his experience on what foetal abnormalities, fatal foetal abnormalities or life limiting conditions are being diagnosed. He will describe for us from his experience how such a diagnosis is made, the prevalence of these conditions and what is happening for women and their babies in these situations; for women who continue with their pregnancies, and details the types of specialist care that they may be offered. He will also describe the situation for mothers/ parent who are deciding not to continue with a pregnancy which involves travelling abroad.

Dr McParland will be joined on this morning's panel by Dr Adrienne Foran. Dr. Foran is a neonatal specialist who works in both the Rotunda Hospital and Temple Street, and as such is one of the specialists referred to by Dr. McParland who provides care to women who chose to continue with their pregnancies in these situations.

She will again provide us with details of the care paths for women and their babies who receive a diagnosis of a fatal foetal abnormality and

decide to continue with their pregnancies. She will also give details about what is known in terms of prognosis for these conditions.

The third member of our panel this morning is Eileen Barrington, Senior Counsel. Ms Barrington will give us an overview of Irish law in relation to fatal foetal abnormalities.

Ms Barrington will be joined by Dr Noelle Higgins from the Maynooth University, to provide us with an overview of the difference between national, European and international law and will also discuss fatal foetal abnormalities in an International legal context.

This afternoon we will focus our attentions on the ethical arguments around the termination of a pregnancy. Specifically we have two speakers joining us to discuss the moral status of the unborn or the foetus.

This will supplement all of the factual legal and medical information we receive around the termination of pregnancy. It will outline our more innate and intuitive approaches to this issue, on both sides of the debate.

It will hopefully broaden all of our minds to different perspectives and arguments that we may not have previously considered ourselves.

For this panel we will welcome Helen Watt from the Anscombe Bioethics Centre and Bobbie Farsides from the University of Sussex.

It should be noted that the Agenda for this weekend originally including two sessions on ethics; the first on the Moral Status of the Unborn/

Foetus and the second on Reproductive Autonomy with Dr. Dónal O'Mathúna and Dr. Joan McCarthy. Due to serious illness of a family member of one of the speakers, the session on Reproductive Autonomy has been postponed until the February meeting of the Assembly.

Terminology used by the Assembly

I might pause at this juncture to say something about the use of terminology in the Assembly.

The correct use of terminology in this debate is an issue which has been causing both myself and the secretariat some difficulty in settling our minds to.

It is a contentious aspect to the arguments around the topic we are discussing.

You will note that in describing the programme for today the Agenda refers to Foetal Abnormalities, Fatal Foetal Abnormalities and I myself have referred to life limiting conditions. I am aware that different sides of the debate on this issue contend that the use of one over the other here can in itself ascribe a value judgement or a bias around the topic and how it is discussed. I say this to illuminate the argument rather than to suggest that I agree with any position or how terminology might be used to support it.

It is argued for example that the term Fatal Foetal Abnormalities de-sensitises what is a very difficult and traumatic diagnosis for a woman and her baby. This is something that we see born through in that many

medical practitioners tell us that this is a term that they do not use when speaking to a woman about a diagnosis.

Nonetheless, the term Fatal Foetal Abnormality is widely used and is very much in common parlance. The term or a variation of it has been and is used in International law to describe exactly the topic that we are going to hear about today. To exclude its usage at the Assembly would therefore in my view be inappropriate. It will therefore be used and will continue to be used by the Assembly throughout the remaining weekend as appropriate.

Similarly, in our ethics session this afternoon, the agenda refers to the 'Moral Status of the Unborn/ Foetus'. In ethical literature the term 'Moral Status of the Foetus' is widely used, however, I felt that it was important that this be expanded to refer to the unborn, both for the sake of clarity and because Article 40.3.3 refers to the unborn.

In considering all of this, I would ask the Assembly Members to be conscious of language in this debate and how it is used. I will come back to this again at a later stage if necessary and continue to provide context and clarification about the decisions made by the Assembly in this regard.

This weekend continued

I will now return to describing how the rest of this weekend will take shape.

Our attentions will return to the law again tomorrow morning.

Dr David Kenny from Trinity College Dublin will provide us with a presentation on how laws are made and changed. I wanted to include this session on the Irish legal system and how it operates this weekend as a pre-requisite to the Assembly making recommendations to the Oireachtas.

The separation of powers between the Executive, the Legislature and the Courts is enshrined in the Constitution. It is the foundation of our system of Government.

A clear understanding of the way in which the organs of the State interact, their powers and their boundaries will be essential to us being able to provide the Houses of the Oireachtas with meaningful and workable recommendations.

Dr Kenny's presentation will be followed by a Group Work Exercise designed to further your understanding of this. Here you will consider unrelated public policy examples and think about how they should be controlled and regulated through law. As the end of this exercise you will have an opportunity to reflect on what you have heard about the theory on how laws are made and changed and apply this to the topic before us; the 8th Amendment.

I think it's going to be a very interesting exercise and one you will all find challenging and engaging.

Finally, before wrapping up our considerations for this weekend we will begin to focus our minds to the issues in respect of which recommendations may have to be considered by the Assembly.

I appreciate that we have not yet covered all aspects of the topic that you have requested to hear about but equally the feedback from the roundtable brainstorming the last day indicated that many of you are eager to develop some understanding as to what shape the Assembly's outputs will take.

I think by starting to identify what sort of recommendations we can make will assist with our analysis of the information we are yet to receive.

Submissions

I would like to briefly refer to our submissions process which closed last month. The Assembly received over 13,000 online and postal submissions on the topic of the Eighth Amendment of the Constitution.

The secretariat has been reading each and every one prior to publication. They are being published on a rolling basis on the website and are available to view in chronological order.

Conclusion

The level of engagement with the submissions process is further evidence of the importance of the topic before us and a testament to the complexity and breath of opinion on the topic. And thus we must resume our work.

I now invite Dr McParland to the podium for this weekend's first presentation.