

Eighth Amendment Committee Report Statements

Wed, 17 January 2018

INTRODUCTION

I want to commend the work of the Committee on the Eighth Amendment of the Constitution, including my own colleagues Teachta Dalaí Louise O'Reilly and Jonathan O'Brien, Seanadóir Paul Gavin and the Chair of the Committee.

The Oireachtas made a big ask of the committees' members, and they conducted themselves with great dignity, compassion and intelligence and thoughtfulness throughout the hearings.

I was disappointed that some members tried unsuccessfully to thwart the work of the committee.

Some of the disrespectful commentary that featured must not be the kind of rhetoric that sets the tone of the debate.

The work of the Committee is now complete and responsibility now lies with the Government to deliver the referendum proposition to Repeal the Eighth Amendment.

THE KERRY BABIES

Over the last twenty four hours we have heard again the harrowing experiences of Joanne Hayes and all the horrific events that surrounded what became known as the Kerry Babies' case thirty three years ago.

The scale of mistreatment Joanne endured at the hands of the state was unprecedented, and it was horribly and agonisingly public.

Yesterday's apology by the An Garda Síochána, and today by An Taoiseach are welcome, and the Taoiseach must make good his statements today on compensation for Joanne Hayes.

She is entitled to a full and formal apology by the state for its persecution and vilification of her and her family, and she is entitled to compensation and redress

An Garda Síochána having not only failed Joanne but having pursued her case it seems in the most corrupt of manners - then went very viciously for a second bite at the Tribunal of Enquiry.

I remember the name Joanne Hayes as a girl and the Kerry babies, and women's shock as to how she was treated.

1983

This was the toxic atmosphere within which the Eighth Amendment was conceived, debated and inserted into the Constitution.

This was the Ireland of the Mother and Baby Homes and the Magdalene Laundries. An Ireland where women were to be subjugated, kept inside the home, to be kept quiet and accept their fate. This obsessive control of women did not happen by accident.

It was a very much intended by a powerful conservative cohort across Irish society – in Government, the Church, across the highest ranks of the public and civil service and the professional elite.

Women's subjugation was a part of a carving up of power and influence in the public and private spheres.

As Emily O'Reilly, then Journalist now European Ombudsman, wrote in 1992 -

“The Widespread passive acceptance of the patriarchal nature of Irish society also enabled the conservative lobby to hold sway. Nothing threatens the system more than when women are enabled to take control of every aspect of their lives, public and private. And there is nothing more critical to the exercise of that control than the ability to decide how many children to have, if any and when to have them.”

The Eighth Amendment was I believe in effect a constitutional coup.

A reactive codification of the suppression of women.

For three decades women in Ireland have had to live with the abusive outworking's of the Eighth Amendment.

X CASE

The X case brought into sharp focus the worst expression of the conservative coup.

A child – pregnant as a result of rape – dragged through the courts by the state whose purpose and stated intent was to force her to continue with the pregnancy from rape to full term.

I still struggle to comprehend the callousness of the state during this time.

Girls and women across Ireland looked on in horror. We could not comprehend why the state would so aggressively and cruelly force this child victim of rape to continue with the pregnancy.

How could the state heap even more abuse and trauma on a child who was victim of rape?

Even after the Supreme Court judgment, the public outcry, and the horrors endured by Miss X and her family, successive Governments refused to legislate for the X case for more than two decades.

It took the tragic death of Savita Halappanavar and the alphabetical array of cases taken by incredibly brave women to shame Government finally enacting the X case Supreme Court decision – two decades later.

REPEAL THE EIGHTH

There is now broad acceptance across the Oireachtas and in wider society that the Eighth Amendment must be repealed from the Constitution. Now is a time for leadership.

Abortion is a divisive issue. The abuse of women and indifference to our health and bodily integrity is not just a divisive issue it is absolutely unacceptable.

In the final analysis this debate is a matter of public health, of women's health and our rights to decide on these matters for ourselves.

The first issue for the Oireachtas is the nature of the question for repeal.

A simple repeal of the Eighth Amendment from the Constitution as recommended by the committee must be delivered on, and there can be no equivocation on this by anyone.

If legal advice is proffered up that takes a contrary view we will expect that it be shared by Government with all Oireachtas members to ensure a transparent and informed debate.

CONCLUSION

Time is now of the essence. The Report before us this week for debate has set out clear recommendations and legislative reform.

The first task and duty of the Oireachtas is to remove the Eighth from the constitution.

As legislators we cannot accept the terrible impact of the Eighth on women's health, their obstetric care and wellbeing, and their fundamental rights.

We must state out loud that we trust and respect women, and that there is no place for the cruelty of the Eighth Amendment in a modern and diverse Ireland.

There also can be no place for dogma or doctrinaire positions over the coming months. We must hear the people's concerns and acknowledge the hurt endured over the last thirty years.

It is our shared responsibility to protect women's rights and their health now and into the future by engaging in a respectful debate and delivering a successful referendum result that repeals the Eighth amendment from the Constitution.