Government's proposals:
the reality of repeal

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Although the Government still hasn't announced the date for the referendum to repeal the rights of children before they are born, we now know what it is they are proposing. No longer can anyone say: "Ireland is different, we have a different culture here; Irish politicians wouldn't vote for a permissive abortion regime like Britain." I have news for you… yes they would.

Just last week, a majority in the Dáil voted for the first step in the introduction of a regime proposed by the Government that is more extreme than that in Britain, with its 200,000 abortions every year. (For some context, there were 63,900 babies born in this country in 2016; across the water, three times as many children were killed before they were born.)

And so we have seen the beginnings of a process where the political elite is railroading an extreme proposal that utterly rejects the idea that an infant is a person deserving of dignity and protection before birth.

Two weeks ago, in the case of M vs Minister for Justice, the Supreme Court handed down a

judgment that firmly rejected any place for so-called ‘natural law’ in constitutional jurisprudence. Such rights as the unborn child has must be found in the Constitution itself and, according to the Court, the only such right is the right to life in Article 40.3.3˚. Although the 1983 amendment has sometimes been criticised as unnecessary, the Supreme Court decision has thoroughly vindicated those who fought for its introduction.

In the wake of that judgment, we are left with a stark reality: when it comes to the rights of children in the womb, it is the Eighth Amendment or nothing. That is the choice that the Government proposes to put before us and we now know from the Supreme Court judgment what getting rid of the Eighth means.

It means no constitutional rights whatsoever for children before they are born. This does not just apply to babies who are at risk or who are unwanted. It applies to all babies: all children will lose their pre-natal constitutional right to life and, if the Eighth Amendment is repealed, will enjoy no protection under our Constitution at all.

This means – as Leo Varadkar said at the press conference when he announced the referendum – that there can be no certainty as to what any future Oireachtas might do in relation to abortion. The hands of future legislators will not be tied, or even loosely bound, by the need to have regard to the constitutional rights of the babies their legislation will affect, because there will be no such rights.

We are being asked to trust politicians: the same politicians who swore blind they would never legislate for abortion and are now in favour of abortion on demand. Why should we trust them now? How can we believe that they or their successors will try their best to protect children in the womb in the future?

The Tánaiste says he is opposed to a law allowing unrestricted abortion in the first 12 weeks, yet he exhorts us to vote to repeal the Eighth Amendment, asking us to trust that the Oireachtas will do the right thing. This is – at best – hopelessly naïve.

Protection

We can be sure that if the protection of children's rights before birth is excised from our Constitution, any changes to legislation in the future will only 'evolve' one way, in the same direction as our politicians' much-vaunted 'journeys' out of ignorance and towards enlightenment. Bad as the proposal is at the moment, it will only get worse.

This week, a coalition of groups in favour of legalising abortion came together under the banner of 'Together for Yes'. Helping to launch their campaign was repeal campaigner and chairman of the Institute of Obstetricians and Gynaecologists, Dr Peter Boylan.

He insisted there would not be late-term abortions (after viability) and that it was "plainly wrong" to suggest so. He stated that labour would be induced, the baby delivered and a neo-natal care team would be on standby to care for the baby, as happens now.

The problem is, this is seriously at odds with the Government's stated position, which is to allow late-term abortions where babies are terminally ill or where the mother says there is a risk to her health – including her mental health.

And only last month, Boylan stated in the Sunday Times that, in relation to abortion on the grounds of health risks, "if the woman regards it as serious then it is. It should be the woman's assessment of the risk that counts". In other words, it is the woman's perception of risk that will be determinative. This, of course, is the only logical conclusion of a campaign that insists that we 'trust women' in all circumstances.

So doesn't Boylan 'trust women' after viability? What if a woman wants an abortion after 22 weeks? Is Boylan going to deliver her baby early, thereby risking injury and illness to the child, and give the baby to the mother when she has asked for an abortion?

Boylan doesn't mention what will be done with the baby after birth. After all, the whole point is that a successful abortion ends with a dead baby. An abortion that that ends in a live birth is a failure. The true position is actually quite simple: if late-term abortions are made legal, there will be late-term abortions.

If you think this is impossible, the Supreme Court has described birth as the “defining event” and so, in the absence of any constitutional protection, abortion will be technically available until birth; possibly even partial birth abortion would be constitutionally permissible.

While it is true that the vast majority of abortions take place in the first trimester, some take place in the second and third. In fact, with no gestational limit for abortion on the grounds of health in Ireland, there is a very real prospect of British women, who cannot obtain one after 24 weeks at home, traveling here for an abortion.

Culture

This is the kind of culture that we open ourselves to if we vote in favour of repeal. Contrary to what the Taoiseach suggests, abortion will not be rare. The rates of Irish women having abortions will increase. The Taoiseach, his Government and their repeal followers cannot have it both ways. They cannot, on the one hand, say that they want to modernise our abortion laws and bring us into line with other European countries, while at the same time saying that the high rates of abortion in those other countries will not be repeated here.

With an increasing rate, abortion will become normalised in our culture. Women will come to think of abortion as “no big deal” and just a normal part of their reproductive healthcare, as those who are in favour of repeal often assert.

Abortion is wrong because to kill an innocent child before birth is wrong. It is wrong whether it is done early or late, frequently or rarely. Legalising it will have grave consequences.

Not only will a terrible injustice be visited upon vulnerable and helpless infants, but it will utterly change the culture in which we live.

Human life, when so easily and legally disposed of, becomes devalued. What kind of message will the normalisation of abortion send to young women about pregnancy and motherhood?

These are questions every person who intends to vote needs to consider.

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